

Fiscal Estimate - 2001 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 01-4358/1	Introduction Number SB-391
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Subject
 Require a hospital to provide emergency contraception to alleged victim of sexual assault

Fiscal Effect

State:

- | | | |
|--|--|---|
| <input type="checkbox"/> No State Fiscal Effect
<input type="checkbox"/> Indeterminate
<input checked="" type="checkbox"/> Increase Existing Appropriations
<input type="checkbox"/> Decrease Existing Appropriations
<input type="checkbox"/> Create New Appropriations | <input type="checkbox"/> Increase Existing Revenues
<input type="checkbox"/> Decrease Existing Revenues | <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Decrease Costs |
|--|--|---|

Local:

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> No Local Government Costs
<input type="checkbox"/> Indeterminate
1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
2. <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenue
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
4. <input type="checkbox"/> Decrease Revenue
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of Local Government Units Affected
<input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities
<input type="checkbox"/> Counties <input type="checkbox"/> Others
<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |
|---|--|---|

Fund Sources Affected	Affected Ch. 20 Appropriations
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.435 (6)(a)	

Agency/Prepared By	Authorized Signature	Date
DHFS/ Curtis Cunningham (608) 266-5362	Fred Ellen Bove (608) 266-2907	2/27/02

Fiscal Estimate Narratives

DHFS 2/27/02

LRB Number	01-4358/1	Introduction Number	SB-391	Estimate Type	Original
Subject					
Require a hospital to provide emergency contraception to alleged victim of sexual assault					

Assumptions Used in Arriving at Fiscal Estimate

Emergency contraception is prescribed at the discretion of a physician within 72 hours following unprotected intercourse to prevent unintended pregnancy. Currently, Wisconsin does not require doctors or hospitals to provide information regarding emergency contraception or to prescribe emergency contraception. However, if a doctor or hospital withholds information regarding emergency contraception, a patient might be able to sue the provider for malpractice on the basis that patients have a right to receive information necessary to make informed decisions. Also, in some cases a patient may be able to sue if emergency contraception is not provided. Wisconsin law exempts certain medical providers from any civil damages resulting from their refusal to perform specific services, such as abortions, based on religious or moral grounds, but emergency contraception is not one of these services.

Senate Bill 391 requires a hospital that provides emergency services to provide a victim of sexual assault, upon victim's consent, accurate unbiased information about emergency contraception, inform her of her option to receive emergency contraception and provide emergency contraception immediately to her if she requests it. The hospital is also responsible to ensure that each hospital employee that provides care to victims of sexual assault has available medically accurate and unbiased information about emergency contraception. Senate Bill 391 also defines emergency contraception as a drug or device that prevents a pregnancy after intercourse. Emergency contraception does not include a drug or device that terminates the pregnancy of a woman who is known to be pregnant.

Senate Bill 391 states that the Department of Health and Family Services is responsible to respond to any complaint concerning non-compliance and shall periodically review hospital procedures to determine compliance. The bill sets a fine of \$2,500-\$5,000 for each violation of a provision in the bill. If a hospital violates the provisions twice, the Department may, after providing notice to the hospital, suspend or revoke the hospital's certificate of approval and may deny application for a new certificate of approval.

There are 125 hospitals in Wisconsin that would be affected by this legislation. Currently, the Department does not have staff to monitor compliance. It would cost approximately \$65,000 to hire 1.0 FTE nurse consultant to monitor compliance and respond to complaints. This legislation does not identify who would pay to produce the information to be provided, provide the training, or pay for the medication of individuals who could not assume the cost. Since the Department is not provided any authority or funding for these purposes, it is likely that these costs would be borne by the hospitals. If hospital certification is revoked, the hospital may not be certified under Medicaid. Therefore, if several hospitals (or a few key hospitals) are decertified, access to Medicaid hospital care could be restricted in certain areas of the State.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2001 Session

Detailed Estimate of Annual Fiscal Effect

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Subject			
Require a hospital to provide emergency contraception to alleged victim of sexual assault			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$59,300	
(FTE Position Changes)		(1.0 FTE)	
State Operations - Other Costs		5,700	
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category		\$65,000	\$
B. State Costs by Source of Funds			
GPR		65,000	
FED			
PRO/PRS			
SEG/SEG-S			
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
		Increased Rev	Decreased Rev
GPR Taxes		\$	\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
TOTAL State Revenues		\$	\$
NET ANNUALIZED FISCAL IMPACT			
		<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS		\$65,000	\$
NET CHANGE IN REVENUE		\$	\$
Agency/Prepared By		Authorized Signature	Date
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