

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 22, 2003

TO: Honorable Jaime Capelo, Chair, House Committee on Public Health

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB1834 by Goodman (Relating to the regulation of clinical nutritionists; providing a civil penalty.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1834, As Introduced: a positive impact of \$41,169 through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	\$10,343
2005	\$30,826
2006	\$35,501
2007	\$35,826
2008	\$35,501

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from GENERAL REVENUE FUND 1	Probable Revenue Gain from New GR Related-Registered Clinical Nutritionists Account	Change in Number of State Employees from FY 2003
2004	(\$79,657)	\$90,000	1.5
2005	(\$59,174)	\$90,000	0.8
2006	(\$54,499)	\$90,000	0.8
2007	(\$54,174)	\$90,000	0.8
2008	(\$54,499)	\$90,000	0.8

Fiscal Analysis

The bill would amend the Occupations Code to add Clinical Nutritionists.

The bill would establish the Clinical Nutritionists Board as a licensing entity under the umbrella of the Texas Department of Health (TDH). The bill allows for the registration and regulation of clinical nutritionists. It would create a nine-member governor-appointed board, the Texas State Board of Examiners of Clinical Nutritionists (board). The duties of the board would include developing rules, establishing qualifications for licensure, approving continuing education programs, sanctioning registration holders for violations of the chapter, and establishing reasonable fees to cover the cost of operating the regulatory program.

The bill would take effect September 1, 2003, except for Sections 703.251 and Subchapters I and J, Chapter 703, Occupations Code, that would take effect January 1, 2004.

Methodology

Following are the assumptions used in this cost estimate:

1. The governor will appoint the board and designate the presiding officer.
2. The nine member board will meet three times per year, each time for a two day period, to conduct business. Two of the meetings will be held in Austin. The members will receive per diem and reimbursement for transportation.
3. Training for the board members will be done in conjunction with board meetings.
4. The fees received shall be deposited to the credit of the registered clinical nutritionists account in the general revenue fund; therefore, the fees generated will cover costs. The Texas Department of Health (TDH) will collect the fee revenue and manage the budget for the board.
5. It is estimated that 300 individuals will seek registration as a clinical nutritionist. As there is no historical data to validate industry growth, the anticipated number of licensees is assumed to remain constant. The fee per registration is assumed to be \$300 (300 registrants per year x \$300 fee = \$90,000 per year in Registered Clinical Nutritionists Account).
6. Staff will be needed to support the board activities and include:
 - a) Executive Director (employed by the board) assumed at 0.5 FTE in fiscal year 2004 decreasing to 0.3 FTE in fiscal years 2005 through 2008.
 - b) Administrative support personnel (employed by the TDH) assumed full time in fiscal year 2004, decreasing to 0.5 FTE in fiscal years 2005 through 2008.Note: Staffing requirements prorated to 9 months in fiscal year 2004 to allow time for establishing the program and hiring of staff. Initial year of new program is more resource intensive requiring higher staffing levels than successive years.
7. Shared administrative support currently within TDH will be involved in ordering supplies and equipment, conducting board member training, developing proposals for the utilization of a national examination for use in Texas by the nutritionists board, and providing additional assistance in initiating the regulatory program. There is no cost to or revenue for the state anticipated for the national examination.

Technology

The Texas Department of Health indicates software will need to be developed to track licensing activity. It is assumed in-house programming (225 hours) will be required to develop and maintain software would be provided at \$60 per hour, a total cost of \$13,500.

The cost estimate includes two computers at \$1300 each and one laser printer at \$3500.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 360 State Office of Administrative Hearings, 501 Department of Health

LBB Staff: JK, EB, KF, MB