

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5218-01
Bill No.: HB 1471
Subject: Health Care; Health Care Professionals; Health, Public; Health Dept.
Type: Original
Date: March 16, 2012

Bill Summary: Changes the requirements for investigation of tuberculosis cases.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	(Unknown less than \$100,000)	(Unknown less than \$100,000)	(Unknown less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Unknown less than \$100,000)	(Unknown less than \$100,000)	(Unknown less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
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 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration, Office of State Courts Administrator, Department of Health and Senior Services, Department of Social Services - Division of Youth Services, Boone County Sheriff's Department, Linn State Technical College, Missouri Southern State University, Metropolitan Community College, Northwest Missouri State University** and **University of Central Missouri** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Department of Mental Health (DMH)** assume that its state operated psychiatric facilities would be inappropriate placements for TB commitments and, therefore, would neither contract with the Department of Health and Senior Services for such commitments nor be compelled by a court to accept such commitments.

If this assumption is inaccurate, then the costs to the DMH could be significant.

Officials from the **Department of Social Services (DSS) - MO HealthNet Division (MHD)** state the requirements of this proposal fall to the Department of Health and Senior Services. The treatments described in this legislation, such as Directly Observed Therapy "DOT" and antituberculosis chemotherapy is currently covered under the MHD. Therefore, there would be no fiscal impact to MHD.

Officials from the **DSS - Human Resource Center (HRC)** state unless the employee or a local health authority informed the agency that the employee had an active tuberculosis case, the HRC would not have access to that information. There is no fiscal impact from a human resource perspective.

Officials from the **Department of Higher Education (DHE)** state while the proposal may have some financial impact on the state's colleges and universities, it would have no direct, foreseeable fiscal impact on the DHE.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal will have no measurable fiscal impact on the OPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

Oversight assumes the potential responsibilities imposed on county prosecutors as a result of this proposal, will be absorbable within current funding and staffing levels.

ASSUMPTION (continued)

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of exposing another to TB - a new Class D felony or if a victim contracts TB from the violator, then the offense would be a new Class C felony.

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 **Department of Corrections (DOC)** state the penalty provision component of this bill results in a potential fiscal impact for the DOC (up to a class C felony). Currently, 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 direct offender costs either through incarceration (FY 11 average of \$16.878 per offender, per day, or an annual cost of \$6,160 per inmate) or through supervision provided by the Board of Probation and Parole (FY 11 average of \$5.12 per offender, per day, or an annual cost of \$1,869 per offender). Therefore, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Seventeen (17) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

Officials from the **Missouri State University (MSU)** state MSU would have to develop a T.B. Control Program above what is now in place to include employees. Also, a process would have to be developed that would be completed by all students. It is estimated the program to cover all members of MSU and students would cost approximately \$13,000 and this would be an annual, on-going cost.

Oversight assumes the cost for a T.B. Control Program to be developed and maintained by MSU to be a minimal cost and absorbable within current funding levels.

ASSUMPTION (continued)

Officials from **St. Louis County, Communicable Disease Services** state the proposal is expected to cost the County \$400 to \$800 per year.

It will cost approximately \$400 to suitable transportation to take a patient with tuberculosis disease to a local “designated pickup area”. From this pickup area, patients who have been court ordered to a state designated facility will be transported at state expense to that facility. \$800 should cover transport for two patients to a local pickup area.

It should be noted that it has been about three years since the St. Louis County Department of Health obtained a court order to remand a recalcitrant tuberculosis disease patient to a state designated facility.

Oversight assumes St. Louis County could absorb \$400 to \$800 per year for transporting up to two (2) tuberculosis patients per year.

Officials from **Missouri Western State University** state the proposal could cost the University a bit more money, but it is hard to tell exactly how much at this time.

Oversight assumes “a bit more money” to be a minimal amount and absorbable within current funding levels of the University.

Officials from the **Harrison County Health Department** state the proposal will have an unknown fiscal impact. The time factor is unknown, but generally TB takes up little time in rural health departments. However, an increase in time would create an increase in costs. Also, “make the necessary contractual arrangements with hospitals or other health care providers for the care and treatment of patients with active tuberculosis patients as necessary and as resources permit” as stated under 199.290(3), would or could be a cost that local health departments could not bear.

No other local public health agencies responded to **Oversight’s** request for a statement of fiscal impact.

Oversight assumes the proposal would have a minimal fiscal impact on local public health agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
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GENERAL REVENUE FUND

Costs - Department of Corrections

Probation and incarceration costs	<u>(Unknown, less than \$100,000)</u>	<u>(Unknown, less than \$100,000)</u>	<u>(Unknown, less than \$100,000)</u>
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ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

	<u>(Unknown, less than \$100,000)</u>	<u>(Unknown, less than \$100,000)</u>	<u>(Unknown, less than \$100,000)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

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

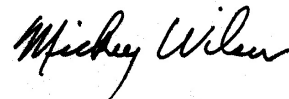
FISCAL DESCRIPTION

Under this proposal, it will be unlawful for any person knowingly infected with active pulmonary or laryngeal tuberculosis to, in a reckless manner, expose another person to tuberculosis without the knowledge and consent of such person, report to work with active tuberculosis unless adhering to the prescribed treatment regimen and deemed noninfectious by the department of health or the local public health authority, or violate the requirements of a commitment order. Violation of these provisions is a class D felony or, if the victim contracts tuberculosis from such contact, it is a class C felony.

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 Administration
Office of State Courts Administrator
Department of Higher Education
Department of Mental Health
Department of Corrections
Department of Health and Senior Services
Department of Social Services -
 MO HealthNet Division
 Division of Youth Services
 Human Resource Center
Office of Prosecution Services
Office of State Public Defender
St. Louis County
Boone County Sheriff's Department
Linn State Technical College
Metropolitan Community College
Missouri Southern State University
Missouri State University
Missouri Western State University
Northwest Missouri State University
University of Central Missouri
Harrison County Health Department



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March 16, 2012