

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 13, 2019

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
 Legislative Budget Board

IN RE: **SB363** by Watson (Relating to access to certain controlled substance prescription information.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB363, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2021.

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 |
|-------------|---|
| 2020 | \$0 |
| 2021 | \$0 |
| 2022 | \$0 |
| 2023 | \$0 |
| 2024 | \$0 |

All Funds, Five-Year Impact:

| Fiscal Year | Probable (Cost) from <i>General Revenue Fund</i> 1 | Probable Revenue Gain/(Loss) from <i>General Revenue Fund</i> 1 | Change in Number of State Employees from FY 2019 |
|-------------|--|--|---|
| 2020 | (\$184,015) | \$184,015 | 2.0 |
| 2021 | (\$175,175) | \$175,175 | 2.0 |
| 2022 | (\$175,175) | \$175,175 | 2.0 |
| 2023 | (\$175,175) | \$175,175 | 2.0 |
| 2024 | (\$175,175) | \$175,175 | 2.0 |

Fiscal Analysis

The bill would amend the Health and Safety Code as it relates to access to certain controlled substance prescription information.

Under the provisions of the bill, the Texas State Board of Pharmacy (TSBP) may not permit the Department of Public Safety (DPS) and other law enforcement or prosecutorial staff access to information in the Prescription Monitoring Program (PMP) database unless the TSBP is provided a warrant, subpoena, or other court order, at which point the DPS, other law enforcement, or prosecutorial staff may submit a request for information to the TSBP. The bill requires that the TSBP notify relevant regulatory agencies of the disclosure of information in certain circumstances.

Methodology

The provisions of the bill would result in a cost of \$184,015 in fiscal year 2020 and \$175,175 in fiscal year 2021 and in the fiscal years thereafter.

To implement the provisions of the bill, the TSBP indicates that it would require two additional full-time-equivalent (FTE) positions. The cost for two FTEs would be \$170,643 in fiscal year 2020 and each fiscal year thereafter, and an additional \$13,372 in other operating and equipment costs would be needed in fiscal year 2020 and \$4,532 in each subsequent fiscal year.

Each agency that participates in the Prescription Monitoring Program (the Texas Medical Board, Optometry Board, Board of Dental Examiners, Board of Nursing, Board of Veterinary Medical Examiners, and Department of Licensing and Regulation) will increase fees or use available revenue to fund the cost of implementing the provisions of the bill.

The estimated total to comply with the provisions of the bill would be \$184,015 in fiscal year 2020 and \$175,175 in each subsequent fiscal year.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 515 Board of Pharmacy

LBB Staff: WP, AKi, SGr, ESt, RC