

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5760-02
Bill No.: Perfected HCS for HB 2135
Subject: Emergencies; Medical Procedures and Personnel
Type: Original
Date: April 7, 2016

Bill Summary: This proposal modifies provisions related to emergency medical services.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on FTE	0	0	0

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 2017	FY 2018	FY 2019
Local Government	Minimal	Minimal	Minimal

FISCAL ANALYSIS

ASSUMPTION

Officials at the **City of Kansas City** assume this proposal will have a positive fiscal impact on the City because it will reduce Kansas City's exposure to liability that arises when Kansas City's ambulance crews transport at-risk behavioral health patients, matching that of other participants in the behavioral health system.

Officials at the **Department of Health and Senior Services**, the **Department of Public Safety's Missouri Highway Patrol**, the **Department of Economic Development's Public Service Commission**, the **Department of Insurance, Financial Institutions and Professional Registration**, the **Office of Administration's Administrative Hearing Commission** and the **Department of Mental Health** each assume no fiscal impact to their respective agencies from this proposal.

Officials at **St. Louis County**, the **Callaway County Commission**, the **Springfield Police Department**, the **Columbia/Boone County Department of Public Health and Human Services**, the **Cole County Sheriff's Department**, the **St. Louis County Justice Services** and the **City of Independence Health Department** each assume no fiscal impact to their respective entities from this proposal.

In response to a previous version, officials at the **City of Jefferson**, the **Boone County Sheriff's Department**, the **Columbia Police Department**, the **Jefferson City Police Department** and the **Harrison County Public Health Department and Hospice** each assumed no fiscal impact to their respective entities from this proposal.

House Amendment #1

Officials at the **Department of Public Safety's Missouri Highway Patrol** assume no fiscal impact from this proposal.

Oversight assumes Section 99.848 has been removed and will not have a direct fiscal impact to this proposal.

House Amendment #2

Officials from the **Department of Public Safety - Missouri Highway Patrol** assume no fiscal impact from this proposal.

ASSUMPTION (continued)

Oversight assumes there are fewer than 500 Fire Protection Districts (FPD) within the State of Missouri. Each FPD has either 3 or 5 directors who serve as members of the board of directors for the FPD. The current filing fee for elections is \$10. This proposal would increase that fee to \$50. Each board member serves a 6 year term. The terms are staggered, so there is an election every 2 years. For this fiscal note, Oversight will assume each year, 1 members for each FPD with a \$40 increase in filing fees which would generate \$20,000 (1 x \$40 x 500) in revenue. Oversight assume this increase in filing fees would be a minimal fiscal impact to local political subdivisions.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
---	---------------------	---------	---------

LOCAL POLITICAL SUBDIVISIONS

<u>Revenue - FPD - filing fees collected by local FPD for elections (House Amendment 2)</u>	<u>Minimal</u>	<u>Minimal</u>	<u>Minimal</u>
---	----------------	----------------	----------------

ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>Minimal</u>	<u>Minimal</u>	<u>Minimal</u>
---	----------------	----------------	----------------

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

The bill adds development, review, and recommendation for action to be taken on community and regional time critical diagnosis plans to the list of items the regional EMS advisory committee must advise and make recommendations on. The bill requires the regional EMS medical director to serve as a member of the regional EMS committee. The bill requires the

FISCAL DESCRIPTION (continued)

regional EMS medical director to serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors must be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors must be elected to an initial four-year term. All subsequent terms following the initial terms will be four years.

The bill specifies that a licensed emergency medical technician, if acting in good faith and without gross negligence, must not be liable for transporting a person for whom an application for detention for evaluation and treatment has been filed or for physically or chemically restraining an at-risk behavioral health patient if the restraint is to ensure the safety of the patient or technician. If the Department of Health and Senior Services investigates a complaint against an ambulance services and emergency personnel licensee, the department, prior to interviewing the licensee, must explain to the licensee certain rights that are specified in the bill. The assertion of any of these rights must not be deemed by the department to be a failure to cooperate with any department investigation. The department must be authorized to impose a suspension or revocation as a disciplinary action only if it first files the requisite complaint with the Administrative Hearing Commission. The commission must not be permitted to grant summary decision in the instances if the licensee files an answer contesting the department's intended licensure action.

The bill requires each licensed hospital and nursing home to establish policies and procedures that require the hospital or facility to give advance notification to emergency medical services personnel prior to the transportation of any at-risk behavioral health patient. The bill allows a physician treating an at-risk behavioral patient in an emergency situation that reasonably believes the patient may cause imminent serious harm to himself, herself, or others unless the patient is immediately transported to another appropriate facility to place the patient on a temporary involuntary hold for a period of time necessary to effectuate the patient's transport. During the transport, the emergency medical services personnel may rely on the physician's hold order as a basis for implied consent to treat and transport the patient and the personnel must not be liable for any claims of negligence, false imprisonment, or invasion of privacy based on the temporary hold, treatment, or transport of the patient. The bill specifies that these provisions must not be construed to limit the patient's rights under the federal Mental Health Patient's Bill of Rights. This bill provides that a person who is qualified to serve as director of a fire protection district must be over the age of 24 and must be a resident and voter in the district for at least one year before election or appointment. Fees for filing nominations and declarations of candidacy shall be equal to the amount paid by a candidate for county office.

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 Public Safety
 Missouri Highway Patrol
Department of Economic Development
 Public Service Commission
Department of Insurance, Financial Institutions and Professional Registration
Department of Health and Senior Services
Office of Administration
 Administrative Hearing Commission
Department of Mental Health
St. Louis County
Callaway County Commission
City of Jefferson
City of Kansas City
Boone County Sheriff's Department
St. Louis County Justice Services
Columbia Police Department
Springfield Police Department
Jefferson City Police Department
Columbia/Boone County Department of Public Health and Human Services
Cole County Sheriff's Department
Harrison County Public Health Department and Hospice
City of Independence Health Department
Office of the Secretary of State
Joint Committee on Administrative Rules



Mickey Wilson, CPA
Director
April 7, 2016

Ross Strobe
Assistant Director
April 7, 2016