

Fiscal Estimate - 2003 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 03-1170/1	Introduction Number AB-67
------------------------------------	---

Subject

Exempting certain health care professionals from discipline and liability for refusing to be involved in abortions, sterilizations, euthanasia and certain oth

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

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

Local:

<input type="checkbox"/> No Local Government Costs		
<input checked="" type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
		<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 type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By DHFS/ Anne Miller (608) 266-5422	Authorized Signature Freda Ellen Bove (608) 266-2907	Date 7/25/2003
---	--	--------------------------

Fiscal Estimate Narratives

DHFS 7/28/2003

LRB Number	03-1170/1	Introduction Number	AB-67	Estimate Type	Original
Subject					
Exempting certain health care professionals from discipline and liability for refusing to be involved in abortions, sterilizations, euthanasia and certain oth					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, with certain exemptions, an employer may not engage in employment discrimination based on creed. Creed is defined as a system of religious beliefs including moral and ethical beliefs. Employment discrimination based on creed is defined to include refusing to reasonably accommodate an employee's religious observances or practices unless the employer can demonstrate that the accommodation would pose an undue hardship.

This bill expands the definition of creed to include certain medical providers' refusal, on religious, moral or ethical grounds, to participate in any of the following:

- 1) sterilizations,
- 2) abortions,
- 3) experimental procedures involving the destruction of a human embryo or involving a human embryo or unborn child in which the experiment is not related to the beneficial treatment of the human embryo or unborn child,
- 4) procedures using fetal tissue; organs from a stillbirth, spontaneous abortion or miscarriage; or organs from donors.
- 5) the withholding or withdrawing nutrition or hydration, if it would result in the patient's death from malnutrition or dehydration rather than from the underlying terminal illness or injury, and
- 6) acts to intentionally cause or assist in causing the death of an individual such as by assisted suicide, euthanasia, or mercy killing.

Participation under this bill is defined as performing, assisting in, recommending, counseling in favor of, making referrals for, prescribing, dispensing or administering drugs for, or otherwise promoting, encouraging or aiding.

This bill also eliminates the undue hardship provision for employers.

The fiscal effect of this bill on programs administered by the Department of Health and Family Services is indeterminate.

Costs under the states' Medicaid (MA) program could increase. Because this bill would allow MA certified providers in Wisconsin to refuse to participate in certain services without facing employment discrimination or legal liability, it is possible the bill could result in limited access to certain MA covered services. If access is limited to a level unacceptable under federal Medicaid standards, the Department could face federal penalties. However, absent a specific case of inadequate access, it is not possible to estimate a federal penalty. This bill could also increase MA costs by increasing costs for MA providers. An MA provider may experience increased staff costs in order to provide services a currently employed staff person refuses to perform. In addition, costs for treating MA recipients could increase if an MA recipient is denied treatment and the resulting treatment delay causes a more serious condition. However an exact estimate of these costs cannot be determined.

This bill would not affect other programs administered by the Department associated with certain services identified under this bill since these programs are funded with sum certain grants. Any increased costs under the bill to agencies receiving Department grants would have to be absorbed by the performing agency. The Department grant funding would not be increased.

Local municipalities could be affected by this bill. However the fiscal effect cannot be precisely determined. Local governments that operate health care facilities (clinics, hospitals, nursing homes, etc. . .) could face additional staff costs under the bill. Current staff may refuse to perform certain services that local governments would like to ensure are performed, and the facility might have to increase staff to ensure the services are provided.

Long-Range Fiscal Implications