

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 9, 2011

TO: Honorable John Carona, Chair, Senate Committee on Business & Commerce

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

IN RE: SB301 by Wentworth (Relating to filing a complaint against a person licensed to engage in a business, occupation, or profession; providing civil and criminal penalties.), **As Introduced**

The fiscal implications of the bill cannot be determined at this time.

The bill would amend Occupations Code to require a person filing a complaint with a licensing authority against a license holder to also submit an affidavit that the facts alleged in the complaint are true. The bill defines "malicious complaint" and sets a civil penalty of \$1,000 and a criminal penalty for submitting such a complaint. A criminal penalty under this act would be a Class A misdemeanor.

Multiple agencies reported that the bill's provisions would have either no fiscal impact or no significant fiscal impact for agency operations. These agencies include: the Office of the Attorney General (OAG); the Department of Banking; the Department of Insurance; the Board of Plumbing Examiners; the Board of Public Accountancy; the Texas Racing Commission; the Board of Chiropractic Examiners; the Podiatric Medical Examiners; the Optometry Board; the Executive Council of Physical Therapy; the Department of Agriculture (TDA); and the Texas Commission on Environmental Quality.

The OAG reported that the primary costs of compliance would be experienced by the persons required to submit complaint affidavits. TDA reported that the bill's provisions could result in the filing of fewer complaints which could result in a loss of revenue from the levying of fewer administrative penalties. TDA did not provide an estimate of the specific impact.

Four agencies reported increased administrative costs required to implement the bill's provisions related to receiving and processing complaints. These agencies include: the Board of Dental Examiners; the Board of Nursing; the Board of Pharmacy; and the Board of Examiners of Psychologists. The Texas Medical Board reported both an increase in administrative workload related to the bill's provisions and a potential decrease in the number of complaints received.

The bill would take effect September 1, 2011.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 451 Department of Banking, 454 Department of Insurance, 456 Board of Plumbing Examiners, 457 Board of Public Accountancy, 476 Racing Commission, 503 Texas Medical Board, 504 Texas State Board of Dental Examiners, 507 Texas Board of Nursing, 508 Board of Chiropractic Examiners, 512 Board of Podiatric Medical Examiners, 514 Optometry Board, 515 Board of Pharmacy, 520 Board of Examiners of Psychologists, 533 Executive Council of Physical Therapy & Occupational Therapy Examiners, 551 Department of Agriculture, 582 Commission on Environmental Quality

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