

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2018-19		FY 2019-20	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

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

This bill authorizes the Department of Health and Human Services to issue a commemorative certificate for a nonviable birth prior to the twentieth week of gestation during a pregnancy that has been verified by a health care practitioner. The Department would issue the certificate when provided with a letter certifying the nonviable birth to the patient. The nonviable birth would not be registered. The certificate would have no legal effect. The Department is required to charge a fee not to exceed the cost for issuing the certificate.

The Department indicates that modifications to the computer system would be needed. However, the commemorative certificate is not to be registered and has no legal effect. Once the certificate is issued, the Department has no further responsibilities or obligations, so nothing would need to be permanently retained unlike other vital records. The design of the certificate can be handled within existing resources. Cost of staff time to verify the letters from health care professionals and print and issue the certificates would be covered by the fee authorized in the bill. Based on the experience of Florida, Nebraska would likely issue about 20 certificates a year.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 1040	AM:	AGENCY/POLT. SUB: Department of Health and Human Services (DHHS)
REVIEWED BY: Elton Larson	DATE: 2/5/2018	PHONE: 402) 471-4173
COMMENTS: No basis to disagree with DHHS analysis and estimate of fiscal impact.		

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

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

Prepared by: (3) Mike Michalski

Date Prepared 1-19-18

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	<u>FY 2018-2019</u>		<u>FY 2019-2020</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS				
CASH FUNDS	\$50,000		\$7,500	
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$50,000	Unknown	\$7,500	Unknown

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

Explanation of Estimate:

LB 1040 would define “nonviable birth” as “an unintentional, spontaneous fetal demise occurring prior to the twentieth week of gestation during a pregnancy that has been verified by a health care practitioner.” The bill would create a new vital record type, differentiated from live birth or stillbirth. Nonviable births would not be registered or used to calculate live birth statistics.

Either a health care practitioner who attends or diagnoses a nonviable birth or a health care facility at which a nonviable birth occurs would be required to advise a patient who has experienced nonviable birth that they may request a certificate of nonviable birth. A practitioner or health care facility would be required to provide to the patient a letter certifying the nonviable birth.

Upon request of the patient and submission of the certification letter, the Department would be required to issue a certificate of nonviable birth. The certificate would include a statement indicating that it is not proof of live birth. The Department would be permitted to charge a fee not to exceed the actual cost for issuing the certificate. It is unclear whether demand would be sufficient for a reasonable fee to support initial and operating costs related to LB 1040.

The Department would need to create a new certificate document. This would be completed with existing resources. The volume of requests is unknown. LB 1040 does not set date constraints for requests, so it appears possible for the Department to receive requests for certificates for nonviable births occurring prior to the bill’s enactment date. The Department is only aware of one other state which offers certificate of nonviable birth, beginning in 2017. The Department contacted the Florida Department of Health, Bureau of Vital Statistics. The bureau chief reported that Florida has received 40 requests resulting in 62 copies of certificates of nonviable birth since July 1, 2017. In 2015, there were 26,678 live births in Nebraska and 224,273 live births in Florida. For every birth in Nebraska, Florida recorded 8.4 births. It would be reasonable to expect a similar ratio relating to demand for certificates of nonviable birth.

Nonviable birth would constitute a new event within the Department’s vital records system. Under the current system contract, this would generate a one-time expense of \$50,000 and \$7,500 in annual maintenance costs. Expenses would be financed with the Vital Statistics Cash Fund in Program 262.

PERSONAL SERVICES:

POSITION TITLE	NUMBER OF POSITIONS		2018-2019	2019-2020
	18-19	19-20	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....			\$50,000	\$7,500
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
TOTAL.....			\$50,000	\$7,500