

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5155S.01I  
 Bill No.: SB 910  
 Subject: Crimes and Punishment; Disabilities; Elderly; Department of Health and Senior Services; Health Care Professionals; Insurance - General; Liability; Nurses; Nursing Homes and Long-Term Care Facilities; Physicians  
 Type: Original  
 Date: March 3, 2026

Bill Summary: This proposal modifies provisions relating to the abuse or neglect of vulnerable persons.

**FISCAL SUMMARY**

**ESTIMATED NET EFFECT ON GENERAL REVENUE FUND**

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue*	(Could exceed \$298,946)	(Could exceed \$284,083)	(Could exceed \$289,112)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Could exceed \$298,946)</b>	<b>(Could exceed \$284,083)</b>	<b>(Could exceed \$289,112)</b>

\*DOC notes that current capacity will be met by July 2029 (FY 2030) or potentially much sooner. Therefore, Oversight has made the decision to reflect the marginal cost of incarceration up to an unknown cost if DOC needs to add staff and/or rehabilitate, expand or construct additional capacity. Oversight assumes the unknown cost has the potential to exceed \$250,000.

**ESTIMATED NET EFFECT ON OTHER STATE FUNDS**

FUND AFFECTED	FY 2027	FY 2028	FY 2029
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

**ESTIMATED NET EFFECT ON FEDERAL FUNDS**

FUND AFFECTED	FY 2027	FY 2028	FY 2029
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)**

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue	2 FTE	2 FTE	2 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>2 FTE</b>	<b>2 FTE</b>	<b>2 FTE</b>

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 2027	FY 2028	FY 2029
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Missouri Office of Prosecution Services** did not respond to **Oversight's** request for fiscal impact for this proposal.

#### §198.019 - Long-Term Care Facilities Shall Maintain Liability Insurance Coverage

Officials from the **Department of Health and Senior Services (DHSS)** state section 198.019 of the proposed legislation requires each long-term care facility to maintain liability insurance coverage in a minimum amount of one million dollars to insure against losses resulting from the negligent or criminal acts of the facility that constitute abuse, neglect, or wrongful death of any resident or maintain a reserve account, segregated from its operational funds, of at least one million dollars.

The provisions of this section will require the Department of Health and Senior Services' Section for Long Term Care Regulation (SLCR) to review policies to ensure they meet all regulatory requirements; promulgate rules, including update of application; develop tracking system for monthly and annual premiums; monitor compliance; and communicate with internal and external partners. Applications to operate a long-term care facility are required to be submitted for new facilities, every two years for re-licensure, and anytime there is a change of operator. In fiscal year 2025, SLCR accountants reviewed 612 applications. SLCR accounting team member research shows most liability insurance policies are a minimum of 35 pages and will take an estimated two hours (per application) for policy review/determination of compliance and approximately 16 hours per week for monitoring, tracking system updates, and communication with internal and external partners.

Based on this information, SLCR will need one full-time (1) Accountant (annual salary \$73,788) to carry out the duties required by the proposed legislation. This will be an office position located in Jefferson City.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the DHSS.

#### §198.528 - Department of Health and Senior Services Informational Listing on Its Website

Section 198.528.1 requires the Department to include on its website every long-term care facility licensed in the state and any findings of deficiency and the effect the deficiency has on the facility. This Section also requires posting of the proposed plan of correction and a link to the federal website, as well as information on how to obtain a copy of a complete facility survey conducted over the past three years.

Section 198.528.2 requires DHSS to display an abuse and neglect icon on show me long term

care's website for substantiated findings of abuse or neglect from CMS website, deferral or state inspection/complaint investigation, or investigation by law enforcement or another authorized investigative body. Section 198.528.2(3) requires the abuse icon to be displayed in close proximity to the facility's name on the facility's profile page or informational listing and in any search results on the department's website where the facility appears. A plain-language summary of the abuse incident or incidents, including the date or dates of occurrence, the nature of the abuse, and the source of the finding, shall accompany the icon, either on the profile page or informational listing or through an easily accessible link.

SLCR anticipates a need for one (1) full-time Program Specialist (annual salary \$67,294) to review documents, create summaries, verify dates, ensure compliance with the Americans with Disabilities Act (ADA), and to post them on the webpage. Summaries and dates will need to be added to the website manually. This will be an office position located in Jefferson City.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the DHSS.

**DHSS** states that in order to meet the requirements outlined in the proposed legislation, SLCR will also need the Information Technology Services Division (ITSD) to expand the Show Me Long Term Care in Missouri application/website.

Officials from the **Office of Administration (OA)**, **ITSD** state that, for this proposal, there will need to be an expansion of the Show Me Long Term Care in Missouri (SHOWM) application for provisions relating to the abuse or neglect of vulnerable persons. It is assumed that every new information technology project/system will be bid out because all ITSD resources are at full capacity. The estimate is based on other ITSD estimates for website requirements, abuse and neglect icon and complaint investigations.

The estimated cost is \$45,360 in FY 2027.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the OA/ITSD – DHSS/SCLR.

#### §565.184 - Offense of Abuse of an Elderly Person

Officials from the **Department of Corrections (DOC)** state this proposal modifies provisions relating to the abuse or neglect of vulnerable persons.

Section 565.184 adds a new class E felony for a person who is a care provider and commits the offense of abuse of an elderly person, abuse of a person with disability and abuse of a vulnerable person.

As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of a new class E felony.

For each new nonviolent class E felony, the department estimates one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years could be served in prison with 1.4 years to first release. The remaining 1.3 years could be on parole. Probation sentences could be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2029.

The department would assume a marginal cost (times number of offenders) to unknown, depending on the underlying offender population. If DOC exceeds the current capacity, additional capacity will need to be constructed.

	# to prison	Cost per year	Total Costs for <b>prison</b>	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	1	(\$11,123)	(\$9,269)	0	\$0	2	(\$9,269)
Year 2	2	(\$11,123)	(\$22,691)	0	\$0	4	(\$22,691)
Year 3	2	(\$11,123)	(\$23,145)	0	\$0	7	(\$23,145)
Year 4	2	(\$11,123)	(\$23,608)	0	\$0	7	(\$23,608)
Year 5	2	(\$11,123)	(\$24,080)	0	\$0	7	(\$24,080)
Year 6	2	(\$11,123)	(\$24,561)	0	\$0	7	(\$24,561)
Year 7	2	(\$11,123)	(\$25,053)	0	\$0	7	(\$25,053)
Year 8	2	(\$11,123)	(\$25,554)	0	\$0	7	(\$25,554)
Year 9	2	(\$11,123)	(\$26,065)	0	\$0	7	(\$26,065)
Year 10	2	(\$11,123)	(\$26,586)	0	\$0	7	(\$26,586)

The department will assume a marginal cost (multiplied by number of offenders) for any projected increase or decrease in the incarcerated population. Marginal cost is \$30.47 per day or an annual cost of \$11,123 per offender which includes costs such as medical, food, wages and operational E&E. The unknown amount is a result of the uncertainty in the growth of the underlying offender population. The impact of any new legislation combined with the growth of the underlying population could result in the tiered approach below in order to meet the population demands.

1. Fully staffing the current capacity (27,368) which is habitable, but DOC does not have the staffing resources for all bed space.
2. Rehabilitating current space that is not currently habitable and obtaining staffing resources for that space (requires capital improvements).
3. Expanding new capacity by adding housing units or wings to existing prisons and obtaining staffing resources for that space (requires capital improvements).

4. Constructing a new prison and obtaining staffing resources. Based on current construction projects in other Midwest states, the department estimates the cost of constructing a new 1,500-bed maximum security prison at approximately \$825 million to \$900 million plus annual operating costs of approximately \$50 million (requires capital improvements).

The department's population projections indicate current physical capacity will be met by July 2029; however recent trends indicate that capacity could be met much sooner. Should new construction be the result of the increasing offender population, the full cost per day per offender would be used, which is \$106.96 or an annual cost of \$39,040. This includes all items in the marginal cost calculation plus fringe, personal service, utilities, etc.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

\* If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

**Oversight** does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

#### Responses Regarding the Proposed Legislation as a Whole

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Department of Commerce and Insurance, Department of Mental Health, Department of Public Safety (Missouri Highway Patrol, Missouri Veterans Commission), Department of Social Services, Office of the State Courts Administrator, Office of the State Public Defender** and **Newton County Health Department** 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.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other local public health departments and nursing homes were requested to respond to this proposed legislation but did not. Upon the receipt of additional responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
<b>GENERAL REVENUE</b>			
<u>Cost – DHSS/SLCR (§198.019) p.3</u>			
Personal service	(\$61,490)	(\$75,264)	(\$76,769)
Fringe benefits	(\$38,345)	(\$46,607)	(\$47,212)
Equipment and expense	(\$26,118)	(\$13,469)	(\$13,739)
<b>Total Costs - DHSS/SLCR</b>	<b>(\$125,953)</b>	<b>(\$135,340)</b>	<b>(\$137,720)</b>
FTE Change - DHSS/SLCR	1 FTE	1 FTE	1 FTE
<u>Cost – DHSS/SLCR (§198.528) p.3-4</u>			
Personal service	(\$56,078)	(\$68,640)	(\$70,013)
Fringe benefits	(\$36,168)	(\$43,943)	(\$44,495)
Equipment and expense	(\$26,118)	(\$13,469)	(\$13,739)
<b>Total Costs - DHSS/SLCR</b>	<b>(\$118,364)</b>	<b>(\$126,052)</b>	<b>(\$128,247)</b>
FTE Change - DHSS/SLCR	1 FTE	1 FTE	1 FTE
<u>Cost – OA/ITSD-DHSS/SCLR (§198.528) Expansion of the Show Me Long Term Care in Missouri application/website p.4</u>	(\$45,360)	\$0	\$0
<u>Cost – DOC (§565.184) Increased incarceration costs p.4-6</u>	(\$9,269 to <u>Unknown</u> )	(\$22,691 to <u>Unknown</u> )	(\$23,145 to <u>Unknown</u> )
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b>(Could exceed <u>\$298,946</u>)</b>	<b>(Could exceed <u>\$284,083</u>)</b>	<b>(Could exceed <u>\$289,112</u>)</b>
Estimated Net FTE Change on General Revenue	2 FTE	2 FTE	2 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

Officials from the DHSS state the proposed legislation would have an economic impact on long-term care facilities/operators. For example, one Missouri operator currently operates 61 Residential Care Facilities (most of these are 12-bed). If the corporation is required to maintain a single \$1,000,000 liability policy for each of their facilities, the monthly costs, based on the medium fee of \$69 per month, would go up by \$4,209 a month for the corporation (approximately \$50,508 annually). Alternatively, if the corporation were to hold \$1 million in reserve for each facility – it would cost \$61,000,000.

Some long-term care facility lease documents require the operator to maintain comprehensive or commercial general liability insurance. It is unknown if this policy would be required in addition to that policy.

FISCAL DESCRIPTION

This act requires long-term care facilities to maintain liability insurance coverage in a minimum amount of \$1 million dollars to insure against losses from the negligent or criminal acts of the facility constituting abuse, neglect, or wrongful death of any resident, except as otherwise provided in the act.

This act requires the Department of Health and Senior Services to display an abuse and neglect icon next to the informational listing on its website of any long-term care facility that has a substantiated finding of abuse or neglect, as described in the act.

Additionally, the Department shall provide the results of any substantiated report of a facility resident's abuse or neglect to the General Assembly and the Lieutenant Governor, consistent with existing requirements for providing access to abuse and neglect complaints and results of investigations.

Currently, the offense of abuse of an elderly person, a person with a disability, or a vulnerable person is a class A misdemeanor. This act creates an enhanced penalty of a class E felony when the person committing the offense is a care provider and he or she knowingly acts or knowingly fails to act in a manner that creates a substantial risk to the life, body, or health of an elderly person, a person with a disability, or a vulnerable person.

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

Attorney General's Office  
Department of Commerce and Insurance  
Department of Corrections  
Department of Health and Senior Services  
Department of Mental Health  
Department of Public Safety –  
    Missouri Veterans Commission  
    Missouri Highway Patrol  
Department of Social Services  
Office of the State Courts Administrator  
Office of the State Public Defender  
Newton County Health Department



Julie Morff  
Director  
March 3, 2026



Jessica Harris  
Assistant Director  
March 3, 2026