

ADMINISTRATIVE RULES – FISCAL ESTIMATE

1. **Fiscal Estimate Version**

Original Updated Corrected

2. Administrative Rule Chapter Title and Number

DHS 137 Wisconsin Donor Registry

3. Subject

Under the authority of s. 157.06(20) Stats, these rules are created to establish and govern the Wisconsin Donor Registry as a means for individuals to make anatomical gifts as provided under s. 157.06(5)(a) 5.

4. **State Fiscal Effect:**

<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No May be possible to absorb within agency's budget.
		<input type="checkbox"/> Decrease Costs

5. Fund Sources Affected:

GPR FED PRO PRS SEG SEG-S

6. Affected Ch. 20, Stats. Appropriations:

7. **Local Government Fiscal Effect:**

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Revenues	<input type="checkbox"/> Decrease Costs

8. Local Government Units Affected:

Towns Villages Cities Counties School Districts WTCS Districts Others:

9. **Private Sector Fiscal Effect (small businesses only):**

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No May have significant economic impact on a substantial number of small businesses
	<input type="checkbox"/> Yes <input type="checkbox"/> No May have significant economic impact on a substantial number of small businesses	<input type="checkbox"/> Decrease Costs

10. Types of Small Businesses Affected:

11. **Fiscal Analysis Summary**

Section 157.06 (20), Stats., authorizes the Department of Health Services (DHS) to establish a donor registry and requires DHS to promulgate rules to govern any registry established. The Department of Transportation (DOT) is required to cooperate with DHS on establishing the registry.

A donor registry allows people to make a record of anatomical gift of their organ, tissues and eyes by completing a form on a secure website. The website will transmit this record to the DOT to be included in the individual's driver's record. A donation decision made through the new website or through the DOT division of motor vehicles will be made accessible to authorized personnel of organ and tissue recovery organizations to identify a person as a donor at or near the time of his or her death. If the individual is over age 18, this decision may not be overturned by the family or anyone else.

The rules in this order prescribe:

- The conditions under which individuals may have a record of gift or record of intent to make an anatomical gift included in the Donor Registry.
- The conditions under which an individual can amend or revoke his or her record of gift recorded in the Donor Registry.
- The conditions under which procurement organizations and their employees can receive department authorization to access the Donor Registry.
- The conditions of use of Donor Registry information.

DHS will absorb the costs of maintaining and updating registry functions in the organ donor program budget and will provide grant funding to pay for six months .50 FTE LTE in the Department of Transportation to update driver's records. After that time the work is expected to be no more than 2 hours per week and will be absorbed by existing personnel.

The proposed rule would not affect the revenues or costs of local governments.

The proposed rule would not have a fiscal impact on small businesses over and above the costs imposed for the recovery organizations to conduct criminal background checks on employees who access the registry data. Most of these agencies already do so.

12. Long-Range Fiscal Implications

None known.

13. Name - Prepared by Martha Mallon	Telephone Number 608-261-6854	Date March 22, 2010
14. Name – OSF Analyst Reviewer	Telephone Number	Date
Signature – DHS Secretary or Designee	Telephone Number	Date