

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 20, 2007**

**TO:** Honorable Dianne White Delisi, Chair, House Committee on Public Health

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

**IN RE: HB2426** by Truitt (Relating to the continuation and functions of the Board of Nurse Examiners.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2426, As Introduced: a negative impact of (\$206,964) 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	(\$103,482)
2009	(\$103,482)
2010	(\$103,482)
2011	(\$103,482)
2012	(\$103,482)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Revenue Gain/(Loss) from <i>GENERAL REVENUE FUND</i> 1	Probable Savings from <i>GENERAL REVENUE FUND</i> 1
2008	(\$105,716)	\$2,234
2009	(\$105,716)	\$2,234
2010	(\$105,716)	\$2,234
2011	(\$105,716)	\$2,234
2012	(\$105,716)	\$2,234

**Fiscal Analysis**

The bill would amend Occupations Code to implement continue the Board of Nurse Examiners in existence until 2017. The bill would amend grounds for removal of a member of the board. The bill would provide for per diem travel expenses, as provided by the General Appropriations Act for board members.

The bill would require the board to create or amend rules on numerous topics such as: establishing guidelines concerning the consequences of criminal conviction or deferred adjudication; the approval of nursing and education programs through one or more national nursing accrediting agencies recognized by the United States Department of Education; establishing the purpose, role, responsibility, and goal of an advisory committee; the establishment of rules which encourage the use of negotiated rulemaking procedures and alternative dispute resolution; establishing examination

requirements, administration, and procedures; amending requirements of a person who is required to report a nurse who is impaired or suspected of being impaired; the peer assistance program; and providing a schedule of sanctions.

The bill would require the collaboration of the Board of Nurse Examiners with the Texas Higher Education Coordinating Board to implement a plan for the creation of innovative nursing education models that promote increased enrollment in the state's nursing programs.

The bill would allow the board to appoint advisory committees to perform the advisory functions assigned by the board. The bill would prohibit a board member from serving as a member of an advisory committee and prohibit a board member liaison from collecting travel expenses for advisory committee meetings the member attends.

The bill would allow employees of the board to dismiss a complaint under certain criteria. The bill would establish a jurisprudence examination. The bill would decrease the penalties for the renewal of licenses which have been expired less than 1 year. The bill would amend the maximum amount of an administrative penalty to change from \$2,500 to \$5,000.

The bill would enact the Advanced Practice Registered Nurse Multistate Compact.

Not later than January 1, 2008 the Board of Nurse Examiners would have to adopt the policies and rules required by the bill. Not later than September 1, 2008, the Board of Nurse Examiners would have to develop the jurisprudence examination required by the bill, implement the plan for creating innovative nursing education models as required by the bill, and report to the Sunset Advisory Commission regarding the plan and the board's effort to increase enrollment in nursing education programs.

## **Methodology**

Based on information provided by the Board of Nurse Examiners, the Comptroller of Public Accounts, and the Sunset Advisory Commission, this analysis assumes that there would be an annual savings of \$2,234 per year in General Revenue from the provisions of the bill which relate to the prohibition of Board members to serve on advisory committees and specifying that Board members liaisons are not entitled to travel expenses for attending advisory committee meetings. This annual savings is based on the average annual expenditures for these purposes in fiscal year 2004, fiscal year 2005, and fiscal year 2006.

The bill would amend the renewal fee structure. Under current statute, the Board charges \$117 for the renewal of a license which is expired between 1 and 90 days and \$167 for the renewal of a license which is expired more than 90 days but less than 1 year. The bill would amend this fee structure to provide a renewal fee of \$100.50 for the renewal license which would be expired between 1 and 90 days and \$134 for the renewal of a license which would be expired more than 90 days but less than 1 year. In fiscal year 2006, there were 2,327 individuals who renewed their license when the license was expired between 1 and 90 days and 2,040 individuals who renewed their license when the license was expired between 90 days and 1 year. The analysis estimates the same number of late renewals in fiscal years 2008 through 2012 which would result in a loss of \$38,396 in General Revenue per year for the renewal of licenses which have been expired between 1 and 90 days and a loss of \$67,320 in General Revenue per year for the renewal of licenses which have been expired between 90 days and 1 year.

Based on information provided by the Board of Nurse Examiners, it is assumed that any additional costs related to the duties and responsibilities associated with implementing the provisions of the bill could be covered by utilizing existing resources.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 116 Sunset Advisory Commission, 304 Comptroller of Public Accounts, 320 Texas Workforce Commission, 507 Board of Nurse Examiners, 781 Higher Education Coordinating Board

**LBB Staff:** JOB, CL, MW, AH