

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6815
BILL NUMBER: SB 262

DATE PREPARED: Dec 21, 1998
BILL AMENDED:

SUBJECT: Out of hospital do not resuscitate orders.

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides for use of do not resuscitate orders for certain patients in locations other than acute care hospitals. The bill allows a patient with a terminal condition or a patient with a medical condition that would ultimately prevent cardiopulmonary resuscitation efforts from being successful to express the patient's wish that cardiopulmonary resuscitation not be undertaken if the patient's cardiac or pulmonary functions cease at a location other than an acute care hospital. It provides for revocation of an "out of hospital do not resuscitate declaration and order". The bill provides guidance and immunity for health care providers in caring for a patient with an executed "out of hospital do not resuscitate declaration and order". It establishes criminal penalties.

Effective Date: July 1, 1999.

Explanation of State Expenditures: This bill requires the Emergency Medical Services Commission to develop an out of hospital do not resuscitate (DNR) identification device. The exact fiscal impact is dependant on the type of device developed and the number of people that want the device. This bill does not preclude the Emergency medical Services Commission from charging a fee for the device in order to recoup development costs. There is no appropriation in the bill for the above requirement.

This bill creates a Class C felony for a person who knowingly or intentionally falsifies or forges the out of hospital DNR declaration or conceals or withholds personal knowledge of the revocation of an out hospital DNR request with the intent to cause the withholding or withdrawal of CPR. A Class C felony is punishable by a prison term ranging from 2 to 8 years depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner. The average length of stay in DOC facilities for all Class C felony offenders is approximately one year, seven months.

Explanation of State Revenues: This bill creates a Class B misdemeanor for a person who knowingly or intentionally, physically cancels or destroys an out of hospital DNR order with the declarant's consent or falsifies or forges a revocation of another persons' out of hospital DNR declaration order. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund could increase. The maximum fine for a Class B misdemeanor is \$1,000. The maximum fine for a Class C felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Emergency Medical Services Commission, Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.