

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 703

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: AUGUST 21, 2020

SUMMARY

- Synopsis:** Requires certain health care professionals to undergo implicit bias training.
- Type of Impact:** State Cost Increase.
- Agencies Affected:** Department of Health.
Department of Law and Public Safety, Division of Consumer Affairs.
University Hospital.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) finds that this bill will result in an indeterminate, and likely minimal, increase in State costs for the Department of Health (DOH) to develop regulations requiring hospitals that provide inpatient maternity services and licensed birthing centers to implement an evidence-based implicit bias training program for all health professionals who provide perinatal treatment and care, and all administrative and clerical staff who interact with pregnant women at the hospital or birthing center.
- The Division of Consumer Affairs in the Department of Law and Public Safety will realize an indeterminate increase in costs associated with a requirement that the New Jersey Board of Medical Examiners and the New Jersey Board of Nursing ensure that all licensed physicians, physician assistants, professional nurses and practical nurses who provide prenatal or perinatal services take, on a biennial basis, one credit of continuing education programs concerning implicit bias that meet the requirements established under the bill.
- The OLS also concludes that University Hospital, an independent non-profit legal entity that is an instrumentality of the State, will experience an indeterminate increase in expenditures to develop and implement the evidence-based training program, and the biennial refresher course, required under the bill.

BILL DESCRIPTION

This bill would require every hospital that provides inpatient maternity services and every birthing center licensed in the State to implement an evidence-based implicit bias training program for all health professionals who provide perinatal treatment and care to pregnant women at the hospital or birthing center and all administrative and clerical staff members who interact with pregnant women at the hospital or birthing center. The bill defines “implicit bias” as a bias in judgement or behavior that results from subtle cognitive processes, including implicit prejudice and implicit stereotypes, which often operate at a level below conscious awareness and without intentional control.

All health care professionals who provide perinatal treatment and care to pregnant women at a hospital or birthing center, and all administrative and clerical staff who interact with pregnant women at such facilities, would be required to complete the training program as well as a biennial refresher course designed to provide updated information about racial, ethnic, and cultural identity, and best practices in decreasing interpersonal and institutional implicit bias. Upon successful completion of the training program, the health care professional or administrative or clerical staff member would receive a certification from the hospital or birthing center.

This bill also directs the New Jersey Board of Medical Examiners and the New Jersey Board of Nursing to require all licensed physicians, physician assistants, professional nurses and practical nurses who provide prenatal or perinatal care or treatment to complete one credit of continuing education programs concerning implicit bias that meet the requirements established under the bill. In addition, a hospital or birthing center that implements an implicit bias training program would be required to structure the program in a manner that would permit participating health care professionals to be eligible to receive continuing education credits.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that this bill will result in an indeterminate, although likely minimal, increase in State costs for the Department of Health to develop regulations governing the development and implementation, by hospitals that provide inpatient maternity services and licensed birthing centers, of an evidence-based implicit bias training program, as well as a biennial refresher course, for all health professionals who provide perinatal treatment and care at the facility, as well as all administrative and clerical staff who interact with pregnant women at the hospital or birthing center.

The OLS also concludes that the New Jersey Board of Medical Examiners and the New Jersey Board of Nursing, both of which operate under the purview of the Division of Consumer Affairs in the Department of Law and Public Safety, would incur an indeterminate increase in costs to oversee a new requirement that all State-licensed physicians, physician assistants, professional nurses and practical nurses who provide prenatal and perinatal care take one credit of educational programs concerning implicit bias on a biennial basis. However, pursuant to P.L.2005, c.53 (C.45:9-7.2 et seq.), New Jersey medical schools are required to make cultural competency training a prerequisite for graduation. To the extent that this coursework can be adapted to meet the

requirements of this bill, and can be replicated in continuing education curricula for the relevant health professionals, costs to the Board of Medical Examiners, the Board of Nursing and the Division of Consumer Affairs would be reduced. To further limit State costs, the Division of Consumer Affairs could potentially adapt the regulations governing the cultural competency course requirement for medical students, as outlined at N.J.A.C. 13:35-6.25, as the division implements implicit bias training requirements for licensed physicians, physician assistants, professional nurses and practical nurses.

University Hospital, an independent non-profit legal entity that is an instrumentality of the State, will experience an indeterminate increase in expenditures to develop and implement the evidence-based training program, and the refresher course, required under the bill. However, pursuant to State law, each New Jersey hospital and birthing facility must require its health care professionals who provide labor, delivery, and postpartum care to complete a “standardized maternal patient discharge education module,” designed to educate staff on the complications, and associated warning signs, of childbirth. To the extent that University Hospital has completed development of this maternal patient discharge educational model, and can expand the module to meet the implicit bias training requirements mandated under this bill, costs to University Hospital could potentially be minimized.

Section: Human Services

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).