

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 22, 2019**

**TO:** Honorable James B. Frank, Chair, House Committee on Human Services

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
 Legislative Budget Board

**IN RE: HB3533** by Rose (Relating to criminal history record checks for nurse aides and applicants for listing on the nurse aide registry; authorizing a fee.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3533, As Introduced: a negative impact of (\$1,846,058) through the biennium ending August 31, 2021.

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
2020	(\$937,682)
2021	(\$908,376)
2022	(\$908,376)
2023	(\$908,376)
2024	(\$908,376)

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

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>Federal Funds</i> 555	Change in Number of State Employees from FY 2019
2020	(\$937,682)	(\$50,989)	4.1
2021	(\$908,376)	(\$47,109)	4.1
2022	(\$908,376)	(\$47,109)	4.1
2023	(\$908,376)	(\$47,109)	4.1
2024	(\$908,376)	(\$47,109)	4.1

## **Fiscal Analysis**

The bill would amend the Health and Safety Code to require an applicant for listing on the nurse aide registry to be verified for eligibility, based on standards established by the Health and Human Services Commission (HHSC). The bill would require that fingerprint background checks be included to conduct a criminal history check. The results would be made available by the Department of Public Safety or the Federal Bureau of Investigation. The bill would authorize HHSC to set a fee, not to exceed the administrative costs incurred. As soon as practicable, the executive commissioner shall adopt the rules necessary to comply with the provisions of the bill. An applicant for the registry is not required to comply with the provisions until January 1, 2020. The provisions added by the bill would apply only to a nurse aide registry listing occurring on or after the effective date. The bill would take effect September 1, 2019.

## **Methodology**

The Code of Federal Regulations, Section 453.156, does not allow a state to impose any charges related to registration of individuals listed on the nurse aide registry. Consequently, that revenue is not factored into this analysis.

The bill would apply to a nurse aide registry listing occurring on or after the effective date. According to the Health and Human Services Commission, 1,800 new nurse aides are added to the registry each month, or 21,600 applicants per year. Fees associated with the state and federal background checks are \$28.25, for a cost of \$610,200 per year. Two additional full-time equivalents (FTEs) would be required for licensing, 0.1 FTEs would be required for program support, and an additional 2.0 FTEs would be required to monitor reports and take enforcement action. The All Funds total for FTE-related costs are estimated to be \$374,472 in fiscal year 2020 and \$344,181 in fiscal year 2021. The technology costs for system modifications to the Regulatory Automation System are estimated to be \$4,000 in fiscal year 2020 and \$1,104 in fiscal year 2021.

## **Technology**

The total technology costs for system modifications to the Regulatory Automation System and FTE-related technology costs are estimated to be \$28,477 in fiscal year 2020 and \$21,469 in fiscal year 2021.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 405 Department of Public Safety, 529 Health and Human Services Commission

**LBB Staff:** WP, AKi, JQ, MNa, CSt