

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

No. 2
Bill Version: CSSB 256 (FIN)
(S) Publish Date: 4-11-00

Revision Date/Time (Note if correction) _____ Dept. Affected Law
Title "An Act relating to allowing physicians to BRU Civil Division
collectively negotiate with a health benefit plan ..." Component Fair Business Practices
Sponsor Senator Pete Kelly
Requester Senate Finance Committee Component No. 2206

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	190.0	190.0	190.0	190.0	190.0	
Travel	5.8	5.8	5.8	5.8	5.8	
Contractual	135.6	135.6	135.6	135.6	135.6	
Supplies	3.1	3.1	3.1	3.1	3.1	
Equipment	13.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	347.5	334.5	334.5	334.5	334.5	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()		334.5	334.5	334.5	334.5	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	243.3					
1005 GF/Program Receipts	104.3	334.5	334.5	334.5	334.5	
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	347.5	334.5	334.5	334.5	334.5	0.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time	2	2	2	2	2	
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSSB 256 (FIN) provides a method for physicians to collectively negotiate certain terms and conditions of contracts with a health benefit plan. If an authorized third party negotiates with the health benefit plan, the subject matter of the negotiations must be reviewed and approved by the attorney general, who then receives various reports on the progress of the negotiations. Once a negotiated contract proposal is reached, it is to be reviewed and approved by the attorney general, using specific criteria, within thirty days. The bill provides that registration fees for authorized third parties will be established to approximately equal the regulatory costs for the attorney general's oversight of joint negotiations between physicians and health benefit plans. The bill further contains a sunset provision, repealing the new program on July 1, 2005.

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Division Attorney General's Office Date/Time 4/10/00, 8:54 AM
Approved by Commissioner Bruce M. Botelho *Bruce M. Botelho* Attorney General Date 4/10/00
Agency Department of Law

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ANALYSIS CONTINUATION

If enacted, this legislation places substantial responsibilities on the attorney general to approve proposed negotiations, monitor reports of on-going negotiations, and to make a very fact intensive determination whether to approve or not approve a proposed negotiated contract within a very short time frame. The economic and patient care detriment or benefit criteria the Attorney General is directed to base approval or disapproval on will require significant analysis by expert health care economic assistance, as well as additional legal resources.

Under this bill, competing physicians within the service area of a health benefit plan can collectively negotiate certain defined terms and conditions of contracts with the health benefit plan. Negotiations can include fee and price related terms and conditions when the health benefit plan has a market share greater than 15 percent in the geographic service area of the negotiating physicians.

It is difficult to predict how many contracts and reports during a given year that the attorney general's office will have to review and approve. There are 2,287 licensed physicians and 47 separate medical specialties currently in the State of Alaska, and we conservatively estimate more than 7,000 health benefit plans will be potentially subject to this bill. Given these numbers, we would anticipate the volume of collective negotiations under the bill to be significant enough that we will need additional resources to complete the required reviews and approvals.

The Department of Law anticipates a minimum of one new full-time equivalent attorney position and one full-time equivalent paraprofessional position will be needed to handle this new workload. Extensive regulation development will be necessary to implement the legislation by defining terms and setting forth the reporting requirements that authorized third parties will be required to submit in order to reduce, or preferably eliminate, investigation time during the 30 day review period. Once regulations are complete, these positions will perform the necessary investigation, review, and antitrust analyses on the collective bargaining reports submitted by the authorized third party, and represent the state when decisions of the attorney general are challenged.

Requests for approval of proposed negotiations and review of negotiated contracts by the attorney general are unlikely to be spread evenly throughout the course of a year. Instead, they may come at any time, and in any volume. Thus, we assume it will be more efficient to hire expert health care economic assistance by contract on an as needed basis. \$100,000 is included for outside expert costs (500 hours at an estimated average cost of \$200/hour).

In-house estimates are based on the department's FY 2001 standard full-time equivalent attorney and paraprofessional schedules, which include clerical support, communications, space, supplies, data processing, and other normal overhead expenses. (FTE attorney: \$134,712, FTE paraprofessional: \$89,837). Each position estimate also includes an additional \$6,500 for one-time equipment purchases and \$5,000 for direct case costs, costs that cannot be included in the rate as overhead.

The bill assumes fees for the registration of authorized third parties will be established to cover the cost of the program upon implementation. In the first year, it will take several months to establish the regulatory framework. During this time, no fees will be generated. General funds are necessary for the first year to implement the program, at which point, the fees will be set to cover all program costs. The Department of Law estimates, based on Texas' experience, that at least nine months will be required to get regulations in place. Accordingly, funds are split 70/30 general fund and general fund program receipts in FY 2001.