

HF3989 - 0 - Physician's Assistants Added to Statutes

Chief Author: **Kristin Bahner**
 Committee: **Health Finance and Policy**
 Date Completed: **3/18/2022 10:07:11 AM**
 Lead Agency: **Health Dept**
 Other Agencies:
 Commerce Dept District Courts
 Human Services Dept Medical Practice Board
 Minn Management and Budget Pharmacy Board

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
State Total						
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
Total	-	-	-	-	-

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Carlos Guereca **Date:** 3/18/2022 10:07:11 AM
Phone: 651-284-6541 **Email:** carlos.guereca@bo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2021	FY2022	FY2023	FY2024	FY2025
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

HF3989 - 0 - Physician's Assistants Added to Statutes

Chief Author: **Kristin Bahner**
 Committee: **Health Finance and Policy**
 Date Completed: **3/18/2022 10:07:11 AM**
 Agency: **Health Dept**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
Dollars in Thousands					
Total	-	-	-	-	-
Biennial Total			-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Carlos Guereca **Date:** 3/17/2022 2:37:33 PM
Phone: 651-284-6541 **Email:** carlos.guereca@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2021	FY2022	FY2023	FY2024	FY2025
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

This bill adds physician assistants to multiple Minnesota statutes, including statutes related to health plan coverage, marketing requirements, provider conflicts of interest, cost estimates, primary care provider choice, external review, health care provider definitions, authorities, patient rights, prior authorization, Medical Assistance, and civil liability. It also modifies requirements for physician supervision of physician assistants.

Assumptions

MDH is responsible for reviewing state-regulated health maintenance organization (HMO) health plans for compliance with state and federal requirements before they are available to enrollees. MDH assumes enforcement of the health carrier requirements in this bill would fall within the routine reviews of HMO health plan coverage and MDH would incur a de minimis fiscal impact.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Brian Awsumb

Phone: 651-201-5235

Date: 3/17/2022 2:14:29 PM

Email: brian.awsumb@state.mn.us

HF3989 - 0 - Physician's Assistants Added to Statutes

Chief Author: **Kristin Bahner**
 Committee: **Health Finance and Policy**
 Date Completed: **3/18/2022 10:07:11 AM**
 Agency: **Commerce Dept**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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State Cost (Savings)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
Dollars in Thousands					
Total	-	-	-	-	-
Biennial Total			-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Darren Sheets **Date:** 3/14/2022 2:03:37 PM
Phone: 651-297-1423 **Email:** darren.sheets@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

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State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2021	FY2022	FY2023	FY2024	FY2025
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

House File 3989 amends multiple Minnesota statutes by adding physician assistant as an eligible provider within the context of each statute. The following Commerce-related statutes are impacted by HF3989:

Minn. Stats. §§

62A.15, subd. 4 prohibiting denial of claims payments for certain providers;

62A.3091, subd. 2 coverage of tests ordered by certain providers;

62D.09, subd. 1 marketing materials;

62E.06, subd. 1 minimum benefits of a qualified health plan;

62J.17, subd. 4a expenditure reporting for certain provider types;

62J.48 criteria for reimbursement;

62J.823, subd. 3 hospital price transparency applicability and scope;

62Q.184, subd. 1 step therapy override;

62Q.57, subd. 1 choice of primary care provider;

62Q.73, subd. 7 external review of an appeal decision standards of review;

62Q.733, subd. 3 definitions health care provider;

62Q.74, subd. 1 network shadow contracting definition of provider;

62S.02, subd. 5 qualified long-term care policy activities of daily living provider qualification;

62S.08, subd. 3 coverage outline for long-term care policy;

62S.20, subd. 5b required disclosures and benefit triggers;

62S.21, subd. 2 medication information long-term care insurance;

62S.268 additional standards for benefit triggers of long-term care insurance

Assumptions

Commerce assumes no fiscal impact to the agency as a result of HF3989 becoming law.

Commerce staff reviewing health plan forms and rate filings would be required to add the new statutory provisions of HF3989 to existing checklists and review them for compliance. However, the work required by HF3989 would not substantially add to or deviate from the existing overall role agency staff have in the review of health plan filings.

The requirements of HF3989 do not constitute a new benefit mandate as understood under Section 1311(d)(3) of the ACA. New benefit mandates not included as essential health benefits (EHBs) specified under section 1302(b) and added by

state law after December 31, 2012 require the State to defray health plan costs associated with providing coverage to enrollees. Section 1311(d)(3) specifies that the state is not required to defray costs of new benefit mandates when unrelated to specific care, treatment, or services. The requirements under HF3989 are related to provider type eligibility/expansion, which is one specific item identified by the federal government as not constituting a new benefit mandate. [1]

[1] <https://www.federalregister.gov/documents/2012/11/26/2012-28362/patient-protection-and-affordable-care-act-standards-related-to-essential-health-benefits-actuarial#footnote-8>

Expenditure and/or Revenue Formula

N/A

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Amy Trumper

Phone: 651-539-1517

Date: 3/14/2022 8:46:57 AM

Email: amy.trumper@state.mn.us

HF3989 - 0 - Physician's Assistants Added to Statutes

Chief Author: **Kristin Bahner**
 Committee: **Health Finance and Policy**
 Date Completed: **3/18/2022 10:07:11 AM**
 Agency: **District Courts**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Alyssa Holterman Rosas **Date:** 3/14/2022 6:40:46 PM
Phone: 651-284-6439 **Email:** alyssa.holterman.rosas@lbo.mn.gov

State Cost (Savings) Calculation Details

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Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

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HF3989-0 amends various statutes by providing physician assistants with certain rights, duties, and protections and the authority to perform certain acts. This bill extends civil and criminal immunity and penalties to physician assistants under sections 144.966, 246.722, 253B.23, and 383A.13(4); includes witness and attorney fees to be paid to each physician assistant in proceedings under sections 252A.01 to 252A.21; and provides for judicial review for a physician assistant aggrieved by an order of the commissioner under section 256.9685, subd. 1b.

Assumptions

This bill provides for witness and attorney fees for physician assistants in certain proceedings and the right of a physician assistant to seek judicial review of the commissioner’s decision of the reconsideration process under section 256.9586, subd. 1b. It is assumed some physician assistants may seek judicial review. Current law provides for judicial review of administrative decisions. It is assumed that the provisions of this bill will not have a measurable impact on the number of administrative appeals filed.

Expenditure and/or Revenue Formula

It is unknown if this bill will impact court filings. It is assumed any impact will be minimal and absorbed by the Minnesota Judicial Branch.

Long-Term Fiscal Considerations

None

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Janet Marshall

Date: 3/14/2022 6:39:34 PM

Phone: 651-297-7579

Email: Janet.marshall@courts.state.mn.us

HF3989 - 0 - Physician's Assistants Added to Statutes

Chief Author: **Kristin Bahner**
 Committee: **Health Finance and Policy**
 Date Completed: **3/18/2022 10:07:11 AM**
 Agency: **Human Services Dept**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Steve McDaniel **Date:** 3/17/2022 7:53:45 PM
Phone: 651-284-6437 **Email:** steve.mcdaniel@lbo.mn.gov

State Cost (Savings) Calculation Details

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State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

Sections 128 and 134-155 alter statutes related to Medical Assistance (MA) to add physician assistants as an allowable provider type for various parts of the program.

Assumptions

The Department of Human Services (DHS) currently enrolls physician assistants and reimburses them for services provided to Minnesota Health Care Program (MHCP) enrollees. This fiscal analysis assumes that utilization is unlikely to increase as a result of this change. Therefore, DHS estimates no fiscal impact.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Elyse Bailey, 651-402-7046

Agency Fiscal Note Coordinator Signature: Elyse Bailey

Phone: 651-431-2932

Date: 3/17/2022 6:02:09 PM

Email: elyse.bailey@state.mn.us

HF3989 - 0 - Physician's Assistants Added to Statutes

Chief Author: **Kristin Bahner**
 Committee: **Health Finance and Policy**
 Date Completed: **3/18/2022 10:07:11 AM**
 Agency: **Medical Practice Board**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Carlos Guereca **Date:** 3/11/2022 11:10:30 PM
Phone: 651-284-6541 **Email:** carlos.guereca@lbo.mn.gov

State Cost (Savings) Calculation Details

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Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

HF3989 amends multiple sections of statute related to the practice of licensed physician assistants. The bill applies to the Board of Medical Practice (BMP) because physician assistants are under the jurisdiction of the BMP pursuant to Minn. Statute 147A. 2020 legislation removed the requirement for physician assistants to practice under the supervision of a licensed physician.

147A.01, subd. 23. The definition of “supervising physician” is repealed.

147A.27 Section 85. Modifies physician membership on the Physician Assistant Advisory Council to replace reference to “supervising” physician assistants with “practicing with” physician assistants.

Assumptions

The BMP assumes that the statutory modifications to chapter 147A and other sections of statute related to physician assistant practice do not have a fiscal impact on the BMP. The BMP processes for issuing licenses, investigating complaints and imposing actions against licensees remain unchanged by HF3989.

Expenditure and/or Revenue Formula

There is no fiscal impact on the Board of Medical Practice.

Long-Term Fiscal Considerations

N/A

Local Fiscal Impact

References/Sources

Agency Contact: Ruth Martinez (612-548-2150)

Agency Fiscal Note Coordinator Signature: Ruth Martinez

Phone: 612-548-2150

Date: 3/11/2022 8:46:41 AM

Email: ruth.martinez@state.mn.us

HF3989 - 0 - Physician's Assistants Added to Statutes

Chief Author: **Kristin Bahner**
 Committee: **Health Finance and Policy**
 Date Completed: **3/18/2022 10:07:11 AM**
 Agency: **Minn Management and Budget**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2021	FY2022	FY2023	FY2024	FY2025
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Joel Enders **Date:** 3/11/2022 1:25:00 PM
Phone: 651-284-6542 **Email:** joel.enders@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

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State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

This bill is focused on updating various statutes to include language addressing the practice and licensure of physician assistants in the state. Licensed health care providers are given certain rights and authorities, duties, and protections by Minnesota statute to perform their roles. This bill explicitly adds licensed physician assistants to statute alongside physicians, nurse practitioners, and other health professionals.

Assumptions

Minnesota Management and Budget (MMB) administers the State Employee Group Insurance Program (SEGIP) which provides health, dental, life and other benefits to eligible State employees and their dependents, and other groups including quasi-state agencies under the legislative authority provided in Minnesota Statutes 43A. Health benefits are provided through the self-funded Minnesota Advantage Health Plan. SEGIP contracts with three health plan administrators to administer medical benefits and a Pharmacy Benefit Manager (PBM) to administer its prescription drug benefit.

This bill has no fiscal impact on SEGIP. MMB considers the addition of physician assistant language throughout the various statutes as a technical change that updates statute to be in conformity with the 2020 Physician Assistant Modernization Act. Physician assistants are already considered to be health care professionals for the purposes of health care administration, so these changes do not affect our plan.

Expenditure and/or Revenue Formula

Not Applicable

Long-Term Fiscal Considerations

Not Applicable

Local Fiscal Impact

Not Applicable

References/Sources

Program Information and claims data from SEGIP, administered by MMB.

Agency Contact: Lorna Smith 651-259-3604

Agency Fiscal Note Coordinator Signature: Paul Moore

Phone: 651-201-8004

Date: 3/11/2022 8:47:26 AM

Email: paul.b.moore@state.mn.us

Fiscal Note

2021-2022 Legislative Session

HF3989 - 0 - Physician's Assistants Added to Statutes

Chief Author: **Kristin Bahner**
 Committee: **Health Finance and Policy**
 Date Completed: **3/18/2022 10:07:11 AM**
 Agency: **Pharmacy Board**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2021	FY2022	FY2023	FY2024	FY2025
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Carlos Guereca **Date:** 3/14/2022 8:30:08 AM
Phone: 651-284-6541 **Email:** carlos.guereca@lbo.mn.gov

State Cost (Savings) Calculation Details

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Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

This bill adds the term “physician assistants” to certain statutes and defines “physician assistant services”. Where physician or advanced practice registered nurses were previously listed in statute, this bill largely adds “physician assistant” to the list of practitioners. Only a few of the changes that would be made are to sections of statutes administered by the Board of Pharmacy. (Sections 151.01, 151.19, 151.21, and 151.37). Note that the change in §151.09 would add physician assistants to the practitioners to whom the Board could issue pharmacies licenses in very limited circumstances.

Assumptions

None of the changes made to the sections of statutes administered by the Board will require the Board to do anything, other than notifying our licensees about the changes (which is accomplished by sending out a mass e-mail). The change made in 151.19 will most likely not result in the Board issuing any pharmacy license to any physician assistant. Only one pharmacy license has ever been issued under that section and the physician who held that license dropped it at least a half dozen years ago. That is because very few health care facilities in this state are located in a designated health professional shortage area where pharmaceutical care is not reasonably available.

For these reasons, there is only the minimal cost of sending out an e-mail, which the Board can absorb within its existing appropriation.

Expenditure and/or Revenue Formula

There is no fiscal impact to the Board of Pharmacy.

Long-Term Fiscal Considerations

None known

Local Fiscal Impact

References/Sources

Agency Contact: Katrina Howard (651-201-2840)

Agency Fiscal Note Coordinator Signature: Cody Wiberg

Phone: 651-201-8098

Date: 3/13/2022 4:36:07 PM

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