

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 24, 2017

TO: Honorable Four Price, Chair, House Committee on Public Health

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2859 by Coleman (Relating to prescriber and dispenser reporting and access to patient prescription information under the Texas Controlled Substances Act.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2859, As Introduced: an impact of \$0 through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	\$0
2019	\$0
2020	\$0
2021	\$0
2022	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Revenue Gain/(Loss) from General Revenue Fund 1
2018	(\$62,400)	\$62,400
2019	\$0	\$0
2020	\$0	\$0
2021	\$0	\$0
2022	\$0	\$0

Fiscal Analysis

The bill would amend the Occupations Code relating to prescriber and dispenser reporting and access to patient prescription information under the Texas Controlled Substances Act. The bill would require certain prescribers to report prescription information to the Texas State Board of Pharmacy (TSBP). The bill would require the Prescription Monitoring Program (PMP) to be capable of associating a report by a practitioner to a report by a pharmacist dispensing the substance under the same prescription. Under the provisions of the bill, pharmacists and certain other licensees would be required to access the PMP prior to dispensing a controlled substance to a patient. The bill would permit a violation of the provisions of the bill to be grounds for disciplinary action by the regulatory agency overseeing the licensee.

The bill would take effect on September 1, 2017.

Methodology

TSBP estimates a one-time cost of \$62,400 in General Revenue to implement the provisions of the bill relating to the requirements of reporting prescription information to the PMP and the system being capable of associating the same report by prescription issuers and pharmacists dispensing the prescription. The agency estimates approximately 416 hours of IT programming for the PMP at a cost of \$150 per hour, resulting in a cost of \$62,400 in General Revenue in fiscal year 2018.

This analysis assumes that any increased cost to the TSBP relating to the PMP would be offset by an increase in fee generated revenue by TSBP and other regulatory agencies whose licensees are required to access the PMP, including the Texas State Board of Dental Examiners, Optometry Board, Texas Medical Board, Texas Board of Nursing, Texas State Board of Veterinary Medical Examiners and the Board of Podiatric Medical Examiners.

The Texas Medical Board reports that the provisions of the bill could result in an increase of complaints at the agency, however estimates that the impact could be absorbed within current resources. Based on the analysis of the Legislative Budget Board of the Board of Veterinary Medical Examiners, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources. Based on the analysis of the State Board of Dental Examiners, Optometry Board, Texas Board of Nursing and Board of Podiatric Medical Examiners, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Technology

The costs identified above include estimated one-time information technology costs of \$62,400 in General Revenue for PMP database modifications.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 503 Texas Medical Board, 504 Texas State Board of Dental Examiners, 507 Texas Board of Nursing, 512 Board of Podiatric Medical Examiners, 515 Board of Pharmacy, 578 Board of Veterinary Medical Examiners

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