

February 15, 2017

The Honorable Jacob LaTurner, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 136-E
Topeka, Kansas 66612

Dear Senator LaTurner:

SUBJECT: Fiscal Note for SB 85 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 85 is respectfully submitted to your committee.

SB 85 would enact Simon's Law pertaining to the withholding of life-sustaining treatments from patients under 18 years of age. The bill defines the terms "life-sustaining measures" and "reasonable medical judgment." The bill would require a healthcare facility to disclose in writing any policies relating to services the patient may receive involving life-sustaining measures, including any policies relating to healthcare deemed futile, inappropriate, or non-beneficial within that healthcare facility.

SB 85 would prohibit a healthcare facility from withholding, withdrawing, or restricting life-sustaining measures for any patient, resident, or ward under 18 years of age without the written permission of at least one parent or legal guardian of the patient or ward. The bill would also prohibit the institution of a do-not-resuscitate order without the written permission of at least one parent or legal guardian of a patient or resident under 18 years of age. The bill also addresses the dispute resolution process that would apply should parents or guardians disagree as to such a course of action.

Enactment of SB 85 could result in an increase in the number of reports or complaints regarding practitioners alleged to have violated requirements of the bill. Increased complaints could then result in an increase in the number of investigations and disciplinary cases handled by the Kansas State Board of Healing Arts. However, an estimate of the level of increased workload and the resulting fiscal effect cannot be made.

The Office of Judicial Administration states that SB 85 could increase the number of cases filed in district courts which would increase the time spent by judicial and non-judicial

The Honorable Jacob LaTurner, Chairperson

February 15, 2017

Page 2—SB 85

personnel in processing, researching, and hearing cases. However, an estimate of the level of increased workload and the resulting fiscal effect cannot be made. Any fiscal effect associated with SB 85 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Dan Thimmesch, Health & Environment
Cody Gwaltney, Aging & Disability Services
Cathy Brown, Board of Healing Arts
Ashley Michaelis, Judiciary