

February 21, 2014

The Honorable David Crum, Chairperson
House Committee on Health and Human Services
Statehouse, Room 512-N
Topeka, Kansas 66612

Dear Representative Crum:

SUBJECT: Fiscal Note for HB 2638 by House Committee on Federal and State
Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2638 is respectfully submitted to your committee.

HB 2638 would require that an attending physician or health facility that refuses to comply with the directions of a qualified patient, as defined by the Natural Death Act, or a durable power of attorney for health care decisions must arrange for the transfer of the patient to another physician or health care facility that will comply with the patient's or the agent's directions. Continuing care would be required until the transfer was complete. A physician or facility's failure to meet these requirements would constitute unprofessional conduct. Any person could seek injunctive relief to require the physician or health care facility to effect the transfer or to provide continuing care until the transfer was complete.

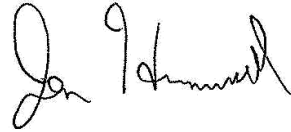
HB 2638 has the potential for increasing litigation in the courts because of the new cause of action created by the bill. If it does, the Office of Judicial Administration indicates that there would be increased costs for the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources.

The Board of Healing Arts states that HB 2638 could increase the number of investigations and the number of disciplinary cases that are handled by the Board. However, the number of additional investigations and/or cases or the additional cost of those actions cannot be

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estimated. Any fiscal effect associated with HB 2638 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is written in a cursive style with a large initial "J" and "H".

Jon Hummell,
Interim Director of the Budget

cc: Cathy Brown, Board of Healing Arts
Aaron Dunkel, Health & Environment
Mary Rinehart, Judiciary