

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4662-01
Bill No.: HB 2086
Subject: Health Care Professionals; Evidence; Medical Procedures and Personnel
Type: Original
Date: February 20, 2020

Bill Summary: This proposal modifies provisions relating to the collection of forensic evidence in emergency rooms.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(\$97,892)	(\$102,513)	(\$103,283)
Total Estimated Net Effect on General Revenue	(\$97,892)	(\$102,513)	(\$103,283)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	1 FTE	1 FTE	1FTE
Total Estimated Net Effect on FTE	1 FTE	1 FTE	1FTE

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 2021	FY 2022	FY 2023
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

§§197.125 and 197.130 - Training in collection of forensic evidence and storage of evidence

Officials from the **Department of Health and Senior Services (DHSS), Division of Regulation and Licensure (DRL)** state §197.125 requires any entity that operates an emergency room to provide three hours of annual training on the collection of forensic evidence to all personnel that assist in the collection of forensic evidence in an emergency room.

§197.130 requires any entity that operates an emergency room to possess and maintain a secure storage unit capable of storing forensic evidence collected during treatment of a gunshot wound patient or a stab wound patient in an emergency room.

The DRL is responsible for conducting inspections of hospitals. Verifying compliance with the new provisions of §§197.125 and 197.130 would be conducted during the full licensure survey and would be within the normal duties of DRL.

The Division anticipates being able to absorb these costs. However, until the FY21 budget is final, the department cannot identify specific funding sources.

Officials from the **University of Missouri Health Care (UMHC)** state the proposed legislation has been review and with the information available, UMHC is unable to quantify the fiscal impact.

Oversight assumes any entity that operates an emergency room will incur additional costs to provide three (3) hours of annual training on the collection of forensic evidence to all personnel employed in a capacity that requires them to assist in procedures involving the collection of forensic evidence. Therefore, Oversight will present an (Unknown) fiscal impact to Local Governments for government-owned/operated hospitals.

§595.222 - Evidentiary collection kits

DHSS, Division of Community and Public Health (DCPH) officials state §595.222 of the proposed legislation would require the DHSS to develop and make available evidentiary collection kits for gunshot and stabbing wounds to each of the 112 emergency departments (ED) in Missouri. This legislation would require DHSS to establish a new program to order, distribute, and track kits, as well as develop forms, policies and procedures for the program. Per

ASSUMPTION (continued)

conversation with staff at the Highway Patrol Criminal Laboratory (Crime Lab), the primary evidence collected in emergency rooms related to this request would be the projectile (bullet) discharged from the weapon in the instance of a gunshot. The Crime Lab recommended it be collected into a container and then sealed into cardboard box with label and evidence tape. The cost per evidentiary collection kit would be \$6.62 (\$1.36 per collection unit + \$0.26 per evidence bag + \$5 for postage).

Each of the 112 EDs would be supplied with one kit each year. DHSS would establish an ordering system to resupply EDs with kits as needed. According to DHSS' Missouri Information for Community Assessment (MICA), an average of 1,255 firearm injuries were reported by Missouri EDs in 2017 and 2018. If evidence was collected from a stabbing wound, the same collection kit used for firearm could be used. An average of 2,525 sharp object injuries were reported in MICA by Missouri EDs in 2017 and 2018. The annual cost to provide Emergency Departments with evidentiary collection kits would be \$25,024 ($\$6.62 \times (1,255 + 2,525 = 3,780)$ kits).

It is possible that the entire weapon could be left intact in the wound and available for evidence collection. In this instance an evidence collection tube would be required instead of a kit. The cost of one collection tube is \$2.60. It is estimated that each of the 112 EDs would need to be supplied with one collection tube. DHSS would order an additional five tubes to send to EDs as needed. The annual cost to provide EDs with an evidence collection tube would be \$304 ($117 \times \2.62).

DHSS would hire one (1) FTE Health Program Representative (HPR) III to establish an evidence collection kit distribution program. Duties of the HPR III would include developing rules and procedures for the program, identifying necessary materials for evidentiary kits and maintaining a supply, correspondence with EDs, developing a kit distribution and tracking system, and evaluating program activities to improve service and efficiency. As of January 1, 2020, the salary average annual salary of an HPR III within the Division of Community and Public Health is \$45,638.

Oversight notes DHSS assumes it will need 1 new FTE as a result of the provisions of this proposal. Oversight assumes the additional FTE can be housed within current DHSS locations and additional rental space will not be needed. However, if multiple proposals pass during the legislative session requiring additional FTE, cumulatively the effect of all proposals passed may result in the DSS needing additional rental space.

ASSUMPTION (continued)

Bill as a whole

Oversight notes the **Department of Commerce and Insurance** and the **Department of Public Safety, Missouri State Highway Patrol** have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

Officials from the **Joint Committee on Administrative Rules (JCAR)** state the legislation is not anticipated to cause a fiscal impact to JCAR beyond its current appropriation.

Oversight assumes JCAR will be able to administer any rules resulting from this proposal with existing resources.

Officials from the **Office of 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 Secretary of State's office 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 SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs.** However, we also recognize 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 our office can sustain with our 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 require additional resources.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other hospitals were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
GENERAL REVENUE FUND			
<u>Costs - DHSS (\$595.222)</u>			
Personal service	(\$38,032)	(\$46,094)	(\$46,555)
Fringe benefits	(\$22,230)	(\$24,908)	(\$25,061)
Equipment and expense	(\$12,302)	(\$6,183)	(\$6,339)
Evidentiary Collection kits	(\$25,328)	(\$25,328)	(\$25,328)
Total <u>Costs - DHSS</u>	<u>(\$97,892)</u>	<u>(\$102,513)</u>	<u>(\$103,283)</u>
FTE Change - DHSS	1 FTE	1 FTE	1 FTE
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$97,892)</u>	<u>(\$102,513)</u>	<u>(\$103,283)</u>
Estimated Net FTE Change on the General Revenue Fund	1 FTE	1 FTE	1 FTE
<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
LOCAL GOVERNMENTS - HOSPITALS			
<u>Costs - Hospitals (\$197.125) - Increase employee in education costs</u>			
	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<u>FISCAL IMPACT - Small Business</u>			

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

FISCAL DESCRIPTION

This bill requires any entity that operates an emergency room to provide three hours of annual training on the collection of forensic evidence to all personnel that assist in procedures that involve the collection of forensic evidence in the emergency room. (§197.125)

Any entity operating an emergency room must have access to evidentiary collection kits to be used to collect evidence of a gunshot wound or a stabbing wound at least one inch deep. The kits must be developed and made available to emergency rooms by the Department of Health and Senior Services and must include forms and procedures for gathering evidence.

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 Commerce and Insurance
Department of Health and Senior Services
Department of Public Safety -
 Missouri State Highway Patrol
Joint Committee on Administrative Rules
Office of Secretary of State



Julie Morff
Director
February 20, 2020



Ross Strope
Assistant Director
February 20, 2020