

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 16, 2011

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

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

IN RE: HB1615 by Brown (Relating to the administering of medications to children in certain facilities; providing criminal penalties.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Human Resources Code, Chapter 42, by adding Section 42.065, relating to administering medication by daycare providers, including licensed centers and licensed, registered, or listed homes. The statute defines medication and provides requirements for the distribution of a medication to a child by certain facilities. The statute would also create an offense if a person administers a medication to a child in violation of this section, which would be a Class A misdemeanor. If conduct constituting an offense under this section also constitutes an offense under a section of the Penal Code, the actor may be prosecuted under either section or both sections.

The Department of Family and Protective Services (DFPS) states that implementation of the bill would require amendments to rules, the creation of policies and procedures, and the addition of an indicator to the data system showing which providers administer medications. DFPS indicates the bill would be implemented within existing resources.

Local Government Impact

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

Source Agencies: 530 Family and Protective Services, Department of

LBB Staff: JOB, NB, CL, MB, VJC