

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 27, 2021

TO: Honorable Stephanie Klick, Chair, House Committee on Public Health

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3711 by Bucy (Relating to establishing a registry of medically fragile individuals for wellness checks during certain emergencies.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3711, As Introduced : a negative impact of (\$5,442,640) through the biennium ending August 31, 2023.

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:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2022	(\$2,467,640)
2023	(\$2,975,000)
2024	(\$1,440,000)
2025	(\$1,440,000)
2026	(\$1,440,000)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>
2022	(\$2,467,640)
2023	(\$2,975,000)
2024	(\$1,440,000)
2025	(\$1,440,000)
2026	(\$1,440,000)

Fiscal Analysis

The bill would amend Health and Safety Code to require the Health and Human Services Commission (HHSC) to collaborate with the Department of State Health Services and the Texas Division of Emergency Management (TDEM) to establish and a maintain a registry of medically fragile individuals for use as a single repository to aid, coordinate, and promote an efficient response for supporting these individuals in an area that is subject to a state of disaster, experiencing an extended power, water, or gas outage or any other event requiring a wellness check.

The bill would require the executive commissioner of HHSC in consultation with TDEM to develop guidelines ensuring the registry protects confidentiality, is compliant with the federal Health Insurance Portability and Accountability Act of 1996, and meets certain consent requirements. A medically fragile individual or the individual's legally authorized representative would need to consent to the individual's inclusion on the registry.

The bill would require the executive commissioner of HHSC to adopt rules regarding the persons who would be authorized to access the registry. HHSC would collaborate with persons who have access to the registry and with applicable municipalities and counties to ensure that each medically fragile individual listed in the registry and located in an area that experiences an applicable event has a wellness check conducted on the individuals to ensure the individual has continuity of care and able to continue using electrically powered medical equipment. The executive commissioner of HHSC would adopt rules and develop minimum standards for wellness checks that each county and municipality would be required to adopt procedures for conducting wellness checks in compliance with the minimum standards. A wellness check would be required to be conducted as soon as practicable but not later than 24 hours after the event requiring a wellness check to occur.

Methodology

According to information provided by HHSC, 10.4 Staff Augmentation Contractors would be needed in fiscal year 2022 and 13.0 Staff Augmentation Contractors would be needed in fiscal year 2023 to develop the registry. The total estimated cost in General Revenue would be \$1.9 million in fiscal year 2022 and \$2.4 million in fiscal year 2023. Also, 13.0 Staff Augmentation Contractors would be needed in each subsequent fiscal year to maintain the registry. The total estimated cost in General Revenue to maintain the registry would be \$0.9 million in fiscal years 2024 through 2026. Additionally, there would be costs associated with data center services totaling \$0.5 million in fiscal years 2022 through 2026.

It is assumed any cost for HHSC to develop rules associated with the provisions of the bill would be minimal and can be absorbed within available resources. There could be costs associated with provisions of the bill if state resources are required to assist units of local government in events requiring a wellness check, but an estimate cannot be determined at this time.

Technology

There would be technology costs associated with developing and maintaining the registry as outlined in the bill and data support services. The total estimated cost in General Revenue would be \$2.5 million in fiscal year 2022, \$3.0 million in fiscal year 2023 and \$1.4 million in fiscal years 2024 through 2026.

Local Government Impact

The fiscal implications for units of local government cannot be determined at this time, but could be significant.

Source Agencies: 401 Military Department, 405 Department of Public Safety, 529 Hlth & Human Svcs Comm, 537 State Health Services, 575 TX Division of Emergency Management, 720 UT Sys Admin

LBB Staff: JMc, AKI, JLI