

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

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 30, 2015**

**TO:** Honorable Myra Crownover, Chair, House Committee on Public Health

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2703** by Simmons (Relating to the establishment of the Texas Board of Behavior Analyst Examiners and the requirement to obtain a license to practice as a behavior analyst or assistant behavior analyst; imposing fees; providing an administrative penalty; creating a criminal offense.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2703, Committee Report 1st House, Substituted: a positive impact of \$153,014 through the biennium ending August 31, 2017.

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
2016	\$108,597
2017	\$44,417
2018	\$45,417
2019	\$46,417
2020	\$47,417

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

Fiscal Year	Probable (Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2015
2016	(\$111,403)	\$220,000	1.0
2017	(\$58,783)	\$103,200	1.0
2018	(\$58,783)	\$104,200	1.0
2019	(\$58,783)	\$105,200	1.0
2020	(\$58,783)	\$106,200	1.0

**Fiscal Analysis**

This bill would amend the Occupations Code to add new Chapter 506 relating to the establishment of the Texas Board of Behavior Analyst Examiners (Board).

The bill would establish a nine-member board appointed by the Governor. Under provisions of the bill the Board rules and fees would be subject to approval by the Texas Medical Board (TMB) and would authorize the Board to license and discipline behavior analysts and assistant behavior analysts. The bill requires the Board to meet at least twice per year. The bill also requires that a training program be provided to the Board members and that TMB provide administrative and clerical support. The bill authorizes the collection of fees to cover the administration and enforcement of this act.

The Board would have authority to impose an administrative penalty against a licensee violating this chapter's provisions. The bill would also establish a criminal penalty for a person presenting themselves as a licensed anesthesiologist assistant without holding a license, a class A misdemeanor.

This bill takes effect September 1, 2015, except for the license requirement and the criminal penalty provision which take effect September 1, 2016.

### **Methodology**

Based on information provided by the TMB, the agency anticipates a cost of \$42,930 in General Revenue for one-time computer programming for updates to the agency licensing database (477 hours of programming at \$90 per hour for fiscal year 2016 only). TMB also estimates a cost of \$9,693 in General Revenue each year for advisory board member travel reimbursement and per diem (\$359 per board member per meeting for 9 board members holding three meetings annually). TMB estimates increased workload would require the authority and funding for one full-time equivalent (FTE) License & Permit Specialist III (1.0 FTE at \$36,667 each fiscal year). The estimated net cost of benefits for this FTE are \$12,423 in each fiscal year. One-time startup costs related to the FTE including equipment and information technology purchase are estimated to be \$9,690 in fiscal year 2016 only.

TMB reports that the initial licensing fee for this program would be \$220, and biennial renewal fees would be \$200. TMB estimates 1,000 initial licensing applications in fiscal year 2016 (1,000 initial applications at \$220 for \$220,000 in fiscal year 2016 only) and 10 initial applications each year thereafter (10 initial applications at \$220 for \$2,200 each year). TMB estimates 505 renewal applications at \$200 totaling \$101,000 in fiscal year 2017; 510 renewal applications at \$200 totaling \$102,000 in fiscal year 2018; 515 renewal applications at \$200 totaling \$103,000 in fiscal year 2019; 520 renewal applications at \$200 totaling \$104,000 in fiscal year 2020).

This analysis assumes that TMB, which is statutorily required to raise revenue to cover the amounts appropriated to the agency, will raise fees sufficient to cover the costs of implementing the provisions of this bill.

Based on information provided by the State Office of Administrative Hearings, the Office of the Governor, and the Comptroller of Public Accounts, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

### **Technology**

TMB estimates a cost of \$42,930 in General Revenue for one-time computer programming for

updates to the agency licensing database (477 hours of programming at \$90 per hour for fiscal year 2016 only).

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 301 Office of the Governor, 304 Comptroller of Public Accounts, 360 State Office of Administrative Hearings, 503 Texas Medical Board, 116 Sunset Advisory Commission, 302 Office of the Attorney General

**LBB Staff:** UP, TWh, NB, NV