

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3855-03
Bill No.: SB 943
Subject: Abortion; Children and Minors; Health Care; Health Care Professionals; Medical Procedures and personnel; Pharmacy; Auditor, State
Type: Original
Date: April 18, 2006

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
General Revenue*	(Unknown) to Unknown	(Unknown) to Unknown	(Unknown) to Unknown
Total Estimated Net Effect on General Revenue Fund	(UNKNOWN) TO UNKNOWN	(UNKNOWN) TO UNKNOWN	(UNKNOWN) TO UNKNOWN

*Approximately \$5,000,000 of costs are subject to appropriations

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 9 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Social Services** and **Department of Elementary and Secondary Education** assume the programs will have no direct fiscal impact on their organizations.

Officials from the **Department of Economic Development - Division of Professional Registration (DED-PR)** state having reviewed the proposed legislation and having sought the conclusion of the appropriate board(s), they are of the opinion the proposal, in its present form, will have no fiscal impact on the DED-PR.

Officials from the **Office of Attorney General (AGO)** assume, with regard to the creation of the “Compassionate Assistance for Rape Emergencies (CARE) Act”, the “Birth Control Protection Act”, and a family planning program, the proposal will have no fiscal impact on their organization.

However, the AGO assumes the provisions relating to an AGO review of school curriculum on human sexuality will create a fiscal impact. The AGO assumes it would require 0.5 FTE Assistant Attorney General (AAG) I to determine it is not in statutory compliance as required by

ASSUMPTION (continued)

this provision.

The AGO further assumes that provisions allowing disciplinary action against some pharmacists will also create a fiscal impact. The AGO assumes it would require 0.5 AAG I for these additional cases.

Therefore, the AGO assumes this proposal would require one (1) FTE AAG I and related supplies and equipment.

AGO further states because it is responsible for defending such legislation in constitutionality claims, AGO assumes cost are unknown, but under \$100,000.

Oversight assumes, because the potential for litigation is speculative, the AGO may or may not incur costs related to this proposal. Oversight assumes if a fiscal impact were to result, the AGO may request funds to through the appropriations process. Oversight will present costs for one FTE.

Officials from the **State Auditor's Office (SAO)** state the fiscal impact can not be determined. The number of audit requests is unknown and the resources necessary to perform this type of audit is unknown. SAO states it is not equipped or staffed to evaluate school curriculum. SAO states obtaining this type of expertise would require either using an outside source or hiring new staff.

Officials from the **Department of Health and Senior Services (DOH)** stated the following:

Educational materials costs

DOH stated the fiscal impact for educational materials was calculated based upon an estimate provided by OA State Printing for 10,000 tri-fold, double-sided brochures printed on 60 lb paper with two ink colors. Requesting 10,000 brochures would allow each of the 157 hospitals in Missouri to receive 63 brochures to disseminate in fiscal year 2007. In 2003, there were 1,394 reported forcible rapes and 125 attempted rapes in Missouri according to Uniform Crime Reporting data. If the number of rapes is divided by the number of hospitals, each facility would have used 9 brochures. However, it should be noted that not all rapes are reported, and in fact, it is an unknown variable. The brochure could be accessible on the DOH website. Postage costs were calculated by multiplying 157 packets of brochures by \$3.00 postage charge for each.

Complaints - Denials of Care by Health Facilities

DOH states according to the U.S. Department of Justice, Bureau of Justice Statistics, there were

ASSUMPTION (continued)

1,465 forcible rapes committed in the state of Missouri during 2002. The Section for Health Standards and Licensure believes any regulatory changes, complaint investigations or additional inspection activities related to hospital and health care facility compliance with the bill's sexual assault provisions will be minimal and can be accomplished with existing staff.

The amount of revenue that would be generated from the imposition of fines authorized by the bill is indeterminate.

Missouri women's health services program

Subject to appropriations, DOH would be responsible for implementing a Missouri family planning program across the state by July 2007. The proposed legislation calls for five million dollars of initial funding for the program, which would allow DOH to establish 80-100 contracts statewide on July 1, 2007 to provide women's health services. This proposal would provide preventative care to uninsured women and thus decrease the number of interventions necessary to ameliorate conditions such as HIV, breast cancer, unintended pregnancy, smoking and drug use during pregnancy, late entry into prenatal care, and domestic violence. DOH assumes that these services would only be available to women who have no other payment source for these interventions.

DOH states based on a 1996 study done by the Family Planning Councils of America Inc. on the cost of providing reproductive health services, the cost per unit of service is estimated at \$202 for fiscal year 2008, based upon applying an inflationary factor. DOH states 24,175 women could be served in fiscal year 2008 based on this number.

DOH assumes additional staff would be needed. A Consultant Community Health Nurse (1.00 FTE) would serve as the Program Manager and technical consultant for family planning services, would be responsible for the planning, implementation, contract management, training, technical assistance, contract monitoring, quality assurance, evaluation, and administrative and fiscal management of the statewide family planning program. A Health Program Representative II (1.00 FTE) would support the Program Manager by assisting in the planning, implementation, processing contract information, coordinating meetings, contract monitoring, training and information. Beginning in fiscal year 2008, two Community Health Nurse III would be necessary for the implementation of the contracts. They would provide technical assistance to assure adherence to best practices and consistency in the administration of the program. The first year would require on-site monitoring of all contracts. A Senior Office Support Assistant (1.00 FTE) would provide clerical support for the planning, implementation and evaluation of the program, enter program data, and assist in maintaining related databases for the Program Manager and the

ASSUMPTION (continued)

Health Program Representative II. Standard Expense and Equipment costs would apply to these FTE.

Oversight has, for fiscal note purposes only, changed the starting salary for the DOH positions to correspond to the first step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees for a six month period and the policy of the Oversight Subcommittee of the Joint Committee on Legislative Research.

Officials from the **Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the proposal. SOS is provided with core funding to handle a certain amount of normal activity resulting from each years legislative session. The fiscal impact for Administrative Rules is less than \$1,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
GENERAL REVENUE			
<u>Revenues - Department of Health and Senior Services</u>			
Fines	Unknown	Unknown	Unknown
<u>Costs - Office of Attorney General</u>			
Personal services (1 FTE)	(\$27,760)	(\$34,145)	(\$34,999)
Fringe benefits	(\$12,231)	(\$15,044)	(\$15,421)
Equipment and expense	<u>(\$17,606)</u>	<u>(\$12,052)</u>	<u>(\$12,412)</u>
Total <u>Costs</u> - Office of Attorney General	(\$57,597)	(\$61,241)	(\$62,832)
<u>Costs - State Auditor's Office</u>			
Audit costs	(Unknown)	(Unknown)	(Unknown)
<u>Costs - Department of Health and Senior Services</u>			
Personal Service (5 FTE)	(\$85,082)	(\$186,099)	(\$190,751)
Fringe benefits	(\$37,487)	(\$81,995)	(\$84,045)
Expense and equipment	(\$24,204)	(\$52,847)	(\$38,772)
Contract costs*	\$0	<u>(\$4,648,291)</u>	<u>(\$4,656,048)</u>
Total <u>Costs</u> - Department of Health and Senior Services	(\$146,773)	(\$4,969,232)	(\$4,959,616)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(UNKNOWN)</u> <u>TO</u> <u>UNKNOWN</u>	<u>(UNKNOWN)</u> <u>TO</u> <u>UNKNOWN</u>	<u>(UNKNOWN)</u> <u>TO</u> <u>UNKNOWN</u>

*Subject to appropriations

<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<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.

DESCRIPTION

This proposal relates to prevention programs to reduce abortions.

SEXUAL EDUCATION

This section modifies the sexual education provisions to include that any individual may request the state auditor to investigate a local school district's curriculum on human sexuality. Should any deficiencies in the school district's curriculum be found and not corrected to the satisfaction of the State Auditor and Attorney General, the school district shall be considered as having a negative result for purposes of meeting the objectives of any school improvement plan of the district. (SECTION 170.015).

COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

This proposal provides that hospitals and health care facilities are required to do the following:

- provide each sexual assault victim with medically and factually accurate information about emergency contraception;
- orally inform each victim that emergency contraception may be provided at the hospital; and
- provide the complete regimen of emergency contraception immediately to the victim who requests it.

Hospitals and health care facilities must ensure that they provide their employees with medically and factually accurate information about emergency contraception. The department shall develop, prepare, and produce informational materials relating to emergency contraception to hospitals and health care facilities. The informational materials must be medically and factually accurate, clearly written, and explain the nature of emergency contraception.

The department shall respond to complaints and shall periodically determine whether hospitals and health care facilities are in compliance. If a hospital or a health care facility is not in

DESCRIPTION

compliance, then the department shall impose an administrative penalty of \$5,000/per woman who is denied information or emergency contraception and a fine of \$5,000 for failure to comply with the provisions of this act. For every 30 days that a hospital or health care facility is not in compliance, an additional administrative penalty of \$5,000 shall be imposed (SECTIONS 191.717 and 191.718).

BIRTH CONTROL PROTECTION

This proposal provides that consenting individuals have a protected interest from unreasonable governmental intrusions into their private lives in regards to obtaining and using safe and effective methods of contraception. This proposal also provides that the laws of this state will be interpreted to recognize these protected rights.

This proposal also prohibits governmental actors or entities from interfering in a consenting individual's right to the benefits, facilities, services, or information concerning safe methods of contraception. This act also prohibits any laws, rules, ordinances, taxes, or regulations that are implemented to promote public health and safety from unreasonably hindering the public's access to contraceptives (SECTION 191.720).

WOMEN'S HEALTH SERVICES PROGRAM

This proposal establishes the Women's Health Services Program. Subject to appropriation, the program shall be implemented by the Department of Health and Senior Services by July 1, 2007, and shall be initially funded with five million dollars. The goal of the program is to reduce the number of unintended pregnancies in Missouri by providing women's health services through qualified health providers, as determined by the department (SECTION 192.970).

PATIENT PROTECTION

This proposal provides that every licensed pharmacy owes a duty to properly fill the valid and lawful prescriptions of customers. Under this act, every licensed pharmacy shall require employees and prospective employees to notify in writing of categories or types of prescriptions that he or she would decline to fill due to sincerely held religious beliefs.

The licensed pharmacy may attempt to accommodate the employee's beliefs so long as such accommodation can be made without causing undue hardship to the pharmacy or its clients.

The licensed pharmacy has a duty to ensure that each customer is not subjected to humiliation, breaches of confidentiality or pressure to fill or not fill a prescription, regardless of whether an accommodation was implemented. Violation of these duties shall subject the licensed pharmacy to disciplinary action from the Board of Pharmacy (SECTION 338.012).

DESCRIPTION (continued)

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 Attorney General
Department of Economic Development -
Division of Professional Registration
Department of Elementary and Secondary Education
Department of Social Services
State Auditor's Office
Department of Health and Senior Services
Secretary of State



Mickey Wilson, CPA
Director
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