

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 23, 2007

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

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

IN RE: SB1168 by Van de Putte (Relating to the licensing and regulation of the practice of dietetics and nutrition care services.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1168, As Introduced: a negative impact of (\$34,866,959) 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	(\$16,993,975)
2009	(\$17,872,984)
2010	(\$17,850,620)
2011	(\$17,873,346)
2012	(\$17,851,078)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/ (Loss) from <i>GENERAL REVENUE FUND 1</i>	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND 1</i>	Change in Number of State Employees from FY 2007
2008	\$28,019	(\$17,021,994)	0.5
2009	\$1,019	(\$17,874,003)	0.5
2010	\$23,519	(\$17,874,139)	0.5
2011	\$1,019	(\$17,874,365)	0.5
2012	\$23,519	(\$17,874,597)	0.5

Fiscal Analysis

The bill would amend the Occupations Code as it relates to the licensing and regulation of the practice of dietetics and nutrition care services.

Section 2 of the bill creates new definitions for: 1) dietetics and nutrition care services, 2) nutrition care systems, 3) nutrition therapy, and 4) the practice of dietetics and nutrition care services.

Section 4 of the bill would provide exemptions to Chapter 701, Occupations.

Section 8 of the bill would require licensure under Chapter 701, Occupations, in order for a person to:

1) use a number of titles associated with dietetics and nutrition care services and 2) engage in the practice of dietetics and nutrition care services for compensation.

Section 10 of the bill would allow applicants who hold registrations by the Commission on Dietetic Registration to obtain a license if they complete an application, pass the required examinations, and pay the required fees.

Section 14 of the bill would repeal Section 701.259, Occupations Code, which relates to provisional licensed dietitians.

The change in law made by this Act by the enactment of Section 701.251(b)(3), Occupations Code, applies only to the practice of dietetics and nutrition care services on or after September 1, 2008.

The bill would take effect September 1, 2007.

Methodology

DSHS estimates that the provisions of the bill would result in an increase in revenue of \$28,019 in FY08, \$1,019 in FY09, \$23,519 in FY10, \$1,019 in FY11, and \$23,519 in FY12.

DSHS also estimates that an additional 0.5 FTES would be needed. The costs associated with the 0.5 FTE would be \$21,997 in FY08, \$26,601 in FY09, \$26,737 in FY10, \$26,963 in FY11, and \$27,195 in FY12. These costs include salaries, benefits, rent, and other associated costs.

Section 8 of the bill would require licensure under Chapter 701, Occupations, in order for a person to engage in the practice of dietetics and nutrition care services for compensation. DSHS indicates that the department would have to replace current Women, Infant, and Children's (WIC) staff in the four health services regions with licensed individuals at a cost of \$847,405 per fiscal year beginning in fiscal year 2009. Additionally, DSHS estimates that at least 1,068 staff of local WIC providers under contract to DSHS would need to be replaced at a cost of \$16,999,997 per fiscal year. However, costs would be less in 2008 to the extent that it takes time to put licensed individuals in the WIC contractor positions.

The overall costs would be \$17,021,994 in FY08, \$17,874,003 in FY09, \$17,874,139 in FY10, \$17,874,365 in FY11, and \$17,874,597 in FY12.

Local Government Impact

According to DSHS, there are 40 local governmental entities that provide WIC services and all will be impacted under the provisions of the bill because staff currently providing WIC services would need to be replaced with higher level staff at an increased cost.

Source Agencies: 537 State Health Services, Department of

LBB Staff: JOB, CL, SJ, MN, PP