



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** [Sub. H.B. 314 of the 130th G.A.](#)

**Date:** January 17, 2014

**Status:** As Passed by the House

**Sponsor:** Reps. Baker and Kunze

**Local Impact Statement Procedure Required:** No

**Contents:** Requires a prescriber to obtain written informed consent from a parent or guardian before issuing a prescription for a controlled substance that contains an opioid to a minor

### State Fiscal Highlights

- The Dental Board, the Board of Nursing, the Medical Board, and the Board of Optometry may all experience an increase in costs related to investigations and disciplinary action for licensees who violate the provisions of the bill.
- Each of these boards could experience a gain in revenue related to the fine established (up to \$20,000), which boards may impose for each violation of the bill.

### Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

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### Detailed Fiscal Analysis

The bill requires a prescriber to obtain written informed consent from a parent or guardian before issuing a prescription for a controlled substance that contains an opioid to a minor. The informed consent must be recorded on a form separate from any other document the prescriber uses and included in the patient's medical record. In addition to obtaining informed consent, the prescriber must assess whether the minor has suffered from mental health or substance abuse disorders and whether the minor has or is currently taking prescription drugs for those disorders. The prescriber must also discuss with the minor and the minor's parent or guardian about the risk of addiction and dangers of taking controlled substances containing an opioid with central nervous system depressants. A statement certifying that the prescriber had this discussion with the minor and minor's parent or guardian must be present on the informed consent form.

The bill specifies that informed consent is not required in a medical emergency or when treatment is associated with surgery. Provisions of the bill regarding a minor's treatment are not required if, in the prescriber's professional judgment, they would be a detriment to the minor's health or safety. However, the prescriber must notify the appropriate public children services agency of the reasons for which this exemption was invoked. Involved public children services agencies may experience an increase in administrative costs related to the intake of information and any follow-up action, if necessary. The bill also provides an exemption for when treatment is provided in a hospital, ambulatory surgical facility, nursing home, pediatric respite care program, residential care facility, freestanding rehabilitation facility, or similar institutional facility. However, this particular exemption does not apply when treatment is rendered in a prescriber's office located on the premises or adjacent to any of the above-mentioned facilities.

Licensees of the Dental Board, the Board of Nursing, the Medical Board, and the Board of Optometry are subject to disciplinary action from their respective boards for failing to comply with the provisions of the bill. For an initial violation by a licensee, the relevant board may impose a fine of up to \$20,000. For each subsequent violation by a licensee, the board may impose an additional fine of up to \$20,000, suspend the relevant license, certificate of authority, certificate of practice, and/or certificate to prescribe of a prescriber for at least six months, or both.

The specified boards may experience an increase in costs for investigations and disciplinary action, which could be offset by fines that the boards may impose for each violation. The Medical Board anticipates investigation costs to include subpoena costs, enforcement attorney costs, the cost of a hearing examiner, a court reporter, and Board deliberations. The Nursing Board anticipates any costs due to the bill's provisions to be negligible. Any fines collected by the Dental Board, Board of Nursing, or the Optometry Board would be deposited in the Occupational Licensing and Regulatory Fund (Fund 4K90). Fines collected by the Medical Board would be deposited in the State Medical Board Operating Fund (Fund 5C60).