

SB 406-FN – AS INTRODUCED

2014 SESSION

14-2720
01/08

SENATE BILL **406-FN**
AN ACT relative to certain health care data.
SPONSORS: Sen. Bradley, Dist 3
COMMITTEE: Health, Education and Human Services

ANALYSIS

This bill requires certain encrypted health care information collected by the insurance department to be available to the public upon request to the department of health and human services under certain circumstances.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to certain health care data.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Subparagraph; Comprehensive Data Set; Disclosure. Amend RSA 420-G:11, II by inserting after subparagraph (b) the following new subparagraph:

 (c) The limited use research data set, shall be released to the public upon request to the department of health and human services when the requester seeks the data sets for purposes of facilitating transparency in health care costs. The department of health and human services shall maintain records of releases of the limited use research data set to the public for transparency and make such records available for public inspection.

2 Effective Date. This act shall take effect 60 days after its passage.

SB 406-FN - FISCAL NOTE

AN ACT relative to certain health care data.

FISCAL IMPACT:

The Department of Health and Human Services states this bill, **as introduced**, will have an indeterminable fiscal impact on state expenditures and revenue in FY 2014 and each year thereafter. There will be no fiscal impact on county or local revenues or expenditure.

METHODOLOGY:

The Department of Health and Human Services states this bill would permit the release of limited use research data sets related to health care costs for the purpose a facilitating transparency in health care costs, and require the Department to compile data to be made available to the public, maintain records of released data, and make those records available for public inspection. The Department states release of the data must comply with the privacy provisions of the Health Information Privacy and Accountability Act (HIPAA). The Department assumes the “limited use research data set” described in the bill is the same as the “limited data set” as defined in the privacy regulations issued under the HIPAA. The limited data set is a limited set of potentially identifiable patient information for limited uses defined by the privacy regulations and may only be disclosed to an outside party without the patient’s authorization under certain conditions. The Department assumes it would need to develop a public use data set to meet the needs of this bill and comply with the HIPPA privacy regulations. The Department indicates the costs associated with this bill would consist of existing staff hours, existing vendor contract hours, and a new vendor contract. The Department estimates 160 hours of staff time would be needed to: analyze and develop an approach to meeting the requirements of the bill, develop and modify the release rules to incorporate the changes, and modify the release procedures. Assuming a rate of \$66 per hour including benefits, the staff cost would be about \$10,500. In addition, the Department assumes it would contract with a HIPAA legal and statistical expert to help develop an approach to meet the needs of the bill while complying with the HIPPA privacy regulations. The cost of this expertise is not known and would be subject to the competitive procurement process. Finally, the Department indicates there would be costs to create the new data set. The Department assumes their existing vendor would create the data set and, as is currently the case with supplemental data extracts, requestors of the data would pay for the information at the vendor’s cost.

The Insurance Department assumes the information identified in this bill is already available to the public and the bill would have no fiscal impact.