

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 490 - A

Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Kim To
Reviewed by: Steve Bender, Linda Ames
Date: 4/11/2013

Measure Description:

Requires entity advertising and providing specified health services to provide notices and disclosures about nature of services.

Government Unit(s) Affected:

Oregon Health Authority (OHA), Oregon Judicial Department (OJD)

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.

Analysis:

Senate Bill 490 A-Engrossed:

- Requires Pregnancy Resource Centers (PRC) in Oregon to provide written notice of whether or not the centers provide certain services including adoption services, abortion services and onsite consultation with certain practitioners, including physician, naturopath and nurse midwife.
- Prohibits these centers from disclosing health information to any other persons about a patron who receives services without written permission from that patron.
- Directs these centers to provide health information to patron upon request.
- Authorizes the Oregon Health Authority to adopt rules to carry out the provisions of this bill, and to impose civil penalties for violations.

Oregon Health Authority (OHA)

At this time, the fiscal impact of this bill is indeterminate. This bill would require the Oregon Health Authority to write rules, complete inspections and issue civil penalties for non-compliance with rules. The Oregon Health Authority reports that there are approximately 60 Pregnancy Resource Centers (PRC) in Oregon seeing between 50-100 women per day. It is unclear whether the bill intends for OHA to conduct onsite investigations to ensure compliance to the provisions of this bill, or if violations will be known to OHA by receiving a complaint.

If the bill's intention is only that OHA is required to revise rules to require these centers to provide notices and disclosures about the nature of services provided, and that violations will be known to OHA by receiving a complaint, and assuming that OHA will receive no more than 20 complaints per year, and that those notices will be remedied by the centers providing proof of compliance, and that none of the violators will request a contested case hearing, the fiscal impact to OHA would be minimal. OHA would use existing staff and resources to carry out this work.

However, if the bill requires OHA to conduct investigations, or if notices of non-compliance results in contested case hearings, the bill would result in a fiscal impact for the agency. Although, this bill allows OHA to assess civil penalties for non-compliance, the bill specifies that these moneys must be deposited into the general fund and available for general governmental expenses. The bill is silent on whether any funds received from civil penalties can be utilized to offset the costs associated with completing the work required by the bill.

Oregon Judicial Department

This bill is anticipated to have minimal impact on the Oregon Judicial Department. This bill could also result in an increase of cases filed with the Court of Appeals. The bill authorizes any person who contests the imposition of a civil penalty to seek judicial review by the Court of Appeals.