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Revised Fiscal Note

(replaces fiscal note dated April 9, 2024)

Drafting Number: LLS 24-0643 Date: May 1, 2024
Prime Sponsors: Sen. Fields; Jaquez Lewis Bill Status: House Health and Human Services
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Bill Topic: TRANSPARENCY IN HEALTH-CARE COVERAGE

Summary of Fiscal Impact:
State Revenue [] State Diversion [x] Local Government []
State Expenditure [x] TABOR Refund [] Statutory Public Entity []

The bill requires health insurance carriers to disclose certain information to enrollees and submit price transparency data to the Department of Regulatory Agencies. It creates a General Fund diversion and increases state expenditures beginning in FY 2024-25.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$267,758 to the Department of Regulatory Agencies.

Fiscal Note Status: This revised fiscal note reflects the reengrossed bill.

Table 1
State Fiscal Impacts Under SB 24-080

Table with 4 columns: Category, Budget Year FY 2024-25, Out Year FY 2025-26. Rows include Revenue, Expenditures (Cash Funds, Centrally Appropriated, Total Expenditures, Total FTE), Diversions (General Fund, Cash Funds, Net Diversion), and Other Budget Impacts.

Summary of Legislation

The bill requires health insurance carriers to comply with federal price transparency laws, provide consumer access to accurate health care coverage price information, and report federal pharmacy and drug cost information to the Division of Insurance in the Department of Regulatory Agencies (DORA).

Beginning in July 2024, carriers must create a digital tool for enrolled people that provides real-time responses to questions related to carrier prices. Beginning in July 2025, carriers must publicly publish and update price transparency information every six months, and submit federal pharmacy benefit and drug cost information to the division on an annual basis.

State Diversion

This bill diverts General Fund to the Division of Insurance Cash Fund starting in FY 2024-25. This revenue diversion occurs because the bill increases costs in the Division of Insurance in the Department of Regulatory Agencies, which is funded with premium tax revenue that would otherwise be credited to the General Fund.

State Expenditures

The bill increases state expenditures in DORA by about \$289,000 in FY 2024-25 and \$252,000 in FY 2025-26 and ongoing, paid from the Division of Insurance Cash Fund. Expenditures are shown in Table 2 and detailed below.

Table 2
Expenditures Under SB 24-080

	FY 2024-25	FY 2025-26
Department of Regulatory Agencies		
Personal Services	\$94,808	\$94,808
Operating Expenses	\$1,280	\$1,280
Capital Outlay Costs	\$6,670	-
Data Contractor	\$105,000	\$105,000
Information Technology Systems	\$60,000	\$30,000
Centrally Appropriated Costs ¹	\$20,874	\$20,874
Total Cost	\$288,632	\$251,962
Total FTE	1.0 FTE	1.0 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Department of Regulatory Agencies. Starting in FY 2024-25, expenditures in DORA will increase to design, manage, and store carrier data and systems.

- **Staff.** DORA requires 1.0 FTE Statistical Analyst IV beginning in FY 2024-25 to standardize carrier data forms, assist in data warehouse implementation, analyze carrier data submissions, and oversee a data contractor. The fiscal note assumes a start date of July 1, 2024, and includes standard operating and capital outlay costs for staff.
- **Data contractor.** DORA requires an estimated \$105,000 to hire a data contractor to review and validate carrier data prior to publication, and analyze data for ongoing DORA initiatives. Based on the level of detail required in the bill, the fiscal note assumes that a contractor will perform 350 hours of work annually, at an estimated \$300 per hour. Actual costs will be determined through the contracting process.
- **Information technology systems.** In FY 2024-25, DORA will require \$30,000 to design and build a data warehouse to collect and itemize carrier price transparency files, implemented by the Office of Information Technology. Ongoing maintenance and data storage costs are estimated at \$30,000 per year.
- **Legal services.** DORA may require legal services, provided by the Department of Law, which can be accomplished within existing legal services appropriations. Legal counsel is related to rulemaking, implementation, and ongoing administration of the program, as well as a rise in complaints.

Health Care Policy and Financing. Starting in FY 2024-25, the bill may minimally increase expenditures in the Department of Health Care Policy and Financing for increased capitation rates from Child Health Plan Plus (CHP+) contract carriers complying with the bill's requirements.

Department of Personnel and Administration. The bill may increase workload starting in FY 2024-25 in the Office of Administrative Courts for disciplinary proceedings against health insurance carriers. This workload is expected to be minimal and no change in appropriation is required. Additionally, the fiscal note assumes that any increased cost to insure state employees resulting from higher insurance provider costs will be minimal and no change to total compensation appropriations will be required.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Technical Note

The bill does not require the analysis or use of acquired pharmacy and drug cost data for DORA initiatives, which makes up a portion of the ongoing \$105,000 for a data contractor. Actual appropriation for this use is at the discretion of the General Assembly.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2024-25, the bill requires an appropriation of \$267,758 from the Division of Insurance Cash Fund to the Department of Regulatory Agencies, and 1.0 FTE, of which \$60,000 is reappropriated to the Office of Information Technology.

State and Local Government Contacts

Health Care Policy and Financing
Personnel

Judicial
Regulatory Agencies

Law

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).