

Department of Legislative Services
 Maryland General Assembly
 2001 Session

FISCAL NOTE

Senate Bill 756 (Senator Haines)
 Judicial Proceedings

Abortions - Statistical Reporting Requirement

This bill requires each abortion and any medical treatment performed as a consequence of an abortion be reported to the Department of Health and Mental Hygiene (DHMH).

Fiscal Summary

State Effect: General fund expenditures could increase by \$35,400 in FY 2002. Future year expenditures reflection inflation and annualization. Potential increase in general fund revenues due to the bill's penalty provisions.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
GF Revenue	-	-	-	-	-
GF Expenditure	35,400	48,500	50,800	53,300	56,000
Net Effect	(\$35,400)	(\$48,500)	(\$50,800)	(\$53,300)	(\$56,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: A report of each abortion performed in the State must be made to DHMH. The report must be made on forms prescribed by DHMH and completed by the facility where the abortion occurred and signed by the physician who performed the abortion. The report must be transmitted to DHMH's Center for Health Statistics within 15 days after each reporting month. The report is required to contain specific

information, but may not include the name of the patient. These reports are not public records and must remain confidential except that disclosure will be made to federal, state, or local law enforcement agencies pursuant to a court order. DHMH is required to create an annual comprehensive statistical report based upon the reports made pursuant to the bill to submit to the General Assembly by October 1, 2002 and by October 1 of each year thereafter. This report must provide for the confidentiality of patients and physicians and be available for public inspection and copying.

Each physician who provides medical care to a patient due to complications resulting from an abortion is required to prepare a report, on forms prescribed by DHMH, for submission to DHMH within 30 days of the examination of the patient.

A physician who fails to complete a required report is guilty of unprofessional conduct and the physician's license shall be subject to suspension or revocation. An individual other than a physician who willfully does not comply with the reporting requirements of the bill is guilty of a misdemeanor and is subject to a maximum fine of \$500 for each failure to submit a report. Generally, an organization or health care facility that does not submit a report is subject to an administrative fine of up to \$500 for each failure to provide the required report.

DHMH is required to adopt regulations to carry out the requirements of the bill.

Current Law: Abortions are reported to DHMH on a voluntary basis. Complications of abortions are not reported.

Background: DHMH estimates that 24,000 abortions are performed annually in Maryland.

State Revenues: General fund revenues could increase minimally under the bill's monetary penalty provisions for cases heard in the District Court.

State Expenditures: DHMH advises that general fund expenditures could increase by \$116,899 in fiscal 2002, which accounts for the bill's October 1, 2001 effective date. This estimate reflects the cost of hiring one epidemiologist and one administrative specialist, and costs associated with upgrading DHMH's current information systems. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

The Department of Legislative Services disagrees, and advises that general fund expenditures could increase by \$35,380 in fiscal 2002, which accounts for the bill's October 1, 2001 effective date. The estimate includes only one additional position, an

administrative specialist, to assist in the gathering of reported information. This estimate excludes information system upgrades, as such activities are not necessary to fulfill the requirements of the bill, but does include a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salary and Fringe Benefits	\$27,708
Other Operating Expenses	<u>7,672</u>
Total FY 2002 State Expenditures	\$35,380

Future year expenditures reflect: (1) full salaries with a 6.5% increase in fiscal 2003 and a 4.5% increase each year thereafter, with 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene (Community Public Health Administration), Department of Legislative Services

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