

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4573H.011
Bill No.: HB 2298
Subject: Health, Public; Drugs and Controlled Substances; Department of Health and Senior Services
Type: Original
Date: January 19, 2024

Bill Summary: This proposal requires the Department of Health and Senior Services to promulgate regulations consistent with CDC guidelines for prescribing opioids.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§192.985 - DHSS to promulgate rules and regulations consistent with CDC guidelines

Officials from the **Department of Health and Senior Services (DHSS)** state §192.985 requires the Division of Regulation and Licensure (DRL), Section for Health Standards and Licensure (HSL) to promulgate rules and regulations regarding tapering a patient off opioids for all health care professionals with the authority to prescribe opioids consistent with the Centers for Disease Control and Prevention Guideline for Prescribing Opioids for Chronic Pain.

It is assumed it will take a Regulatory Compliance Manager (average salary \$95,796) a total of approximately 1,040 hours to make the required changes. Based on 2,080 working hours per year, this would require 0.5 FTE (1,040 hours ÷ 2,080 hours per year) to accomplish these duties for a total personal service cost of \$47,898 ($\$95,796 * 0.5$) in FY25.

It is assumed that the Department can absorb the costs of this bill with current resources. However, if the workload significantly increased or other legislation was enacted, additional resources would be requested through the appropriation process.

Oversight notes the Centers for Disease Control and Prevention (CDC) developed the 2022 Clinical Practice Guideline recommendations (12) using the Grading of Recommendations, Assessment, Development, and Evaluation (GRADE) framework which specifies the systematic review of scientific evidence and offers a transparent approach to grading quality of evidence and strength of recommendations. CDC drafted recommendation statements in the 2022 Clinical Practice Guideline to assist clinicians in:

- 1) Determining whether or not to initiate opioids for pain,
- 2) Selecting opioids and determining opioid dosages,
- 3) Deciding duration of initial opioid prescription and conducting follow-up, and
- 4) Assessing risk and addressing harms of opioid use.

The CDC states the 2022 Clinical Practice Guideline is not a regulation or law. It is a set of voluntary recommendations intended to support clinicians as they work in consultation with their patients to address pain. It is intended to be flexible to support, not supplant, clinical judgment and individualized, patient-centered decision-making. It *is not* intended to be applied as inflexible standards of care across patient populations by healthcare professionals, health systems, third-party payers, organizations, or governmental jurisdictions.

(<https://www.federalregister.gov/documents/2022/11/21/2022-25264/cdc-clinical-practice-guideline-for-prescribing-opioids-for-pain-united-states-2022>)

Oversight does not have any information to the contrary. Therefore, Oversight assumes the DHSS has sufficient staff and resources available to absorb the additional responsibilities of this proposal and will reflect no fiscal impact for DHSS for fiscal note purposes.

Officials from the **Department of Commerce and Insurance**, the **Department of Mental Health** and the **Department of Social Services** assume the proposal will have no fiscal impact on their organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
	<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.

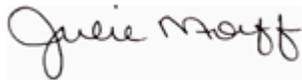
FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

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 Commerce and Insurance
Department of Health and Senior Services
Department of Mental Health
Department of Social Services
Office of the Secretary of State
Joint Committee on Administrative Rules



Julie Morff
Director
January 19, 2024



Ross Strobe
Assistant Director
January 19, 2024