

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5887-02
Bill No.: HCS for HB 1846
Subject: Abortion; Department of Social Services; Health Care Professionals; Health Department
Type: Original
Date: April 17, 2014

Bill Summary: This proposal changes the laws regarding the enforcement of abortion laws.

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 6 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 **Department of Corrections (DOC)** state the penalty provisions for violations, the component of the bill to have a potential fiscal impact for DOC, is for up to a class D felony. Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase of direct offender costs either through incarceration (FY 13 average of \$18.014 per offender, per day, or an annual cost of \$6,575 per inmate) or through supervision provided by the Board of Probation and Prol (FY 13 average of \$5.07 per offender, per day, or an annual cost of \$1,851 per offender).

DOC assumes the narrow scope of the crime will not encompass a large number of offenders. The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence and the probability exists that offenders would be charged with a similar, but more serious offense, or that sentences may run concurrent to one another.

The DOC assumes supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for indigent clients faced with the enhanced penalties for knowingly performing, inducing, or aiding in the performance or inducing of any abortion or knowingly failing to perform an action required by sections 188.010 to 188.085 shall be guilty of a new class D felony.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal will have no measurable fiscal impact on the OPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

ASSUMPTION (continued)

Oversight assumes the potential responsibilities imposed on county prosecutors as a result of this proposal, will be absorbable within current funding and staffing levels.

Officials from the **Department of Social Services (DSS) - Children's Division (CD)** state section 188.023 requires a licensed health care professional who delivers a baby or performs an abortion, to make a report to the child abuse and neglect hotline as provided in section 210.115, if he/or she has prima facie evidence that the patient has been the victim of statutory rape in the first or second degree, or if the patient is under eighteen, that the patient has been the victim of sexual abuse, rape in the first or second degree, or incest. A record of the date and time such report was made, the person who made such report, and the entity or entities which such report was made, together with any identification number or numbers provided by the entity or entities receiving the report, shall be made part of the patient's permanent medical record.

The CD's policy would need to be changed to accommodate this new provision. Presently, the CD provides written notification to the mandated reporter making the initial report to the Child Abuse and Neglect Hotline of the conclusion of the investigation. This proposal appears to require the CD to provide the mandated reporter with the identification number or numbers of the report for the provider to maintain as part of the patient's medical record.

The Children's Division will not anticipate a fiscal impact as a result of this section, but would anticipate a limited programmatic impact. No other sections of the proposal impact the CD.

Officials from the **DSS - MO HealthNet Division (MHD)** state MO HealthNet bases hospital reimbursement for a given year on the fourth prior year cost report. Assuming this proposal would not become effective until August 28, 2014, any additional cost would begin to be reflected in 2014 cost reports. MHD would use 2014 cost reports to establish reimbursement for FY18. Therefore, there would not be a fiscal impact to the MHD for FY15, FY16, and FY17, but starting FY18 there could be additional costs, but the amount is unknown.

Officials from the **Department of Health and Senior Services (DHSS)** state there is currently one licensed ambulatory surgical center operated as an abortion facility in the State of Missouri. The requirements of the proposed legislation are not significantly different from current operations. Therefore, the Division of Regulation and Licensure is assuming no fiscal impact.

Officials **Office of State Courts Administrator**, the **Department of Insurance, Financial Institutions and Professional Registration**, and **St. Louis County** each assume the proposal would not fiscally impact their respective agencies.

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

ASSUMPTION (continued)

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

The proposal may have a minimal administrative impact on small business health care providers as certain information relating to the reporting of child abuse or neglect will have to be included in the patient's medical records.

FISCAL DESCRIPTION

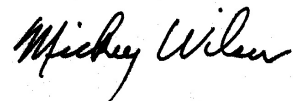
The proposed legislation appears to have no direct fiscal impact.

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

Department of Corrections
Department of Insurance, Financial Institutions and Professional Registration
Department of Social Services
Office of State Courts Administrator
Office of Prosecution Services
Office of the State Public Defender
St. Louis County

Not Responding:
Office of Attorney General



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April 17, 2014

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