

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 549 – SB 1270

April 2, 2019

SUMMARY OF BILL: Increases, from \$1,000 to \$5,000, the maximum fine per violation for making a false statement on an application requesting the disclosure of personal information from the Department of Safety (DOS), the Department of Revenue (DOR) or the County Clerk's office.

Creates a Class C misdemeanor, punishable only by a maximum fine of \$5,000 per violation, for any person who knowingly releases personal information from the DOS, DOR or County Clerk's office records.

Authorizes the Division of Health Related Boards (HRB) to take disciplinary action on healthcare prescribers, employees, agents, or independent contractors who solicit victims of accidents or disasters for the purpose of marketing services of the healing arts related to the accident or disaster.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 55-25-112, the current penalty for making a false statement on an application requesting the disclosure of personal information is \$1,000.
- Based on information provided by the DOR, no person has been penalized for making a false statement on an application for personal information in the previous three years.
- Based on information provided by the DOS, there were five violations for making a false statement on an application for personal information in 2017 and two violations in 2018.
- Increasing the maximum fine per violation will provide an incentive for people to not violate the section and could result in a decrease in the number of future violations.
- Due to the low number of current violations occurring and the additional disincentive provided by the proposed legislation, any fiscal impact is estimated to be not significant.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly increase state or local revenue.

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- Pursuant to Tenn. Code Ann. § 63-1-129, healthcare prescribers, their employees, agents, or independent contractors are prohibited from conducting in-person solicitation, telemarketing, or telephonic solicitation of victims of an accident or disaster, for the purposes of marketing services of the healing arts related to the accident or disaster, unless the prescriber has a family or prior professional relationship with the victim or the solicitation is carried out more than 30 days after the date of the accident.
- The proposed legislation authorizes the HRB to take disciplinary action for violations of this section, but it does not expand the current prohibition and will, therefore, not significantly increase the volume of complaints received by the HRB.
- The proposed legislation will not have a significant impact on the procedures or processes of the HRB or the Department of Health; therefore, any fiscal impact is estimated to be not significant.
- Pursuant to Tenn. Code Ann. § 4-29-121, all HRBs are required to be self-supporting over a two-year period. The HRBs had an annual surplus of \$3,609,723 in FY16-17, an annual surplus of \$3,621,024 in FY17-18, and a cumulative reserve balance of \$34,646,763 on June 30, 2018.

CERTIFICATION:

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



Krista Lee Carsner, Executive Director

/vlh