

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5205-04
Bill No.: SCS for HB 2226, HB 1824, HB 1832, and HB 1990 w/ SA 1, SA 2, SA 3, SA 6, SA 7, SA 11, SA 12, and SA 14
Subject: Boards, Commissions, Committees, Councils; Dentists; Employees-Employers; Funerals and Funeral Directors; Health Care Professionals; Licenses - Professional; Mental Health; Nurses; Pharmacy; Physical Therapists
Type: Original
Date: May 6, 2010

Bill Summary: Modifies the laws regarding the regulation of certain professions and the regulation of hospitals.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	Unknown, likely to exceed \$200,000	Unknown, likely to exceed \$200,000	Unknown, likely to exceed \$200,000
Total Estimated Net Effect on General Revenue Fund	Unknown, likely to exceed \$200,000	Unknown, likely to exceed \$200,000	Unknown, likely to exceed \$200,000

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Third Party Liability Fund	Unknown greater than \$367,100	Unknown greater than \$367,100	Unknown greater than \$367,100
Dental Board	\$0	\$61,710	\$1,851
Pharmacy	\$0	(\$11,250)	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	Unknown greater than \$367,100	Unknown greater than \$417,560	Unknown greater than \$368,951

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 17 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Federal*	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

* Savings and costs to exceed \$632,900 annually and net to \$0.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Agriculture, Office of State Courts Administrator, Department of Economic Development, Department of Elementary and Secondary Education, Department of Higher Education, Department of Mental Health, Department of Natural Resources, Department of Health and Senior Services, Department of Labor and Industrial Relations, Department of Revenue, Missouri Department of Transportation, Department of Public Safety (DPS), Office of the Governor, Missouri Consolidated Health Care Plan, Missouri Department of Conservation, Missouri Ethics Commission, Missouri State Employee Retirement System, Office of State Auditor, Missouri Senate, Office of State Treasurer, State Tax Commission, St. Louis County, Linn State Technical College, Metropolitan Community College, Missouri State University, Northwest Missouri State University, Missouri Western State University, University of Central Missouri, Parkway School District, County Employees' Retirement Fund, Missouri Local Government Employees Retirement System, Prosecutors and Circuit Attorneys Retirement System, Public School and Education Employee Retirement Systems of Missouri, Kansas City Police Employees' Retirement System and City of Centralia** assume the proposal will have no fiscal impact on their organizations.

Officials from the **DPS - Missouri State Highway Patrol** defer to the Missouri Department of Transportation for response regarding the potential fiscal impact of this proposal on their organization.

Officials from the **Office of Administration (COA) - Division of Budget and Planning (BAP)** state there should be no added cost to the COA-BAB as a result of this bill. However, this bill contains one provision, authorization of expanded function dental assistants, which will increase total state revenue.

The Department of Insurance, Financial Institutions, and Professional Registration should provide an estimate of possible increased costs and revenues to the state as a result of authorizing permit fees for expanded function dental assistants.

Officials from the **Office of Secretary of State (SOS)** state the fiscal impact for this proposal is less than \$2,500. The SOS 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 SOS can sustain within its core budget. Therefore, the SOS reserves the right to request funding for the costs of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the Governor.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** state the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY 09 average of \$3.71 per offender, per day, or an annual cost of \$1,354 per offender). The DOC assumes the narrow scope of the crime will not encompass a large number of offenders and the low felony status enhances the possibility of plea-bargaining or imposition of a probation sentence. The probability also exists that offenders would be charged with a similar, but more serious offense, or that sentences may run concurrent to one another. Therefore, supervision by the DOC through probation would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Department of Social Services (DOS)** state the original bill provides for the issuance of a provisional license for a marital and family therapist. It also prohibits any official, employee, board, commission, or agency of the state of Missouri, any county, municipality, school district, or other political subdivision of this state from discriminating between licensed marital and family therapists when promulgating rules or when requiring or recommending services provided by marital and family therapists.

This provision has no fiscal impact on the DOS.

Provisions of the proposal add advanced practice registered nurses to the list of approved health care providers for purposes of referring patients to physical therapists.

The ability of an advanced practice nurse to write a prescription for physical therapy has no impact on who is eligible for therapy or the medical necessity of the therapy. It does not change the number of MO HealthNet eligibles or services; therefore, these provisions have no fiscal impact to the MO HealthNet Division (MHD).

The proposal requires that prior to hiring a registered nurse, licensed practical nurse, or advanced practice nurse, an employer shall verify that the applicant has a current valid license to practice nursing. Employers must have a system in place to verify the licensure of these practitioners coinciding with the license renewal.

Most physicians' offices and clinics already have verification and tracking systems. If they do not, they may see an increase in their administrative costs, but it is not anticipated to be significant.

ASSUMPTION (continued)

Most institutions, hospitals and nursing facilities have these types of verification and tracking systems in place and already meet these requirements. However, if these facilities did incur a cost, those costs would not be reflected in the Medicaid per diem rates until the cost report that captures the costs is used for a rate base. Currently, rates are based on 1995 cost reports and the MHD does not have any plans to rebase on a more current rate base.

The MHD bases other hospital reimbursement (i.e., add-on payments) for a given year on the fourth prior year cost report. Since the legislation would probably be effective in August, 2010, the costs would begin to be reflected in 2011 cost reports. The MHD would use 2011 cost reports to establish reimbursement for State Fiscal Year 2015. Therefore, there would not be a fiscal impact for facilities that would be passed on to the MHD for FY 11, FY 12, and FY 13, but starting FY 15, there could be an impact, but the impact is unknown.

Section 383.130.1 adds “home health agency, nursing home or any nursing facility or any entity that employs or contracts with licensed health care professionals to provide healthcare services to individuals” to the definition of disciplinary action.

Section 383.133.1. adds the above as well to the lists of instituting agencies that must report to the appropriate licensing authority.

This provision has no fiscal impact on the MHD as no changes in services, rates or eligibility are being made to the MO HealthNet program.

Officials from the **Department of Insurance, Financial Institutions, and Professional Registration (DIFP)** state the legislation will give the Missouri Dental Board the authority to issue permits to dental assistants and dental hygienists authorizing them to perform expanded function dental procedures. There are no mechanisms in place which enable the board to determine the number of dental assistants currently working in Missouri. The estimates provided are assumptions based on the number of dentists practicing in Missouri. Private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.

There are currently 3,300 licensed dentists in Missouri. Assuming each dentist has two dental assistants/dental hygienist, there are 6,600 potential expanded function dental assistants/hygienists. Assuming a licensure fee of \$10, with renewal every five (5) years, the anticipated revenue is \$66,000 (6,600 X \$10) every five years. A three percent (3%) annual growth rate is assumed.

ASSUMPTION (continued)

Printing and postage expenses for the first year include printing notification, applications, letterhead and envelopes, as well as costs associated with mailings associated with initial registration. Subsequent year's printing and postage is based on a board of similar size. The DIFP estimates FY 12 printing and postage costs of \$4,290 and FY 13 costs of \$129 ($6,600 \times 3\% = 198 \times \0.65).

During the first year of implementation, costs are calculated for the design, program and implementation of the licensure program for new boards. The DIFP estimates \$540 in licensure system costs.

The DIFP also states the Board of Pharmacy estimates that approximately 25 of the 1,168 wholesale drug distributors in this state are out-of-state wholesale drug distributors who will not have to renew their license as they only deal with medical devices and not drug distribution. Wholesale drug distributors renew in October of every odd numbered year. The DIFP estimates an \$11,250 reduction in wholesale drug distributor renewal fees biennially, beginning in FY 12 ($\$450$ renewal fee \times 25 drug distributors).

Oversight assumes the Dental Board can absorb the design and implementation costs to set up the new licensure program in FY 11.

In response to an earlier version of this proposal, officials from the **Office of Administration - Administrative Hearing Commission** anticipated the legislation will not significantly alter its caseload. However, if similar bills also pass, there are more cases, or the cases are more complex, there could be a fiscal impact.

In response to an earlier version of this proposal, officials from the **Office of Attorney General** assumed any potential costs arising from this proposal can be absorbed with existing resources.

In response to the previous version of this proposal, officials from the **Joint Committee on Administrative Rules, Office of Lieutenant Governor, Missouri Lottery Commission, Office of State Public Defender, Joint Committee on Public Employee Retirement, MoDOT & Patrol Employees' Retirement System, Missouri Sheriffs' Retirement System, Police Retirement System of St. Louis, University of Missouri, Francis Howell School District, Little Blue Valley Sewer District and Jefferson City Police Department** assumed the proposal would have no fiscal impact on their organizations.

Officials from the **Missouri House of Representatives** and **Office of Prosecution Services** did not respond to our request for a statement of fiscal impact.

ASSUMPTION (continued)

No other officials from **Community Colleges/Universities, Schools, Hospitals, Cities, or Counties** responded to our request for a statement of fiscal impact.

Amendments as a whole:

Officials from the **Office of State Courts Administrator, Department of Mental Health, Department of Corrections, Department of Labor and Industrial Relations, Department of Revenue, Missouri Senate and Office of State Treasurer** assume the proposal will have no fiscal impact on their organization.

Officials from the **Office of Administration - Administrative Hearing Commission** anticipate this legislation will not significantly alter its caseload. However, if other similar bills also pass, there are more cases, or the cases are more complex, there could be a fiscal impact.

Officials from the **Office of Secretary of State (SOS)** state the fiscal impact for this proposal is less than \$2,500. The SOS 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 SOS can sustain within its core budget. Therefore, the SOS reserves the right to request funding for the costs of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the Governor.

Senate Amendment 2 (§§214.160, 214.270, 217.277, 214.282, 214.283, 214.300, 214.310, 214.320, 214.325, 214.330, 214.340, 214.345, 214.360, 214.363, 214.367, 214.387, 214.389, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, and 214.550)

Officials from the **Office of Attorney General (AGO)** states the language providing that an endowed care trust fund would become a charitable trust is eliminated, which eliminates an immediate an active role for the AGO in cemetery regulation. The AGO's ability to enforce would not be set out in statute, but would likely depend upon whether the document or instrument governing the endowed care trust created a public benefit. The AGO assumes that costs of any litigation related to endowed care trusts could be absorbed with existing resources.

The AGO assumes that it would need 0.5 FTE Assistant Attorney General I (AAG 1) to adequately handle licensing and disciplinary proceedings pursuant to the proposal. The AGO estimates FY 11 costs of \$36,693; FY 12 costs of \$44,525; and FY 13 costs of \$45,861.

ASSUMPTION (continued)

Oversight assumes the AGO could absorb any costs within existing resources. If the AGO experiences an increase that would require additional funding, the AGO could request the funding through the appropriations process.

Senate Amendment 3 (§§190.108, 190.109, 190.131,190.133, 190.142, 210.221)

Officials from the **Department of Health and Senior Services (DOH)** provide the following assumptions:

Sections 190.108 - 190.142 of the amendment would require the DOH to promulgate rules prescribing a fee structure for the licensure an re-licensure of air ambulances, ground ambulances, emergency medical response agencies, and all levels of emergency medical technicians, as well as for the certification and re-certification of training entities. All fees collected are to be deposited in the General Revenue (GR) Fund.

The amount of fee revenue to be deposited into GR is unknown. The amount would be dependent on the fee structure developed and promulgated by rule.

In 2005, SB 177 enacted Section 190.550.1, RSMo, which required the DOH to establish a schedule of fees to be paid for licensure or accreditation under Sections 190.001 to 190.250, RSMo, and sections 190.525 to 190.537, RSMo, except for persons employed by volunteer ambulance services. Section 190.550.2, RSMo, also enacted by SB 177, required that all fees collected by deposited in the Missouri Public Health Services (MPHS) Fund. Moneys in the fund, upon appropriation by the General Assembly, were to be used to implement the sections identified in the previous sentence. The Joint Committee on Administrative Rules (JCAR) did not approve the fee structure in the rules DOH proposed, so no fees have ever been collected and deposited in the MPHS Fund.

Based on the initial fee structure in the proposed rules printed in the Missouri Register on July 3, 2006, an estimate of the amount that might be collected and deposited in GR Fund is provided below:

All licensures/certifications are for a five-year time period. For computation purposes, current licensure numbers were used and the assumption was made that re-licensure would be evenly distributed over the five-year period.

Emergency Medical Technician-Basic (EMT-B): 12,465 EMT-B/ 5 year license = 2,493 licenses annually X \$25 licensure fee = \$62,325

ASSUMPTION (continued)

Emergency Medical Technician-Intermediate (EMT-I): 0 EMT-I/ 5 year license = 0 licenses annually X \$50 licensure fee = \$0

Paramedics: 5,707 paramedics/5 year license = 1,143 licenses annually X \$75 licensure fee = \$85,725.

Ground Ambulances: The proposed fee schedule assessed a fee of \$0.05 per transport annually, based on the number of transports the previous calendar year, with a maximum fee of \$15,000 per year. There are currently 216 licensed ground ambulance services.

387,919 transports in calendar year 2009 X \$0.05 per transport = \$19,396

Air Ambulances: 10 air ambulances/5 year license = 2 licenses annually X \$2,500 licensure fee = \$5,000

Emergency Medical Response Agencies (EMRAs): The proposed fee schedule did not assess a fee for EMRAs.

36 EMRAs/5 year license = 7 licenses annually X \$0 licensure fee = \$0

Training Entities: The proposed fee schedule was broken down based on the type of classes offered. For computation purposes, DOH assumed each entity would be offering an EMT-B class.

266 training entities/5 year accreditation= 53 accreditations annually X \$250 accreditation fee = \$13,250.

Total of all fees identified above: DOH estimates there could be \$185,696 worth of fees collected and deposited annually in the GR Fund if the fee structure is based on the initial fee schedule included in the proposed rule printed in the July 3, 2006 Missouri Register.

Since the Bureau of Emergency Medical Services already processes the licensure paperwork related to all categories of licensure/accreditation, the DOH assumes there would be very limited additional processing costs if fees were imposed. The necessary rules will be developed and promulgated by existing staff. Costs are assumed to be zero.

Section 210.221 of the amendment would require the DOH to promulgate a fee structure for the licensure of child care facilities. All fees collected are to be deposited in the General Revenue (GR) Fund.

ASSUMPTION (continued)

The amount of fee revenue to be deposited in GR is unknown. The amount would be dependent on the fee structure developed and promulgated by rule.

An estimate of the amount that might be collected and deposited in GR is as follows:

All licenses are for a two-year time period. There are currently 4,284 child care facilities in the state of Missouri. The licensure fees established would likely vary depending on the level of licensure and possibly the number of children for which licensure is granted. Assuming the licensure fee to be in the range of \$50 to \$250 and that half of the facilities are licensed annually, the revenue collected annually would be between \$107,100 and \$535,500 ($4,284 \times \frac{1}{2} \times \$50 = \$107,100$; $4,284 \times \frac{1}{2} \times \$250 = \$535,500$).

Since the Section for Child Care Regulation already processes the licensure paperwork, DOH assumes there would be very limited additional processing costs if fees were imposed. The necessary rules will be developed and promulgated by existing staff. Costs are assumed to be zero.

Senate Amendment 7 (§23.156)

Officials from the **Joint Committee on Legislative Research, Oversight Division** assume the proposal will have no fiscal impact on their organization.

Senate Amendment 11 (§208.215)

In response to similar legislation (SCS for SBs 842, 799 & 889, LR# 4653-05), officials from the **Office of the Attorney General (AGO)** assume the proposal would require health plans and other third parties to pay MO Health Net liens without requiring the agency to submit the claim in a particular format or a particular time frame and without requiring action on the part of the MO HealthNet participant when they secure medical services. AGO assumes that an increase in cases could result when a plan or other third party disagrees with the agency on whether a claim was a "properly submitted medical assistance subrogation claim" as set forth in the proposal, as AGO defends MO HealthNet on third party liability matters. AGO assumes that any potential costs could be absorbed with existing resources. If significant referrals result, the AGO may seek additional appropriations to adequately represent the agency.

In response to a previous version of this proposal, officials from the **Department of Social Services - MO HealthNet Division** state Section 208.215 requires health benefit plans to process MO HealthNet subrogation claims for a period of three years from the date of service,

ASSUMPTION (continued)

regardless of their timely filing requirements. This would significantly increase third party liability recoveries. The estimated increase in recoveries is unknown but greater than \$1,000,000.

Senate Amendment 12 (§§344.010 and 344.020)

Officials from the **Department of Health and Senior Services** state the amendment would require the Bureau of Nursing Home Administrators (BNHA) to promulgate new rules pertaining qualifications for prospective RCF Administrators, including new definitions. The rules be promulgated and administration of testing for RCE licensure would be accomplished through existing staff.

BNHA is currently implementing an automated system that will allow current and prospective administrators to apply for examinations, pay fees, and update information. In order to implement the changes resulting from passage of this legislation, BNHA would need to work with the Information Technology Services Division (ITSD) to modify the application. ITSD would conduct an analysis assessing the necessary modifications and accompanying costs. The impact for this modification is unknown at this time.

Oversight assumes the DOH could absorb the additional ITSD modifications that may result from this proposal within existing resources. Oversight assumes any significant increase in the workload of the DOH would be reflected in future budget request.

Senate Amendment 14 (§§327.031, 327.041, 327.351 and 327.411)

Officials from the **Department of Insurance, Financial Institutions, and Professional Registration (DIFP)** state the proposal adds one board member to the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. With the addition of this member, the board will incur increased personal service and expense and equipment costs. The members of the board receive per diem on average of 51 days annually. Additionally, the board receives reimbursement of necessary expenses for an average of four (4) meetings per year. The cost estimates for the implementation of this legislation include \$2,550 per diem for the additional board member and \$1,484 in mileage, hotel, and meal reimbursement of \$4,034 for FY 11; \$4,079 for FY 12; and \$4,124 for FY 13.

Oversight assumes the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects fund has a sufficient balance to cover the increase in costs for the additional board member. However, if necessary, the Board may need to adjust licensing fees to help cover the additional expenses.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
GENERAL REVENUE FUND			
<u>Income - DOH</u>			
License, certification and renewal fees (§§190.108, 190.109, 190.131,190.133, 190.142, 210.221)	<u>Unknown, likely to exceed \$200,000</u>	<u>Unknown, likely to exceed \$200,000</u>	<u>Unknown, likely to exceed \$200,000</u>
GENERAL REVENUE FUND	<u>Unknown, likely to exceed \$200,000</u>	<u>Unknown, likely to exceed \$200,000</u>	<u>Unknown, likely to exceed \$200,000</u>
THIRD PARTY LIABILITY FUND			
<u>Savings - Department of Social Services</u>			
Program Savings (§208.215)	<u>Unknown greater than \$367,100</u>	<u>Unknown greater than \$367,100</u>	<u>Unknown greater than \$367,100</u>
ESTIMATED NET EFFECT ON THIRD PARTY LIABILITY FUND	<u>Unknown greater than \$367,100</u>	<u>Unknown greater than \$367,100</u>	<u>Unknown greater than \$367,100</u>
DENTAL BOARD FUND			
<u>Income - DIFP</u>			
Dental assistant/hygienist licensing fees	\$0	\$66,000	\$1,980
<u>Costs - DIFP</u>			
Equipment and expenses	<u>\$0</u>	<u>(\$4,290)</u>	<u>(\$129)</u>
ESTIMATED NET EFFECT ON DENTAL BOARD FUND	<u>\$0</u>	<u>\$61,710</u>	<u>\$1,851</u>

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
PHARMACY FUND			
<u>Loss - DIFP</u>			
Reduction in renewal fees	<u>\$0</u>	<u>(\$11,250)</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON PHARMACY FUND	\$0	(\$11,250)	\$0
FEDERAL FUNDS			
<u>Savings - Department of Social Services</u>			
Program Savings (§208.215)	Unknown but Greater than \$632,900	Unknown but Greater than \$632,900	Unknown but Greater than \$632,900
<u>Costs - Department of Social Services</u>			
Return Federal Assistance (§208.215)	<u>(Unknown but Greater than \$632,900)</u>	<u>(Unknown but Greater than \$632,900)</u>	<u>(Unknown but Greater than \$632,900)</u>
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
LOCAL GOVERNMENTS			
<u>Costs - Ambulance and Fire Protection Districts</u>			
License, certification and renewal fees (§§190.108, 190,109, 190.131,190.133, 190.142)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

The proposal may impact small business dental offices that pay licensing fees for dental assistants and hygienists.

If the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects raises licensing fees to cover the cost of the additional board member, small businesses may have to pay increased licensing fees.

FISCAL DESCRIPTION

This proposal requires all dental assistants and dental hygienists to obtain a permit from the Missouri Dental Board in the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration in order to perform expanded-functions duties. "Expanded-functions duties" are defined as reversible acts that would be considered the practice of dentistry that the board specifies by rule may be delegated to a dental assistant or dental hygienist who possesses an expanded-functions permit.

Nothing in the proposal will be construed as making it unlawful for a licensed dentist to perform any dental services that would be considered expanded-functions duties or dental assistants, certified dental assistants, or expanded-functions dental assistants to polish teeth. The board is prohibited from establishing any rule allowing the delegation of acts to a dental assistant which would conflict with the practice of dental hygiene. Expanded-functions permits must be renewed every five years, and the board is authorized to establish rules regarding the issuance and renewal of the permits.

If wholesale drug distributors who distribute drug-related devices in Missouri meet certain conditions, this proposal exempts them from having to obtain a license from the board of pharmacy for out-of-state distribution sites. A Missouri wholesale drug distributor who receives shipments from these out-of-state sites is responsible for all shipments received.

Senate Amendment 3 provides that Department of Health and Senior Services is required to promulgate rules imposing licensure and certification fees on air ambulances, ground ambulances, Emergency Medical Response Agencies, emergency medical technicians, and training entities. The Department of Health and Senior Services would collect the fees and deposit them in the General Revenue Fund.

In addition, the Department of Health and Senior Services is required to promulgate rules imposing licensure and certification fees on licensure of child care facilities. The Department of Health and Senior Services would collect the fees and deposit them in the General Revenue Fund.

FISCAL DESCRIPTION (continued)

Senate Amendment 11 modifies provisions relating to the MO HealthNet Division's authority to collect from third party payers.

Under this legislation any third party administrator, administrative service organization, health benefit plan and pharmacy benefits manager shall process and pay all properly submitted MO HealthNet subrogation claims for a period of three years from the date services were provided or rendered, regardless of any other timely filing requirement. The entity shall not deny such claims on the basis of the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization. The MO HealthNet Division shall also enforce its rights within six years of a timely submission of a claim.

Certified computerized MO HealthNet records shall be prima facie evidence of proof of moneys expended and the amount due the state.

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

Office of Attorney General
Department of Agriculture
Office of Administration -
 Administrative Hearing Commission
Office of State Courts Administrator
Department of Economic Development
Department of Elementary and Secondary Education
Department of Higher Education
Department of Insurance, Financial Institutions, and Professional Registration
Department of Mental Health
Department of Natural Resources
Department of Corrections
Department of Health and Senior Services
Department of Labor and Industrial Relations
Department of Revenue
Department of Social Services
Missouri Department of Transportation

SOURCES OF INFORMATION (continued)

Department of Public Safety -

Division of Alcohol and Tobacco Control

Division of Fire Safety

Missouri State Water Patrol

State Emergency Management Agency

Missouri Veterans Commission

Office of the Governor

Missouri Consolidated Health Care Plan

Joint Committee on Administrative Rules

Missouri Lottery Commission

Missouri Department of Conservation

Missouri Ethics Commission

Office of Lieutenant Governor

Missouri State Employee Retirement System

Oversight Division

Office of State Auditor

Missouri Senate

Office of Secretary of State

Office of State Public Defender

Office of State Treasurer

Missouri Tax Commission

St. Louis County

Jefferson City Police Department

Joint Committee on Public Employee Retirement

Missouri Sheriffs' Retirement System

MoDOT & Patrol Employees' Retirement System

Police Retirement System of St. Louis

County Employees' Retirement Fund

Missouri Local Government Employees Retirement System

Prosecutors and Circuit Attorneys Retirement System

Public School and Education Employee Retirement Systems

Kansas City Police Employees' Retirement Systems

Linn State Technical College

Metropolitan Community College

University of Central Missouri

Missouri State University

Northwest Missouri State University

Missouri Western State University

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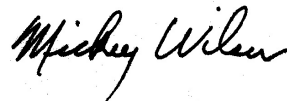
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SOURCES OF INFORMATION (continued)

University of Missouri
Francis Howell School District
Parkway School District
City of Centralia
Little Blue Valley Sewer District

NOT RESPONDING: Missouri House of Representatives, State Tax Commission, and various Colleges/Universities, Schools, Cities, Counties, and Hospitals



Mickey Wilson, CPA
Director
May 6, 2010

HWC:LR:OD