

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4154-01
Bill No.: SB 692
Subject: Civil Penalties; Crimes and Punishment; Emergencies; Health Care; Liability;
 Medical Procedures and Personnel
Type: Original
Date: February 10, 2020

Bill Summary: This proposal modifies provisions relating to authorized uses of automated external defibrillators.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Colleges and Universities	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on Other State Funds	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

§192.092 - Automated external defibrillators

Officials from the **St. Louis County Police Department (St. Louis County PD)** state they have approximately 38 automated external defibrillators (AEDs) that would need to be tested on the 90-day schedule. Each test/inspection would take approximately 15 minutes. The total testing time would be 9.5 hours (38 AEDs * 15 minutes/60 minutes per hour = 9.5 hours). Additionally, the testing would have to be done every quarter (12 months/4 = every 3 months or approximately 90 days) to stay within the time-line of the proposal. This increases the testing time to 38 hours (9.5 hours * 4 quarters = 38 hours).

Because the locations of the AED vary across St. Louis County boundaries, drive time would be a significant addition to the cost of the tests. Drive time to each AED device is difficult to estimate due to varying time-lines.

The St. Louis County PD would have to devote a minimum of 40 hours a year, or 120 hours every three years, to test the AEDs. Basing the salary on a Professional Staff 110, the average hourly wage with fringe benefits is \$31.82 per hour. The estimated total cost per year is \$1,273 per year (\$3,818 for the three years of the fiscal note) to the St. Louis County PD.

Officials from the **Cooper County Public Health Center** state this proposal would cost their county health center \$1,500 annually.

In response to similar provisions from the current session (HB 1460), officials from the **City of Riverside** assumed no/minimal fiscal impact as a result of this legislation.

Oversight does not have any information to the contrary for local government costs for this proposal. For fiscal note purposes, Oversight will reflect the costs for all local governments as (Unknown).

Officials from the **Office of Administration (OA), Facilities Management, Design and Construction (FMDC)** state this bill modifies the requirements associated with an automated external defibrillator (AED). This bill states that any person or entity who acquires an AED shall comply with all regulations governing the placement of an AED; notify an agent of the local emergency medical services agency of the existence, location, and type of AED acquired; ensure that the AED is maintained and tested according to the operation and maintenance guidelines set forth by the manufacturer; ensure that the AED is tested at least biannually and after each use; and ensure that an inspection is made of all AEDs on the premises at least every ninety days for potential issues related to operability of the device.

ASSUMPTION (continued)

The bill also states that any person who in good faith renders emergency care by use of or provision of an AED shall not be held liable for any civil damages or subject to any criminal penalty as a result of such care or treatment, unless the person acts in a willful and wanton or reckless manner in providing the care, advice, or assistance.

The person or entity who provides training to the person using an AED, the person or entity responsible for the site where the AED is located, and the person or entity that owns the AED shall likewise not be held liable for civil damages or subject to any criminal penalty resulting from the use of an AED.

FMDC estimates these changes to the requirements associated with AEDs will not materially alter FMDC's costs associated with AEDs because FMDC rarely "acquires" AEDs. FMDC also assumes that if another state agency acquires an AED for placement in a state facility that the acquiring agency will be responsible for complying with the requirements of this bill. Based on those assumptions, FMDC estimates that the fiscal impact will be less than \$10,000. FMDC anticipates being able to absorb these costs. However, until the FY21 budget is final, FMDC cannot identify specific funding sources.

Oversight does not have any information to the contrary. Therefore, Oversight assumes costs will be absorbed within current funding sources and will reflect no fiscal impact for OA for fiscal note purposes.

Officials from the **University of Missouri Health Care (UMHC)** has reviewed the proposed legislation and determined that, as written, it should not create expenses in excess of \$100,000 annually.

Oversight contacted UMHC officials and determined that expenses expected to be less than \$100,000 annually are "absorbable" within current funding levels. The organization can and has to absorb the costs to be compliant with the regulation, but it may be at the expense of other priorities.

Based on the responses **Oversight** received from the UMHC and other Colleges and Universities, Oversight assumes a range of \$0 or (Unknown) for Colleges and Universities.

Officials from the **City of Springfield** state the proposed changes would have an insignificant or minimal fiscal impact on their city. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect no fiscal impact for the City of Springfield for fiscal note purposes.

ASSUMPTION (continued)

Oversight notes the **Department of Health and Senior Services, the Department of Natural Resources, the Department of Public Safety, Divisions of: Alcohol and Tobacco Control, Capitol Police, Director’s Office, Fire Safety, Missouri Gaming Commission, Missouri State Highway Patrol, Missouri National Guard** and the **State Emergency Management Agency, the Missouri Department of Conservation, the City of Brentwood, the City of Kansas City, the St. Louis County, the Columbia/Boone County Department of Public Health and Human Services, the St. Louis County Department of Justice Services, the Springfield Police Department, and State Technical College of Missouri** have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, counties, local public health agencies, ambulance districts, fire departments, sheriffs’ departments, police departments, schools and colleges and universities were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT - State Government</u>	FY 2021	FY 2022	FY 2023
	(10 Mo.)		

COLLEGES AND UNIVERSITIES

<u>Costs - Colleges and Universities</u> (§190.092) - AED maintenance and upkeep	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)
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ESTIMATED NET EFFECT ON COLLEGES AND UNIVERSITIES	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)
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<u>FISCAL IMPACT - Local Government</u>	FY 2021	FY 2022	FY 2023
	(10 Mo.)		

LOCAL GOVERNMENTS - ALL

<u>Costs - All Local Governments</u> (§190.092) - AED maintenance and upkeep	(Unknown)	(Unknown)	(Unknown)
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ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS	(Unknown)	(Unknown)	(Unknown)
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FISCAL IMPACT - Small Business

This proposal may have a fiscal impact on small business deciding to have an AED on the premises

FISCAL DESCRIPTION

This act modifies provisions of the Public Access to Automated External Defibrillator Act. Under current law, persons or entities that have acquired an automated external defibrillator are required to ensure that: (1) expected users receive training from the American Red Cross, American Heart Association, or other equivalent training course; (2) the defibrillator is maintained and tested according to the manufacturer's operational guidelines; (3) the user activates the emergency medical services system as soon as possible; and (4) person or entity placing a defibrillator outside of a health care facility has a physician review and approve the protocol and training.

This act repeals these provisions and requires that a person or entity who acquires an automated external defibrillator to do the following: (1) comply with all regulations governing placement of the defibrillator; (2) notify the local emergency medical services agency of the defibrillator's existence, location, and type; (3) ensure that the defibrillator is maintained and tested to the manufacturer's guidelines; (4) ensure that testing of the defibrillator occurs at least every 2 years and after each use; and (5) ensure that an inspection of all defibrillators on the premises is made every 90 days.

Currently, a person who gratuitously and in good faith renders emergency care through the use or provision of an automated external defibrillator shall not be held liable for any civil damages, unless he or she acted in a willful and wanton or reckless manner. This act extends this immunity to criminal penalties. Additionally, a person or entity that provides training, owns the defibrillator, or is responsible for the site where the defibrillator is located shall likewise not be held liable. This act repeals such immunity for the person or entity that provided the clinical protocol for the sites or programs and for the licensed physician who reviews and approved the clinical protocol. (§190.092)

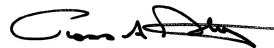
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Health and Senior Services
Department of Natural Resources
Department of Public Safety -
 Alcohol and Tobacco Control
 Capitol Police
 Director's Office
 Fire Safety
 Missouri Gaming Commission
 Missouri State Highway Patrol
 Missouri National Guard
 State Emergency Management Agency
Missouri Department of Conservation
Office of Administration -
 Facilities Management, Design and Construction
City of Brentwood
City of Kansas City
City of Riverside
City of Springfield
Columbia/Boone County Department of Public Health and Human Services
Cooper County Public Health Center
St. Louis County Department of Justice Services
St. Louis County Police Department
Springfield Police Department
State Technical College of Missouri
St. Charles Community College
University of Missouri Health Care System



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