

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 25, 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:** **SB1233** by Kolkhorst (Relating to controlled substance prescriptions under the Texas Controlled Substances Act; authorizing a fee.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1233, As Introduced: 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 Savings/(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	(\$57,360)	\$57,360	1.0
2021	(\$57,360)	\$57,360	1.0
2022	(\$57,360)	\$57,360	1.0
2023	(\$57,360)	\$57,360	1.0
2024	(\$57,360)	\$57,360	1.0

## **Fiscal Analysis**

The bill would amend the Government Code, Health and Safety Code, and Human Resources Code as they relate to controlled substance prescriptions under the Texas Controlled Substances Act.

The provisions of the bill would amend dispensing requirements related to controlled substances to require electronic prescriptions in certain circumstances and authorize written prescriptions and oral or telephonic communication of prescriptions by a prescriber or designated agent in certain circumstances. The bill would authorize certain regulatory agencies to grant waivers to electronic prescribing of controlled substances for practitioners and would amend continuing education requirements related to opioid prescription limits. Under the provisions of the bill, the limits on prescription drugs and medications under the medical assistance program would not apply to a prescription for an opioid for initial treatment of acute pain.

## **Methodology**

Under the provisions of the bill, the Board of Nursing would be authorized to grant waivers to electronic prescribing of controlled substances for practitioners and would be required to amend continuing education requirements related to opioid prescription limits.

The agency indicates that to implement the provisions of the bill, it would develop a process for approving waivers, coordinate with other regulatory agencies to standardize the submission and approval of waivers, and would develop a new continuing education course and process for confirming licensees complete the course within the required time frame.

To implement the provisions of the bill, the Board of Nursing estimates that it would require an additional FTE and a cost of \$57,360 in General Revenue in fiscal year 2020 and each subsequent fiscal year. This analysis assumes that any increased cost to the Board of Nursing, which is statutorily required to generate sufficient revenue to cover its costs of operation, would be offset by an increase in fee generated revenue.

The Comptroller of Public Accounts, Department of Public Safety, Texas Medical Board, Board of Dental Examiners, Board of Pharmacy, Health and Human Services Commission, and Board of Veterinary Medical Examiners indicate they could implement the provisions of the bill within existing resources.

The estimated total to comply with the provisions of the bill would be \$57,360 in fiscal year 2020 and each subsequent fiscal year.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 405 Department of Public Safety, 507 Texas Board of Nursing, 515 Board of Pharmacy, 578 Board of Veterinary Medical Examiners, 503 Texas Medical Board, 504 Texas State Board of Dental Examiners, 529 Health and Human Services Commission

**LBB Staff:** WP, AKi, SGr, ESt, LCO