

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1879 – SB 2514

February 26, 2018

SUMMARY OF ORIGINAL BILL: Prohibits health care prescribers, their employees, agents, or independent contractors from conducting in-person solicitation, telemarketing, or telephonic solicitation of victims of an accident or disaster, for the purpose of marketing services related to the healing arts, unless certain criteria are met. Requires health care prescribers to maintain telemarketing transcripts for two years following utilization and a log of contacts for a period of two years following a telemarketing encounter. Authorizes and empowers the Division of Health Related Boards (HRB) to petition any circuit or chancery court having jurisdiction to enjoin any person who is violating this section.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

Other Commerce Impact – Due to multiple unknown factors, the exact impact to commerce and jobs cannot be quantified with reasonable certainty.

SUMMARY OF AMENDMENT (013767): Deletes and replaces language of the bill to establish that the proposed prohibition applies to marketing services of the healing arts related to the accident or disaster.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Based on information provided by the Department of Health, rules can be created during regularly-scheduled board meetings; therefore, any fiscal impact on the Division of HRBs is estimated to be not significant.

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- Based on information provided by the Administrative Office of the Courts, the proposed legislation will not significantly increase the caseload of trial or appellate courts; therefore, any fiscal impact is estimated to be not significant.
- Pursuant to Tenn. Code Ann. § 4-29-121, all health related boards are required to be self-supporting over a two-year period. The HRBs had an annual surplus of \$4,526,956 in FY15-16, an annual surplus of \$3,551,254 in FY16-17, and a cumulative reserve balance of \$32,645,083 on June 30, 2017.

IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:

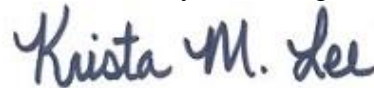
Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- It is unknown how many health care prescribers, their employees, agents, or independent contractors conduct in-person solicitation, telemarketing, or telephonic solicitation of victims of an accident or disaster.
- Due to multiple unknown factors, the exact impact to commerce and jobs cannot be determined with reasonable certainty.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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