



LEGISLATIVE FISCAL OFFICE
Fiscal Note

ACT 28

Fiscal Note On: **SB 90** SLS 18RS 460

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: May 17, 2018	7:58 AM	Author: MILLS
Dept./Agy.: LA Dept. of Health		Analyst: Zachary Rau
Subject: Publication of a Voluntary Nonopioid Directive Form		

HEALTH CARE

EN SEE FISC NOTE SG RV See Note

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Provides relative to a voluntary nonopioid directive form. (8/1/18)

Proposed law requires the LA Dept. of Health to publish a voluntary nonopioid directive form on their website that will allow patients to voluntarily opt-out of receiving opioid prescriptions. Proposed law allows patients and prescribing practitioners to execute a nonopioid directive. Proposed law allows a patient to appoint an authorized guardian or health care representative to override an opt-out directive orally or in writing. Proposed law provides immunity from civil, criminal, and professional sanctions for the following: pharmacists dispensing opioids based on electronic prescriptions; prescribing practitioners refusing to issue an opioid prescription; guardians or health care representatives for revoking a nonopioid directive; prescribing practitioners not party to an executed nonopioid directive for issuing a prescription or administering a controlled dangerous substance containing an opioid. Proposed law allows professional health licensing boards regulating prescribing practitioners to take disciplinary action in accordance with promulgated rules against practitioners who willfully fail to comply with a patient's nonopioid directive form.

EXPENDITURES	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>	<u>5 -YEAR TOTAL</u>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

REVENUES	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>	<u>5 -YEAR TOTAL</u>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total						

EXPENDITURE EXPLANATION

There is no anticipated direct material effect on governmental expenditures as a result of this measure. Proposed law requires the LA Dept. of Health, Office of Behavioral Health (OBH) to develop and publish a voluntary nonopioid directive form for public use on their website. Staff at OBH report that development and publication of the form will be absorbed utilizing existing resources and budget authority.

REVENUE EXPLANATION

Proposed law may increase SGR collections for the LA State Board of Medical Examiners, LA Board of Dentistry, and the LA State Board of Nursing by an indeterminable amount. To the extent the aforementioned health licensing boards determine practitioners under their authority willfully failed to comply with voluntary nonopioid directive forms signed by patients, the boards may levy fines as penalties. Total fine revenues associated with practitioners willfully violating nonopioid directive forms are indeterminable because the number of practitioners who may be found in violation of the proposed law, as well as their accompanying fine amounts, are unknown. In the event the boards fine practitioners for a violation of the proposed legislation, revenues would accrue to the aforementioned boards as SGR.

Senate Dual Referral Rules

13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

House

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux

Evan Brasseaux
Staff Director