



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

SENATE BILL NO. 425

PRINTERS NO. 616

PRIME SPONSOR: Gordner

### COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
General Fund	\$0	\$0

**SUMMARY:** Senate Bill 425, Printer's Number 616, amends Section 504, Informed consent, of the Medical Care Availability and Reduction of Error Act to permit a physician to fulfill their duty to obtain a patient's informed consent by delegation to a qualified practitioner. This legislation is effective immediately.

**ANALYSIS:** SB 425 permits, but does not require, a physician to delegate their duty to obtain informed consent from a patient or the patient's authorized representative to a qualified practitioner prior to conducting any of the following procedures: performing surgery, including the related administration of anesthesia; administering radiation or chemotherapy; administering a blood transfusion; inserting a surgical device or appliance; or administering an experimental medication, using an experimental device or using an approved medication or device in an experimental manner. The bill requires that a physician obtain informed consent him/herself if requested by a patient or the patient's representative.

The legislation defines qualified practitioner as a physician assistant, certified registered nurse practitioner, midwife, nurse-midwife, registered nurse, or a physician participating in a residency program. The bill further requires that a qualified practitioner have knowledge of a patient's condition and the procedure to be conducted on the patient, and that the qualified practitioner be acting under the supervision of, or in collaboration with, the physician.

The legislation provides that a physician or qualified practitioner may rely on information provided by another qualified practitioner that informed consent was obtained from a patient or the patient's authorized representative. Information provided by another qualified practitioner shall be competent evidence in a proceeding in which it is claimed that a physician or qualified practitioner failed to obtain informed consent.

The legislation provides that informed consent requirements shall be satisfied for human research that is conducted pursuant to approval by an institutional review board in accordance with federal laws and regulations relating to protection of human subjects.

**FISCAL IMPACT:** Enactment of this legislation should have no adverse fiscal impact on Commonwealth funds.

**PREPARED BY:** Nick McClure  
House Appropriations Committee (R)

**DATE:** June 24, 2021

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*