

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 3788-10
BILL NO.: SS for SCS for HS for HB 1615
SUBJECT: Various Changes to the Division of Aging from House Interim Committee
TYPE: Original
DATE: May 4, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	(\$104,456)	(\$290,109)	(\$344,228)
Total Estimated Net Effect on <u>All</u> State Funds	(\$104,456)	(\$290,109)	(\$344,228)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Federal	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds*	\$0	\$0	\$0

***Revenues and expenditures of approximately \$345,000 annually net to \$0.**

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	Exceeds (\$100,000)	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 7 pages.

FISCAL ANALYSIS

ASSUMPTION

SECTIONS 187.010, 187.020, 187.030, 187.032, 187.034, 187.075, 187.078, 187.081, 187.084, 187.087, 191.900, 191.910, 198.012, 198.030, 198.032, 198.090, 198.526, 198.532, 344.050, 491.076, 660.030, and 660.050

Officials from the **Office of Attorney General, Department of Mental Health, Department of Social Services - Division of Family Services, Department of Social Services - Division of Medical Services, and Department of Public Safety - Missouri Highway Patrol** assume this proposal will not fiscally affect their agencies.

Officials from the **Office of State Courts Administrator** stated the various changes in the laws relating to elderly abuse proposed by this legislation should not have an appreciable impact on the workload of the courts.

Officials from the **Department of Social Services - Division of Legal Services (DLS)** assumes this proposal would not fiscally impact their agency. DLS also stated that Section 3281 of the State Operations Manual, issued by the US Department of Health and Human Services - Health Care Financing Administration (HCFA), requires that the state survey and certification agency investigate complaints involving an immediate and serious threat to patient health and safety within two working days of receipt. Therefore, it appears this legislation could be, according to the DLS, federally mandated.

Officials from the **Department of Social Services - Division of Aging (DA)** stated this proposal would impact their division as follows:

Initiate Immediate Investigations of Imminent Harm

The added requirement at 187.020.5 RSMo states "For reports involving imminent harm, the division shall initiate an immediate investigation." For purposes of this fiscal note, we assumed that immediate investigation means upon receipt of the report in the applicable regional office. Current state law allows the division up to 24 hours to initiate an investigation of abuse or neglect. The DA assumed the intent of the proposal is to reduce the time from receipt to initiation. During the first half of FY2000, Institutional Services received 559 class A priority code complaints. DA would anticipate that between 1,100 and 1,200 class A priority code complaints will be received in FY2000. (The average complaint investigation takes about 10 hours to complete and the average FTE works approximately 1,840 hours annually.) To enable Institutional Services to initiate immediate investigations of these reports, an additional Facility

ASSUMPTION (continued)

Advisory Nurse II position (\$42,288) will be needed in each of the seven (7) regional offices.

Referrals to the Prosecutor and Law Enforcement

The Prosecutors office and law enforcement agencies will determine the fiscal impact associated with additional referrals resulting from the language requiring the division to refer all cases of "suspected" elder abuse. There were 13,082 investigations completed by Home and Community Services in FY 99; 55% (7,195 cases) had investigative findings of reason to believe and 21.6% (2,826 cases) had findings in which the allegations were suspected to have occurred. There were 6,410 investigations completed by Institutional Services in FY99; 26.5% (1,699) had investigative findings of valid and 20.9% (1,340) had findings in which the allegations were unable to be verified. Currently, DA already contacts or involves local law enforcement agencies when investigating allegations where there is suspected elder abuse.

Training

The division assumes the intent of the proposal is that DA staff and law enforcement officials statewide will require training on the proper handling of cases involving elder abuse.

- There will be a window of time in which the state will have to bring 800+ DA staff and the approximately 29,000 law enforcement officials (representing over 1,200 law enforcement agencies) into compliance with the training requirements of the legislation.
- The law enforcement agencies will absorb the cost of training law enforcement officials. Once existing law enforcement officers receive the training, the curriculum will be incorporated into the required training for state certification in Missouri. There are 18 law enforcement training academies located throughout the state which offer the required 470 hours of training for all law enforcement officials to become certified.

The division will need one Aging Program Senior Trainer position (\$44,136) to oversee the administrative responsibilities outlined in the bill. The administrator will work with the Highway Patrol, Sheriff's Association, Law Enforcement Training Academies, and other such agencies and associations to fulfill the requirements of joint training, developing accurate curriculum including the mandated checklist to ensure thorough investigations of elder abuse cases. Once the curriculum has been developed, the administrator will act as the division liaison for law enforcement to the over 1,200 law enforcement agencies to ensure that elder abuse training is accurate and revisions are made as necessary in accordance with state laws.

ASSUMPTION (continued)

The administrator will conduct "train the trainer" sessions for new law enforcement and division trainers, as necessary and be available to speak at association meetings and law enforcement

conferences across the state. The administrator will conduct in-house training to establish a list of division personnel in various regions who can present on elder abuse investigations and the use of the checklist. Once the curriculum has been developed, it will be used for training staff of the law enforcement academies and within the division to train existing staff on the proper handling of cases involving elder abuse including the use of checklist. The division will add to its basic and advanced orientation this same curriculum to enhance the sections involving elder abuse that are already included in the current training program, inviting law enforcement or highway patrol personnel to present/speak at the orientation programs to meet the requirements of cross-training.

The division will conduct training for 800+ employees within the division in six to eight sessions across the state (depending on attendance by law enforcement personnel). The division estimates that 16 hours of training across three days will be sufficient, requiring two overnights for approximately 40% of the staff. All staff will require meal allowance and some travel reimbursement. Anticipating maximum carpool and state cars usage, mileage is based on an average of 75 miles per car. The division estimates the cost of training as follows (no cost for "trainers" included):

Total DA Staff/Personnel to be trained	800
Approximate number requiring two overnight accommodations (40%)	320
Hotel Accommodations: \$60.00 per overnight two nights	\$38,400
Meal Allowance: \$23.00 per day; two days (800x\$23x2)	\$36,800
Meal Allowance: \$17.00 last day (plus 15%) (\$19.55x800)	\$15,640
Approximate Mileage (1 car per 3 employees = 800/3 = 267 cars)	
75 average miles round-trip per car (267x75x\$.28/mile)	\$ 5,607
Total Estimated Cost of Training DA Staff	<u>\$96,447</u>

Oversight assumes that the training would be held at sites around the state. Oversight assumes total costs of \$51,027.

Officials from the **Department of Corrections (DOC)** stated that the costs to the DOC for this proposal would be \$0 to minimal. The costs can be absorbed with existing resources.

Officials from the **Office of Prosecution Services** deferred to the Cole County Prosecuting Attorney's Office to provide a response for this proposal. Officials from the **Cole County Prosecuting Attorney's Office (CCPAO)** stated that this proposal is a complete re-write of the ASSUMPTION (continued)

existing laws in this subject area. The proposal affects the stealing, assault, and abuse statutes. This will require the local prosecuting attorney offices to re-write forms and instructions related to elder abuse. This will also require an update to the computer network being installed in the prosecutors offices statewide. Although the CCPAO could not give a precise estimate of these

costs, the costs are expected to exceed \$100,000 in the first year alone.

Oversight will present a cost of over \$100,000 for FY 01 for the various prosecuting attorneys statewide which will be reflected in local government funds for fiscal note purposes.

Officials from the **Office of State Public Defender (SPD)** stated that for the purpose of this proposal, the SPD has assumed that existing staff could provide representation for those 10 to 25 cases arising where indigent persons were charged with failure to report elder abuse, false reporting of elder abuse or neglect in a nursing home. However, passage of more than one similar proposal would require the SPD to request increased appropriations to cover cumulative costs of representing the indigent accused in the additional cases.

Officials from the **Office of Secretary of State (SOS)** stated this proposal makes major changes in the statutes dealing with the care and abuse of the elderly. Based on experience with other divisions, the rules, regulations and forms issued by the Division of Aging could require as many as approximately 64 pages in the *Code of State Regulations*.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
GENERAL REVENUE FUND			
<u>Costs - Department of Social Services - Division of Aging</u>			
Personal service (3.79 FTE)	(\$41,340)	(\$169,493)	(\$173,731)
Fringe benefits	(\$12,712)	(\$52,119)	(\$99,945)
Expense and equipment	(\$42,622)	(\$36,437)	(\$37,530)
Training costs	<u>(\$7,782)</u>	<u>(\$32,060)</u>	<u>(\$33,022)</u>
Total Costs - Division of Aging	<u>(\$104,456)</u>	<u>(\$290,109)</u>	<u>(\$344,228)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$104,456)</u>	<u>(\$290,109)</u>	<u>(\$344,228)</u>
<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
FEDERAL FUNDS			

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<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
Income - Department of Social Services - Division of Aging Medicaid reimbursements	\$105,578	\$301,116	\$308,920
<u>Costs - Department of Social Services - Division of Aging</u>			
Personal service (4.21 FTE)	(\$45,824)	(\$187,879)	(\$192,576)
Fringe benefits	(\$14,091)	(\$57,773)	(\$59,217)
Expense and equipment	(\$40,688)	(\$34,966)	(\$36,014)
Training costs	<u>(\$4,975)</u>	<u>(\$20,498)</u>	<u>(\$21,113)</u>
Total Costs - Division of Aging	<u>(\$105,578)</u>	<u>(\$301,116)</u>	<u>(\$308,920)</u>
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
LOCAL GOVERNMENT FUNDS			
<u>Costs - Prosecuting Attorneys</u>			
Upgrades to Computer Systems, Forms and Instruction Changes	Exceeds <u>(\$100,000)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED EFFECT ON LOCAL GOVERNMENT FUNDS	<u>Exceeds (\$100,000)</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 proposal would modify the law relating to protection of the elderly. The proposal would:
 1) Require reports of suspected elder abuse to be referred to the appropriate law enforcement agency. Current law requires only substantiated reports to be referred. The Division of Aging would also be required to investigate immediately any report of elder abuse or neglect that

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involves a threat of imminent harm; 2) Require the division and law enforcement agencies to cross-train personnel in investigating cases of suspected elder abuse.

This legislation may be federally mandated, would not duplicate any other program and would require additional capital improvements or rental space.

SOURCES OF INFORMATION

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



Jeanne Jarrett, CPA
Director
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