

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 25, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2962** by Capriglione (Relating to reporting requirements by certain physicians and health care facilities for abortion complications; authorizing a civil penalty.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would require health care facilities and physicians to report certain abortion complications to the Department of State Health Services (DSHS). The bill would require physicians that perform an abortion on a woman, younger than 18 years old, to report certain information to DSHS regarding the procedure. DSHS would be required to develop a form and an electronic system for reporting abortion complications, following certain criteria, by January 1, 2018. DSHS would be required to develop and publish an annual report that aggregates each abortion complication on a statewide basis. Physicians and facilities that fail to comply with reporting requirements would be subject to a civil penalty of \$500 for each violation and at the request of DSHS, the Attorney General would be permitted to file an action to recover the penalty. Physicians and facilities that commit three separate violations could be subject to disciplinary action or the revoking of their license, permit, registration, certificate, or other authority. DSHS would be required to notify the Texas Medical Board of any violation committed by a physician. The bill would prohibit any cause of action based on a claim that, but for the act or omission of another, a baby would have been aborted. The executive commissioner of the Health and Human Services Commission (HHSC) would be required to adopt any rules necessary to implement provisions of the bill by January 1, 2018.

It is assumed the provisions of the bill can be implemented within the existing resources of DSHS, HHSC, the Office of Attorney General, the Office of Court Administration, and any regulatory agency.

Local Government Impact

There could be costs associated with reporting for local hospitals; however, the fiscal impact cannot be determined at this time.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 503 Texas Medical Board, 529 Health and Human Services Commission, 537 State Health Services, Department of

LBB Staff: UP, AG, LR, RGU, JGA, KCA