



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2025 Biennium

Bill information:

HB0446 - Revise laws related to privacy in health digital services and applications (Sullivan, Katie)

Status: As Amended in Senate Committee

- Significant Local Gov Impact
 Needs to be included in HB 2
 Technical Concerns
 Included in the Executive Budget
 Significant Long-Term Impacts
 Dedicated Revenue Form Attached

FISCAL SUMMARY

| | <u>FY 2024</u> <u>Difference</u> | <u>FY 2025</u> <u>Difference</u> | <u>FY 2026</u> <u>Difference</u> | <u>FY 2027</u> <u>Difference</u> |
|---|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Expenditures: | | | | |
| General Fund | \$0 | \$0 | \$0 | \$0 |
| Revenue: | | | | |
| General Fund | \$0 | \$0 | \$0 | \$0 |
| Net Impact-General Fund Balance: | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

Description of fiscal impact: This bill has no fiscal impact to the state.

FISCAL ANALYSIS

Assumptions:**Department of Public Health and Human Services (DPHHS)**

1. HB 446 revises health privacy laws to provide that mental health digital services are subject to the requirements of the Uniform Health Care Information Act. The Montana Enterprise System has mechanisms to prevent visibility of protected data to outside parties. DPHHS is in compliance with HB 446 and there is no fiscal impact.

Office of the Commissioner of Higher Education/Montana University System

2. The Montana University System Group Insurance Plan is currently in compliance with HB 446 regarding health digital services and does not project a fiscal impact.

Department of Administration

3. The State of Montana's cybersecurity insurance policy would respond to cyber incidents involving the unauthorized disclosure of digital mental health information according to statute. Since agencies indicate they are already in compliance, no claims are anticipated. However, if there is a claim, the fiscal impact is unknown.
4. Any vendor that works with the State of Montana Benefit Plan is required to comply with HIPAA privacy and security rules and this bill covers non-HIPAA covered services.

Sponsor's Initials

APRIL 6, 2023
Date

Budget Director's Initials

4-5-23
Date