

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2904-01
Bill No.: SB 642
Subject: Requires hepatitis B testing, in addition to HIV testing, for crime victims and prisoners.
Type: Original
Date: January 29, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	(Unknown exceeding \$2,700,000)	(Unknown exceeding \$2,700,000)	(Unknown exceeding \$2,700,000)
Total Estimated Net Effect on <u>All</u> State Funds	(Unknown exceeding \$2,700,000)	(Unknown exceeding \$2,700,000)	(Unknown exceeding \$2,700,000)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Health and Senior Services (DOH)** stated this fiscal note addresses only those fiscal changes affected by the addition of hepatitis B testing to the these statutes. According to the Missouri DOC (Department of Corrections) in the year 2000, 22 persons were convicted of rape, 19 of sodomy, and 22 of incest. Applying a rate of 1% to the total 63 perpetrators of the crime, would yield 1 victim requiring hepatitis B testing. (Using a CDC study finding a 1% carrier rate for incarcerated individuals. MMWR, June 29,2001, Vol 50; No 25).

One hepatitis B ELISA test would cost \$15, the annual two ELISA tests would be \$30. The second year the cost would double, the third year the costs would triple, the fourth year the first year costs would multiply by four, and the fifth year by five assuming a constant rate of victims of the referenced crimes by a hepatitis B carrier. After the fifth year, the cost would stabilize. Increases in ELISA laboratory testing over the years would increase the costs. The DOH assumes a 4% (using medical formula) in laboratory testing per year. The following table maps out costs for the first six years. The number of assumed victims levels out after five years, **however, an assumed medical inflation rate of 4% would increase the costs every year.**

SPHL-Hepatitis B ELISA Tests

Year 1

of victims = 1
cost of 2 annual tests/victim = \$30

Year 2

of victims = 2
cost of 2 annual tests/victim = \$62

Year 3

of victims = 3
cost of 2 annual tests/victim = \$94

Year 4

of victims = 4
cost of 2 annual tests/victim = \$125

Year 5

of victims = 5
cost of 2 annual tests/victim = \$156

Year 6

of victims = 5
cost of 2 annual tests/victim = \$162

ASSUMPTION (continued)

The Department of Corrections would be responsible for the cost of testing individuals delivered and released or discharged or selected during annual physical examination to undergo hepatitis B testing. The DOH, Section of HIV/STD, already has a process in place where their staff are notified by the DOC when an inmate has a confirmed positive HIV result. The staff does a follow-up investigation and partner identification to prevent and control HIV infection and locate cases possibly transmitted by the confirmed case. This process for case follow-up and investigation could be used to notify the victims of any sexual offense (as defined in chapter 566 RSMo), which includes sexual intercourse as an element of the crime or in the case of an unemancipated minor, the minor's parents or custodian, if any, of exposure to confirmed hepatitis B.

At this time, the DOH assumes that all costs for implementation of this legislation as written, would be absorbed by the Department. If, however, heavier sentencing laws were to be passed and offenders were not allowed to "plea bargain" down to a lesser offense, then the costs of this legislation could dramatically increase based on judicial sentences because the number of victims would officially increase.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation will have no fiscal impact on their organization.

Officials from the **Department of Corrections (DOC)** assume this bill requires that DOC perform hepatitis B testing on offenders upon commitment and release, with no right for refusal. The unit cost for testing is \$89 which is a combination of a blood sample and antibody test. There were approximately 16,000 commitments to the DOC in FY01 and over 14,500 releases. The cost for testing for these 2 required times alone would be in excess of \$2.7 million [30,500 X \$89]. Blood test supplies, courier services and necessary additional staff would add significantly to this projection. Additional staff may also be required for DOC's victims' services. The numbers of tests performed at inmate physical exam time is an unknown amount and therefore is not included in this note.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
GENERAL REVENUE			
<u>Costs - Department of Corrections</u>			
Hepatitis B Testing of Offenders at Commitment and Release	(Unknown exceeding <u>\$2,700,000</u>)	(Unknown exceeding <u>\$2,700,000</u>)	(Unknown exceeding <u>\$2,700,000</u>)
Total <u>Cost</u> - Department of Corrections	(Unknown exceeding <u>\$2,700,000</u>)	(Unknown exceeding <u>\$2,700,000</u>)	(Unknown exceeding <u>\$2,700,000</u>)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown exceeding \$2,700,000)</u>	<u>(Unknown exceeding \$2,700,000)</u>	<u>(Unknown exceeding \$2,700,000)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

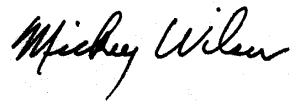
This act requires Hepatitis B testing, in addition to HIV testing, for crime victims and prisoners. Currently, Section 191.226, RSMo, allows the Department of Health and Senior Services to pay for the cost of HIV tests for crime victims and Section 191.659, RSMo, requires HIV testing of individuals in the custody of the Department of Corrections. This act adds Hepatitis B testing to both sections.

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
Office of State Courts Administrator
Department of Corrections



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