

**COMMONWEALTH OF KENTUCKY STATE FISCAL NOTE STATEMENT
LEGISLATIVE RESEARCH COMMISSION
2018 REGULAR SESSION**

MEASURE

2018 BR NUMBER **0288**

HOUSE BILL NUMBER **428/HCS1**

RESOLUTION NUMBER _____

AMENDMENT NUMBER _____

SUBJECT/TITLE **An ACT relating to opioid overdose.**

SPONSOR **Representative Moser**

NOTE SUMMARY

FISCAL ANALYSIS: IMPACT NO IMPACT INDETERMINABLE IMPACT

LEVEL(S) OF IMPACT: STATE LOCAL FEDERAL

BUDGET UNIT(S) IMPACT: _____

FUND(S) IMPACT: GENERAL ROAD FEDERAL RESTRICTED AGENCY _____ OTHER

FISCAL SUMMARY

| FISCAL ESTIMATES | 2017-2018 | 2018-2019 | 2019-2020 | ANNUAL IMPACT AT FULL IMPLEMENTATION |
|-------------------------|------------------|------------------|------------------|---|
| REVENUES | | | | |
| EXPENDITURES | | Indeterminable | Indeterminable | |
| NET EFFECT | | (Indeterminable) | (Indeterminable) | |

() indicates a decrease/negative

MEASURE'S PURPOSE: House Bill 428 HCS1 requires that an individual who has had an opioid overdose be immediately detained by a peace officer for transport by an emergency medical services provider to an appropriate facility for assessment and treatment or a referral for treatment. This provision is required for opioid overdoses that occur within the services areas defined in Subsection (1)(f). An immediate detention form is also required to be completed for inclusion in the individual's medical records.

PROVISIONS/MECHANICS: Section 1 creates a new section of KRS Chapter 222; defines specific terms in order to understand the provisions in the future subsections; requires an emergency medical services provider to have an individual who has had an opioid overdose to be immediately detained by a peace officer; requires the peace officer to complete an immediate detention form, submitting it for entry into the Law Information Network of Kentucky and to provide a copy of the form to the appropriate facility for inclusion in the individual's medical records; specifies that the immediate detention form shall contain the reasonable grounds why the individual is at serious risk of injury or death due to the abuse of opioids and any evidence or other information prescribed by the Justice and Public Safety Cabinet administrative regulations; describes the requirements for discharge from an appropriate facility; specify that an assessment

for substance use disorder be conducted by a qualified health professional and any appropriate referrals be made for treatment; requires the qualified health professional conducting the assessment for substance use disorder develop a discharge plan that includes a referral to an alcohol and drug peer support specialist registered under KRS Chapter 309; requires the Justice and Public Safety Cabinet and the Office of Drug Control Policy collect data in compliance with the federal Health Insurance Portability and Accountability Act of 1996 on immediate detention and requires a report of this data to be submitted to the Legislative Program Review and Investigations Committee of the Kentucky General Assembly by December 31 of each year; specifies that any individual that carries out duties or renders professional opinions will be free of personal liability for actions performed in good faith within the scope of their professional duties; specifies that any individuals who are Medicaid-eligible, transportation to and treatment in an appropriate facility for opioid overdose under this section shall be reimbursed by a health benefit plan, as deemed medically necessary in accordance with the Social Security Act as defined in KRS 61.420; and indicates all provisions of this section shall be subject to available funding.

FISCAL EXPLANATION: Per the Cabinet for Health and Family Services, HB 428 HCS 1 has no significant impact on the Cabinet, as the bill only requires payment by Medicaid when the circumstances have met the legal standards for medical necessity. Medicaid would already be liable for payments under these circumstances. The Department for Behavioral Health, Developmental and Intellectual Disabilities could have minimal administrative costs associated with certifying appropriate facilities. The bill states all provisions shall be subject to available funding.

There is no fiscal impact for the Justice and Public Safety Cabinet or the Office of Drug Control Policy.

DATA SOURCE(S): Cabinet for Health and Family Services

PREPARER: Jake Fouts **NOTE NUMBER:** 178 **REVIEW:** JAB **DATE:** 3/16/2018