

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 4, 2019

TO: Honorable Senfronia Thompson, Chair, House Committee on Public Health

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
 Legislative Budget Board

IN RE: HB604 by Zedler (Relating to the release of confidential physician-patient communications to the Texas Medical Board.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB604, As Introduced: an impact of \$0 through the biennium ending August 31, 2021.

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
2020	\$0
2021	\$0
2022	\$0
2023	\$0
2024	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain/(Loss) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2019
2020	(\$86,730)	\$86,730	1.0
2021	(\$84,985)	\$84,985	1.0
2022	(\$84,985)	\$84,985	1.0
2023	(\$84,985)	\$84,985	1.0
2024	(\$84,985)	\$84,985	1.0

Fiscal Analysis

The bill would amend the Occupations Code as it relates to the release of confidential physician-patient communications to the Texas Medical Board.

Under the provisions of the bill, the Texas Medical Board (TMB) may not obtain physician-patient communication or record that is confidential and privileged unless the patient or a person authorized to act on the patient's behalf submit written consent or a court orders the release of the information.

Methodology

Under the provisions of the bill, TMB would notify each patient involved in the investigation of a license that requires a review of patient records related to a standard of care complaint or other violation of state law. In the event that a patient opts not to consent to a release of records for investigations that require a review of patient records, TMB in coordination with the Office of the Attorney General would request a court order for the release of patient records in state district court.

The agency notes that 75% of jurisdictional complaints, or approximately 4,400 per fiscal year require a review of patient records, and under the provisions of the bill the agency would send consent waivers to patients in each of those cases and file in state district court for a court order for an estimated 440 cases where patients deny consent to records and communication.

To implement the provisions of the bill, TMB indicates that it would require an additional full-time-equivalent (FTE) position. The cost for an additional FTE would be \$54,646 in fiscal year 2020 and \$52,901 in each subsequent fiscal year. An additional \$32,084 in other operating expenses would be needed in fiscal year 2020 and each subsequent fiscal year for the cost of supplies, postage, and sending waivers via certified mail.

The estimated total to comply with the provisions of the bill would be \$86,730 in fiscal year 2020 and \$84,985 in each subsequent fiscal year.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 503 Texas Medical Board

LBB Staff: WP, AKi, SGr, ESt