

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 21, 2007

TO: Honorable Bill Callegari, Chair, House Committee on Government Reform

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB1883** by Anchia (Relating to licensing and regulation of massage and bodywork therapies; providing penalties.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1883, As Introduced: a positive impact of \$36,043 through the biennium ending August 31, 2009.

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
2008	\$40,369
2009	(\$4,326)
2010	\$20,338
2011	(\$4,688)
2012	\$19,880

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1	Probable Revenue Gain/ (Loss) from GENERAL REVENUE FUND 1	Change in Number of State Employees from FY 2007
2008	(\$123,471)	\$163,840	2.0
2009	(\$139,326)	\$135,000	2.0
2010	(\$139,462)	\$159,800	2.0
2011	(\$139,688)	\$135,000	2.0
2012	(\$139,920)	\$159,800	2.0

Fiscal Analysis

The bill would amend the Occupations Code and the Civil Practice and Remedies Code as it relates to the licensing and regulation of massage and bodywork therapies and provides penalties. The bill would amend Chapter 455, Occupations Code to include bodywork therapies.

The bill would require the Department of State Health Services (DSHS) to annually prepare a registry of licensed massage and bodywork: 1) therapists, 2) instructors, 3) schools, and 4) continuing education programs recognized by the department in addition to the roster of therapists, which is required under current law.

The bill would prohibit persons from performing or offering to perform any service with a purported health benefit that involves physical contact with a client for compensation unless the person holds a license under the chapter or is licensed or authorized under other law to perform the service.

The bill adds conditions that allow a place of business to be exempt from licensing requirements and eliminates the requirement that the Executive Commissioner adopt rules relating to exemptions to the chapter and establishes exemptions by statute.

The bill increases the total number of hours of training from 300 to 500, requires that, if DSHS requires a practical examination for licensure, it must be offered at five locations across the state.

The bill would create the Massage and Bodywork Therapies Advisory Committee.

The bill would repeal Section 455.1572, Occupations Code.

Not later than December 1, 2007, the executive commissioner of the Health and Human Services Commission would be required to adopt rules necessary to implement Chapter 455, Occupations Code, as amended by this Act. Except for Section 455.156(b)(1)(B), Occupations Code, changes in law made by this Act to Section 455.156, Occupations Code, apply only to a license applicant who enrolls in a massage and bodywork therapist training program for the first time on or after August 1, 2008.

The change in law made by this Act by the deletion of former Section 455.156(b)(1)(B), Occupations Code, applies only to an application for a license filed on or after August 1, 2008.

Changes relating to violations in Sec. 455.351 apply only to violations that occur on or after September 1, 2007.

Changes relating to offenses in Sec. 455.352 apply only to offenses that are committed on or after September 1, 2007.

As soon as practicable after September 1, 2007, the DSHS commissioner would be required to appoint the advisory committee under Sec. 455.106. The bill would take effect September 1, 2007.

Methodology

Under the provisions of the bill, DSHS estimates that an additional 2 FTES would be needed. The costs associated with these additional FTES would be \$123,471 in FY08, \$130,326 in FY09, \$130,462 in FY10, \$130,688 in FY11, and \$130,920 in FY12. These costs include salaries, benefits, rent, travel, and other associated costs.

DSHS also estimates that the provisions of the bill would result in an increase in revenue collections to cover the cost of implementation. The estimated revenue is \$163,840 in FY08, \$135,000 in FY09, \$159,800 in FY10, \$135,000 in FY11, and \$159,800 in FY12.

The bill also creates the Massage and Bodywork Therapies Advisory Committee. The Committee members, under the provisions of the bill, would be entitled to reimbursement for expenses. DSHS estimates that the committee will meet two times annually for two days per meeting, for total estimated travel costs per fiscal year of \$9,000. Although the bill authorizes reimbursement for advisory committee expenses, specific authorization in the General Appropriations Act is required in order to provide reimbursement.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 537 State Health Services, Department of

LBB Staff: JOB, MN, PP, SJ