

FISCAL IMPACT REPORT
2nd Session of the 51st Legislature

Bill No.:	SB 2001
Version:	FA 1 – Amd 4
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Date:	April 24, 2008
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FY-09 Impact:	\$49,649
FY-10 Impact:	Potentially \$330,934

Reviewed: _____ Mark Tygret _____
House Fiscal Director

Summary

The amendment 4 to the FA 1 for ESB 2001 amends Title 63, Section 1-301 by adding definitions for “birth,” “stillbirth or stillborn child,” and “certificate of birth resulting in stillbirth.” This legislation also includes new language creating the “Missing Angels Act – Christopher and Kendall’s Law” and sets forth the criteria for issuing a certificate of birth resulting in stillbirth. This legislation also contains a provision preventing the State Registrar of Vital Statistics from using the “certificate of birth resulting in stillbirth” to calculate live birth statistics and prohibits the use of this certificate as evidence of live birth for identification purposes.

The amendment 4 to the FA 1 for ESB 2001 creates the Statistical Reporting of Abortion Act. This legislation requires the Oklahoma State Department of Health (OSDH) by January 1, 2010 to provide on their stable internet website an Individual Abortion Form, a Complication of Induced Abortion Report, all the language of all Oklahoma Statutes and regulations directly relating to abortion, the means by which physicians may electronically submit the required reports, and instruction regarding electronic submission.

The amendment 4 to the FA 1 for ESB 2001 requires any physician performing an abortion submit an Individual Abortion Form to OSDH within 30 days of performing an abortion, either electronically or in paper form. Certain specific information shall be required on the Individual Abortion Form. The legislation defines what specific information shall be required and posted on the OSDH website. The legislation also defines what specific information shall be required in the Complication of Induced Abortion Report and posted on the OSDH website.

The amendment 4 to the FA 1 for ESB 2001 requires the State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners to notify all practicing physicians and newly licensed physicians of the reporting requirements of this Act. This legislation establishes the specific items contained in the reports compiled by OSDH and posted on the website. This legislation authorizes OSDH to collect a \$500 fine for each late submission of a report and those funds collected shall be used for the administration of this Act. This bill also requires the Administrative Office of the Courts to compile certain statistical information and provide it to OSDH for inclusion in the Annual Abortion Report. This version of this legislation also amends Section 12 of Enrolled Senate Bill No. 1878 of the 2nd Session of the 51st Oklahoma Legislature.

Analysis

Based on information provided by the Oklahoma State Department of Health (OSDH), the first 4 sections of the amendment 4 to the FA 1 for ESB 2001 creates a variance from national standards, definitions, and filing processes consistent throughout the United States for births and fetal deaths. This legislation will require the preparation and implementation of new forms that are duplicative of existing stillbirth forms.

OSDH estimates the cost of making the changes required in the first 4 sections of the amendment 4 to the FA 1 for ESB 2001 to be \$49,649. This estimate includes salaries and benefits, printing, and communications.

A Certificate of Stillbirth is currently one of several standard set of certificates currently issued by the Oklahoma Vital Records office for the purpose of recording and memorializing these events. Certified copies of a Certificate of Stillbirth are available to parents upon application to Vital Records. Parents also have the option to name the child on the certificate.

Data is routinely submitted by hospitals, recording and memorializing the events surrounding the pregnancy, delivery and medical conditions resulting in the death. This information is used by the state and provided to the National Center for Health Statistics for inclusion with data from other states for the purpose of evaluating trends and making recommendations to the medical community to reduce the number of stillbirths.

Based on information provided by OSDH, the initial cost of implementing the amendment 4 to the FA 1 for ESB 2001 will be \$281,285 and require 3.85 FTE in FY-10. Based on the implementation date of January 1, 2010, there will be no fiscal impact in FY-09. OSDH believes this legislation will require development of 3 new reporting forms, complete rebuilding of existing electronic reporting system, implementation of compliance oversight unit to include program coordinator, licensing, audit, and legal support. If OSDH is charged with fining for late or unfiled-reports, OSDH will be unable to determine what has not been reported unless they are provided access to all medical files or another mechanism to validate reporting completeness. OSDH assumes there will be an expectation that reports of non-compliance will initiate onsite review of compliance with the requirements of the Act. To develop and report the newly required information/summaries, OSDH will need additional resources (money and staff) to fulfill the obligations of the bill. Unless resources are provided up front, no electronic reporting system can be developed, nor audits completed, nor fines assessed to cover the expenses. At \$500 per month of late reporting, it would minimally require 560 months of late fines to be assessed annually in order for the system to be self-funded based on the allowed fines and the projected costs.

The fiscal impact for this legislation may change as specific details and intent are provide. Salaries and benefits will account for more than \$251,232. Details of this analysis are listed below:

	<u>Position Needed</u>	<u>FTE Required</u>	<u>Monthly Salary</u>	<u>Total Dollars</u>
Salaries	Administrative Asst.	1	\$2,644	\$31,722
	Application Specialist	0.5	\$5,417	\$32,500
	Program Administrator	1	\$3,750	\$45,000
	Epidemiologist/Data Analyst	0.5	\$3,333	\$19,998
	Web Developer	0.25	\$5,625	\$16,875
	Legal	0.1	\$7,000	\$8,400

Compliance staff	0.5	\$4,000	\$24,000
Total Salaries			\$178,495
Fringes			\$72,737
Travel	<u>Motorpool</u> 600	<u>Mileage</u> 700	\$7,554
Training	<u>Per Diem/Registrations</u>	<u>Airfare</u>	\$0
Supplies	<u>Printing/Communications</u>	<u>Everyday Supplies</u> 10,000	\$10,000
Equipment	<u>Laptop/Desktop</u> 2500	<u>Software/Monitoring</u> 10,000	\$12,500
Indirect Costs	<u>On-site IDC</u>	<u>Off-site IDC</u>	\$0
Total			\$281,285

The notification of currently licensed and newly licensed physicians of the provisions of this Act by the respective licensing boards will have no fiscal impact on state appropriated dollars because both licensing bodies are non-appropriated state agencies and receive their funding from license fees and fines.

Long Term Considerations

The first 4 sections of the amendment 4 to the FA 1 for ESB 2001 could potentially present many costly problems related to the national reporting of data for the State Vital Statistics Act and Regulations, Centers for Disease Control and Prevention, and the National Center for Health Statistics.

No upfront startup money provided to create development of system or provide compliance evaluation or complaint investigation; and the goal of perfect reporting prohibits future maintenance of the system. The availability of the reports provided by the Administrative Office of the Courts brings up issues about the accuracy of the final report to be prepared by OSDH. Staff is unable to predict if sufficient funds or any funds will be generated by the fining mechanism included in this legislation to support the administration of the Act.