

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1080S.01I
 Bill No.: SB 24
 Subject: Emergencies; Department of Health and Senior Services; Mental Health;
 Department of Mental Health; Department of Public Safety; Insurance - Health;
 Health Care; Fire Protection; Law Enforcement Officers and Agencies Employees
 - Employers; Suicide
 Type: Original
 Date: January 27, 2023

Bill Summary: This proposal creates the "Missouri First Responder Mental Health Initiative Act".

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
General Revenue*	\$0 to (\$174,848 to Unknown)	\$0 to (\$200,760 to Unknown)	\$0 to (\$204,150 to Unknown)
Total Estimated Net Effect on General Revenue	\$0 to (\$174,848 to Unknown)	\$0 to (\$200,760 to Unknown)	\$0 to (\$204,150 to Unknown)

*The proposal provides that the General Assembly may appropriate moneys to the Missouri First Responders Behavioral Mental Health Fund for grants to be distributed to state and local first responder organizations for mental health services. Oversight will reflect this appropriation as \$0 to (Unknown). The amounts reflected above are for the Department of Mental Health to administer the program **only** (doesn't include the grant appropriation – which is reflected as an 'unknown' amount). If appropriated, the fiscal impact would exceed the \$250,000 threshold.

This proposal also could create claims and damages that could potentially be asserted against the state or other entities. If such claims were successfully pursued, they could result in additional costs to the state or local political subdivision. Oversight assumes the number of claims would be minimal and would not reach the \$250,000 threshold.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Other State	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
LEF*	\$0	\$0	\$0
First Responder Behavioral Health Grant*	\$0	\$0	\$0
Colleges and Universities	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

*Indicates numbers that net to zero.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Federal	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
General Revenue	2 FTE	2 FTE	2 FTE
Total Estimated Net Effect on FTE	2 FTE	2 FTE	2 FTE

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Local Government	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§§190.1010 and 190.1015 – Missouri first responder mental health initiative act

Officials from the **Department of Mental Health (DMH)** state §190.1010 creates the "First Responder Behavioral Health Grant Program" to be created within the DMH, and the "First Responder Behavioral Health Grant Fund" to be used solely by DMH. These grants would be directed toward local governments, 911 dispatch agencies, law enforcement agencies, fire protection districts, municipal fire departments, ambulance districts, Missouri State Council of Fire Fighters peer support teams, and Missouri Fraternal Order of Police peer support teams. The grant funds shall be used for expenses related to behavioral health care services for first responders; however, it is unclear what cash source will support the fund for these expenses.

Section 190.1015 creates the "Missouri First Responders Mental Health Task Force". The DMH director or designee shall be a member of this task force, as well as two different mental health organizations appointed by the DMH Director. This task force shall develop recommendations regarding the grants issued under the First Responder Behavioral Health Grant Fund.

The creation of the First Responder Behavioral Grant Program within the DMH would require two additional FTEs. These positions would be responsible for developing and running the grant program and all duties related to this program. The total estimated cost for FY24 is \$174,848, FY25 is \$200,760 and FY26 is \$204,150.

Oversight does not have any information to the contrary and will reflect the General Revenue expenditures estimated by DMH. Oversight assumes grants provided by the DMH to qualifying recipients will equal the appropriations received and the net impact to the First Responder Behavioral Health Grant Fund will be zero. The amount of the appropriation is \$0 to Unknown. In addition, Oversight assumes the expenditures incurred by eligible recipient organizations will equal the grant funds received and the net effect on the various state funds and local governments receiving the grants will be zero.

Officials from the **Department of Public Safety (DPS) – Director's Office (DO)** state 0.5 FTE will provide admin support per §190.1015.2 to the Missouri First Responders Mental Health Task Force. FY24 expenses to the General Revenue Fund are expected to be \$29,969; FY25 \$32,811; and FY26 \$33,312.

Oversight assumes the DPS-DO would not hire 0.5 FTE and will allocate the duties and responsibilities for the Missouri First Responders Mental Health Task Force to existing staff. Depending on the number of bills passed during the legislation session, cumulatively, DPS may need additional staff or funding and may go through the appropriations process.

Officials from the **Office of Administration (OA)** state the provisions of §191.1010.4 have the potential to increase costs to the state Legal Expense Fund (LEF) for actions alleging violation of this provision against a state employee in connection with their official duties on behalf of the state or against another person covered by the LEF, due to the addition of an enforceable right under this section.

The state self-assumes its own liability under the LEF, §105.711 RSMo. It is a self-funding mechanism whereby funds are made available for the payment of any claim or judgment rendered against the state in regard to the waivers of sovereign immunity or against employees and specified individuals. Investigation, defense, negotiation or settlement of such claims is provided by the Office of the Attorney General. Payment is made by the Commissioner of Administration with the approval of the Attorney General.

Because this bill creates a possible new cause of action, **Oversight** will show a net \$0 direct fiscal impact for the LEF, and a possible \$0 to (unknown) fiscal impact to General Revenue and other state funds. Oversight notes this possible litigation exposure as described by OA could also apply to colleges and universities, federal funds, as well as local political subdivisions.

Officials from the **University of Central Missouri (UCM)** state this proposal will have an indeterminate fiscal impact due to uncertainty of potential insurance cost changes.

Oversight does not have any information to the contrary. However, Oversight assumes any potential change to insurance premiums will be minimal and absorbable within the current funding levels of UCM.

Officials from the **Department of Corrections, the Department of Labor and Industrial Relations, the Department of Public Safety Divisions of: Alcohol and Tobacco Control, Capitol Police, Fire Safety, Missouri National Guard and Missouri Highway Patrol, the Phelps County Sheriff's Department, the Kansas City Police Department, the St. Joseph Police Department, the St. Louis County Police Department, the Fruitland Area Fire Protection District – Cape Girardeau, St. Charles Community College and the Office of the State Courts Administrator** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain

amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Officials from the **Office of the State Treasurer (STO)** did not respond to Oversight's request for a statement of fiscal impact.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other sheriffs' and police departments, fire protection districts, ambulance & EMS districts, hospitals and colleges and universities were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
GENERAL REVENUE FUND			
<u>Transfer-out – to First Responder Behavioral Health Grant Fund</u> (§190.1010) p.3	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs – DMH (§190.1010) p.3</u>	\$0 to...	\$0 to....	\$0 to....
Personal service	(\$94,583)	(\$115,770)	(\$118,085)
Fringe benefits	(\$61,362)	(\$74,484)	(\$75,350)
Equipment and expense	(\$18,903)	(\$10,506)	(\$10,715)
<u>Total Costs – DMH</u>	(\$174,848)	(\$200,760)	(\$204,150)
FTE Change – DMH	2 FTE	2 FTE	2 FTE
<u>Cost Increase – OA (§190.1010) – Potential increase in transfer to LEF p.4</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0 to (\$174,848 to Unknown)</u>	<u>\$0 to (\$200,760 to Unknown)</u>	<u>\$0 to (\$204,150 to Unknown)</u>
Estimated Net FTE Change on the General Revenue Fund	2 FTE	2 FTE	2 FTE

<u>FISCAL IMPACT – State Government</u> (continued)	FY 2024 (10 Mo.)	FY 2025	FY 2026
FIRST RESPONDER BEHAVIORAL HEALTH GRANT FUND			
<u>Transfer-in</u> – from General Revenue for First Responder Behavioral Health Grants (§190.1010) p.3	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Transfer-out</u> – to Other State Funds for First Responder Behavioral Grants (§190.1010) p.3	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Transfer-out</u> – to Local Governments for First Responder Behavioral Grants (§190.1010) p.3	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON THE FIRST RESPONDER BEHAVIORAL HEALTH GRANT FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
COLLEGES AND UNIVERSITIES			
<u>Cost increase</u> – Increase in LEF payouts (§190.1010) p.4	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON COLLEGES AND UNIVERSITIES	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
LOCAL GOVERNMENTS			
<u>Transfer – in – from First Responder Behavioral Health Grant Fund</u> (§190.1010) p.3	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs – First Responder Behavioral Health program expenditures</u> (§190.1010) p.3	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Cost increase – Increase in legal payouts</u> (§190.1010) p.4	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>

FISCAL IMPACT – Small Business

This proposal may have a fiscal impact on small business health care providers. ((§190.1010))

FISCAL DESCRIPTION

This act establishes the "Missouri First Responder Mental Health Initiative Act". This act establishes the rights of first responders to access behavioral health care services and responsive treatment and to have certain records of such treatment be deemed confidential, as specified in the act, and shall not be shared with an employer. First responders shall have the right to seek treatment in any geographic area without restrictions or limitations imposed by an employer or insurance carrier and the right to receive expanded Family and Medical Leave Act protections while voluntarily seeking preventative treatment. First responders shall have the right to have treatment and living quarters in facilities separate from other patients, as well as access to behavioral health treatment for up to 36 months following retirement regardless of Medicare restrictions.

First responders receiving behavioral health services shall be able to seek reimbursement from the First Responder Behavioral Health Grant Program established by this act, in amounts specified in the act. The Department of Mental Health shall make grants to eligible recipients to

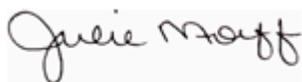
reimburse behavioral health care expenses, as well as peer support education, prevention and awareness training, software, and other services. (§190.1010)

Additionally, this act establishes the "Missouri First Responders Mental Health Task Force" within the Department of Public Safety, with specified members of the mental health and first responder community, to develop recommendations set forth in the act, including access to mental health wellness programs and initiatives, funding for services, education and training programs.

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 Mental Health
Department of Corrections
Department of Labor and Industrial Relations
Department of Public Safety –
 Alcohol and Tobacco Control
 Capitol Police
 Fire Safety
 Missouri National Guard
 Missouri Highway Patrol
Office of Administration
Office of the Secretary of State
Phelps County Sheriff's Department
Kansas City Police Department
St. Joseph Police Department
St. Louis County Police Department
Fruitland Area Fire Protection District – Cape Girardeau
University of Central Missouri
St. Charles Community College
Joint Committee on Administrative Rules



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