

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 596** HLS 20RS 89

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> May 12, 2020	6:09 AM	<b>Author:</b> IVEY
<b>Dept./Agy.:</b> Healthcare Providers		<b>Analyst:</b> Monique Appeaning
<b>Subject:</b> Specific Examination of Anesthetized or Unconscious Patients		

HEALTH/MEDICAL TREATMENT OR SEE FISC NOTE LF EX Page 1 of 1  
Provides relative to nonconsensual pelvic or rectal examinations by healthcare providers and medical students

Proposed law provides that healthcare providers or medical residents, interns, or students shall not perform pelvic or rectal examinations on an anesthetized or unconscious patient without informed consent. Proposed law provides that any healthcare provider who violates proposed law shall be fined no less that \$250 and no more than \$500. Further provides that a healthcare provider may be imprisoned for no less than 10 days and no more than 5 months, or both.

<b>EXPENDITURES</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
<b>Annual Total</b>						

  

<b>REVENUES</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

Proposed law may result in an indeterminable increase of Local Funds expenditures for local governing authorities, if a person is convicted of performing pelvic or rectal examinations on an anesthetized or unconscious patient without informed consent. The number of individuals that may be charged with and convicted is unknown and the expenditure impact to the local governing authorities is therefore indeterminable. A healthcare provider so convicted may be imprisoned no less than 10 days and no more than five months.

Proposed law will have an indeterminable impact on SGR expenditures for entities such as the Louisiana State Board of Medical Examiners and the Louisiana State Board of Nursing costs related to investigations and hearings predicated by violations of the defined actions without informed consent. The net impact of such costs is indeterminable and will be based on the number of complaints and violations issued against healthcare providers, but costs are assumed to increase. To the extent existing budgetary resources are insufficient to accomplish any actions that may arise as a result of the proposed provisions, the boards may be required to adjust existing expenditures or licensing fees to cover additional costs. These boards may also be required to promulgate rules subsequent to enactment of proposed law, assumed by the LFO to be absorbable with existing budgetary and personnel resources as rule promulgation is a normal and customary activity for boards and commissions.

**REVENUE EXPLANATION**

Proposed law may result in an indeterminable increase in Local Funds revenue as a result of potential fines if a person is convicted of performing pelvic or rectal examinations on an anesthetized or unconscious patient without informed consent. The maximum fine is \$500. The sentencing decisions cannot be determined and the potential revenue impact is therefore unknown.

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**