

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4530-03
Bill No.: SCS for HB 1350
Subject: Disabilities; Elderly; Health Care; Health Care Professionals; Health and Senior Services Department; Medicaid/MO HealthNet; Nurses; Public Assistance; Social Services Department
Type: Original
Date: March 9, 2018

Bill Summary: This proposal modifies provisions relating to background checks for certain in-home service providers.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Health and Senior Services** assume the proposal would not fiscally impact their agency.

Officials from the **Department of Public Safety (DPS), Missouri State Highway Patrol (MHP)** state section 192.2495.3 requires a provider prior to allowing any person hired as a full-time, part-time or temporary position to have contact with any patient or resident to conduct a fingerprint based criminal record check pursuant to 43.540.

The Highway Patrol's Criminal Justice Information Services (CJIS) Division anticipates an unknown fiscal impact but expects the overall fiscal impact to be positive. The cost for these background checks is as follows:

State fee: \$20.00
FBI fee: \$12
Applicant fingerprinting vendor fee: \$8.30
Total fee per applicant: \$40.30

Of these amounts, the state retains the \$20 state fee and \$2 of the federal charge for a pass thru fee. The \$8.30 charge is paid directly to the vendor at the time of application.

Oversight notes the provisions of 192.2495.3 have not been changed by this proposal and that it is current law that persons hired to have contact with patients or residents have a background check completed. The provisions of this proposal provide that in-home services providers shall be guilty of a class A misdemeanor if the agency knowingly employs a person who refuses to register with the family care safety registry or has any disqualifying factors (current law). This proposal adds to the list of disqualifying factors. In addition, the provisions add that a person cannot be employed to provide client services if the person is listed on the Department of Health and Senior Services employee disqualification list or the Department of Mental Health disqualification registry.

Oversight assumes the DPS, MHP would not have a significant increase in the number of background checks performed and the fiscal impact on the Criminal Records Fund would be minimal.

ASSUMPTION (continued)

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime of knowingly hiring a person who has been found guilty or has pleaded guilty to a number of felony offenses - an expanded Class A misdemeanor.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Office of State Courts Administrator (OSCA)** state this proposal may have some impact, but there is no way to quantify that impact at the present time. Any significant changes will be reflected in future budget requests.

Officials from the **Department of Mental Health**, the **Department of Corrections**, the **Department of Social Services** and the **Missouri Office of Prosecution Services** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

The proposal may have an impact on small business in-home service providers that employ personal care attendants.

FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

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 Mental Health
Department of Corrections
Department of Public Safety -
 Missouri State Highway Patrol
Department of Social Services
Missouri Office of Prosecution Services
Office of State Courts Administrator
Office of State Public Defender

Ross Strope



Acting Director
March 9, 2018