

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2848-01  
Bill No.: SB 904  
Subject: Abortion; Health Care; Health Care Professionals; Health Department; Hospitals;  
Medical Procedures and Personnel; Physicians; Vital Statistics  
Type: Original  
Date: February 23, 2004

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
General	(\$45,800)	\$0	\$0
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$45,800)</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of State Courts Administrator, Missouri Department of Conservation, Missouri Consolidated Health Care Plan, Department of Insurance, and Department of Social Services** assume this proposal would not fiscally impact their agencies.

Officials from the **Department of Highway and Transportation (DHT) and Department of Public Safety - Missouri State Highway Patrol (MHP)** state that this legislation adds items to information to be included on an individual abortion report requirements and provides for a civil action for violation of a state statute relating to the confidentiality of medical records relating to abortion procedures. The abortion report does not apply to the DHT or the Highway and Patrol Medical Plan, and because the Highway Patrol Medical Plan does not cover any services or drugs related to an abortion, it would be very unlikely that any employee of DHT or MHP would have confidential, abortion related medical information available to them. As a result, the DHT assumes this proposal will have no fiscal impact on DHT or the Highway and Patrol Medical Plan.

Officials from the **Department of Corrections (DOC)** state currently, the DOC cannot predict the number of new commitments which may result from the creation of the offenses(s) outlined ASSUMPTION (continued)

in this proposal. An increase in commitments depends on the 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 in operational cost either through incarceration (FY03 average of \$38.10 per inmate, per day or an annual cost of \$13,907 per inmate) or through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender, per day or an annual cost of \$1,150 per offender).

The following factors contribute to DOC's minimal assumption: (1) DOC assumes the narrow scope of the crime will not encompass a large number of offenders, (2) The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence, (3) The probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

In summary, 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.

Officials from the **Department of Health and Senior Services (DOH)** stated the DOH would need to revise the abortion data system to allow for additional questions and to revise the programs used to generate the annual report. An additional screen would need to be added to the system. DOH estimates a one-time cost of \$45,800 for computer revisions.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
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## GENERAL REVENUE

### Costs - Department of Health and Senior Services

Equipment and Expenses - Computer modifications	(\$45,800)	\$0	\$0
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<b>NET ESTIMATED EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(\$45,800)</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
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\$0

\$0

\$0

### FISCAL IMPACT - Small Business

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

### DESCRIPTION

This proposal details information to be included in physician abortion reports.

Section 188.015, RSMo, is modified to include a definition for the Department of Health and Senior Services and language allowing interpretation of the definitions is removed. Currently, Section 188.052, RSMo, requires a physician to submit an abortion report for each abortion performed. New language specifies that the report shall include, but not be limited to, the following: (1) Information required by federal reports and organizations, such as the Centers for Disease Control and Prevention; (2) Information regarding the type of procedure used to perform the abortion; and (3) Specific reasons the woman sought the abortion.

Physicians must currently submit an individual complication report for post-abortion care. In addition, the Department is responsible for annually publishing a statistical report. New language requires the report to include data on abortions or induced and post-abortion care. The report must contain the gestational age by weekly increments at which the abortions were performed. The report must not include any information that would allow the identification of a patient, physician, or hospital or abortion facility.

Currently, Section 188.070, RSMo, provides for a misdemeanor for violation of confidentiality. New language increases the penalty to a Class D felony for any person who knowingly violates the confidentiality of records, reports, or documents maintained by the abortion facility or hospital or received by the Department. A new Section 191.655, is also added to allow an action for breach of medical confidentiality relating to abortion procedures, if not otherwise provided for. Damages, court costs, attorney's fees, and other relief are allowed for negligent, willful, intentional, or reckless violation of such confidentiality

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

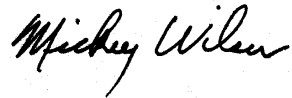
### SOURCES OF INFORMATION

Office of State Courts Administrator

CAM:LR:OD (12/02)

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Department of Transportation  
Department of Corrections  
Department of Health and Senior Services  
Department of Social Services  
Missouri Consolidated Health Care Plan  
Department of Insurance  
Missouri Department of Conservation  
Department of Public Safety -  
Missouri State Highway Patrol

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

Mickey Wilson, CPA  
Director  
February 23, 2004