

February 28, 2014

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 2691 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2691 is respectfully submitted to your committee.

HB 2691 would establish a standardized format for Kansas Transportable Physician Orders for Patient Preferences (TPOPP). The bill prescribes precise language that would be included in the standard form. TPOPP documents would supersede any previous TPOPP, physician orders for life-sustaining treatment, physician orders for scope of treatment, medical orders of life-sustaining treatment, or similar document. A healthcare provider who complies with the TPOPP would not be subject to civil or criminal liability or discipline, assuming that the TPOPP is valid and executed by someone with authority to execute the document. Anyone who falsifies the document would be subject to \$200,000 in damages or actual damages resulting from the action. HB 2691 would require the Kansas Department of Health and Environment (KDHE) to promulgate regulations regarding transportable physician orders for patient preferences within 90 days of the effective date of the law, July 1, 2014.

KDHE indicates that creation of the prescribed form and promulgation of the appropriate regulations could be accomplished within existing resources.

The Office of Judicial Administration states that HB 2691 could increase the number of cases filed in district court and the number of appeals relating to TPOPP. If it does, the Office of Judicial Administration indicates that there would be increased costs for 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.

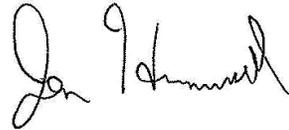
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The Board of Healing Arts states that HB 2691 could increase the number of investigations and the number of disciplinary cases that are handled by the Board. However, the number of additional investigations or cases or the additional cost of those actions cannot be estimated. Any fiscal effect associated with HB 2691 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is written in a cursive style with a large initial "J" and "H".

Jon Hummell,
Interim Director of the Budget

cc: Aaron Dunkel, Health & Environment
Cathy Brown, Board of Healing Arts
Mary Rinehart, Judiciary