

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 19** SLS 19RS 160
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: June 5, 2019 10:47 AM **Author:** BOUDREAUX
Dept./Agy.: LA State Board of Medical Examiners/Dept. of Public Safety **Analyst:** Zachary Rau
Subject: Background Checks for Certain Medical Professionals

HEALTH DEPARTMENT EN SEE FISC NOTE SD EX See Note Page 1 of 2
 Provides relative to criminal history record information obtained by the Louisiana State Board of Medical Examiners. (8/1/19)

Present law authorizes the LA State Board of Medical Examiners (LSBME) to regulate perfusionists, medical psychologists, genetic counselors, and polysomnographic technicians. Proposed law allows the LSBME to request state and federal criminal background checks for persons applying for a license, registration, certificate, or permit to practice in LA as one of the aforementioned practitioners. Proposed law provides that the LSBME obtain background check information from the LA Bureau of Criminal Identification and the Federal Bureau of Investigation (FBI). Proposed law requires applicants to submit fingerprints, permit the LSBME to obtain criminal history information, and pay all applicable fees and costs associated with obtaining criminal history information. Proposed law provides for confidentiality of criminal history information and provides for its release upon written consent of the applicant or court order. Proposed law adds references for proposed law to public records exception in present law associated with criminal history information confidentiality provisions of proposed law. Proposed law grants the LSBME rulemaking authority associated with implementing proposed law.

EXPENDITURES	2019-20	2020-21	2021-22	2022-23	2023-24	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	SEE BELOW					
Ded./Other	SEE BELOW					
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total						

REVENUES	2019-20	2020-21	2021-22	2022-23	2023-24	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	SEE BELOW					
Ded./Other	SEE BELOW					
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total						

EXPENDITURE EXPLANATION

Proposed law will increase SGR expenditures for the LA State Board of Medical Examiners (LSBME) and expenditures for the LA Bureau of Criminal Identification within the Dept. of Public Safety, Office of State Police (OSP) from the statutorily dedicated Criminal Identification and Information Fund by indeterminable, though likely marginal amounts. Expenditures associated with proposed law will be offset in full or in part by fees remitted by license applicants to both agencies performing the services required by proposed law.

Proposed law will result in a marginal increase of expenditures for the LSBME associated with collecting application materials and forwarding them to OSP. The proposed legislation requires the LSBME to perform state and federal criminal background checks on new applicants wishing to practice as perfusionists, medical psychologists, genetic counselors, and polysomnographic technicians in LA. The LSBME reports that it currently has a process in place to collect applicant information for background checks, including collecting fingerprints and necessary fees, for forwarding to OSP.

Additionally, proposed law will increase expenditures for OSP from the statutorily dedicated Criminal Identification and Information Fund to process state & federal background checks, including processing fingerprints, by an estimated \$38.33 per background check. The average per-check cost is derived from a three-year average from FY 16-18 of actual fund expenditures totaling approximately \$7.36 M annually and an average of 192,129 background checks performed annually. In addition, the fund has an average year-end balance of \$337,304 from FY 16-18.

The LSBME anticipates administrative costs, including materials and mailing, associated with collecting applicant information and forwarding it to OSP will be offset in full by an anticipated \$7 administrative fee. Furthermore, OSP expenditures performing state and federal background checks will be partially offset by a \$38 retainage per check (see Revenue Explanation).

Expenditures associated with proposed law will likely be marginal because there are a combined 731 currently-licensed providers of the types included in proposed law (genetic counselors - 0, perfusionists - 186, medical psychologists - 123, polysomnographers - 422). For reference, the LSBME estimates new licensees of the aforementioned types each year to comprise 10% or less of the existing licensee population, approximately 73 persons or fewer annually (731 licensees * 10%). To the extent 73 persons each year require background checks as a result of proposed law, OSP will realize an expenditure increase of approximately \$2,799 annually (73 applicants * \$38.33 per check). However, actual expenditures associated with proposed law indeterminable are associated with the actual number of license applicants each year, which is unknown.

REVENUE EXPLANATION

Proposed law will increase revenues for the statutorily dedicated Criminal Identification and Information Fund by an indeterminable, though likely marginal, amount in FY 20 and in subsequent FYs. The LA Bureau of Criminal Identification within the Dept. of Public Safety, Office of State Police (OSP) would administer the background checks for LSBME at a total cost of \$49.25. OSP retains \$38 (\$26 state background check, \$10 fingerprinting, \$2 from federal background check) for state and federal background checks that include fingerprinting, and remits the remaining \$11.25 to the federal government. **(See Revenue Explanation cont. on Pg. 2)**

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux
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Staff Director

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CONTINUED EXPLANATION from page one:

(Revenue Explanation cont. from Pg. 1)

Furthermore, the LSBME anticipates charging a \$7 administrative fee as allowed for in proposed law to offset costs associated with gathering information from applicants for forwarding to OSP, which would increase SGR collections for the board by an indeterminable, though likely marginal amount.

For reference, the LSBME reports a combined 731 currently-licensed providers of the types included in proposed law, with new applicants comprising 10% or less of the existing licensee population, or approximately 73 persons annually (731 licensees * 10%). To the extent new license applicants comprise 10% of the existing licensee population, the Criminal Identification and Information Fund would realize revenues totaling \$2,774 (\$38 * 73 applicants), while the LSBME would realize an SGR increase of \$511 (\$7 * 73 applicants). However, actual revenue increases associated with proposed law indeterminable are associated with the actual number of license applicants each year, which is unknown.

Senate Dual Referral Rules

13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

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6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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