

February 6, 2017

The Honorable Jacob LaTurner, Chairperson  
Senate Committee on Federal and State Affairs  
Statehouse, Room 136-E  
Topeka, Kansas 66612

Dear Senator LaTurner:

**SUBJECT:** Fiscal Note for SB 98 by Senator Baumgardner, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning SB 98 is respectfully submitted to your committee.

SB 98 would make amendments relating to the Woman's Right-to-Know Act, by including additional information that physicians must provide to a woman seeking an abortion at least 24 hours in advance of the procedure. The website for the Act is maintained by the Kansas Department of Health and Environment (KDHE). The additional requirements for referring physicians or physicians who perform abortions include:

1. Each physician must provide their name; the year they received their MD degree; the date their employment commenced at the facility where the abortion is to be performed; whether or not disciplinary action has been taken against them by the Board of Healing Arts; the website address to the Board's documentation for any disciplinary action taken; whether or not they carry malpractice insurance; whether or not they have clinical privileges at any hospital located within 30 miles of the facility where the abortion is to be performed, as well as the name of the hospital and the date privileges were issued; the name of any hospital where they have lost clinical privileges; and, whether or not they are a resident of Kansas.
2. Any written information that is provided must be in printed format in black ink with 12-point Times New Roman font.
3. The bill would also establish new law specifying that if any provision in Article 67 (Abortion) of Chapter 65 (Public Health) is restricted or limited by a judicial order, all remaining provisions of that article would be enforced as though the affected provisions had not been enacted. In the event that the relevant judicial order is stayed or dissolved, the previously-invalidated provisions would have full force and effect.

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The passage of SB 98 could result in additional reports or complaints regarding physicians alleged to have violated the requirements in the bill, which could result in an increased number of investigations that would need to be performed by the Board of Healing Arts. Potential increases in investigations would increase operational expenses; however, the Board is unable to predict what any additional costs would be. The Office of Judicial Administration indicates that the fiscal effect of SB 98 would be negligible. The fiscal effect for KDHE would also be negligible since the Department would only need to make changes to the website. Printed materials are no longer sent to physician's offices, clinics, and hospitals or health centers. Any fiscal effect associated with SB 98 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,  
Director of the Budget

cc: Cathy Brown, Board of Healing Arts  
Dan Thimmesch, Health & Environment  
Ashley Michaelis, Judiciary