

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1770-02
Bill No.: SB 408
Subject: Abortion; Health Care Professionals; Department of Health and Senior Services;
 Medical Procedures and Personnel
Type: Original
Date: April 10, 2017

Bill Summary: This proposal requires the use of a fetal heartbeat detection test prior to an abortion and prohibits and abortion if a fetal heartbeat is heard.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Federal	\$0 to (\$4,875,000,000)	\$0 to (\$6,500,000,000)	\$0 to (\$6,500,000,000)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0 to (\$4,875,000,000)	\$0 to (\$6,500,000,000)	\$0 to (\$6,500,000,000)

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Social Services (DSS), MO HealthNet Division (MHD)** and the **Division of Legal Services (DLS)** state that under the Federal Hyde Amendment, MO HealthNet is required to fund abortions resulting from cases of rape and incest or when the health of the mother is in danger. This legislation would only authorize MO HealthNet coverage when the health of the mother was in danger. In FY16, there were two cases that did not meet this condition. This legislation could result in the loss of all federal Medicaid funds. In FY17, there is over \$6.5 billion budgeted for MO HealthNet services across the DSS, the Department of Mental Health, and the Department of Health and Senior Services.

Oversight assumes federal funding would only be in jeopardy if, as a result of rape or incest, the DSS authorized funding for abortions for MO HealthNet recipients and the DSS actually had cases that met those conditions. Oversight contacted the DSS and requested a letter be obtained from the Centers for Medicare and Medicaid services stating whether the provisions of 188.026.3 would result in the loss of federal funding. Since it is unknown whether DSS would lose some or all federal funding, Oversight will range the potential loss of federal funding from \$0 to \$6.5 billion annually.

Oversight notes provisions at 188.026.4 provide that if a physician fails to conduct a fetal heartbeat detection test prior to the performance of an abortion, the physician shall be subject to a fine of \$1,000. Oversight assumes the fines imposed and collected to be unknown, but minimal, and will not present fine revenue for fiscal note purposes.

Officials from the **Department of Health and Senior Services, the Department of Insurance, Financial Institutions and Professional Registration** and the **Department of Mental Health** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State</u>	FY 2018	FY 2019	FY 2020
<u>Government</u>	(10 Mo.)		

FEDERAL FUNDS

<u>Loss - DSS (§188.026)</u>			
Reduction in federal funding	\$0 to <u>(\$4,875,000,000)</u>	\$0 to <u>(\$6,500,000,000)</u>	\$0 to <u>(\$6,500,000,000)</u>
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0 to</u> <u>(\$4,875,000,000)</u>	<u>\$0 to</u> <u>(\$6,500,000,000)</u>	<u>\$0 to</u> <u>(\$6,500,000,000)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

This proposal may have a significant negative fiscal impact on small business health care providers if the State of Missouri loses federal funding used to provide services to MO HealthNet recipients through these health care providers.

FISCAL DESCRIPTION

Under this act, no physician shall perform or induce an abortion on a pregnant woman without first performing a fetal heartbeat detection test. Except in cases of medical emergency, a physician shall not perform or induce an abortion if a fetal heartbeat is detected and shall inform the woman, in writing, that such abortion cannot be performed or induced. If a fetal heartbeat is not detected, an abortion may be performed or induced, in accordance with applicable law, so long as the abortion is performed or induced within 96 hours of the fetal heartbeat detection test. If more than 96 hours has passed since the fetal heartbeat detection test, the physician shall perform a new test prior to an abortion.

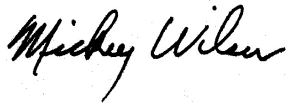
Any physician who fails to perform a fetal heartbeat detection test prior to the performance or inducement of an abortion shall be subject to having his or her medical license rejected, revoked, or suspended for 6 months and shall pay a \$1,000 fine.

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

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SOURCES OF INFORMATION

Department of Health and Senior Services
Department of Insurance, Financial Institutions and Professional Registration
Department of Social Services -
 MO HealthNet Division
 Division of Legal Services



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April 10, 2017

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