

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 25, 2011

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

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

IN RE: SB795 by Nelson (Relating to regulation of nurse aides.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would implement recommendations in the report, "Strengthen Certified Nurse Aide Training to Improve the Quality of Care" in the Legislative Budget Board's *Government Effectiveness and Efficiency Report* submitted to the Eighty-second Texas Legislature, 2011.

The bill would require an applicant for a nurse aide certificate to complete a training program approved by the Department of Aging and Disability Services (DADS) that includes: at least 100 hours of course work and a competency evaluation at the end of the training program. A nurse aide's listing on the Nurse Aide Registry (NAR) expires on the second anniversary of the listing date. A nurse aide must complete at least 24 hours of in-service education every two years, which if applicable includes training in geriatrics when caring for patients with Alzheimer's disease, to renew the nurse aide's listing on the NAR. The executive commissioner of the Health and Human Services Commission (HHSC) could adopt rules to implement the new section.

The requirements of the bill would apply to a nurse aide's application for initial listing on the NAR or for a renewal application that is filed on or after September 1, 2013. An application filed before that date would be governed by the law in effect immediately before the effective date of the bill. A person listed on the NAR before September 1, 2013 may continue to be included on the NAR without fulfilling any additional educational or training or evaluation requirements, if other requirements have been met. The bill would be effective on September 1, 2011.

This analysis assumes that beginning in fiscal year 2014 there would be increased costs to the Department of Aging and Disability Services (DADS) to reimburse providers for the increased training hours and that these costs could be absorbed within the agency's existing resources and through matching Federal Funds. It also assumes that DADS could implement the bill's provisions related to in-service education with existing resources by auditing a sample of nurse aide renewal applications for compliance with the existing recertification requirements and the new in-service education requirements. It is assumed that DADS could change the certification status to "expired" on the NAR for any certificate holder found through the auditing process to be noncompliant until the recertification requirements were met by the certificate holder.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 539 Aging and Disability Services, Department of

LBB Staff: JOB, CL, JI, AFe