

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

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 11, 2011**

**TO:** Honorable Richard Pena Raymond, Chair, House Committee on Human Services

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

**IN RE: HB3206** by Davis, Yvonne (Relating to treatment of identity theft as a form of exploitation of an elderly or disabled person.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3206, As Introduced: a negative impact of (\$7,916,137) 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	(\$3,540,769)
2013	(\$4,375,368)
2014	(\$4,375,368)
2015	(\$4,375,368)
2016	(\$4,375,368)

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

Fiscal Year	Probable (Cost) from <i>General Revenue Fund</i> 1	Probable (Cost) from <i>Federal Funds</i> 555	Change in Number of State Employees from FY 2011
2012	(\$3,540,769)	(\$253,511)	67.0
2013	(\$4,375,368)	(\$220,074)	67.0
2014	(\$4,375,368)	(\$220,074)	67.0
2015	(\$4,375,368)	(\$220,074)	67.0
2016	(\$4,375,368)	(\$220,074)	67.0

**Fiscal Analysis**

The bill would amend Chapter 48 of the Human Resources Code, relating to investigations and protective services for elderly and disabled persons. The bill expands the definition of exploitation to include the act of taking or using an elderly or disabled person's identifying information by any person for personal advantage without the informed consent of the elderly or disabled person. The bill would take effect September 1, 2011.

## **Methodology**

The Department of Family and Protective Services (DFPS) indicates that the bill broadens Adult Protective Services (APS) statutory responsibility. Currently APS investigates only persons with an ongoing relationship to the alleged victim.

It is assumed that expanding APS' responsibilities would increase intakes, resulting in an increased need for intake workers and APS in-home workers. DFPS estimates that the forecasted APS population will be 4.3 million in fiscal year 2012 and 4.5 million in fiscal year 2013. Using the rate of identity theft in 2009 (116.4 per 100,000 Texans), as listed in the 2009 Federal Trade Commission "Consumer Sentinel Network Data Book," this would result in approximately 5,000 additional intakes in each fiscal year. DFPS assumes it would require two additional statewide intake workers, 41 new APS in-home workers, 6 supervisors, 6 administrative technicians and 1 program supervisor. Since APS does not have the expertise in identify theft investigations, 9 subject matter experts (1 per region) and 1 lead identity theft subject matter expert will be required. One position for enterprise support would be created at the Health and Human Services Commission. It is assumed that it will take DFPS 3 months in fiscal year 2012 to hire these employees. The salary costs associated with the additional 67 FTEs would be \$3.3 million in fiscal year 2012 and \$3.9 million in fiscal year 2013. Travel costs are assumed to be approximately \$200,000 per year in fiscal years 2012-16. DFPS indicates it can implement any needed training within existing resources.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Family and Protective Services, Department of

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