

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 20, 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.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2703, As Introduced: an impact of \$0 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	\$0
2017	\$0
2018	\$0
2019	\$0
2020	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2016	\$276,202	(\$276,202)
2017	\$276,202	(\$276,202)
2018	\$276,202	(\$276,202)
2019	\$276,202	(\$276,202)
2020	\$276,202	(\$276,202)

Fiscal Year	Change in Number of State Employees from FY 2015
-------------	---

2016	4.0
2017	4.0
2018	4.0
2019	4.0
2020	4.0

Fiscal Analysis

The bill would amend the Occupations Code relating to the establishment of the Texas Board of Behavior Analyst Examiners.

The bill would add a new chapter in the Occupations Code outlining the creation and responsibilities of the Texas Board of Behavior Analyst Examiners and make them subject to the Texas Sunset Act. The bill would direct the Governor to appoint nine members, with the advice and consent of the Senate, to serve on the Texas Board of Behavior Analyst Examiners. The bill directs the composition and qualifications of the board members, which would serve staggered six-year terms, with no member serving more than two consecutive terms. On annual basis, the board shall meet to elect from its members a presiding officer, secretary, and any officers required to conduct the business of the board. A board member may not receive compensation for their service other than per diem and travel expenses for each day the member engages in board business, at a rate set for state employees in the General Appropriations Act.

The bill would direct the Texas Board of Behavior Analyst Examiners to adopt rules as necessary to administer and implement the provisions of the bill, including the licensing and regulation of behavior analysts and assistant behavior analysts. The bill would direct the board to adopt procedures for the processing and disposition of contested cases resulting from actions taken by the board, including the imposition and enforcement of sanctions, and administrative penalties. An offense violating the provisions of the chapter would be classified as a Class A misdemeanor. A license holder is entitled to a hearing before the State Office of Administrative Hearings before any sanction is imposed.

The bill takes effect September 1, 2015, except for Section 506.251 and Subchapter H of the Occupations Code, as added by the bill, would take effect June 1, 2016.

Methodology

Information from the Behavior Analyst Certification Board, whose credentialing programs are accredited by the National Commission for Certifying Agencies in Washington, DC, indicates that there are approximately 1,000 individuals in the state who could obtain a license to practice as a behavior analyst or assistant behavior analyst. For comparison purposes this analysis assumes similar appropriations and licensing population as the Board of Podiatric Medical Examiners. In fiscal year 2014, the Board of Podiatric Medical Examiners' appropriations totaled \$276,202 in General Revenue and 4.0 full-time equivalent positions to license and regulate approximately 1,375 licensees. This analysis assumes that the Texas Board of Behavior Analyst Examiners would set fees at a level sufficient to generate enough revenue to cover all costs associated with the operations and responsibilities of the board.

Based on information provided by the Sunset Advisory Commission, Office of the Governor, Office of the Attorney General, Comptroller of Public Accounts, and the State Office of Administrative Hearings, it is assumed that all duties and responsibilities necessary to implement the provisions of the bill could be accomplished utilizing existing staff and resources.

Local Government Impact

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution, and confinement could likely be absorbed with existing resources. Revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

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

LBB Staff: UP, NB, NV, ER, LBe, KVe