

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0623H.01I  
Bill No.: HB 438  
Subject: Health, Public; Drugs and Controlled Substances; Health and Senior Services,  
Department of  
Type: Original  
Date: January 8, 2021

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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**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on <u>Other State Funds</u></b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### 192.980 – DHSS to promulgate rules and regulations consistent with CDC guidelines

Officials from the **Department of Health and Senior Services (DHSS)** state Section 192.980 requires the Division of Regulation and Licensure (DRL), Section for Health Standards and Licensure (HSL) 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 four (4) Regulatory Compliance Managers (average salary \$72,538) 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 \$36,269 ( $\$72,538 \times 0.5$ ) in FY2022.

The department anticipates being able to absorb these costs; however, until the FY2022 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 not 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 this agency.

### Rule Promulgation

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 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<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.

L.R. No. 0623H.011

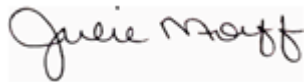
Bill No. HB 438

Page 5 of 5

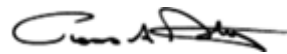
January 8, 2021

SOURCES OF INFORMATION

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



Julie Morff  
Director  
January 8, 2021



Ross Strobe  
Assistant Director  
January 8, 2021