

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2581 – SB 2561

February 19, 2010

SUMMARY OF AMENDMENTS (014202, 014225): Deletes all language after the enacting clause and requires health care providers with actual knowledge that a person has knowingly, willfully, and with the intent to deceive, obtained or attempted to obtain controlled substances to report to local law enforcement. The amount of time to report is extended to five days from three days and the Controlled Substance Database Advisory Committee must develop a form that is accessible on the Department of Health Web site for providers to use to report. The reporting requirements would not apply to any physician, certified nurse practitioner, or physician assistant who is providing treatment to a person with a mental illness or a person who is enrolled in TennCare. If the health care provider's knowledge is a result of accessing the Controlled Substance Database, local law enforcement may receive only pertinent information from the Database for the 30 days prior to treatment. Sanctions against a health care provider for failure to make a report are limited only to a civil penalty by the provider's licensing board in cases in which a pattern of willful failure to make such reports has been established.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue - Not Significant/Health Related Boards
Increase State Expenditures – Not Significant/Health Related Boards

Increase Local Expenditures – Not Significant

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Unchanged from the original fiscal note

Assumptions applied to amendments:

- Changes in the reporting requirements will not have a significant impact on local government expenditures for local law enforcement to investigate individuals suspected of deceitfully obtaining or attempting to obtain a controlled substance.
- There will not be a significant increase in expenditures to develop a form and make it available of the Department of Health's Web site.
- Any civil penalties sanctioned by a health related board on a licensee will not result in a significant increase in revenue or expenditures to the board.

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- Pursuant to Tenn. Code Ann. § 4-3-1011, all health-related boards are required to be self-supporting over a two-year period. As of June 30, 2008, the Division had a balance of \$1,000,000. The Division's FY08-09 balance is not yet available.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke.

James W. White, Executive Director

/kml