

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**March 28, 2023**

**TO:** Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

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

**IN RE: SB773** by Parker (Relating to access to certain investigational drugs, biological products, and devices used in clinical trials by patients with severe chronic diseases.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would require the Department of State Health Services (DSHS) to designate medical conditions to be severe chronic diseases that could be treated with investigational drugs, biological products, and devices under right to try. DSHS would develop a written informed consent document. According to DSHS, any costs associated with implementing the bill would be absorbed within existing resources.

According to the Texas Medical Board, the bill may result in a limited number of additional complaints to the agency and any costs associated with managing complaints would be absorbed within existing resources.

According to the Health and Human Services Commission (HHSC), the bill would not impact Medicaid and Children's Health Insurance Program (CHIP) services because the Texas Medicaid state plan specifically prohibits coverage of the class of drugs identified in the bill. HHSC would not amend the state plan because of the bill to begin covering investigational drugs. Medicaid covers other services that a Medicaid client would get in a clinical trial. The bill would require HHSC to adopt rules. Any costs associated with implementing the bill would be absorbed within existing resources.

**Local Government Impact**

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

**Source Agencies:** 503 Texas Medical Board, 529 Health and Human Services Commission, 537 State Health Services, Department of

**LBB Staff:** JMc, NPe, ER, APA