

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 648 (Senator Bromwell, *et al.*)
Economic and Environmental Affairs

Health Occupations - Penalties

This bill increases the penalties for violating specified current law provisions relating to: (1) acupuncturists; (2) audiologists, hearing-aid dispensers, and speech language pathologists; (3) chiropractors; (4) dentists; (5) electrologists; (6) nurses; (7) optometrists; (8) pharmacists; (9) physical therapists; (10) physicians; (11) podiatrists; and (12) psychologists.

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues and increase in expenditures beginning in FY 1998.

Local Effect: Potential indeterminate increase in revenues and expenditures.

Small Business Effect: Potential minimal effect on small businesses as discussed below.

Fiscal Analysis

State Revenues: In 1996, seven charges were filed in District Court for the code violations specified in this bill. To the extent that the number of jury trials increases as a result of this bill and fewer cases are heard in District Court, general fund revenues could decrease depending on the number of trials that are moved to circuit courts. Any decrease, however, is expected to be minimal.

State Expenditures: General fund expenditures could increase as a result of the bill's increased incarceration penalties due to individuals being committed to a Division of Correction (DOC) facility for longer periods of time and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed.

Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal

1998 the average monthly cost per inmate is estimated at \$1,500.

Persons serving a sentence of one year or less are sentenced to a local detention facility. The State reimburses counties for part of their per diem rate after a person has served 90 days. State per diem reimbursements for fiscal 1998 are estimated to range from \$12 to \$42 per inmate depending upon the jurisdiction. Persons sentenced in Baltimore City are incarcerated in the Baltimore City Detention Center (BCDC), a State operated facility. The per diem cost for fiscal 1998 is estimated at \$43 per inmate.

Local Revenues: Revenues would increase under the bill's monetary penalty provisions for those cases heard in the circuit courts, depending upon the increased number of convictions and fines imposed.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalties depending upon the increased number of convictions and sentences imposed. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$23 to \$83 per inmate in fiscal 1998.

Small Business Effect: Increasing the penalty provisions will increase the cost to the small business health care provider convicted of the violation. However, it is assumed that the number of convictions relative to the number of individuals licensed to practice their health occupation is small for all the health occupations. Therefore, the impact on small businesses is minimal.

Information Source(s): Department of Health and Mental Hygiene (Boards and Commissions, Board of Nursing, Board of Physician Quality Assurance); Department of Public Safety and Correctional Services (Division of Correction); Judiciary (District Court); Department of Fiscal Services

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