

# STATE OF KANSAS

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GOVERNOR JEFF COLYER, M.D.  
LARRY L. CAMPBELL, CHIEF BUDGET OFFICER

March 15, 2018

REVISED

The Honorable Erin Davis, Chairperson  
House Committee on Children and Seniors  
Statehouse, Room 151-S  
Topeka, Kansas 66612

Dear Representative Davis:

SUBJECT: Revised Fiscal Note for HB 2704 by Representative Gallagher, et al.

In accordance with KSA 75-3715a, the following revised fiscal note concerning HB 2704 is respectfully submitted to your committee.

HB 2704 would require written informed consent be obtained from a resident of an adult care home (or person acting on behalf of an incapacitated resident) prior to administering any antipsychotic medication that has a boxed warning under 21 C.F.R. 201.57.

The bill would require the Kansas Department for Aging and Disability Services (KDADS) to post multiple, drug-specific forms for obtaining written informed consent on the agency's website. The bill provides the requirements for the information to be contained and obtained on each form. The bill would require the prescriber of the medication to send a copy of the completed consent form to the adult care home to be placed in the resident's chart. The adult care home would be required to give the resident or person acting on behalf of the resident a copy of the completed consent form upon request. The consent form would be valid until withdrawn or the specific time period listed on the consent form by the resident or person acting on behalf of the resident has passed. The resident or person acting on behalf of the resident could withdraw consent, in writing, at any time. The bill would also require that specific information be relayed to the resident or person acting on behalf of the resident at the time the consent form was signed.

Adult care homes would not be required to obtain written consent when the resident is subject to court-ordered treatment that includes the administration of antipsychotic medication. The adult care home would also not be required to receive written consent in the event of an emergency. An emergency would consist of the resident being at significant risk of physical or emotional harm or the resident puts others at significant risk of physical or emotional harm. It

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would also be considered an emergency when the time and distance does not allow for the obtaining of written informed consent before administering the antipsychotic medication and the physician, advanced practice registered nurse or physician assistant caring for the resident determines that the resident or others could be harmed. Any verbal consent would be entered into the resident's medical record and be valid for ten days, after such time, the adult care home could no longer administer the antipsychotic medication until written informed consent was obtained.

The bill would not limit a prescriber's authority to prescribe or provide treatment to a patient in accordance to applicable standards of care and licensing provisions found in the Kansas Statutes Annotated. The bill would also not limit a resident's right of access to antipsychotic drug prescribed by a licensed prescriber and administered for the purpose of treating a diagnosed behavioral health condition.

Estimated State Fiscal Effect				
	FY 2018 SGF	FY 2018 All Funds	FY 2019 SGF	FY 2019 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$140,125	\$140,125
FTE Pos.	--	--	--	1.00

Since the original fiscal effect was issued, KDADS has provided a revised fiscal effect for HB 2704. The agency originally stated that the bill would not have a fiscal effect. The agency's revised estimate for HB 2704 would include KDADS employing a fulltime pharmacist at a cost of \$140,125 for salary and fringe benefits to be funded from the State General Fund for FY 2019 and beyond.

Sincerely,



Larry L. Campbell  
Chief Budget Officer

cc: Cody Gwaltney, Aging & Disability Services