

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5081H.011
Bill No.: HB 2394
Subject: Health, Public; Drugs and Controlled Substances; Department of Health and Senior Services
Type: Original
Date: March 3, 2022

Bill Summary: This proposal requires the Department of Health and Senior Services to promulgate regulations consistent with CDC guidelines for prescribing opioids for chronic pain.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Health and Senior Services (DHSS)** state §192.985 requires DHSS to promulgate rules and regulations regarding tapering a patient off opioids for all health care professionals with the authority to prescribe opioids consistent with the Centers for Disease Control and Prevention Guideline for Prescribing Opioids for Chronic Pain.

It is assumed it will take a Regulatory Compliance Manager (average salary \$73,989) a total of approximately 1,040 hours to make the required changes. Based on 2,080 working hours per year, this would require 0.5 FTE (1,040 hours ÷ 2,080 hours per year) to accomplish these duties for a total personal service cost of \$36,995 ($\$73,989 \times 0.5$) in FY2023.

The department anticipates being able to absorb these costs; however, until the FY2023 budget is final, the department cannot identify specific funding sources.

Oversight notes the Centers for Disease Control and Prevention (CDC) currently has 12 recommendations in three categories that clinicians should follow. Category A recommendations relate to determining when to initiate or continue opioids for chronic pain; Category B recommendations relate to opioid selection, dosage, duration, follow-up, and discontinuation; and Category C recommendations relate to assessing risk and addressing harms of opioid use.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the absorbable fiscal impact provided by DHSS for fiscal note purposes.

Officials from the **Department of Commerce and Insurance** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, we reserve the

right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

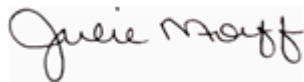
FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

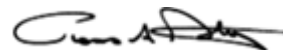
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Commerce and Insurance
Department of Health and Senior Services
Office of the Secretary of State
Joint Committee on Administrative Rules



Julie Morff
Director
March 3, 2022



Ross Strobe
Assistant Director
March 3, 2022