

**STATE and LOCAL
REVISED FISCAL IMPACT**

(replaces fiscal note dated February 2, 2015)

Drafting Number: LLS 15-0143
Prime Sponsor(s): Rep. McCann
Sen. Crowder

Date: March 13, 2015
Bill Status: Senate Health and Human Services
Fiscal Analyst: Lauren Schreier (303-866-3523)

BILL TOPIC: MATERNAL MORTALITY PREVENTION ACT

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue	<\$5,000	<\$5,000
Cash Funds	<\$5,000	<\$5,000
State Expenditures	\$3,000	\$3,000
Cash Funds	3,000	3,000
FTE Position Change		
TABOR Set-Aside	<\$5,000	<\$5,000
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

The **reengrossed bill** creates the Colorado Maternal Mortality Review Committee within the Department of Public Health and Environment (DPHE) to review deaths involving pregnant and postpartum women and make recommendations on prevention measures. The committee will consist of 25 members appointed for three-year terms by the Chief Medical Officer of the DPHE to represent various professions and geographic regions related to maternal mortality. Committee members residing more than 50 miles from the location of the committee meetings will receive per diem compensation and expense reimbursement from the DPHE. The committee must:

- review maternal mortalities in Colorado;
- work to improve the quality and scope of data obtained through investigations and the review of maternal mortalities;
- highlight trends and patterns observed in the research;
- compile reports, develop and disseminate recommendations;
- serve as a link with maternal mortality review terms throughout the country; and
- perform other functions as resources allow.

The bill permits the committee to access health information and medical records relevant to maternal mortalities at any time during the three years after the date of the maternal mortality. Health care providers, pharmacists, hospitals, health facilities, law enforcement officers, and coroners are not civilly or criminally liable for the release of health information or medical records when making a good-faith effort to comply with the terms of the bill. All committee activities and records are confidential and not subject to either the Colorado Sunshine Law or the Colorado Open Records Act or subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding, if lawfully obtained by the committee. The bill requires committee members to sign confidentiality agreements and any known violation will result in a class 3 misdemeanor.

Background

The Department of Public Health Environment's Maternal Mortality Prevention Program identifies and reviews 20-40 maternal deaths in Colorado each year. From 2004 to 2012, there were 211 reported maternal deaths and Colorado ranks 29th in the United States for maternal mortality rates. The leading causes of maternal death in Colorado up to one year post delivery are drug overdoses, motor vehicle crashes, and suicide.

State Revenue

While the fiscal note assumes that members of the commission will comply with the confidentiality agreement under the bill, beginning in FY 2015-16, this bill may increase state revenue by less than \$5,000 per year, credited to the Fines Collection Cash Fund in the Judicial Department if a member commits the misdemeanor offense created in the bill. The fine penalty for a class 3 misdemeanor is \$50 to \$750. Because the courts have the discretion of incarceration, imposing a fine, or both, the precise impact to state revenue cannot be determined. However, based on the low number of fines likely to be imposed, the fiscal note assumes that any revenue generated is likely to be less than \$5,000.

TABOR Impact

This bill may increase state revenue from fines, which will increase the amount required to be refunded under TABOR. TABOR refunds are paid from the General Fund.

State Expenditures

The bill will increase state expenditures for some state agencies, as discussed below.

Public Health and Environment (DPHE). The bill will increase expenditures for the DPHE by \$3,000 in FY 2015-16 and FY 2016-17. The bill also requires the DPHE to provide per diem and expense reimbursement for members of the commission residing 50 miles or more from the committee meetings, as requested. Per rates set in state statute, the fiscal note assumes that committee members will meet six times a year and five members will receive reimbursement at a cost of \$100 per member per meeting in per diem and expenses, or \$3,000. The bill requires the Chief Medical Officer to formally appoint up to 25 members of the commission. This will increase workload for the DPHE but can be absorbed within existing staff resources. The fiscal note assumes that this expenditure can be absorbed within existing appropriations to the Maternal and Child Health Program within the DPHE. If the program cannot absorb these costs, this may be addressed in the annual budget process.

Judicial Department. The trial courts within the Judicial Department may experience a minimal workload increase to investigate additional misdemeanor case filings. However, the fiscal note assumes high compliance among the commission members with the confidentiality agreement set forth in the bill. Any additional workload is anticipated to be minimal and no new appropriations are required.

Comparable Crime

Pursuant to Section 2-2-322 (2.5), C.R.S., Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of the existing crime that creates a new factual basis for the offense. The fiscal note assumes high compliance among the professional staff serving on the commission and signing the confidentiality agreement.

Effective Date

The bill takes effect August 5, 2015, if the General Assembly adjourns on May 6, 2015, as scheduled, and no referendum petition is filed.

Local Government Impact

This bill impacts local governments by creating the new crime of the unlawful violation of a confidentiality agreement which is a class 3 misdemeanor. The penalty for a class 3 misdemeanor is 0 to 6 months in a county jail, a fine of \$50 to \$750, or both. Because the courts have the discretion of incarceration or imposing a fine, the precise impact at the local level cannot be determined. The cost to house an offender in county jails varies from about \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$52.74 to house state inmates. It is assumed that the impact of this bill will be minimal.

State and Local Government Contacts

Public Health and Environment
Health Care Policy and Financing
Personnel

Human Services
Judicial
Regulatory Agencies