

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1334-01
Bill No.: HB 401
Subject: Health Care; Health Care Professionals; Health Department; Hospitals; Physicians
Type: Original
Date: February 22, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Economic Development - Division of Professional Registration** assume this proposal would not fiscally impact their agency.

Officials from the **Department of Health and Senior Services (DOH)** assume activities related to this proposal could be accomplished with existing staff. Therefore, the DOH assumes this proposal would not fiscally impact the operations of DOH. If an impact were to result, funds to support the program would be sought through the appropriation process.

Officials from the **Office of the Secretary of State (SOS)** state this proposal creates an out-of-hospital do-not-attempt-to-resuscitate order to prevent resuscitation attempts by emergency medical technicians, first responders, and other health care providers. Based on experience with other divisions, the rules, regulations and forms issued by the Department of Health and Senior Services could require as many as 6 pages in the Code of State Regulations. For any given rule, roughly one-half again as many pages are published in the Missouri Register as are published in the Code because cost statements, fiscal notes and notices are not published in the Code. The estimated cost of a page in the Missouri Register is \$23.00. The estimated cost of a page in the Code of State Regulations is \$27.00. The actual costs could be more or less than the numbers given. The fiscal impact of this legislation in future years is unknown and depends upon the

ASSUMPTION (continued)

frequency and length of rules filed, amended, rescinded and withdrawn. The SOS estimates the cost of this legislation to be \$369 in FY 06.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from **St. Charles County Ambulance District** assume this proposal would not impact their ambulance district, provided the rules promulgated do not place the financial responsibility of implementing the rule on the local ambulance services.

Officials from the **Taney County Ambulance District** assume this proposal would not fiscally impact their ambulance district.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal creates an out-of-hospital do-not-attempt-to-resuscitate order (OHDNARO), a copy of which must be included in the patient's medical record. The Department of Health and Senior Services must develop and approve uniform OHDNARO forms and uniform personal identifiers. The identifiers must alert any emergency medical technician, paramedic, first responder, or other health care provider of the existence of an OHDNARO for the patient.

The proposal specifies the information that must be included on the OHDNARO form and

DESCRIPTION (continued)

requires emergency medical technicians, paramedics, first responders, and other health care providers to withhold or withdraw an attempt to resuscitate a patient outside a hospital when notified of an OHDNARO. Emergency medical technicians, paramedics, first responders, or other health care providers are not required to affirmatively inquire about the existence of an order. The wishes of family members or other individuals not authorized in the order to act on the patient's behalf cannot supersede a valid OHDNARO.

If there is uncertainty about the validity or applicability of an OHDNARO, the emergency medical technician, paramedic, first responder, or health care provider must attempt necessary and appropriate resuscitation. Compliance or non-compliance with an OHDNARO must be documented, and hospitals are not precluded from honoring an OHDNARO. The proposal lists individuals and entities that are exempt from civil or criminal liability for withholding or withdrawing resuscitation pursuant to an OHDNARO as long as the actions were performed in good faith and without gross negligence.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Health and Senior Services
Department of Economic Development -
Division of Professional Registration
Secretary of State
Taney County Ambulance District
St. Charles County Ambulance District



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Director
February 22, 2005