

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

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 19, 2017**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Health & Human Services

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

**IN RE: SB313** by Schwertner (Relating to the continuation and functions of the State Board of Dental Examiners; imposing fees.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB313, As Introduced: an impact of \$0 through the biennium ending August 31, 2019. Under provisions of the bill, it is assumed that the licensure of dental assistants under one registration could result in an impact to revenue in the General Revenue Fund beginning in fiscal year 2019; however, because the number of dental assistants that would qualify for this registration and the amount of the registration fee is unknown, an estimate on revenue cannot be determined.

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
2018	\$0
2019	\$0
2020	\$0
2021	\$0
2022	\$0

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

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain/(Loss) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2017
2018	(\$577,607)	\$577,607	4.0
2019	(\$420,915)	\$420,915	4.0
2020	(\$420,915)	\$420,915	4.0
2021	(\$420,915)	\$420,915	4.0
2022	(\$420,915)	\$420,915	4.0

## **Fiscal Analysis**

The bill would amend the Occupations Code relating to the continuation and functions of the State Board of Dental Examiners (TSBDE); imposing a fee. The bill would continue the TSBDE for twelve years until September 1, 2029.

The bill would reduce the number of board members from 15 to 11.

The bill would require TSBDE to periodically review a national practitioner database to determine whether another state has taken any disciplinary action against a license holder. The bill would require the TSBDE to periodically check prescribing information submitted by licensees to the Texas State Board of Pharmacy (TSBP) in the Prescription Monitoring Program to determine whether a licensee is engaging in potentially harmful prescribing patterns or practices. The bill requires TSBDE, in coordination with TSBP, to determine conduct that constitutes such patterns or practices. The bill permits TSBDE, if it suspects that a licensee is engaging in such patterns or practices, to notify the licensee and to initiate a complaint against the licensee.

The bill would require the TSBDE to inspect a dentist who holds certain anesthesia permits and modify the current structure of anesthesia-related permits. The bill would require the TSBDE to schedule an informal settlement conference with at least two panelists. The bill would establish the Dental Review Committee to serve as panelists on the informal settlement conference panel and authorize certain members to attend informal settlement conferences by video. Under the provisions of the bill, the Dental Review Committee members would be entitled to receive a per diem for actual duty in the same manner provided for board members. The bill would establish the Advisory Committee on Dental Anesthesia.

The bill eliminates the four dental assistant certificates and replaces the certifications with one registration. The bill would repeal current dental assistant certifications on September 1, 2018. The bill would require a dental registration to be valid for two years.

Under the provisions of the bill, the following sections of the Occupations Code would be repealed: 265.004 (pit and fissure dental assistant certificate), 265.005 X-Ray dental assistant certificate), 265.006 (coronal polishing certificate), 265.007 (continuing education requirements), 265.0531(h), (i), and (j) (hygiene program), 262.001(1) (definition of hygiene advisory committee), Subchapter B, Chapter 626 (provisions relating to dental hygienists), 262.102(c) (relating to board rule), 262.1025 (rule-making authority), 262.103 (meeting notice), 263.0075 (informal settlement requirements), 263.0076 (notice requirements), 266.001(1) (definition of Dental Laboratory Certification Council), Subchapter B, Chapter 266 (Dental Laboratory Certification Council), 266.101 (powers of the council), and 266.102(a) and (b) (rulemaking authority).

Except as otherwise specified, the bill would take effect on September 1, 2017.

## **Methodology**

The provisions of the bill would result in a net cost of \$577,607 in General Revenue in fiscal year 2018 and a net cost of \$420,915 in General Revenue in fiscal year 2019 and following fiscal years. Based on the Legislative Budget Board analysis of the TSBDE, an additional four Full-Time Equivalents (FTEs) would be needed to implement the inspections of licensees who administer parenteral anesthesia, resulting in a cost of \$290,247 in salaries, benefits, and travel costs in General Revenue in fiscal year 2018 and each year thereafter. The additional FTEs include three Inspectors and one Administrative Assistant. Additionally, it is assumed there would be a one-time

start up cost of \$22,692 in General Revenue for additional FTEs and for the new Dental Review Committee members including desktop computer, software and other operating costs.

According to TSBDE, travel costs for the Advisory Committee on Dental Anesthesia would total \$18,000 in General Revenue in fiscal year 2018 and \$9,000 in General Revenue in future fiscal years, assuming \$500 per member per day. This analysis assumes that the committee would meet for two two-day meetings in fiscal year 2018 and two one-day meetings each year thereafter.

Based on the information provided by the Sunset Advisory Commission (SAC) and TSBDE, it is assumed that 65,000 applicants would require a national databank query annually. This analysis assumes a review of a national practitioner databank would be completed upon license application or renewal. SAC reports that the national practitioner databank charges \$2.00 per query. This would result in an annual cost of \$130,000 to General Revenue.

TSBDE estimates information technology costs to be \$50,000 in General Revenue in fiscal year 2018 to enhance a database to track inspections of dentists administering anesthesia and \$75,000 in General Revenue in fiscal year 2018 for additions to a tracking database to implement a biennial license renewal.

According to information provided by SAC, the reduction of the board from 15 to 11 members would result in \$8,332 in General Revenue savings in travel costs in each fiscal year beginning in 2018.

This analysis assumes that costs for informal settlement conferences will remain the same as current costs, as the bill increases members who attend a conference but also provides that one member may attend conference by video.

This analysis assumes that any increased cost or savings to TSBDE, which is statutorily required to generate sufficient revenue to cover its costs of operation, would be offset by an increase or decrease in fee-generated revenue of an equal value.

Under the provisions of the bill, the current four dental assistant certificates would be eliminated and the board would be required to establish fees for the new registration. The bill would repeal the current dental assistant certifications on September 1, 2018. Due to the unavailability of data, an estimate on revenue cannot be determined because the number of dental assistants that would qualify and the amount of the registration fee that would be set by TSBDE is unknown under the bill provisions.

Based on information provided by the TSBP, it is assumed the periodic check of prescribing information to determine whether a licensee is engaging in potentially harmful prescribing patterns or practices must be conducted by the administrator of the program at TSBP. Based on LBB analysis of TSBP, duties and responsibilities associated with implementing the provisions of this bill could be accomplished by utilizing existing resources.

The State Office of Administrative Hearings and Office of the Attorney General anticipate any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

## **Technology**

According to TBDE, IT costs total \$147,692 in General Revenue in fiscal year 2018, including start up IT costs for additional FTEs and Dental Review Committee members, \$50,000 in database upgrades for inspecting licensees administering anesthesia, and \$75,000 in database modifications for the new dental assistant certificate under the provisions of the bill.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 116 Sunset Advisory Commission, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 313 Department of Information Resources, 360 State Office of Administrative Hearings, 504 Texas State Board of Dental Examiners, 515 Board of Pharmacy

**LBB Staff:** UP, KCA, EH, EK, TG, JSm, LCO