

PREPARED BY: Liz Hruska
DATE PREPARED: May 04, 2021
PHONE: 402-471-0053

LB 411

Revision: 02

Revised based on amendments adopted through 4-20-21

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2021-22		FY 2022-23	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$85,900			
CASH FUNDS				
FEDERAL FUNDS	\$773,100			
OTHER FUNDS				
TOTAL FUNDS	\$859,000			

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

This bill requires on or before September 30, 2021, all health care facilities and all health care payors to participate in the designated health information exchange through sharing of clinical information as determined by policies adopted by the Health Information Technology Board as permitted by state and federal law and in compliance with privacy and security of the federal Health Insurance Portability and Accountability Act. There would be no cost to health care facilities which establish a connection by July 1, 2021.

The bill as amended requires the Department of Health and Human Services and the designated health information exchange to enter into an agreement by September 30, 2021. The cost for IT changes is the maximum the agency identified in prior fiscal notes, which is \$85,900 General Funds and \$773,100 federal funds.

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) Mike Michalski

Date Prepared 4-27-2021

Phone: (5) 471-6719

FY 2021-2022

FY 2022-2023

	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See Below		See Below	

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

LB 411 AM1043 requires that, on or before September 30, 2021, each health care facility listed in subdivision (b) of this subsection shall participate in the designated health information exchange through sharing of clinical information. Such clinical information shall include the clinical data that the health care facility captured in their existing electronic health record as permitted by state and federal laws, rules, and regulations. Any patient health information shared with the designated health information exchange as determined by policies adopted by the Health Information Technology Board shall be provided in accordance with the privacy and security provisions set forth in the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and regulations adopted under the act, including, but not limited to, specific provisions related to privacy under the medical assistance program.

Amendment 1043 requires the department to enter into an agreement with the designated health information exchange by September 30, 2021 to collect, aggregate, analyze, report, and release de identified data. It is unclear if the department will be need to make any technology investments to provide any new data elements, such as claims or clinical information, for these purposes. Should the department need to do so, there would be an unknown fiscal impact.

Amendment 1043 also implies that there would be no new Department of Health and Human Services Medicaid Long Term Care program staff or IS&T staff required. However, should the participation increase and depending on the complexity of the additional participation, more staff time for requirements gathering, design, and testing would be required and could range from 80 to several hundred hours. It could also impact the prioritization to other projects currently in process at the Department of Health and Human Services.

MAJOR OBJECTS OF EXPENDITURE

PERSONAL SERVICES:	NUMBER OF POSITIONS		2021-2022	2022-2023
	21-22	22-23	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
TOTAL.....				