## Local Government Mandate Statement Kentucky Legislative Research Commission 2022 Regular Session

**Part I: Measure Information** 

Bill Request #: 2235				
Bill #: SB 203 SCS 1				
Document ID #:7548				
Bill Subject/Title: AN ACT relating to health care.				
Sponsor: Senator Julie Raque Adams				
Unit of Government: City X County C Urban-County Unified Local				
X Charter County X Consolidated Local X Government				
Office(s) Impacted: Local health departments				
Requirement: X Mandatory Optional				
Effect on Powers & Duties: Modifies ExistingX Adds New Eliminates Existing				

## Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 203 SCS 1 would require each local county health department to provide a drug test sample collection service for persons ordered by a court to complete a drug test. The bill would apply to health departments established pursuant to KRS Chapter 212 and would include health departments in counties containing a city of the first class, health departments in counties with a consolidated local government, urban-county health departments, independent district health departments, and district health departments.

SB 203 SCS 1 would have a moderate to significant negative fiscal impact on the majority of local health departments. Currently, court-ordered drug test sample collection and testing for local participants in a specialty court (Veterans Court, Drug Court, and Mental Health Court) is performed by a private vendor contracting with, and paid for by, the Administrative Office of the Courts. Other court-ordered drug testing is more than likely paid for by the person ordered to submit to drug testing.

The Kentucky Health Department Association (KHDA) was consulted for this mandate analysis. KHDA reports, and research bears out, that many local health departments in Kentucky are in dire financial condition, attributed largely to pension funding. KHDA expressed concern SB 203 SCS 1 would impose a duty on local health departments that is not a "foundational public health program" as defined in KRS 211.185, passed by the General Assembly in 2020. That law defines foundational public health programs as:

"[T]hose services required by the Kentucky Revised Statutes, including but not limited to activities and service programs that prevent and mitigate disease, protect people from injury, promote healthy lifestyles across all environments, promote population health services, enforce Kentucky administrative regulations, ensure emergency preparedness and response, monitor and mitigate communicable disease, and provide the administrative and organizational infrastructure to deliver services...."

SB 203 SCS 1 does not identify how the drug test sample collection service would be funded; KHDA believes sufficient funding to provide for foundational public health programs has not been forthcoming and so believes SB 203 SCS 1 would have a significant negative fiscal impact on local health departments. KHDA offers as an example, a pilot program offering drug test sample collection service for court-ordered persons conducted in 2017-2018 by the Washington County Health Department (WCHD). The pilot program was unsuccessful due to people not showing up for their scheduled sample collection appointment; nonetheless the WCHD had contracted with a vendor to supply staff for the program at a cost of \$150 for 2 hours, one day each week, for a total of \$7,800.

KHDA believes the cost of such a program would be higher now, 4-5 years later. Costs for a drug test sample collection service could include hiring additional staff and/or training current staff to do the collections and complete paperwork, including to document chain of custody for samples, and reporting sample results; supplies; a dedicated collection restroom, and packaging and shipping of samples to a commercial laboratory for local health departments that don't have an onsite laboratory (which includes the majority of local health departments). The KHDA reports that Kentucky local health departments are currently short-staffed and struggling to meet the demands of currently-required programs.

While the fiscal impact of SB 203 SCS 1 on larger local health departments or district health departments may be less, all health departments consulted believed it would constitute an additional administrative and procedural burden on those facilities, and could take away health care providers from foundational public health programs.

## Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II applies to SB 203 as amended by Senate Committee Substitute 1. SB 203 as introduced would simply require physicians practicing in Kentucky to notify the State Board of Medical Licensure of their office address, and would have no fiscal impact on local governments. Senate Committee Substitute 1 would have a negative fiscal impact on local health departments.

Data Source	•	<u> </u>			
	<u>Department; Wh</u>	Department; Whitley Circuit Court Drug Court; Louisville-Jefferson			
	County Metro H	County Metro Health Department; Lexington-Fayette County Health			
	Department; Ad	Department; Administrative Office of the Courts.			
Preparer:	Mary Stephens	Reviewer:	Date:		