

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3711-02
Bill No.: HB 1472
Subject: Abortion; Health Care; Health Care Professionals; Hospitals; Physicians
Type: #Corrected
Date: March 5, 2008
to correct spelling

Bill Summary: #This legislation requires an obstetric ultrasound to be conducted prior to the 24-hour waiting period for an abortion.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Attorney General (AGO)** state that implementing the proposed legislation would not directly affect the AGO. However, AGO assumes that because this proposal has the potential to be the subject of state and federal litigation, potential costs are unknown.

Oversight assumes, because the potential for litigation is speculative, that the AGO will not incur significant costs related to this proposal. If a fiscal impact were to result, the AGO may request additional funding through the appropriations process.

Officials from the **Department of Social Services** assume in accordance with Public Law 105-798 (1997) relating to abortions, Medicaid payment is only available for abortions performed when the life of the woman would be endangered if the fetus were carried to term or that the pregnancy is the result of an act of rape or incest.

The United States District Court case of the Department of Social Services vs. the Secretary of Health and Human Services states "if the State of Missouri chooses to accept federal funds pursuant to Title XIX, it must provide funding for abortions terminating pregnancies resulting from rape and incest as well as those necessary to save the life of the pregnant woman".

In fiscal year 2007, the MO HealthNet Division (MHD) reimbursed for one abortion. It is standard procedure to provide an ultrasound prior to an abortion. Therefore, there will be no fiscal impact to MHD as a result of this legislation.

Officials from the **Department of Health and Senior Services** state based on the information received from the Bureau of Health Informatics (BHI) for 2006, there were nine facilities reporting that an abortion had been performed. All facilities are required to report abortions, including clinics and private physician practices. Abortions by any means/method are required to be reported.

Bureau of Health Services Regulation (HSR) staff estimate that a facility review for the enforcement of this proposal would require a one-day inspection. HSR believes this additional workload could be absorbed without the need for any additional staff. According to information from BHI, there were five hospitals and four clinics that reported having performed an abortion in 2006. It is assumed that the number of reporting facilities would not change dramatically with the passage of this proposal. If the above assumptions were to prove incorrect, additional staff and the related costs would be requested at that time.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

It is possible that small businesses that fail to comply with sections 188.027 and 188.039 may face civil malpractice actions, professional disciplinary actions or wrongful death suits.

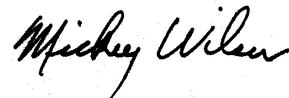
FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Attorney General
Department of Health and Senior Services
Department of Social Services



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Director
March 5, 2008