

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 12, 2007

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1731 by Duncan (Relating to consumer access to health care information and consumer protection for services provided by or through health benefit plans, hospitals, ambulatory surgical centers, and birthing centers; providing penalties.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1731, As Introduced: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/ (Cost) from <i>GENERAL REVENUE FUND</i> 1	Probable Savings/ (Cost) from <i>INSURANCE MAINT TAX FEES</i> 8042	Probable Revenue Gain/(Loss) from <i>GENERAL REVENUE FUND</i> 1	Probable Revenue Gain/(Loss) from <i>INSURANCE MAINT TAX FEES</i> 8042
2008	(\$99,112)	(\$4,479,724)	\$99,112	\$4,479,724
2009	(\$99,112)	(\$2,562,675)	\$99,112	\$2,562,675
2010	(\$99,112)	(\$2,562,675)	\$99,112	\$2,562,675
2011	(\$99,112)	(\$2,562,675)	\$99,112	\$2,562,675
2012	(\$99,112)	(\$2,562,675)	\$99,112	\$2,562,675

Fiscal Year	Change in Number of State Employees from FY 2007
2008	3.5
2009	3.5
2010	3.5
2011	3.5
2012	3.5

Fiscal Analysis

The bill would amend the Health and Safety Code, Occupations Code, and Insurance Code as it relates to consumer access to health care information and consumer protection for services provided by or through health benefit plans, hospitals, ambulatory surgical centers, and birthing centers and provides penalties.

The bill would require the Department of State Health Services (DSHS) and the Texas Medical Board (TMB) to make available on their Internet website a consumer guide to healthcare.

The Texas Department of Insurance (TDI) would be authorized to: 1) collect data concerning health benefit plan reimbursement rate and 2) disseminate information concerning health care costs that is derived from the data. The subchapter would apply only to the issuer of a group health benefit plan. The TDI commissioner would be authorized to adopt rules, not later than December 31, 2007, to implement Subchapter H, Chapter 38, Insurance Code, as added by this Act.

Each health benefit plan issuer would be required to submit to TDI, the reimbursement rates paid by the health benefit issuer for healthcare services and any supporting information. TDI would also be required to publish aggregate health care cost information.

Facility based physicians, not contracted with a patient's health plan would be required to send to the patient a billing statement that includes an itemized list of services and a notice that the patient may file complaints with TMB.

Sections 311.002 and 311.0025, Health and Safety Code and 101.203, Occupations Code would be repealed.

The bill would apply to an insurance policy, certificate, or contract or an evidence of coverage delivered, issued for delivery, or renewed on or after the effective date of this Act.

Methodology

Under the provisions of the bill, TMB estimates that an additional 2.5 FTES would be needed. The estimated costs associated with these additional FTES would be \$99,112 per fiscal year. It is assumed that TMB would adjust license fees to cover these additional costs.

TDI estimates that one additional FTE would be needed at a cost of \$69,524 in fiscal year 2008 and \$61,943 in each subsequent fiscal year. These costs include salaries, benefits, travel, and other associated costs. TDI also estimates that \$4,410,200 in fiscal year 2008 and \$2,500,732 in each subsequent fiscal year would be needed for technology development and implementation of the new data collection program. Since TDI is required to generate revenues equivalent to its costs of operation under current law, it is assumed that costs would be paid from fund balances or increased maintenance tax revenue out of General Revenue Fund 8042 - Insurance Maintenance Tax and Insurance Department Fees.

The Department of State Health Services, the Health and Human Services Commission, and the Office of the Attorney General estimate that costs associated with the provisions of the bill could be absorbed within current resources.

Technology

TDI estimates that the cost for computer hardware and software to implement the provisions of the bill would be \$4,018 in fiscal year 2008.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 454 Department of Insurance, 503 Texas Medical Board, 529 Health and Human Services Commission, 537 State Health Services, Department of

LBB Staff: JOB, PP, SJ, KJG