

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5020-01
Bill No.: HB 1430
Subject: Health Care Professionals; Health Care; Medical Procedures and Personnel;
Hospitals; Abortion
Type: Original
Date: January 24, 2014

Bill Summary: This proposal specifies that anyone providing medical services cannot be required to perform or participate in activities that violate his or her conscience or principles.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
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 2015	FY 2016	FY 2017
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration (OA) - Division of General Services (GS)** state:

191.1153.3 - Discrimination against a medical professional

If a state employee discriminates against any medical professional under this section, then there would be a potential cost to the Legal Expense Fund.

191.1153.4 - Discrimination for certain actions against a professional

If a professional is refused board certification, receives a demotion, experiences a loss of career specialty, a reduction of wages or benefits, receives a refusal to be awarded any grant, contract or other program, is refused residency training opportunities, or receives any other penalty, disciplinary, or retaliatory action because the medical professional refuses to participate in a specified medical procedure or research, then there is a potential cost to the State Legal Expense Fund.

191.1156.4 - Discrimination as a result of the denial of assistance

If a state employee denies any form of aid, assistance, grants, or benefits and discriminates against any person, association, corporation, or other entity attempting to establish a new health care institution or operating an existing health care institution because the existing or proposed health care institution declines to participate in medical services contrary to the health care institution's conscience, then there is a potential cost to the State Legal Expense Fund.

191.1165.2 - Commencement of civil actions

If a state employee is in violation of the above, then civil action may be pursued and the aggrieved party shall be entitled to recover threefold the actual damages, including pain and suffering and reasonable attorney fees. Recovery will not be less than \$5,000 for each violation in addition to costs of action and reasonable attorney fees.

GS officials assume the proposal would result in unknown costs to the General Revenue/State Legal Expense Fund.

Oversight assumes the potential for civil action to be speculative and absorbable within current funding levels of the General Revenue/State Legal Expense Fund. However, if additional resources are needed, the OA-GS may request additional funding through the appropriations process.

ASSUMPTION (continued)

Officials from the **University of Missouri (University)** state no fiscal impact for this proposal can be calculated at this time. No instance in which the University has taken actions that would violate the terms of this legislation as presently drafted are known. However, creating a cause of action for health care providers that does not presently exist could expose the University to defense and liability costs in the event that a health care worker brings an action against the University or its officials under the statute. However, it is not possible to determine the likelihood of such actions or the amount of such defense or potential liability costs at this time.

Oversight assumes potential litigation to be speculative. Oversight assumes the proposal will have no fiscal impact on the University.

Officials from the **Department of Social Services (DSS) - MO HealthNet Division (MHD)** state that in the provider participation section of the fee-for-service provider manuals, a MO HealthNet provider must comply with all laws, policies, and regulation of Missouri and the federal government. It further states that a provider must also comply with the standards and ethics of his or her business or profession to qualify as a participant in the program.

The Managed Care contracts include language which prohibits the health plan from requiring a provider to perform a services contrary to the provider's conscience and allows the provider to make a referral to another health care provider licensed to provide the appropriate care. Therefore, the provisions of this proposal will have no fiscal impact on the MHD.

Officials from the **Department of Mental Health (DMH)** state "specified medical procedures or research" is defined as: abortion, abortion-inducing drugs, contraception, sterilization which is not medically necessary, assisted reproduction, human cloning, human embryonic stem-cell research, human somatic cell nuclear transfer, fetal tissue research, and non-therapeutic fetal experimentation. Since the DMH does not participate in such specified medical procedures or research, there should not be a fiscal impact for the department.

Officials from the **OA - Commissioner's Office** state the proposal will have no impact on the Alternatives-to-Abortion Program.

Officials from the **Department of Public Safety - Missouri State Highway Patrol** defer to the Missouri Department of Transportation Employee Benefits Section for response on behalf of the Highway Patrol. Please see their fiscal note for the potential fiscal impact of this proposal.

ASSUMPTION (continued)

Officials from the **Office of State Courts Administrator**, the **Department of Higher Education**, the **Department of Insurance, Financial Institutions and Professional Registration**, the **Department of Health and Senior Services**, the **Department of Labor and Industrial Relations**, the **Missouri Department of Transportation**, the **Missouri Consolidated Health Care Plan**, the **Missouri Department of Conservation** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Office of Attorney General** and the **Office of Prosecution Services** did not respond to **Oversight's** request for a statement of fiscal impact.

Officials from the at the following **health departments**: Audrain County Health Unit, Boone County Dept of Public Health and Human Services, Cass County Health Department, Harrison County Health Department, Henry County Health Center, Jefferson County Health Department, Linn County Health Department, Madison County Health Department, McDonald County Health Department, Miller County Health Center, Morgan County Health Center, Nodaway County Health Center, Platte County Health Department, Randolph County Health Department, Reynolds County Health Center, Ripley County Health Center, Shelby County Health Department, St Francois County Health Center and the Tri-County Health Department did not respond to **Oversight's** request for fiscal impact.

Officials from the following **hospitals**: Barton County Memorial Hospital, Bates County Memorial Hospital, Cedar County Memorial Hospital, Cooper County Hospital, Excelsior Springs Medical Center, Putnam County Memorial Hospital, and Washington County Memorial Hospital did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

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

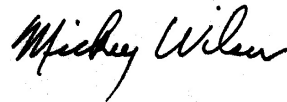
SOURCES OF INFORMATION

Office of Administration -
 Commissioner's Office
 General Services
Office of State Courts Administrator
Department of Higher Education
Department of Insurance, Financial Institutions and Professional Registration
Department of Mental Health
Department of Health and Senior Services
Department of Labor and Industrial Relations
Department of Social Services
Missouri Department of Transportation
Department of Public Safety -
 Missouri State Highway Patrol
Missouri Consolidated Health Care Plan
Missouri Department of Conservation
University of Missouri

SOURCES OF INFORMATION (continued)

Not Responding:

Office of Attorney General
Office of Prosecution Services

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
January 24, 2014

Ross Strobe
Assistant Director
January 24, 2014