

FISCAL ESTIMATE FORM

1999 Session

- ORIGINAL UPDATED
- CORRECTED SUPPLEMENTAL

LRB # -3553/4

INTRODUCTION # AB 481

Admin. Rule #

Subject

Access to Records

Fiscal Effect

State: No State Fiscal Effect SEE TEXT OF FISCAL ESTIMATE

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation Increase Existing Revenues
- Decrease Existing Appropriation Decrease Existing Revenues
- Create New Appropriation

Decrease Costs

Local: No local government costs

SEE TEXT OF FISCAL ESTIMATE

- 1. Increase Costs
 Permissive Mandatory
- 2. Decrease Costs
 Permissive Mandatory

- 3. Increase Revenues
 Permissive Mandatory
- 4. Decrease Revenues
 Permissive Mandatory

- 5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate:

This bill modifies rules relating to access to different types of personal records kept by the Department and county social service agencies (which are collectively referred to in this estimate as "agencies".) Overall, the bill has four provisions which affect Department and county activities.

The first provision affects the discretion that agencies have to disclose records pertaining to a child in their care or custody. Current law requires public agencies to keep these records private, with certain exceptions. One of those exceptions *permits* an agency to release records to the child's parent, guardian or legal custodian unless it determines disclosure would result in imminent danger to anyone. This bill *requires* agencies to release records to the child's parent, guardian or legal custodian upon their request. The bill also specifies that if the agency wishes to deny disclosure based on imminent danger, it must first obtain a court order. The court would prohibit disclosure if, based on a hearing and examination of the record, it determines that inspection by the parent, guardian or legal custodian would result in imminent danger.

Since the provision would require agency staff to prepare a formal court petition in order to effectuate a denial of a records request based on imminent danger, it would increase the amount of agency staff time relating to such denials. Thus, the provision would increase costs for the Department and county social services agencies in proportion to the number of disclosure requests they seek to deny based on imminent danger. The precise amount costs would increase under the provision, however, cannot be determined.

The second provision broadens the right of a parent, guardian or person in place of a parent of a developmentally disabled minor to access the minor's court or treatment records for mental illness, developmental disability, alcoholism or drug dependence. Under current law, these individuals have access to the minor's records unless the minor is 14 years of age or older and files a written objection. Under the bill, they would have access to the records at all times, regardless of whether the minor objects. In addition, the bill allows a person in the place of a minor's parent access to the minor's records in all cases, regardless of whether the minor is developmentally disabled.

Since the conditions under which individuals may view a minor's treatment record are broadened under this provision, it may result in an increased number of requests for access to these records. However, considering the low cost of granting access to the records, the provision will have only a minimal fiscal effect on the Department or counties

Long-Range Fiscal Implications:

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Date

09/20/99

The third provision clarifies who may provide informed consent to view a patient's health care records. The provision specifies that informed consent for inspection and receipt of a patient's health care record may be that of the patient or of a person authorized by the patient. Because the provision clarifies what is current practice, it will have no fiscal effect on the Department or counties.

The fourth provision relates to access to the test results of minors who have undergone testing for the presence of HIV. Under current law, the HIV test results of a minor under the age of 14, in the absence of the minor's informed consent, may be disclosed only to the minor's parent or guardian. This provision specifies that a person in the place of the parent or guardian may also access those test results without the minor's informed consent. In addition, the provision expands the range of minors who are subject to the rule from those under age 14 to those under age 18.

Out of fear the results will be disclosed to their parents or guardians, some minors may be less likely to seek HIV testing under the provision. Consequently, those who are HIV positive may not receive appropriate treatment. This may eventually result in higher medical costs for the Department and counties to the extent these individuals qualify for government medical programs. The precise fiscal impact, however, cannot be determined.

FISCAL ESTIMATE WORKSHEET

Detailed Estimate of Annual Fiscal Effect

1999 Session

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB # - 3553/4

Admin. Rule #

INTRODUCTION # AB 481

Subject

Access to Records

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

| II. Annualized Costs: | Annualized Fiscal impact on State funds from: | |
|---|---|-----------------------|
| | Increased Costs | Decreased Costs |
| A. State Costs by Category | | |
| State Operations - Salaries and Fringes | \$ | \$ - |
| (FTE Position Changes) | (FTE) | (- FTE) |
| State Operations - Other Costs | | - |
| Local Assistance | | - |
| Aids to Individuals or Organizations | | - |
| TOTAL State Costs by Category | \$ | \$ - |
| B. State Costs by Source of Funds | | |
| GPR | \$ | \$ - |
| FED | | - |
| PRO/PRS | | - |
| SEG/SEG-S | | - |
| State Revenues Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.) | Increased Rev. | Decreased Rev. |
| GPR Taxes | \$ | \$ - |
| GPR Earned | | - |
| FED | | - |
| PRO/PRS | | - |
| SEG/SEG-S | | - |
| TOTAL State Revenues | \$ | \$ - |

NET ANNUALIZED FISCAL IMPACT

| | STATE | LOCAL |
|------------------------|-------------|-------------|
| NET CHANGE IN COSTS | \$ SEE TEXT | \$ SEE TEXT |
| NET CHANGE IN REVENUES | \$ | \$ |

| | | |
|--------------------------------------|--|----------|
| Prepared By: / Phone # / Agency Name | Authorized Signature/Telephone No. | Date |
| DHFS/OSF Jason Witt, 266-9364 | <i>John Kiesow</i> John Kiesow, Exec. Asst., 266-0667 | 09/20/99 |