

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4025-02
Bill No.: SB 1103
Subject: Children and Minors; Elderly; Disabilities; Health Department; Nursing and Boarding Homes; Hospitals
Type: Original
Date: February 25, 2008

Bill Summary: This legislation modifies provisions regarding the Family Care Safety Registry.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	(Unknown Greater than \$3,947,059)	(Unknown Greater than \$336,534)	(Unknown Greater than \$341,201)
Total Estimated Net Effect on General Revenue Fund	(Unknown Greater than \$3,947,059)	(Unknown Greater than \$336,534)	(Unknown Greater than \$341,201)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	3 FTE	3 FTE	3 FTE
Total Estimated Net Effect on FTE	3 FTE	3 FTE	3 FTE

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 2009	FY 2010	FY 2011
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety, Department of Social Services, Department of Corrections** and the **Office of the State Courts Administrator** each assume the proposal would have no fiscal impact on their respective agencies.

Officials from the **Office of the Attorney General** assume any potential costs arising from this proposal can be absorbed with existing resources.

Officials from the **Department of Insurance, Financial Institutions & Professional Registration (DIFP)** state that having reviewed the proposed legislation and having sought the conclusion of the appropriate board(s), DIFP are of the opinion that this proposal in its present form has no fiscal impact to the Department. However, due to the vagueness of system requirements and unspecified time frames for sharing the information, additional appropriation may be needed should FTE or equipment be needed to fulfill the requirements of this legislation.

Officials from the **Department of Health and Senior Services (DHSS)** state the DHSS's Family Care Safety Registry already has the mechanisms in place to report findings from the background screening process. The addition of another potential category of findings should not result in any additional costs to the registry.

Section 210.903.2(9) and Section 210.909.1(8):

The proposal would require the Family Care Safety Registry (FCSR) to interface with any databases maintained by the Department of Insurance, Financial Institutions, and Professional Registration, the Department of Elementary and Secondary Education, and any other state agencies that maintain licensure and certification information. The FCSR would be required to report out any findings related to licensure and certification discipline or revocation from these databases each time a background screening is conducted.

Section 210.906:

This section removes the grandfathering clauses for child-care, eldercare and personal-care workers that were hired before January 1, 2001 or January 1, 2002, respectively, and have not changed employment since that date. Due to the high turn-over rates in these types of positions and also that these individuals may have registered through normal job change or voluntarily anyway, DHSS does not believe that removing the grandfathering clauses will result in many additional FCSR registrations. DHSS is assuming no cost to implement this section.

ASSUMPTION (continued)

Section 210.921:

The FCSR was previously authorized to register volunteers, but was only allowed to release background screening information for employment purposes, so providers such as hospice agencies, who are required by statute to utilize volunteers in the delivery of services, were unable to obtain background screenings on these volunteers from the Registry by telephone. The section of the proposed legislation further allows service providers that are certified, contracted or regulated by the state to get specific information immediately when requested. In addition, the FCSR will now be able to disclose national criminal history information authorized under Public Law 105-251. DHSS does not believe that any of these changes will result in a significant impact to the FCSR. DHSS is assuming no cost to implement this section.

Section 210.903.2(9) and Section 210.909.1(8):

Support from ITSD will be needed to modify the existing FCSR to integrate the licensure and certification information maintained by the Department of Insurance, Financial Institutions and Professional Registration, the Department of Elementary and Secondary Education, and any other relevant state agency maintaining licensure and certification information. An exact cost cannot be calculated because of the unknown number of interfaces that will be needed to determine if the applicant has had a professional license or certification revoked or disciplined. Cost for modification of the FCSR to interface with an unknown number of data systems to determine if an applicant has had a professional license or certification revoked or disciplined is unknown, but greater than \$100,000 annually.

Officials from **Department of Elementary and Secondary Education (DESE)** states OA-ITSD estimates that in order to accomplish the requirements of this proposal, programming and storage would need to be enhanced within DESE. Additional work by the licensure staff would be required as well.

Currently the certificated and non-certificated school employees are not always kept in the same data storage area. In order to make this process the most efficient, that would need to change. Because of outdated and unsupported software, a new system would need to be developed to accomplish the goal of verifying all employees are on the Family Care Safety Registry and Access Line (FCSR) system. That system is estimated at \$1.5 million. This system also would accomplish the goal of verifying the appropriateness of Social Security Numbers and gather information from national clearing houses for infractions in other states.

ASSUMPTION (continued)

The machines on which the current data are stored are 7-8 years old, which is twice the expected life cycle. A new machine would cost \$25,000 and would need upgraded storage capability and licenses at an additional cost of approximately \$5,000. A three to four year replacement cycle is necessary to ensure the integrity of the data on the machine. The cost of this could be averaged out each year to approximately \$9,000 (this includes the replacement and licensing costs).

Due to increased demands on OA-ITSD staff at DESE, it is requested that an additional 2 FTE Comp Info Tech be added to ensure support and future changes to this system receive the attention deserved.

The initial cost of verifying that all school employees are registered in the FCSR will be approximately \$2,205,000 (\$9 per person for 120,000 certified teachers plus another 125,000 non-certified school employees). An annual cost of \$72,000 for an additional 6,000 to 8,000 new hires is anticipated. In order to accomplish these requirements, DESE will require 1.5 FTE administrative assistant.

Oversight assumes the DESE could absorb a one-half Administrative Assistant FTE. Oversight has, for fiscal note purposes only, changed the starting salary for the DESE positions to correspond to the first step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees for a six month period and the policy of the Oversight Subcommittee of the Joint Committee on Legislative Research.

FISCAL IMPACT - State Government FY 2009 FY 2010 FY 2011
 (10 Mo.)

GENERAL REVENUE FUND

Costs - Department of Health and Senior Services

ITSD Costs	(Unknown Greater than \$100,000)	(Unknown Greater than \$100,000)	(Unknown Greater than \$100,000)
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Costs - Department of Elementary and Secondary Education

Personal Services	(\$85,243)	(\$105,360)	(\$108,521)
Fringe Benefits	(\$37,694)	(\$46,590)	(\$47,988)
Equipment and Expense	(\$10,122)	(\$3,584)	(\$3,692)
ITSD Costs	(\$1,509,000)	(\$9,000)	(\$9,000)
Registry Checks Costs	(\$2,205,000)	(\$72,000)	(\$72,000)
<u>Total Costs - DESE</u>	<u>(\$3,847,059)</u>	<u>(\$236,534)</u>	<u>(\$241,201)</u>
FTE Change - DESE	3 FTE	3 FTE	3 FTE

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND (Unknown Greater than \$3,947,059) (Unknown Greater than \$336,534) (Unknown Greater than \$341,201)

Estimated Net FTE Change for General Revenue Fund 3 FTE 3 FTE 3 FTE

FISCAL IMPACT - Local Government FY 2009 FY 2010 FY 2011
 (10 Mo.)

\$0 \$0 \$0

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

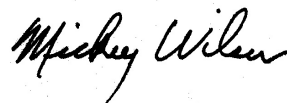
The proposed legislation modifies provisions of the Family Care Safety Registry. This legislation removes the 2001 and 2002 employment dates for when all child-care, elder-care and personal care workers are required to register with the Family Care Safety Registry and requires all such workers, regardless of when they began employment, to register. Also, all employers regulated by, contracting with or who receive state or federal reimbursement services shall be required to ensure employees are registered.

Under this legislation, providers certified, contracted or regulated by state agencies will be allowed to obtain specific detailed background screening information immediately. The registry will also provide background screening information to voluntary or recreational associations performing background screenings on unpaid volunteers who are placed in a child-care, elder-care, or personal-care setting. In addition, the registry will be allowed to report national criminal history information as authorized under the federal Volunteers for Children Act or other relevant federal or state laws. This legislation also requires the registry to integrate professional licensure and certification information maintained by various state agencies to determine if a child-care, elder-care or personal-care applicant has had a professional license or certification revoked or suspended.

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 the Attorney General
Office of the State Courts Administrator
Department of Elementary and Secondary Education
Department of Insurance, Financial Institutions & Professional Registration
Department of Corrections
Department of Health and Senior Services
Department of Social Services
Department of Public Safety



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Director
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