

February 1, 2006

The Honorable Jim Morrison, Chairperson  
House Committee on Health and Human Services  
Statehouse, Room 143-N  
Topeka, Kansas 66612

Dear Representative Morrison:

SUBJECT: Fiscal Note for HB 2649 by House Committee on Health and Human Services

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2649 is respectfully submitted to your committee.

HB 2649 would establish the Pain Patient's Bill of Rights. The bill would allow patients who suffer from moderate to severe pain to request or reject the use of any or all methods of pain relief, including opiate medications, without first having to submit to an invasive medical procedure such as surgery; choose from treatment options available; receive information regarding physicians who are qualified to treat severe pain; and receive an identifying notice of a prescription from a physician for the purposes of emergency treatment or law enforcement identification.

The bill would also require that patients be treated with dignity and respect by doctors, nurses, and other health care professionals. This would include having their pain thoroughly assessed and promptly treated, and having their pain reassessed regularly and their treatment adjusted if their pain has not been eased. A physician who uses opiate therapy to relieve moderate to severe pain would be allowed to prescribe a dosage deemed medically necessary to relieve the pain.

HB 2649 would not expand the scope of practice for any licensed physician or limit the disciplinary actions that could be brought against any physician. Specific acts that would result in disciplinary action would include writing false prescriptions, dispensing pharmaceuticals in a

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way that violates the federal Comprehensive Drug Abuse Prevention and Control Act of 1970, diverting medications prescribed for a patient for the physician's personal use, and causing or assisting in the suicide or euthanasia of any individual.

The bill would also amend current statutes regarding professional incompetency, by prohibiting the prescribing, dispensing, administering, or distributing a controlled substance for other than a legitimate medical purpose. Current law prohibits the prescribing, dispensing, administering, or distributing a controlled substance in an excessive, improper, or inappropriate manner or quantity.

The Board of Healing Arts and the Board of Nursing have indicated that the passage of HB 2649 would not have a fiscal effect on agency operations.

Sincerely,

A handwritten signature in black ink that reads "Duane A. Goossen". The signature is written in a cursive style and is enclosed in a thin black rectangular border.

Duane A. Goossen  
Director of the Budget

cc: Cathy Brown, Healing Arts  
Aaron Dunkel, KDHE  
Debra Billingsley, Board of Pharmacy  
Mary Blubaugh, Board of Nursing