

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0178-04
Bill No.: SCS for SB 48
Subject: Modifies the Family Care Safety Registry
Type: Original
Date: February 19, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Social Services - Division of Aging (DA)** assumes the intent of the proposed legislation is to provide as much information as possible about the individuals that are inappropriate for caregiving positions. Currently, information contained within the elder abuse and neglect registry is all inclusive of complaints received from the public regarding elderly and disabled adults regardless of their residence. The registry includes reports that have been determined to be invalid/unsubstantiated, unable to verify, suspected, as well as those determined to be valid/reason to believe. Listing all individuals whose names appear on the registry would include individuals who may not necessarily be inappropriate for a caregiver position. Missouri statute related to the abuse and neglect registry does not include provisions for “due process” as all of this information is currently not deemed public record. Individuals determined through investigation to have valid/reason to believe findings of abuse, neglect or exploitation/misappropriation of an elderly or disabled adult are referred to the employee disqualification list and/or appropriate law enforcement agencies and this information is then deemed public record upon final determination. The balance of the individuals identified within the abuse and neglect registry would not have been provided an opportunity for “due process” prior to their placement on the Family Care Safety Registry.

For purposes of this fiscal note, the DA assumes the intent of the sponsor was to include on the Family Care Safety Registry only those individuals determined through investigation to have valid/reason to believe findings of abuse, neglect, or exploitation/misappropriation of an elderly or disabled adult. However, if the intent is to include information on the Family Care Safety Registry for **all** individuals on the Abuse & Neglect Registry, then the provision of due process procedures for these individuals would result in significant costs for the DA and the Division of Legal Services.

Officials from the **Department of Social Services - Division of Family Services (DFS)** stated this bill would have zero fiscal impact for the Income Maintenance Section of DFS. In addition, officials stated the passage of this bill provides a more comprehensive list of disqualified employees added to the Family Care Safety Registry.

Officials from the **Department of Public Safety - Missouri State Highway Patrol** stated they anticipate the proposed legislation would not fiscally impact their organization.

Officials from the **Office of State Courts Administrator** and **Department of Corrections** stated the proposed legislation would have no fiscal impact on their organizations.

Officials from the **Office of Attorney General** stated the costs of the proposed legislation can be absorbed by the agency.

ASSUMPTION (continued)

Officials from the **Department of Mental Health (DMH)** stated changes in this legislation could increase the volume of contacts to the DMH, but there is no way to determine whether or how much of an increase in volume will occur with the implementation of this legislation. There appears to be no change to the previously reported fiscal impact of \$0 to unknown. The changes are in terminology, definitions, and clarification of previous statutory references.

Oversight assumes that any increase in the volume of contacts to the DMH could be absorbed with current funding levels.

Officials from the **Department of Health (DOH)** stated the Family Care Safety Registry currently registers most, if not all, of the workers who are required to have a background screening. That includes the DMH EDL (Employee Disqualification List), so there will not be a financial impact to the registry for additional staffing or equipment and expenses.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<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.

DESCRIPTION

This proposal would require the Department of Mental Health's employee disqualification list be added to the Family Care Safety Registry. It adds to the definition of "elder-care provider" any person, corporation, or association who provides in-home services under contract with the Department of Social Services, adds the definition of "personal care attendant" or "personal care worker", and "personal care provider". In addition language is added to include disabled individuals in those to be protected.

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 Social Services
Office of State Courts Administrator
Attorney General's Office
Missouri Highway Patrol
Department of Health
Department of Corrections
Department of Mental Health

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "e" at the end.

Jeanne Jarrett, CPA
Director

February 19, 2001