

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4084S.03P  
 Bill No.: Perfected SS No. 2 for SB 823  
 Subject: Children and Minors; Children's Division; Courts; Courts, Juvenile; Department of Elementary and Secondary Education; Department of Health And Senior Services; Department of Social Services; Social Workers  
 Type: Original  
 Date: March 30, 2022

Bill Summary: This proposal modifies provisions relating to child protection.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
General Revenue	(\$3,783,417)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$3,783,417)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

\* \$3,783,417 represents the Governors recommendation in HB 3011 (11.325) for the Families First Prevention Services Act (FFPSA) (§210.715) implementation in FY 2022. Oversight has decided to reflect the Governors recommendation the fiscal note (for FY 2023) and also to reflect an unknown amount of ongoing cost for the FFPSA in future years.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Federal Funds*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\* Income and expenses exceed \$22 million in FY 2023, with unknown ongoing income and expenses and net to \$0.

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Due to time constraints, **Oversight** was unable to receive some agency responses in a timely manner and performed limited analysis. Oversight has presented this fiscal note on the best current information that we have or on information regarding a similar bill(s). Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

SEQ CHAPTER \h \r 1

§§210.135; 210.140; 210.147; 210.715; 210.762; 211.081 - Child protection provisions

Officials from the **Department of Social Services (DSS)** state this legislation provides support to implement the federal legislation for Families First Prevention Services Act (FFPSA). There is a fiscal impact to the FFPSA legislation. A new decision item has been requested based on this fiscal impact. Unless Missouri implements certain components of the Family First Act, the state could lose federal funds. Implementation of these components will significantly reduce that impact. Additionally, the U.S. Centers for Medicare & Medicaid Services (CMS) released guidance in October 2021, allowing for a waiver which will reduce the loss of federal funding for a period of 2 years. Therefore, there is no fiscal impact to DSS.

**Oversight** notes the Governor's recommendation for DSS's the Family First Residential Cost new decision item (NDI) was \$25,902,505 (\$3,782,417 GR; \$22,119,088 Federal). Oversight does not have any information to the contrary. Therefore, Oversight will reflect the costs included in the Family First Residential Cost supplemental NDI for FY 2023 and "\$0 to (Unknown)" costs for ongoing (FY 2024 and beyond) expenses related to implantation.

Oversight notes the following description in DSS' supplemental NDI:

*"The Family First Prevention Services Act (FFPSA) was signed into law on February 9, 2018. The Act aims to prevent children from entering foster care by allowing federal reimbursement for mental health services, substance use treatment, and in-home parenting skill training to families and children who are at risk of entering the child welfare system. FFPSA, also, aims to ensure children already in foster care are placed in the least restrictive, most family-like setting appropriate to the child's specialized needs when foster care is needed, and incentivizes states to reinvest funds, currently used for residential care, into prevention funds."*

*"Family First significantly changes federal reimbursement for residential treatment. Families first reduced the ability to claim IV-E (which provides federal reimbursement for room and board costs for Title IV-E eligible children). This Act also reduces the amount of Medicaid that can be claimed on Residential Facilities. This act may cause many of the current residential providers to be qualified as an Institution for Mental Diseases (IMD). This removes the ability to claim Medicaid on Residential Treatment costs if child is placed in an IMD instead of a residential treatment provider."*

*“In addition, this Act creates the need for two additional provider types (Qualified Residential Treatment Program (QRTTP) and Psychiatric Residential Treatment Facility (PRTF)) and corresponding rates for these providers. Overall, this Act has a significant impact on the federal funding for Residential Treatment Placements. This increases the amount of state funding needed to support these programs and changes how these programs are administered.”*

In response to a previous version, officials from the **Office of State Courts Administrator (OSCA)** stated there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes OSCA will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the OSCA for fiscal note purposes. Oversight also assumes OSCA may seek additional appropriations if the proposal results in a significant increase in costs.

**SEQ CHAPTER 167 Article 1 Senate Amendment 1 - Provides for school contracted agents trained by a nurse to administer an epinephrine auto syringe**

§167.630

In response to similar legislation (SB 1170), officials from the **Department of Elementary and Secondary Education** assumed the proposal would have no fiscal impact on their organization.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

Responses regarding the proposed legislation as a whole

Officials from the **Department of Health and Senior Services**, the **Department of Mental Health** and the **Office of Administration - Administrative Hearing Commission** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to a previous version, officials from the **Department of Elementary and Secondary Education** and the **Hermann Area Hospital District**, each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other hospitals and school districts were requested to respond to this proposed

legislation but did not. A general listing of political subdivisions included in the Missouri Legislative Information System database is available upon request.

#### Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** notes 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 \$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, 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 its 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.



<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
	<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.

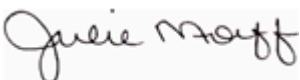
FISCAL DESCRIPTION

Information provided online by the [Office of the Administration for Children & Families, Children's Bureau](#), states the Family First Prevention Services Act (FFPSA), enacted as part of Public Law (P.L.) 115—123, authorized new **optional** title IV-E funding for time-limited prevention services for mental health, substance abuse, and in-home parent skill-based programs for children or youth who are candidates for foster care, pregnant or parenting youth in foster care, and the parents or kin caregivers of those children and youth. Although this legislation is not federally mandated, [DSS began implementing FFPSA in October 2021](#), and passage of this proposal would allow them to comply with the federal guidelines of the program.

This legislation would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Elementary and Secondary Education  
Department of Health and Senior Services  
Department of Mental Health  
Department of Social Services  
Joint Committee on Administrative Rules  
Office of Administration - Administrative Hearing Commission  
Office of the Secretary of State  
Office of the State Courts Administrator  
Hermann Area Hospital District



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March 30, 2022



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