



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1443

PRINTERS NO. 1900

PRIME SPONSOR: Hershey

COST / (SAVINGS)

FUND	FY 2021/22	FY 2022/23
General Fund	\$0	\$0

SUMMARY: House Bill 1443, Printer's Number 1900, adds a section to The Clinical Laboratory Act to provide for advertisements for laboratory tests. This legislation is effective immediately upon enactment.

ANALYSIS: HB 1443 provides that a clinical laboratory may advertise or solicit business for diagnostic laboratory testing if all of the following apply:

- The testing is ordered by a Pennsylvania-licensed health care practitioner or another person authorized by Pennsylvania law to order testing.
- The testing is performed by the clinical laboratory.
- The clinical laboratory is a covered entity, or a business associate thereof, for the purpose of compliance with HIPAA and the Health Information Technology for Economic and Clinical Health Act.
- The clinical laboratory does not make a claim about the reliability and validity of the testing that is inconsistent with the testing proficiency standards under section 353 of the Public Health Service Act.
- The clinical laboratory discloses that diagnostic laboratory testing may or may not be covered by health insurance.

The bill provides that the Department of Health may prohibit the use of a clinical laboratory's advertisement or solicitation of business for diagnostic laboratory testing or impose a civil penalty if the department determines that the diagnostic laboratory testing poses a public threat or is not in compliance with the provisions of the bill.

FISCAL IMPACT: Enactment of this legislation will have no adverse fiscal impact on Commonwealth funds.

PREPARED BY: Nick McClure
House Appropriations Committee (R)

DATE: November 8, 2021

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.