

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

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 27, 2009**

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

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

**IN RE: SB2260** by Zaffirini (Relating to the licensing and regulation of post-acute care traumatic brain injury rehabilitation facilities; providing penalties.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would add a chapter to the Health and Safety Code relating to the licensing by the Department of State Health Services (DSHS) of post-acute care traumatic brain injury facilities. The bill authorizes a licensing fee in an amount to cover the costs of administering the chapter. The bill authorizes inspections by DSHS as necessary to ensure compliance with the chapter.

The bill would authorize both civil and administrative penalties for a violation of the chapter or a rule adopted under the chapter. A facility would be not be required to hold a license under the chapter until May 1, 2010; otherwise, the bill would take effect September 1, 2009.

Approximately 30 facilities, currently licensed by the Department of Aging and Disability Services, would be licensed by DSHS. It is assumed that there would be approximately offsetting changes in costs and revenue at DADS and DSHS, which would need to be reflected in the General Appropriations Act. The State Office of Administrative Hearings indicates that any hearings resulting from implementation of the bill could be absorbed within existing resources.

**Local Government Impact**

If the Department of State Health Services delegates to local government officials power to make inspections or to make additional rules related to post-acute care traumatic brain injury rehabilitation facility, those entities would incur associated costs. Costs to local governments would depend on the number of facilities in the local government's jurisdiction and the number and frequency of inspections performed.

Local mental health authorities may incur costs related to implementing rules imposed by the Health and Human Services Commission, depending on what those rules may be; however, it is anticipated that those costs could be absorbed within existing resources.

Local governments would experience a revenue gain if violations under the provisions of the bill were to occur. The revenue would depend on the number of offenses and the amount of the fine imposed; however, the fiscal impact is not expected to be significant. Conversely, counties would incur costs associated with a jail sentence imposed as part of the punishment for the Class B misdemeanor offenses under the provisions of the bill; however, those costs are not expected to be significant unless there are an unusually high number of offenses.

**Source Agencies:** 302 Office of the Attorney General, 360 State Office of Administrative Hearings, 529 Health and Human Services Commission, 537 State Health Services, Department of, 539 Aging and Disability Services, Department of

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