

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Department of Health and Senior Services
Division Title: Division of Regulation and Licensure
Chapter Title: 19 CSR 30-91.010 Authorized Electronic Monitoring in Long Term Care Facilities**

Rule Number and Title:	19 CSR 30-91.010 Authorized Electronic Monitoring in Long Term Care Facilities
Type of Rulemaking:	Emergency Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
505	Intermediate Care Facilities and Skilled Nursing Facilities	\$861,403.95
636	Residential Care Facilities and Assisted Living Facilities	\$434,839.50
	TOTAL COSTS =	\$1,296,243.40

III. WORKSHEET

Designated facility staff person on private entities

Median wages were used to calculate the average pay per hour for a designated facility staff person:

Manager/Administrator: \$47.26 per hour
 Licensed Practical Nurse (LPN): \$22.23 per hour
 Registered Nurse (RN): \$35.24 per hour.
 Social Services “designee”: \$23.07 per hour
 = $\$47.26 + \$22.23 + \$35.24 + \$23.07/4 = \$31.95$ per hour.

505 private ICFs and SNFs with a combined total of 53,922 licensed beds/2= 26,961 licensed beds/residents who will utilize electronic monitoring devices.

636 private RCFs and ALFs with a combined total of 27,220 licensed beds/2= 13,610 licensed beds/residents who will utilize electronic monitoring devices.

Costs of a designed facility staff person on private ICF/SNFs

One (1) facility staff person @\$31.95 per hour for one (1) hour x 26,961 residents = \$861,403.95

Costs of a designed facility staff person on private RCF/ALFs

One (1) facility staff person @\$31.95 per hour for one (1) hour x 13,610 residents = \$434,839.50

Total for costs for private (RCF/ALF/ICF/SNF) entities to designate a staff person for oversight/management to ensure appropriate placement of an electronic monitoring device and to ensure the required prescribed form is properly completed, signed, and placed in the resident's medical record: \$861,403.95+ \$434,839.50= \$1,296,243.40.

IV. ASSUMPTIONS

At least one (1) designated facility staff person will be needed for oversight/management to ensure appropriate placement of an electronic monitoring device and to ensure the required prescribed form is properly completed, signed, and placed in the resident's medical record. The department assumes the facility may designate a manager/administrator, a licensed nurse, or a social services "designee" to complete this task. Furthermore, the department assumes it will take this designated staff person at least one (1) hour to review the prescribed form for completeness, file the form in the resident's medical record, and then determine appropriate placement of the electronic monitoring device.

The department is estimating during the emergency rule period between September 3 2020 to March 1, 2021 the number of residents or the resident's guardian or legal representative requesting to place an electronic monitoring device in the resident's room and the number of required forms needing to be completed will initially be high. It is estimated at least fifty percent (50%) of residents will need to have the required form completed to install an electronic monitoring device. This number is initially high because those families currently utilizing electronic monitoring devices will need to complete forms to come into compliance with the law and regulation. Additionally, this number is high because the Department has received an overwhelming response from families asking questions about this new law and expressing a desire to place electronic monitoring devices into their loved ones' rooms. Finally, as residents move in and out of facilities, move rooms and roommates change, then forms will have to be completed based on the situation.

There are 505 private ICFs and SNFs with a combined total of 53,922 licensed beds. The department estimates at least 50% of residents, or the residents' guardians or legal representatives will request to place and use an electronic monitoring device in the residents' rooms which would be 26,961 licensed beds/residents.

There are 636 private RCFs and ALFs with a combined total of 27,220 licensed beds. The department estimates at least 50% of residents, or the residents' guardians or legal representatives will request to place and use an electronic monitoring device in the residents' rooms which would be 13,610 licensed beds/residents.

This fiscal note does not include costs a facility may incur as a result of proper placement of a residents electronic monitoring device because section 198.622, RSMo requires that the resident or the resident's guardian or legal representative is responsible to pay for all costs associated with conducting electronic monitoring, except for the costs of electricity.

The Department is also not including the costs of the facility to ensure all staff are knowledgeable of the applicable laws as this can be completed during in-service trainings already occurring or through other methods of training the facilities already utilize with their employees.

The Department is not including costs for the facility staff to help control (turn off and on) the electronic monitoring devices as indicated by the resident and any of the resident's roommates on their respective electronic monitoring forms. Any assistance that staff may provide to help control (turn off and on) the electronic monitoring devices will be part of the care already being given to the residents and roommates for activities of daily living. For example, a certified nurse assistant may turn off the electronic monitoring device before dressing a resident who has an electronic monitoring device pointed towards the resident because the resident checked the box on the resident's electronic monitoring device form electing to have the electronic monitoring device turned off when dressing.

Finally, the Department is not including costs to the facilities to post electronic monitoring notices as these notices can be done on paper that the facilities already have at their disposal.