

Department of Legislative Services
 Maryland General Assembly
 2002 Session

FISCAL NOTE
Revised

Senate Bill 269 (Senator Hollinger, *et al.*)

Education, Health, and Environmental Affairs

Environmental Matters

Health Care - Programs and Facilities - Pain Management

This bill creates a 13-member State Advisory Council on Pain Management to provide advice and recommendations with respect to pain management policy. The council must issue an interim report to the General Assembly that includes recommendations on pain management issues in Maryland by September 30, 2003. A final report is due by September 30, 2004. The council also must develop a palliative care hot line. The Department of Health and Mental Hygiene will designate the staff.

The bill also requires that a patient's bill of rights, or similar document, must include a statement that a patient has the right to receive appropriate pain assessment, management, and treatment.

The bill's provisions relating to the advisory council sunset on September 30, 2004.

Fiscal Summary

State Effect: Department of Health and Mental Hygiene (DHMH) general fund expenditures could increase by an estimated \$79,100 in FY 2003. Future year expenditures reflect annualization and inflation. No effect on revenues.

(in dollars)	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	79,100	97,900	99,100	100,300	101,500
Net Effect	(\$79,100)	(\$97,900)	(\$99,100)	(\$100,300)	(\$101,500)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Each hospital administrator must give a copy of the patient's bill of rights to each patient that the hospital adopts under the Joint Commission on Accreditation of Hospitals' guidelines. The bill of rights includes that each resident of a comprehensive care or an extended care facility has the right: (1) to be treated with consideration, respect, and dignity; (2) to receive treatment, care, and services that are adequate, appropriate, and in compliance with State and federal laws, rules, and regulations; (3) to privacy; (4) to be free from mental and physical abuse; (5) to be free of physical and chemical restraints, except as authorized by a physician for a clearly indicated medical need; (6) to receive respect and privacy in a medical care program; and (7) to manage personal financial affairs.

Each health care facility must post the patient's bill of rights in a public place. A copy of the document must be given to: the resident on admission; the guardian, next of kin, or resident's sponsoring agency; and to the resident's representative payee. Health care facilities must have appropriate staff training to carry out the policy.

Background: According to the National Foundation for the Treatment of Pain, over 34 million Americans suffer from intractable pain each year. In the past ten years there has been a growing trend for states to adopt policies addressing pain management and the medical use of controlled substances in pain management. Health professionals, the public, and policy makers have recognized that many patients with terminal illnesses or chronic conditions suffer extreme pain without receiving adequate treatment for it. Various states have adopted state laws, administrative regulations, and medical board guidelines to promote pain management. Other states have chosen to create state pain commissions, summit meetings, and task forces.

State Fiscal Effect: DHMH general fund expenditures would increase by an estimated \$79,138 in fiscal 2003, which reflects the bill's October 1, 2002 effective date. This estimate reflects the cost of hiring one part-time contractual administrative officer to provide administrative support to the council. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses. This estimate also reflects \$56,250 in contractual services for providing a palliative care hotline.

Salary and Fringe Benefits	\$11,603
Palliative Care Hot Line	56,250
Other Operating Costs	<u>11,285</u>
Total FY 2003 State Expenditures	\$79,138

Future year expenditures reflect: (1) full salaries with 3.5% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses. Revenues would not be affected.

Additional Information

Prior Introductions: A similar bill, SB 289, was introduced in the 2001 session and assigned to the Senate Committee on Economic and Environmental Affairs. The bill passed in the Senate but was not reported out of the House Environmental Matters Committee.

Cross File: None.

Information Source(s): National Foundation for the Treatment of Pain, Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 8, 2002
ncs/jr Revised - Senate Third Reader - March 22, 2002
Revised - Enrolled Bill - April 29, 2002

Analysis by: Lisa A. Daigle

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510