

Revised based on amendments adopted through 4-9-08

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2008-09		FY 2009-10	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	(119,402)		(237,570)	
CASH FUNDS	66,101	77,000	55,949	120,400
FEDERAL FUNDS	(216,603)		(306,570)	
OTHER FUNDS				
TOTAL FUNDS	(269,904)	77,000	(488,191)	120,400

*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

This bill as amended contains the provisions of several bills. Those with a fiscal impact are described below:

LB 738 – Within 30 days of a report to the brain injury registry, this bill would require the Department of Health and Human Services to notify the person with the brain or head injury of the resources available in the Nebraska. The costs of providing this information must be paid from cash funds, gifts or grants. The bill prohibits General Funds from being used to pay for the cost of providing this information.

The Department of Health and Human Services would need an additional social service worker to compile and disseminate information to individuals with a brain injury. The costs would be \$56,101 in FY 09 and \$50,949 in FY 10. This funding would need to be from a cash fund source. If no funding is obtained, the costs would not be incurred.

LB 796 – This requires fingerprinting and criminal background checks for persons with unescorted access to radionuclides of concern. The bill increases the annual registration and inspection of X-ray radiation generating equipment used to diagnose conditions in humans or animals from \$75 per machine to a range between \$200 and \$500 per machine. The bill adds a new category of licensure for radiographer-computed tomography.

Implementation of the criminal background checks and fingerprinting does not have a fiscal impact for the state. The individual applying would be required get the fingerprinting done and obtain the criminal background check themselves.

The increased fees on X-ray equipment are estimated to generate \$42,000 a year. These funds can be used to offset \$42,000 in general funds. The additional fees would not be in place until FY 10.

It is estimated that there are 85 individuals who would be required to be licensed under the new radiographer-computed tomography category. The fee would be \$80, resulting in revenue of \$6,800. Increased costs to establish and implement this category of licensure will be small and additional funding authority is not needed at this time.

The University of Nebraska would incur increased costs for registration of equipment and for fingerprinting and background checks of employees. The additional costs for fingerprinting would be \$25,000 GF in FY 09. The increased costs for equipment registration would be \$14,000 (\$9,000 GF and \$5,000) FF in FY 10.

LB 906 – This bill changes laboratory certification and inspection fees from fees assessed for each individual type of laboratory (bacteriological, inorganic chemical, heavy metal, organic chemical, and radiochemical) to a standard fee for all laboratories. The certification fees would be set at an annual amount not to exceed \$1,800. For inspections the fee could not exceed \$3,000 annually.

This bill would generate \$20,000 in additional cash fund revenue in FY 09 and \$20,600 in FY 10. Currently the revenue from laboratory fees does not cover the cost of certification and inspection. This would allow the fees to be set at levels to cover the costs. Cash fees from other sources of revenue currently cover the shortfall from laboratory fees.

LB 847 -- This bill requires personal representatives of decedents, age 55 or older who resided in a nursing home, intermediate care facility for the mentally retarded or inpatient hospital, to notify the Department of Health and Human Services Finance and Support within 14 days of their appointment.

Currently the department obtains information on the death of an individual who may have had services paid for by the Medicaid Program through notices in the newspapers. Requiring this information from personal representatives would give the department better access to information that will allow for increased asset recovery. South Dakota has a similar requirement and has experienced an increase in recoveries as a result.

In FY 2004, nursing home expenditures were \$359.7 million with recoveries of \$1.1 million. This is a collection rate of .03%. Nationally, the rate is .08%. Assuming this information allows the state to achieve the same rate of recovery as the national average over time, savings of \$ 361,005 (\$144,402 GF and \$216,603 FF) are projected in FY 09. In FY 10, the recoveries are anticipated to increase to \$511,424 (\$204,570 GF and \$306,854 FF).

LB 1123 – As amended, the Behavioral Health Oversight Commission, currently under the jurisdiction of the legislature and set to sunset on June 30, 2008, is moved under the jurisdiction of the Department of Health and Human Services beginning July 1, 2008, with a sunset date of June 30, 2009. The number of members is reduced from 25 to 12. The Commission expenses are to be paid from the Health Care Cash Fund. The estimated expenditures are \$10,000 in FY 09.

LB 1121 – As amended, the Department of Health and Human Services is required to analyze options under federal law and make recommendations regarding the Medicaid buy-in for persons with disabilities. This will be done with existing agency resources.

LB 1120 – As amended, this bill requires tribes seeking to build a nursing facility to have a self-determination agreement in place with the federal Indian Health Service requiring all costs for residents of such facility to be paid from federal funds. There would be no impact on state funds.