

AGENCY FISCAL ESTIMATE OF PROPOSED REGULATION

Agency Submitting Regulation: Department of Consumer Protection

Date: 03-24-2014

Subject Matter of Regulation: Electronic Drug Records Maintained by Medical Practitioners

Regulation Section No.: 21a-244a-1 through 21a-244a-4, inclusive

Statutory Authority: 4-168, 21a-244a

Other Agencies Affected: n/a

Effective Date Used In Cost Estimate: Upon Passage (Filing with the Secretary of the State).

Estimate Prepared By: Jerry P. Padula, Esq.

Telephone No.: 860-713-6087

SUMMARY OF COST AND REVENUE IMPACT OF PROPOSED REGULATION

Agency: Department of Consumer Protection

Fund Affected: General Fund

	First Year	Second Year	Full Operation
Number of Positions	n/a	n/a	n/a
Personal Services	\$0	\$0	\$0
Other Expenses	\$0	\$0	\$0
Equipment	\$0	\$0	\$0
Grants	\$0	\$0	\$0
Total State Cost or (Savings)	\$0	\$0	\$0
Estimated Revenue Gain or (Loss)	\$0	\$0	\$0
Total Net State Cost or (Savings)	(\$0.00)	(\$0.00)	(\$0.00)

Explanation of State Impact of Regulation:

No fiscal impact is anticipated. The Department of Consumer Protection already licenses and regulates the system of electronic drug records, as well as medical providers who administer prescription drugs. The proposed regulation merely adds a new category of provider to the existing regulatory framework, namely those persons defined as "medical practitioners." This will not cause an administrative burden or add additional costs to the Department.

Explanation of Municipal Impact of Regulation:

No impact on municipalities is anticipated. The Department has jurisdiction over these regulations.

Explanation of Small Business Impact of Regulation:

There is not expected to be any negative fiscal impact on small businesses. Please see the Department's Small Business Impact Statement for more details.

SMALL BUSINESS IMPACT STATEMENT

Prior to adopting a new section or amendment, Section 4-168a of the Connecticut General Statutes (C.G.S.) requires that each state agency consider the affect of such action on small businesses as defined in C.G.S. Section 4-168a. When such a regulatory action may have an adverse affect on small businesses, C.G.S. Section 4-168a directs the agency to consider regulatory requirements that will minimize the adverse impacts on small businesses if the addition of such requirements (1) will not interfere with the intended objectives of the regulatory action and (2) will allow the new section or amendment to remain consistent with public health, safety and welfare.

State Agency submitting proposed regulations: **Department of Consumer Protection**

Subject matter of Regulation: **Electronic Drug Records Maintained by Medical Practitioners**

Date of Agency analysis: **March 24, 2014**

Check the appropriate box:

- The regulatory action will not have an affect on small businesses.
- The regulatory action will have an affect on small businesses, but will not have an adverse affect on such small businesses.
- The regulatory action may have an adverse affect on small businesses, and no alternative considered would be both as effective in achieving the purpose of the action and less burdensome to potentially affected small business. Alternatives considered include the following:
 - (1) The establishment of less stringent compliance or reporting requirements for small businesses;
 - (2) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
 - (3) The consolidation or simplification of compliance or reporting requirements for small businesses;
 - (4) The establishment of performance standards for small businesses to replace design or operational standards required in the new section or amendment; and
 - (5) The exemption of small businesses from all or any part of the requirements contained in the new section or amendment.
- The regulatory action will have an adverse affect on small businesses that cannot be minimized in a manner that is consistent with public health, safety and welfare.

The Department of Consumer Protection **notified** / (did not notify) the Department of Economic and Community Development of its intent to take the proposed action, and **completed** / (did not complete) the Agency Fiscal Estimate of Proposed Regulations.

The Department currently regulates electronic medical records maintained by hospitals. This proposed regulation requires any "licensed practitioner," as defined in the statute 21a-244a, to comply with the existing electronic records regulatory structure.

These proposed regulations bring the current electronic medical records rules into compliance with current industry standards, which include other providers beside hospitals. As such, these changes are not expected to cause any negative impact on medical practitioners as small businesses.