

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0563-01  
Bill No.: HB 100  
Subject: Medical Procedures and Personnel; Health Care; Professional Registration and Licensing  
Type: Original  
Date: January 31, 2017

Bill Summary: This proposal enacts the Recognition of EMS Personnel Licensure Interstate Compact (REPLICA).

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2022)
General Revenue	\$0 or (Could exceed \$597,103)	\$0 or (Could exceed \$626,673)	\$0 or (Could exceed \$824,256)	\$0 or (Could exceed \$836,835)
<b>Total Estimated Net Effect on General Revenue*</b>	<b>\$0 or (Could exceed \$597,103)</b>	<b>\$0 or (Could exceed \$626,673)</b>	<b>\$0 or (Could exceed \$824,256)</b>	<b>\$0 or (Could exceed \$836,835)</b>

\* Passage of laws by 10 states is required for the compact to go into effect.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2022)
Criminal Records	\$0	\$0	\$0 or \$32,346	\$0 or \$33,984
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0 or \$32,346</b>	<b>\$0 or \$33,984</b>

Numbers within parentheses: ( ) indicate costs or losses.  
 This fiscal note contains 9 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>Fully Implemented (FY 2022)</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>Fully Implemented (FY 2022)</b>
General Revenue	0 or 3	0 or 3	0 or 5	0 or 5
<b>Total Estimated Net Effect on FTE</b>	<b>0 or 3</b>	<b>0 or 3</b>	<b>0 or 5</b>	<b>0 or 5</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>Fully Implemented (FY 2022)</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Health and Senior Services (DHSS), Division of Regulation and Licensure (DRL)** provided the following assumptions:

#### **Section 334.1503.3(4) and (5) - Criminal background check requirements**

*(4) No later than five years after activation of the compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation with the exception of federal employees who have suitability determination in accordance with 731 CFR 202 and submit documentation of such as promulgated in the rules of the commission; and*

*(5) Complies with the rules of the commission.*

Pursuant to Chapter 190.142.1, Emergency Medical Services (EMS) conducts criminal records checks for all applicants, including renewals. For those who have maintained residency in Missouri for the past five consecutive years, the criminal record check is completed through the Missouri Highway Patrol at a cost of \$13. For those who have not maintained residency, the criminal record check is done through a fingerprint card Federal Bureau of Investigations (FBI) check at a cost of \$32 each. To conduct a criminal background check in accordance with the requirements of HB 100, Missouri would expend \$32, or an additional \$19 per initial applicant, regardless of residency status the last five years. Based on the last twelve months of criminal record checks, an estimated annual increase in costs associated with 3,594 criminal background checks is \$68,286. Additional EMS personnel would also be required in order to accommodate the processing of the required fingerprint cards for each applicant. Two (2) Senior Office Support Assistants (SOSAs, \$26,340 each, annually) would be hired to meet the provisions of this requirement. For fiscal note purposes, DRL assumes these two positions would be hired in the final year of implementation, which could be as many as five years after the compact becomes effective.

#### **Section 334.1518.6 - Questions of conduct investigations**

*6. A home state's EMS authority shall investigate and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action.*

This provision of HB 100 expands the EMS' investigative authority to include investigations conducted out-of-state. While the variables of what activity constitutes "reported conduct" and what level of responsibility the investigative authorities in the remote state will have, DRL

ASSUMPTION (continued)

estimates that two (2) Investigators II (\$38,304 each, annually) and one (1) additional SOSA (\$26,340 annually) would be required to meet the provisions of this requirement. These three positions would be hired on September 1, 2017. DRL further assumes for costs related to the two Investigators II that travel costs are three times the normal fiscal note response amount (\$5,000 X 3 = \$15,000) because of the potential for significant out-of-state travel.

**Section 334.1521(1) - EMS Authority**

*334.1521. A member state's EMS authority, in addition to any other powers granted under state law, is authorized under this compact to:*

*(1) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a member state's EMS authority for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the remote state by any court of competent jurisdiction according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence is located; and*

The number of subpoenas issued under this section is unknown. It is estimated that the cost of witnesses and their travel expenses associated with this provision of HB 100 will total \$50,000 annually.

**Section 334.1524.5(3) - Annual assessments and fees**

*(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.*

It is estimated that the commission will levy an annual assessment of \$250,000 on each member state. This amount will be collected from Missouri on an annual basis.

**Section 334.1527.1 - Database and reporting system**

*334.1527. 1. The commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action, and significant investigatory information on all licensed individuals in member states.*

It is assumed that the commission would be responsible for the cost for development and maintenance of the system and any costs to Missouri will be paid as part of the assessment levied under Section 334.1524.5(3).

ASSUMPTION (continued)

**Oversight** notes that seven (7) states have passed laws to implement the EMS Personnel Licensure Interstate Compact. Passage of laws by ten (10) states is needed for the Compact to go into effect. Oversight assumes it is possible for this compact to become effective for fiscal year 2018, although it is not assured. Costs presented as FY 20 expenditures may occur as early as FY 20 if the compact is passed by 3 additional states this year and DHSS implements the background checks immediately or as late as FY 22 if the provisions of 334.1503.3(4) are not immediately implemented. Oversight will present costs as \$0 or the amount projected by DHSS as it is uncertain when the provisions of the proposal may be implemented.

Officials from the **Department of Public Safety (DPS), Missouri State Highway Patrol (MHP)** provide the following assumptions:

§334.1503.2(4) - Background checks

During 2016, the Department of Health and Senior Services conducted approximately 3,594 name-based criminal record checks for Emergency Medical Technician (EMT) licensing. This number accurately reflects the number of emergency medical personnel that would be required to obtain a state and federal fingerprint-based criminal record check with the passage of this legislation. This requirement would take effect no later than five (5) years after approval of the Emergency Medical Services Compact. For purposes of this fiscal note, the MHP assumes this legislation will take effect August 28, 2017.

The charge for a state name check is \$13. The funds currently generated as a result of the name based checks is \$46,722 (3,594 X \$13). This proposed legislation would require emergency medical personnel to obtain state and federal background checks each year. The charge for each background check processed is \$40.30. Twenty dollars for the state fingerprint check, \$12 for the federal check and an \$8.30 charge for the electronic fingerprint option used through a third-party vendor ( $\$20 + \$12 + \$8.30 = \$40.30$ ). Of this amount, the state retains the \$20 fee and \$2 of the federal charge for a pass thru fee (total \$22). The \$8.30 charge is paid directly to the vendor at the time of application.

The difference in the amount the state receives with the passing of this legislation would be \$9 ( $\$22 - \$13$ ) per background check. Therefore, the total increase in revenue deposited into the Criminal Records Fund is \$32,346 (3,594 applicants X \$9 per applicant).

**Oversight** notes that section 334.1503.3(4) provides that “no later than five years after activation of the compact” that criminal background checks of all applicants for initial licensure must be compliant with the requirements of the FBI. DHSS may implement the fingerprint provisions anytime within 5 years of passage of the compact. Therefore, fingerprint income into the Criminal Records Fund could begin as early as FY 20 or as late as FY 22 if the provisions of 334.1503 are not immediately implemented. Income will be presented as \$0 or the amounts estimated by the Highway Patrol.

ASSUMPTION (continued)

Officials from the **Office of Attorney General (AGO)** state section 334.1524.6(2) specifies that the commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action. Section 334.1533 specifies that all branches of state government in each state shall enforce the compact. Neither provision specifies whether the commission has its own counsel. If the proposal does not implicate the resources of the AGO, any potential costs arising from this proposal can be absorbed with existing resources. Otherwise, the potential costs of this proposal are unknown, but could exceed \$100,000.

**Oversight** notes the final model compact language was made available in September, 2014. Section 334.1536 of the proposal provides that the compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. It is assumed that it is possible for the 10th state to adopt the language during the current legislative session as a total of seven states have passed the compact as of 2016. Therefore, Oversight will indicate potential AGO costs as \$0 or "Could exceed \$100,000" since the provisions of the proposal do not indicate whether the commission will have its own legal counsel or whether it will rely on the Attorneys General of member states.

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and 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 office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

**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.

Officials from the **Department of Public Safety (DPS), Division of Fire Safety, the Office of the Governor, the Joint Committee on Administrative Rules, the Office of Administration Divisions of: General Services, Information Technology Services and Purchasing and Materials Management, and the Office of State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

ASSUMPTION (continued)

Officials from the following **ambulance districts**: Jefferson County 911 Dispatch, St. Charles County Ambulance District, Taney County Ambulance District and Valle Ambulance District, did not respond to **Oversight's** request for a statement of fiscal impact.

<u>FISCAL IMPACT -</u> <u>State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020	Fully Implemented (FY 2022)
<b>GENERAL REVENUE FUND</b>				
<u>Costs - DHSS</u> (§§334.1503 - 334.1527)	\$0 or...	\$0 or...	\$0 or...	\$0 or...
Personal service	(\$85,790)	(\$103,977)	(\$158,756)	(\$161,947)
Fringe benefits	(\$47,023)	(\$61,888)	(\$98,818)	(\$99,768)
Equipment & expense	(\$114,290)	(\$110,808)	(\$148,396)	(\$153,377)
Annual assessment	(\$250,000)	(\$250,000)	(\$250,000)	(\$250,000)
Fingerprint fees	\$0	\$0	(\$68,286)	(\$71,743)
<u>Total Costs</u>	<u>\$0 or (\$497,103)</u>	<u>\$0 or (\$526,673)</u>	<u>\$0 or (\$724,256)</u>	<u>\$0 or (\$736,835)</u>
FTE Change	0 or 3	0 or 3	0 or 5	0 or 5
<u>Costs - AGO</u> (§§334.1524 and 334.1533)	\$0 or...	\$0 or...	\$0 or...	\$0 or...
Legal counsel costs for interstate compact	<u>(Could exceed \$100,000)</u>	<u>(Could exceed \$100,000)</u>	<u>(Could exceed \$100,000)</u>	<u>(Could exceed \$100,000)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>\$0 or (Could exceed \$597,103)</u></b>	<b><u>\$0 or (Could exceed \$626,673)</u></b>	<b><u>\$0 or (Could exceed \$824,256)</u></b>	<b><u>\$0 or (Could exceed \$836,835)</u></b>
Estimated Net FTE Change on the General Revenue Fund	0 or 3	0 or 3	0 or 5	0 or 5

<u>FISCAL IMPACT -</u> <u>State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020	Fully Implemented (FY 2022)
<b>CRIMINAL RECORDS FUND</b>				
<u>Income</u> - DPS - MHP	\$0 or...	\$0 or...	\$0 or...	\$0 or...
Increase in background check fees	<u>\$0</u>	<u>\$0</u>	<u>\$32,346</u>	<u>\$33,984</u>
<b>ESTIMATED NET EFFECT ON THE CRIMINAL RECORDS FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0 or \$32,346</u></b>	<b><u>\$0 or \$33,984</u></b>
<u>FISCAL IMPACT -</u> <u>Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020	Fully Implemented (FY 2022)
	<u>\$0</u>	<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.

FISCAL DESCRIPTION

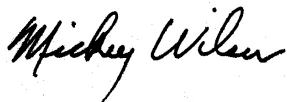
This bill authorizes Missouri to become a member state of the Interstate Compact for EMS Personnel Licensure as prepared by the National Association of State EMS Officials and to adopt the provisions of authorization as specified in the bill. The purpose of the compact is to facilitate the exchange of information between members states regarding EMS personnel licensure, adverse actions, and significant investigatory information.

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 Health and Senior Services -  
    Division of Regulation and Licensure  
Department of Public Safety -  
    Division of Fire Safety  
    Missouri State Highway Patrol  
Office of the Governor  
Joint Committee on Administrative Rules  
Office of Administration -  
    General Services Division  
    Information Technology Services Division  
    Division of Purchasing and Materials Management  
Office of State Courts Administrator  
Office of Secretary of State



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