

**2007 Regular Legislative Session**  
**FISCAL ANALYSIS OF PROPOSED LEGISLATION**  
**Prepared by the Oregon Legislative Fiscal Office**

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**MEASURE NUMBER:** HB 2176                      **STATUS:** A Engrossed  
**SUBJECT:** Removes State Health Officer from obligation of determining medical eligibility to safely operate a motor vehicle.  
**GOVERNMENT UNIT AFFECTED:** Oregon Department of Transportation, Department of Health Services  
**PREPARED BY:** Tim Walker  
**REVIEWED BY:** Susan Jordan, John Borden  
**DATE:** March 21, 2007

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|                                                   | <u><b>2007-2009</b></u> | <u><b>2009-2011</b></u> |
|---------------------------------------------------|-------------------------|-------------------------|
| <b>EXPENDITURES:</b>                              |                         |                         |
| Oregon Department of Transportation (Other Funds) | \$                      | \$                      |
| Personal Services                                 | \$ 95,051               | \$ 117,734              |
| Services and Supplies                             | \$ (97,670)             | \$ (135,960)            |
|                                                   | \$ <u>(2,619)</u>       | \$ <u>(18,226)</u>      |

|                           | <u><b>2007-2009</b></u> | <u><b>2009-2011</b></u> |
|---------------------------|-------------------------|-------------------------|
| <b>POSITIONS / FTE:</b>   |                         |                         |
| Medical Consultant, SR 39 | 1/.38                   | 1/.50                   |

**EFFECTIVE DATE:** January 1, 2008

**GOVERNOR'S BUDGET:** This bill is not anticipated by the Governor's recommended budget.

**LOCAL GOVERNMENT MANDATE:** This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**COMMENTS:** This bill would move responsibility for determination of medical eligibility to safely operate a motor vehicle from the State Health Officer at Department of Human Services to the Division of Motor Vehicles, Oregon Department of Transportation (ODOT). ODOT may employ or enter into an agreement with a qualified physician, nurse practitioner or physician assistant to perform the duties assigned to the medical determination officer. The medical determination officer will also be responsible for reviewing recommendations from health care professionals regarding the frequency of reestablishing eligibility for a driver's license or driver's permit. This bill also provides for contested case hearings in certain circumstances, but ODOT does not anticipate this happening often enough to specifically budget for and can easily be absorbed in their current budget.

ODOT currently budgets \$137,400 per biennium for DHS to provide these services. ODOT anticipates the cost for performing these services in-house will be \$117,734 per biennium. The 2007-09 Services and Supplies budget reflects 6 months of payments to DHS for medical eligibility determination services. The Services and Supplies budget also reflects ongoing expenses of \$2,380 in 2007-09 and \$1,440 in 2009-11, in addition to the contracted services with DHS. Additional expenditure authority is not required because sufficient limitation currently exists within ODOT's budget, but ODOT may need to come back to the Legislature and request additional position authority if the workload cannot be absorbed

by current staff. DHS has absorbed the additional workload, in the past, by having staff MD's work additional compensated time. There will be a savings in Other Fund expenditures within DHS.