LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 10, 2017

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **SB589** by Lucio (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.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB589, As Introduced: a positive impact of $556,129 through the biennium ending August 31, 2019.

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	$479,628
2019	$76,501
2020	$79,228
2021	$81,955
2022	$84,682

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from *General Revenue Fund* 1	Probable Revenue Gain from *General Revenue Fund* 1	Probable Savings/(Cost) from *Appropriated Receipts* 666	Probable Revenue Gain/(Loss) from *Appropriated Receipts* 666
2018	($166,095)	$645,723	($35,100)	$35,100
2019	($110,695)	$187,196	($540)	$540
2020	($110,695)	$189,923	($540)	$540
2021	($110,695)	$192,650	($540)	$540
2022	($110,695)	$195,377	($540)	$540

Fiscal Year	Change in Number of State Employees from FY 2015
2018	2.0
2019	2.0
2020	2.0
2021	2.0
2022	2.0

Fiscal Analysis

This bill would amend the Occupations Code 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. The bill would add Chapter 506 to the Occupations Code, 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 would require that applicants for licensure successfully complete a state-approved criminal background check. 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.

This bill takes effect September 1, 2017, except for the license requirement and the criminal penalty provision which take effect June 1, 2018.

Methodology

Based on information provided by the TMB, the agency anticipates a cost of $50,000 in General Revenue for one-time computer programming for updates to the agency licensing database (400 hours of programming at $125 per hour for fiscal year 2018 only). TMB also estimates a cost of $10,125 in General Revenue each year for advisory board member travel reimbursement and per diem ($375 per board member per meeting for 9 board members holding three meetings annually). Based on information provided by TMB, the agency anticipates an ongoing cost of $1,350 in General Revenue each fiscal year for software licenses for nine board members ($150 per board member per year for 9 board members).

TMB estimates increased workload would require the authority and funding for two full-time equivalents (FTEs) as a License & Permit Specialist III. TMB estimates annual costs of $72,624 in salaries and wages for two Licensing and Permit Specialist FTEs ($36,312 per FTE), $1,090 in insurance and retirement costs ($545 per FTE), and $25,506 ($12,753 per FTE) in other benefits costs. One-time startup costs related to the FTE including equipment and information technology purchase are estimated to be $5,400 in fiscal year 2018 only.

TMB reports that the initial licensing fee for this program would be approximately $496, and biennial renewal fees would be approximately $273. TMB estimates 1,300 initial licensing applications in fiscal year 2018 (1,300 initial applications at approximately $496 totaling $645,723 in General Revenue in fiscal year 2018 only) and 20 initial applications each year thereafter (20 initial applications at approximately $496 totaling $9,934 in General Revenue each year). TMB estimates 650 renewal applications at approximately $273 totaling $177,262 in General Revenue in fiscal year 2019; 660 renewal applications at approximately $273 totaling $179,989 in General Revenue in fiscal year 2020; 670 renewal applications at approximately $273 totaling $182,716 in General Revenue in fiscal year 2021; 680 renewal applications at approximately $273 totaling $185,443 in General Revenue in fiscal year 2022.

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.

This analysis assumes that initial licensees would be required to submit finger-print based background checks to the Department of Public Safety (DPS) for a state-approved criminal background check as required by the provisions of the bill. Based on information provided by the TMB, initial applicants for background checks would total 1,300 in fiscal year 2018 and 20 initial applicants in each fiscal year thereafter. DPS charges applicants $27 to perform a finger print based background check to cover the cost to DPS to obtain state and national criminal history record information, which results in both a gain and an offsetting cost to Appropriated receipts at DPS. Based on the number of estimated applicants, it is estimated that there will be a total gain and offsetting cost to Appropriated Receipts at DPS of $35,100 in fiscal year 2018. Each fiscal year beginning with fiscal year 2019 would have a gain and offsetting cost to Appropriated Receipts at DPS of $540.

Based on information provided by the State Office of Administrative Hearings, the Office of the Governor, Office of Attorney General, Office of Court Administration 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 $50,000 in General Revenue for one-time computer programming for updates to the agency licensing database, $5,400 in General Revenue for one-time IT equipment for the additional FTEs, and $1,350 in General Revenue per fiscal year in ongoing costs related to software licenses for nine board members.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 300 Trusteed Programs Within the Office of the Governor, 360 State Office of Administrative Hearings, 405 Department of Public Safety, 301 Office of the Governor, 304 Comptroller of Public Accounts, 503 Texas Medical Board, 116 Sunset Advisory Commission, 302 Office of the Attorney General

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