

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 11, 2011

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

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

IN RE: HB3145 by Naishtat (Relating to the regulation of chemical dependency counselors.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3145, As Engrossed: an impact of \$0 through the biennium ending August 31, 2013.

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
2012	\$0
2013	\$0
2014	\$0
2015	\$0
2016	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from New GR-D Chemical Dependency Counselor
2012	\$23,000
2013	\$23,000
2014	\$23,000
2015	\$23,000
2016	\$23,000

Fiscal Analysis

The bill would amend Chapter 504, Occupations Code, related to chemical dependency counselor licensure. The bill would require a surcharge of no more than \$10 to the license or license renewal fee to fund approved peer assistance programs for chemical dependency counselors. All fees would be deposited to the chemical dependency counselor account, an account in the general revenue fund. The Department of State Health Services (DSHS) would be authorized, subject to the General Appropriations Act, to use the fees to cover the administrative costs related to the peer assistance programs.

The bill would remove the oral examination requirement for a chemical dependency counselor license and reduce from five years to three the period during which a license may not be issued due to conviction or placement on community supervision for certain offenses. The bill would provide an

exemption to licensing requirements for persons with certain credentials who provide services through a program or in a facility that receives funding from the Texas Department of Criminal Justice.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

The bill takes effect immediately if it receive a vote of two-thirds of all members in each house; otherwise it takes effect September 1, 2011.

Methodology

According to DSHS, 4,200 chemical dependency counselors currently hold licenses. Because renewals are staggered, 2,100 licenses will be renewed each year. DSHS estimates 200 new licenses issued per year. A \$10 surcharge would result in increased revenue to the state of \$23,000 per fiscal year. It is assumed that the revenue would stay the same each year with new licenses being offset by licenses that are not renewed. The agency indicates that the bill could result in an undetermined loss of revenue to the state from licensure fees paid by those counselors who would be exempt from licensure under the provisions of the bill.

According to the agency, there is currently one approved peer assistance program for chemical dependency counselors. DSHS will enter into a contract and provide support to this program, as authorized in the bill; costs related to contracting activities could be absorbed using existing resources.

DSHS indicates that implementing the provisions of the bill relating to rule making, revision of forms, system modifications, and procedure modifications for license denials could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 537 State Health Services, Department of

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