

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6586**

**BILL NUMBER:** HB 1360

**NOTE PREPARED:** Mar 12, 2012

**BILL AMENDED:** Mar 9, 2012

**SUBJECT:** Anatomical Gift Promotion Fund.

**FIRST AUTHOR:** Rep. Welch

**FIRST SPONSOR:** Sen. Miller

**BILL STATUS:** Enrolled

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
X FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** *Anatomical Gift Promotion Fund:* This bill requires the Indiana Donation Alliance Foundation and Donate Life Indiana to submit an annual audited report concerning the Anatomical Gift Promotion Fund to the: (1) Speaker of the House of Representatives; (2) President Pro Tempore of the Senate; (3) Senate Health and Provider Services Committee; and (4) House of Representatives Public Health Committee; before February 1. The bill provides that money in the fund may not be distributed for any quarter of a year until the report for the previous year has been submitted. The bill requires that any annual reports that were not submitted before March 15, 2011, must be submitted by August 1, 2012. The bill extends the expiration date of the fund from July 1, 2012, to July 1, 2014.

*Accreditation of Community-Based Residential, Habilitation, and Employment Providers:* The bill provides a process for approval of an entity that is approved by a national accrediting body to provide certain services under home and community-based services waivers.

*Health and Hospital Corporation Provision:* The bill exempts the Health and Hospital Corporation from following certain procedures in the sale, lease, or disposal of property. (Current law exempts the Health and Hospital Corporation from following these procedures in the disposal of surplus property.)

*Physician Licensure Provision:* The bill adds the violations of failing to disclose, or negligently omitting, documentation requested for license renewal to the list of violations for which the Medical Licensing Board of Indiana (MLB) may investigate and assess a civil penalty against a physician.

**Effective Date:** June 30, 2012; July 1, 2012.

**Explanation of State Expenditures:** *Anatomical Gift Promotion Fund:* The bill would extend by two years, the distribution of donations made by individuals registering motor vehicles. The authority for the distribution of the funds to Donate Life Indiana expires July 1, 2012. The collection process would remain in place, as would the distribution of donated funds to the nonreverting, dedicated Anatomical Gift Promotion Fund.

*Accreditation of Community-Based Residential, Habilitation, and Employment Providers:* The bill provides that entities approved to provide residential habilitation and support services under Medicaid home and community-based services waivers must be accredited by an approved national accrediting body. The Bureau of Developmental Disabilities Services (BDDS) would no longer be required to do reapproval surveys or routine monitoring surveys of accredited providers. The Bureau would continue to be responsible for initial surveys, any validation surveys, and complaint investigations of the providers. This provision may result in some operating efficiency for the BDDS.

*Background on Anatomical Gift Promotion Fund:* Currently, the Bureau of Motor Vehicles collects donations for Donate Life Indiana. Persons registering a motor vehicle may donate money to promote the procurement of organs for anatomical gifts. The person registering the motor vehicle may indicate the amount the person wishes to donate. The minimum donation is \$1. Donations are collected by the Bureau of Motor Vehicles and transferred to the Anatomical Gift Promotion Fund administered by the State Department of Health (ISDH) for distribution to the Indiana Donation Alliance Foundation and Donate Life Indiana. Fund revenue for the last ten years is shown below.

<b>Fiscal Year</b>	<b>Collections</b>		<b>Fiscal Year</b>	<b>Collections</b>
FY 2002	\$202,160		FY 2007	\$91,148
FY 2003	\$202,516		FY 2008	\$89,050
FY 2004	\$186,458		FY 2009	\$82,741
FY 2005	\$216,454		FY 2010	\$100,514
FY 2006	\$155,139		FY 2011	\$96,836

**Explanation of State Revenues:** *Physician Civil Penalties-* This provision would place an additional category under which a violation would allow the Medical Licensing Board (MLB) to assess a civil penalty of up to \$1,000. Any additional revenues the provision could generate would depend on the action taken by the MLB. Physician civil penalties are to be placed in the Physician Compliance Fund (PCF) that was established during the 2011 session of the General Assembly under P.L. 149-2011. As of September 2011, there were 23,871 physicians licensed by the MLB. There were 2,703 physicians that saw their license expire during 2011.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** *Health and Hospital Corporation Provision:* This provision should result in some administrative efficiencies with regard to the sale, lease, or disposal of property by the Health and Hospital Corporation.

**State Agencies Affected:** State Department of Health; MLB.

**Local Agencies Affected:** Marion County Health & Hospital Corporation.

**Information Sources:** State Budget Agency, Auditor's Data; "Indiana Handbook of Taxes, Revenues, and Appropriations, Fiscal Year 2011", Legislative Services Agency, Office of Fiscal And Management Analysis.

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