

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 12, 2021**

**TO:** Honorable Chris Turner, Chair, House Committee on Business & Industry

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4045** by Martinez (Relating to the cost, payment, and collection of health care expenses.), **As Introduced**

**The fiscal implications of the bill cannot be determined at this time due to a lack of information necessary to determine the fiscal impact.**

The bill would require a health care facility to post certain price information of a facility's health care services on its website. The bill would prohibit an agreement between a patient and health care facility to contain any provision that waives the rights of a patient.

The bill would require medical creditors or medical debt collectors to provide certain information and would prohibit and limit certain actions taken by medical creditors or medical debt collectors. The bill would also establish forgiveness of certain costs to a patient would not be in breach of contract between a medical creditor and the health plan issuer or payor.

The bill would establish a penalty for any violation of this chapter that constitutes a deceptive trade practice under Business and Commerce Code, Chapter 17, Subchapter E.

The bill would require the Health and Human Services Commission (HHSC) to establish a complaint process by which a patient or member of the public could file a complaint against a medical creditor or medical debt collector who violates the provisions of the bill and would require the executive commissioner of HHSC to establish rules. Additionally, the bill would limit interest on medical debt to limits published by the Board of Governors of the Federal Reserve System and would require the executive commissioner of HHSC to by rule substitute another measure if the Board of Governors of the Federal Reserve System ceased to publish certain interest rates.

According to information provided by HHSC, additional regulatory services staff with a specific financial and regulatory skillset would be needed to investigate complaints and take appropriate enforcement action. However, due to a lack of information on the total need, the fiscal impact cannot be determined at this time.

The Office of the Attorney General indicates any cost to implement provisions of the bill would be minimal and can be absorbed within available resources.

**Local Government Impact**

An offense under the provisions of the bill would be a misdemeanor punishable by a fine of not less than \$5,000 or by confinement in the county jail for not more than one year, or both. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:** 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 466 Consumer Credit Comm, 529 Hlth & Human Svcs Comm

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