

February 5, 2013

The Honorable David Crum, Chairperson
House Committee on Health and Human Services
Statehouse, Room 512-N
Topeka, Kansas 66612

Dear Representative Crum:

SUBJECT: Fiscal Note for HB 2068 by House Committee on Health and Human Services

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2068 is respectfully submitted to your committee.

HB 2068 would enact the Kansas Death with Dignity Act. The act would allow a qualified patient 18 years of age or older who is a Kansas resident, who has been determined by an attending physician and a consulting physician to have a terminal disease, and who meets and satisfies other specific criteria, to make a combination of verbal and written requests to an attending physician for a prescription for medication to end his or her life.

The bill contains:

1. Definitions;
2. Requirements and criteria that the patient must satisfy in order to qualify;
3. Requirements for the attending physician and the consulting physician;
4. Documentation requirements for the patient's medical record;
5. Requirements for records to be submitted to and public reports to be released by Kansas Department of Health and Environment;
6. Factors to demonstrate Kansas residency;
7. Opportunities for the patient to rescind their request;

8. Language stating that no persons, professional organizations, associations or health care providers shall be subject to civil or criminal liability, professional disciplinary action, censure, discipline, suspension, loss of license, loss of privileges, loss of membership or other penalty for participating or refusing to participate in good faith compliance with the provisions of the Kansas death with dignity act.

Lastly, the bill includes a “Request for Medication to End My Life in a Humane and Dignified Manner” form to be completed and submitted by the qualified patient and signed by two witnesses who must meet certain criteria.

Estimated State Fiscal Effect				
	FY 2013 SGF	FY 2013 All Funds	FY 2014 SGF	FY 2014 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$126,140	\$126,140
FTE Pos.	--	--	--	1.00

The Kansas State Board of Healing Arts states that the passage of HB 2068 could result in additional reports and complaints regarding physicians alleged to have violated requirements contained in the Kansas Death with Dignity Act. This could result in an increase in complaints and corresponding investigations that would need to be performed by Board staff and the number of disciplinary cases handled by the Board. An increase in the number of investigations and disciplinary cases would proportionally increase related operational expenses such as travel, records duplication costs, court reporter and transcription fees, and expert witness fees. However, the increase in expenditures cannot be estimated.

HB 2068 has the potential for increasing litigation in the courts because of the new crimes created by the bill. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources.

HB 2068 specifies that the Kansas Department of Health and Environment (KDHE) must require health care providers dispensing medication for this purpose to file a copy of the dispensing record with KDHE. Section ten of the bill specifies, “A sample of records maintained pursuant to this Act is required to be reviewed annually.” However, this provision is not clear with regard to what records should be reviewed, the depth of this review, or how many records should be involved. Since this provision is unclear, the fiscal effect cannot be determined. KDHE would adopt rules and regulations to facilitate collection of this information in

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compliance with the Kansas Death with Dignity Act. KDHE would also generate and make available to the public an annual statistical report of information. To comply with HB 2068, KDHE would create and disseminate the dispensing record, develop a database and process for filing the form, and create a reporting mechanism to generate statistical reports. KDHE would require 1.00 additional FTE Research Analyst IV position to establish the provisions of the bill. Additional expenditures of \$66,140 would finance this new position. The cost for the annual review of the sample of documents for validation would be approximately \$30,000. One-time expenditures of \$20,000 for the services of an attorney to write rules and regulations and \$10,000 for changes to the vital statistics system would be necessary. These additional costs would be from the State General Fund.

Any fiscal effect associated with HB 2068 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Mary Rinehart, Judiciary
Aaron Dunkel, KDHE
Cathy Brown, Healing Arts
Dave Halferty, Aging & Disability Services
Debra Billingsley, Pharmacy
Steve Neske, Revenue
Rachel Sciolaro, Secretary of State's Office