

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 13, 2009

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB2571 by Shapiro (Relating to information related to the performance of an abortion; creating an offense.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB2571, Committee Report 1st House, Substituted: a negative impact of (\$1,127,834) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$575,257)
2011	(\$552,577)
2012	(\$553,704)
2013	(\$554,848)
2014	(\$556,008)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2009
2010	(\$575,257)	7.0
2011	(\$552,577)	7.0
2012	(\$553,704)	7.0
2013	(\$554,848)	7.0
2014	(\$556,008)	7.0

Fiscal Analysis

The bill would require the Department of State Health Services (DSHS) to maintain a list of domestic violence shelters and assistance programs and provide a copy of the list to each person that performs or induces an abortion.

The bill would require an abortion reported by a physician, as required by the bill, to be submitted on a form provided by DSHS. The bill would require DSHS to ensure that the number of abortion reporting forms submitted coincides with the monthly total indicated on the monthly abortion total form, as required by the bill.

The bill would also require DSHS to prepare an abortion complication report form for all physicians licensed and practicing in this state. The bill would require the Texas Medical Board to ensure that

abortion complication report forms and related information are provided to certain physicians. The bill would require DSHS to create an Internet website at which the report may be filed electronically.

The bill would require a physician performing or inducing an abortion to submit abortion reporting forms to DSHS monthly. The bill would require a physician required to submit abortion complication reporting forms to DSHS to do so no more than seven days after treatment. The bill would require DSHS to issue an annual aggregate public report summarizing the information submitted on the forms created by the bill. The bill would authorize DSHS to alter the reporting dates established by the bill for administrative convenience or fiscal savings, under certain conditions. The bill would authorize DSHS to alter the information required to be reported by the bill, under certain conditions.

The bill would provide that physicians who intentionally or knowingly do not submit reports in the manner prescribed by the bill are subject to a late fee of \$500. The bill would provide that physicians under certain conditions and in an action brought by DSHS could be directed by a court to submit a complete form or report or be subject to sanctions for civil contempt. The bill would create misdemeanor offenses.

Methodology

The Texas Medical Board estimates that providing abortion complication reporting forms to physicians would cost \$43,309 in fiscal year 2010 increasing to \$46,770 in fiscal year 2014 based on the number of licensed physicians, 63,690 in fiscal year 2010 increasing to 68,780 in fiscal year 2014, and a standard printing and postage cost of \$0.68 per form.

DSHS assumes that five full-time equivalent positions (FTEs) would be necessary for the development and administration relating to the forms created by the bill. The agency based this assumption on the receipt and processing of an estimated 86,000 forms per year. The agency assumes that two FTEs would be necessary for investigation and administration relating to reporting requirement complaints, and assessment of late fees. The agency based this assumption on the receipt of 150 complaints per year. The agency estimates the salary and benefit costs for the FTEs to be \$278,462 in fiscal year 2010 and \$370,040 in each subsequent fiscal year.

The total cost of the bill would be \$1.1 million in General Revenue for the 2010-11 biennium.

Technology

DSHS estimates a technology cost of \$120,000 in fiscal year 2010, including one-time costs relating to software development and modification for the website, data extraction, and enhanced security, and \$19,000 in each subsequent fiscal year for ongoing technology costs.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 503 Texas Medical Board, 537 State Health Services, Department of

LBB Staff: JOB, KJG, LR, JJ