

PREPARED BY: Mikayla Findlay  
 DATE PREPARED: January 17, 2023  
 PHONE: 402-471-0062

**LB 488**

Revision: 00

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)</b>				
	<b>FY 2023-24</b>		<b>FY 2024-25</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS	\$339,200			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	\$339,200			

**Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.**

This bill establishes the Sexual Assault Emergency Care Act to be administered by the Department of Health and Human Services (DHHS) within the Division of Public Health. The bill requires hospitals to provide specific information to sexual assault survivors on emergency contraception and to dispense a course of emergency contraception in accordance with best practices and established protocols.

Any complaint regarding compliance with the act would be filed with DHHS and investigated. For the first substantiated complaint, DHHS is to issue a written warning. For the second and subsequent substantiated complaints a fine of \$1,000 per sexual assault survivor denied the objective written and oral information and/or offered emergency contraception per month from the date of the substantiated complaint.

The workload of the investigation unit would increase but by an indeterminable amount. DHHS indicates the need for a new database to compile. State-specific complaint information as use of the federal database is restricted to only data that is shared with the Center for Medicare and Medicaid Services (CMS). DHHS estimates the new system would cost in total \$339,200 which would be needed in FY24.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
LB:	488	AM:	AGENCY/POLT. SUB: Nebraska Department of Health & Human Services
REVIEWED BY:	Ann Linneman	DATE:	2-24-2023
		PHONE:	(402) 471-4180
COMMENTS: The Nebraska Department of Health and Human Services' analysis and estimate of fiscal impact to the department appears reasonable.			

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) John Meals

Date Prepared 2-24-2023

Phone: (5) 471-6719

	<u>FY 2023-2024</u>		<u>FY 2024-2025</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
<b>GENERAL FUNDS</b>	\$339,200			
<b>CASH FUNDS</b>				
<b>FEDERAL FUNDS</b>				
<b>OTHER FUNDS</b>				
<b>TOTAL FUNDS</b>	\$339,200		\$0	

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

**Explanation of Estimate:**

LB 488 requires a hospital that provides emergency care for a sexual assault survivor to provide written and oral information in a language the survivor can understand about the option to receive emergency contraceptive treatment at the hospital; dispense the emergency contraceptive according to current standards of care; and establish protocols for sexual assault forensic medical examinations. The bill also defines a complaint process which includes retaining all complaints received regarding the failure of a hospital to provide services in compliance with this Act. LB488 includes how to contest a notice disciplinary action.

The Department of Health and Human Services (DHHS) Division of Public Health (PH) would need to purchase or develop a new database to house State-specific complaint information to be able to share the information required by the bill. Currently, the Health Facilities Licensure Unit (HFLU) uses a federal database to house complaint information related to all licensed facility types. The Centers for Medicare and Medicaid Services (CMS) does not allow the information housed in this federal database to be shared outside the regulatory agency, so a new State-specific complaint database would need to be purchased or developed.

**Assumptions for the new database are as follows:**

- The new system/database will need to contain the hospital sexual assault complaints to DHHS PH.
- Any information that is currently contained and will remain in the Aspen Central Office (ACO) system, also known as the Aspen Compliant Tracking System (ACTS).
- Either interface to current ACO system or manually enter the data into the new system.
- Create a Legislative Report yearly, including number of complaints, nature of complaints (narrative), hospitals, determinations, disciplinary actions, and penalties applied.
- Creation of other reports as needed; and
- At least three (3) different mailing templates to be used by Public Health to send to hospitals.

For this to be accomplished, DHHS will need one (1) Business Analyst for 640 hours of work at \$80 per hour and three (3) Technical Analysts for 960 hours of work each at \$100 per hour. The total cost for contractual staff to complete the database is estimated to be \$339,200. Any ongoing maintenance costs will be absorbed by the Department.

**MAJOR OBJECTS OF EXPENDITURE**

<u>PERSONAL SERVICES:</u>	<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-2024</u>	<u>2024-2025</u>
		<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>

Benefits.....		
Operating.....	\$339,200	
Travel.....		
Capital Outlay.....		
Aid.....		
Capital Improvements.....		
<b>TOTAL.....</b>	<b>\$339,200</b>	<b>\$0</b>