

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

February 14, 2011

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

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

IN RE: SB78 by Nelson (Relating to adverse licensing, listing, or registration decisions by certain health and human services agencies.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB78, As Introduced: a negative impact of (\$199,922) 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	(\$155,577)
2013	(\$44,345)
2014	(\$44,422)
2015	(\$44,500)
2016	(\$44,580)

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	(\$155,577)	(\$72,643)	1.0
2013	(\$44,345)	(\$23,823)	1.0
2014	(\$44,422)	(\$23,864)	1.0
2015	(\$44,500)	(\$23,906)	1.0
2016	(\$44,580)	(\$23,950)	1.0

Fiscal Analysis

The bill would amend Government Code as it relates to adverse licensing, listing, or registration decisions by certain Health and Human Services (HHS) agencies.

Passage of the bill would require each HHS agency that regulates persons in a licensed youth camp, home and community support services agency, hospital, convalescent and nursing home, assisted living facility, special care facility, intermediate care facility, chemical dependency treatment facility, mental hospital or mental health facility, child-care facility or child placing agency, or an adult day care facility to maintain a record of each license application that is denied, revoked, suspended, or terminated by the agency. The record of an application must be maintained for ten years; however, an HHS agency would not be required to maintain the record as required by the bill until January 1, 2012.

The bill would also require detailed information to be kept on each applicant, each person listed in the application, and each person responsible for compliance with the agency's rules and policies for the applicant. This information must be reported on a monthly basis to all other HHS agencies. HHS agencies may deny an applicant's applications based on adverse actions taken by another HHS agency.

Not later than December 1, 2011, the executive commissioner of the Health and Human Services Commission (HHSC) shall adopt rules necessary to implement the provisions of the bill.

Methodology

The Department of State Health Services (DSHS), the Department of Family and Protective Services (DFPS), the Department of Assistive and Rehabilitative Services (DARS), and HHSC indicate that implementation of the bill could be absorbed within existing resources.

The Department of Aging and Disability Services (DADS) indicates that they would need to collect data for additional persons, as well as modify their systems in order to implement the bill. It is assumed that DADS would implement the bill with one additional FTE costing a total of \$74,020 in FY2012, \$68,168 in FY2013, \$68,286 in FY2014, \$68,406 in FY2015, and \$68,530 in FY2016.

Federal matching funds are assumed based on the proportion contained in the agency's cost estimate.

Technology

It is assumed DADS can complete the necessary modifications with 1,542 hours at a cost of \$154,200 to complete all project costs.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 537 State Health Services, Department of, 538 Assistive and Rehabilitative Services, Department of, 539 Aging and Disability Services, Department of

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