

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **Am. H.B. 314**

DATE: **January 28, 2008**

STATUS: **As Passed by the House**

SPONSOR: **Reps. Jones, Adams, Barrett, Batchelder, Brinkman, Bulp, Coley, Collier, Distel, Dodd, Dolan, Evans, Fessler, Garrison, Goodwin, Hottinger, Huffman, Latta, Mandel, McGregor, J., Patton, Schindel, Schneider, Setzer, Uecker, Wachtmann, Wagoner, Widener, Wolpert, Zehringer**

LOCAL IMPACT STATEMENT REQUIRED: **No — Minimal cost**

CONTENTS: **To require that a woman who is to have an abortion be given the opportunity to view any available obstetric ultrasound image**

State Fiscal Highlights

STATE FUND	FY 2008	FY 2009	FUTURE YEARS
General Revenue Fund			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential negligible increase	Potential negligible increase	Potential negligible increase
Operating Expenses (Fund 5D6)			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential minimal increase	Potential minimal increase	Potential minimal increase

Note: The state fiscal year is July 1 through June 30. For example, FY 2008 is July 1, 2007 – June 30, 2008.

- The bill does not require that a physician perform an ultrasound before an abortion is performed. Instead, the bill provides that if an obstetric ultrasound examination is performed at any time prior to the performance or inducement of an abortion or the physician performing or inducing the abortion determines that an ultrasound examination will be performed as part of the abortion procedure, the physician performing or inducing the abortion must provide the woman receiving the abortion the opportunity to view the active ultrasound image of the embryo or fetus and offer to provide the woman with a physical picture of the ultrasound image of the embryo or fetus. Therefore, it does not appear that additional ultrasound procedures would be performed. However, the state Medicaid program could incur costs due to the requirement that a physician offer a woman a physical picture of the ultrasound of the embryo or fetus. It is possible that a few women may request a physical picture who might normally not have requested



one. According to the Department of Job and Family Services, Medicaid pays for approximately 15 to 20 abortions a year, so this cost would be negligible at best.

- The bill adds failure to comply with its requirements as a reason for disciplinary action against a physician by the State Medical Board of Ohio. The Board could realize an increase in administrative and possible investigative and adjudication expenses as a result. It is likely that this cost would be minimal; however, the total costs would be dependent upon the number of physicians who violated the provisions in the bill.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2008	FY 2009	FUTURE YEARS
Government-Owned Hospitals			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential minimal increase	Potential minimal increase	Potential minimal increase

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- According to the Ohio Hospital Association this bill could minimally increase expenditures to government-owned hospitals. It is possible that as a result of the bill, government-owned hospitals might have additional administrative duties related to documentation that the physician offered the woman the opportunity to view the active image and also offered the physical picture of the ultrasound.

Detailed Fiscal Analysis

The bill provides that if an obstetric ultrasound examination is performed at any time prior to the performance or inducement of an abortion or the physician performing or inducing the abortion determines that an ultrasound examination will be performed as part of the abortion procedure, the physician performing or inducing the abortion must:

- (1) provide the woman receiving the abortion the opportunity to view the active ultrasound image of the embryo or fetus; and
- (2) offer to provide the woman with a physical picture of the ultrasound image of the embryo or fetus.

With regard to the requirement that an opportunity to view an active ultrasound image be provided, the bill specifies that there must be no additional charge to the woman.

Current law authorizes the State Medical Board, by an affirmative vote of not fewer than six members, to take disciplinary action against a physician for any of a number of reasons specified in statute. The Board may limit, revoke, or suspend a physician's certificate to practice, refuse to register a physician, refuse to reinstate a physician's certificate, or reprimand or place a physician on probation. The bill adds failure to comply with its requirements as a reason for disciplinary action against a physician.

Background information

According to the Guttmacher Institute, there were 35 abortion providers in the state in 2000. Nationally, the majority of abortions are performed at abortion clinics and other clinics, with only 5% of abortions being performed at hospitals and 2% at physicians' offices. In 2000, 40,230 women obtained abortions in Ohio. This figure includes women from other states who received abortions in Ohio. It does not include Ohio residents who received abortions in other states.

Local fiscal impact

There are currently 22 public hospitals in Ohio. These hospitals are owned by counties or the state. It is possible that as a result of the bill, government-owned hospitals might have additional administrative duties related to documentation that the physician offered the woman the opportunity to view the active image and also offered the physical picture of the ultrasound. However, the Ohio Hospital Association has estimated these costs to be minimal.

State fiscal impact

Medicaid funds abortions only in cases involving life endangerment or rape or incest. Medicaid does pay for charges related to ultrasound procedures. The bill does not require that a physician

perform an ultrasound. Instead, the bill provides that if an obstetric ultrasound examination is performed at any time prior to the performance or inducement of an abortion or the physician performing or inducing the abortion determines that an ultrasound examination will be performed as part of the abortion procedure, the physician performing or inducing the abortion must provide the woman receiving the abortion the opportunity to view the active ultrasound image of the embryo or fetus and offer to provide the woman with a physical picture of the ultrasound image of the embryo or fetus. Therefore, it does not appear that additional ultrasound procedures would be performed. However, the state Medicaid program could incur costs due to the requirement that a physician offer a woman a physical picture of the ultrasound of the embryo or fetus. It is possible that a few women may request a physical picture who might normally not have requested one. According to the Department of Job and Family Services, Medicaid pays for approximately 15 to 20 abortions a year, so this cost would be negligible at best.

State Medical Board of Ohio

The State Medical Board of Ohio could realize an increase in administrative and possible investigative and adjudication expenses as a result of the bill. It is likely that this cost would be minimal; however, the total costs would be dependent upon the number of physicians who violated the provisions in the bill.

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