

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: March 18, 2021
To: Joint Standing Committee on Health & Human Services
From: Erin Dooling, Esq., Legislative Analyst

LD 450 An Act To Promote the Education of Patients by Primary Care and Urgent Care Physicians Regarding the Bone Marrow Transplant List

SUMMARY: This bill requires the Department of Health and Human Services to develop and disseminate, in coordination with the national marrow donor program, information and educational materials regarding bone marrow donation to the public and health care providers.

DRAFTING ISSUES:

- Line 7: Suggest removing the word “the” before “health care providers” (*compare* lines 18; 23-24)

ADDITIONAL INFORMATION REQUESTED BY COMMITTEE:

- Information about how the fiscal note was developed (*See attached information from OFPR*)
- What are the costs for the program in other states? (*Unable to determine costs; see chart*)

FISCAL IMPACT: Preliminary fiscal impact statement - \$194,438 FY 21-22 & \$173,592 for FY 22-23

INFORMATION FROM OFPR RELATING TO THE CREATION OF THE FISCAL NOTE:

The costs include: One Public Health Educator III position to be the full-time Marrow Donor Coordinator to work with the national marrow donor program to develop and distribute educational material. The position would also be responsible for managing a health communications contract for mailings, web design, and a system build for education tracking and identifying pertinent health providers and public to target messaging to track and ensure the use of the educational material. This position would also be responsible for updating materials as needed and reporting.

There is also a health communications contract included (\$100,000 in year 1 and \$75,000 on-going beginning in year 2).

Those are the costs that were estimated by the department. As usual, I reviewed the bill ahead of seeing the departments estimates. I went back and forth on the need for the position. It was unclear to me how much coordination would be required by the bill. In the end, I thought the position was reasonable and included it. There have been a number of bills in the recent past that required “educational materials” of one sort or another and in most cases this included a contract to create, distribute and revise, as needed, those material on an annual basis. The contract amount the department included was based on a similar contract for another area, so again it was reasonable.

In the end, it is hard to imagine this particular bill not having a cost. Might these costs be high, yes. But no cost doesn't seem reasonable to me at all and never entered my mind when I read the bill.

Comparison of LD 450 with Similar Legislation in Other States

	<i>LD 450</i>	<i>Illinois</i>	<i>Missouri</i>	<i>New Mexico</i>
<i>Content</i>	Need for donors, how to become a donor, patient populations that would benefit, risks of donating	Need for donors, procedures to become a donor, and medical procedures/risks involved	Need for donors, how to become a donor, patient populations that would benefit	Need for donors, how to become a donor, patient populations that would benefit, risks of donating
<i>Audience</i>	The public and health care providers; materials must address education and recruitment of minority populations	Residents of the State, especially minority populations	Primary care providers and urgent care physicians	The public; materials must address education and recruitment of minority populations
<i>Distribution</i>	To the public and health care providers; coordination with national program required to develop a system	Required in all places where driver's licenses are issued or renewed; May include press, radio, TV, health care facilities, blood banks and State and local agencies	May be by oral, print or electronic notification or any other method that is cost effective for the department and primary care providers and urgent care physicians	To the public; coordination with national program required to develop a system
<i>Coordination with national marrow donor program</i>	Required for creating the content of the materials and establishing a distribution system	<i>(silent)</i>	<i>(silent)</i>	Required for creating the content of the materials and establishing a distribution system
<i>Other required activities</i>	None	Bone marrow drive for State employees	Primary care providers and urgent care physicians are required to inquire of new patients between 18-45 years old whether they are registered with the bone marrow registry. If not, provide information materials.	Creation of information/education materials related to organ donation and distribution of those materials
<i>Rulemaking</i>	Required	<i>(silent)</i>	Permitted	<i>(silent)</i>
<i>Funding</i>	See preliminary fiscal impact statement	"From funds made available by the General Assembly"	<i>(silent)</i>	<i>(silent)</i>

ILLINOIS: 20 ILCS 2310/2310-340

2310/2310-340. Bone marrow donor education

Effective: January 1, 2000

§ 2310-340. Bone marrow donor education. From funds made available by the General Assembly for the purpose of bone marrow donor education, the Director shall:

- (1) Educate residents of the State about (i) the need for bone marrow donors; (ii) the procedures required to become registered as a potential bone marrow donor, including the procedures for determining the person's tissue type; and (iii) the medical procedures a donor must undergo to donate bone marrow and the attendant risks of the procedure.
- (2) Make special efforts to educate and recruit minority populations to volunteer as potential bone marrow donors. Means of communication may include use of press, radio, and television and placement of educational materials in appropriate health care facilities, blood banks, and State and local agencies.
- (3) Conduct a bone marrow donor drive to encourage State employees to volunteer to be potential bone marrow donors. The drive shall include educational materials and presentations that explain the need for bone marrow donors and the procedures for becoming registered as a potential bone marrow donor. The Director of Central Management Services shall provide assistance as needed to organize and conduct the drive.
- (4) In conjunction with the Secretary of State, make educational materials available at all places where driver's licenses are issued or renewed.

➔ Enacted law: Not available online

MISSOURI: V.A.M.S. 192.1120

192.1120. Bone marrow registry, providers may inquire whether certain patients are registered--department to disseminate information

Effective: August 28, 2018

1. Each primary care provider and urgent care physician may inquire of new patients who are eighteen years of age or older and under forty-five years of age on their new patient intake form as to whether the patient is registered with the bone marrow registry. If the patient states that he or she is not registered with the bone marrow registry, the provider or physician shall provide information developed and disseminated by the department of health and senior services regarding the bone marrow registry to the patient.
2. The department of health and senior services shall develop and disseminate information regarding the bone marrow registry, which shall include, but not be limited to, the following:
 - (1) The need for bone marrow donations;
 - (2) Patient populations that would benefit from bone marrow donations;
 - (3) How to join the bone marrow registry; and
 - (4) How to acquire a free buccal swab kit from the bone marrow registry.
3. The department of health and senior services may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in [section 536.010](#), that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, [section 536.028](#). This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.
4. Dissemination of the information under this section may be by oral, print, or electronic notification or any other method, provided that the department of health and senior services determines that the dissemination of information is cost effective for the department and for primary care providers and urgent care physicians.

→ Enacted law: <https://www.house.mo.gov/billtracking/bills181/hlrbillspdf/5656S.02T.pdf>

NEW MEXICO: N. M. S. A. 1978, § 24-28-2

§ 24-28-2. Public education

Effective: June 14, 2019

A. The department of health shall provide information and educational materials to the public regarding bone marrow donation through the national marrow donor program and regarding organ donations. The department shall seek assistance from the national marrow donor program to establish a system to distribute materials, ensure that the materials are updated periodically, fully disclose the risks involved in donating bone marrow and address the education and recruitment of minority populations.

B. The information and educational materials shall include information on:

- (1) the need for bone marrow donations;
- (2) patient populations that would benefit from bone marrow donations;
- (3) how to join the bone marrow registry; and
- (4) how to acquire a free buccal swab kit from the bone marrow registry.

C. The department shall establish a system to distribute information and educational materials regarding organ donations and ensure that the materials are updated periodically, fully disclose the risks of donating an organ and address the education and recruitment of minority populations.

→ Enacted law: <https://www.nmlegis.gov/Sessions/07%20Regular/final/HB0590.pdf>