

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 13, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1009 by Turner (Relating to criminal history record information reviews of certain individuals providing services to individuals with an intellectual or developmental disability.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1009, As Introduced : a negative impact of (\$5,264,253) through the biennium ending August 31, 2025.

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:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2024	(\$2,728,599)
2025	(\$2,535,654)
2026	(\$2,535,654)
2027	(\$2,535,654)
2028	(\$2,535,654)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from General Revenue Fund 1	Probable Savings/(Cost) from GR Match For Medicaid 758	Probable Savings/(Cost) from Federal Funds 555	<i>Change in Number of State Employees from FY 2023</i>
2024	(\$161,133)	(\$2,567,466)	(\$2,773,058)	47.0
2025	(\$154,900)	(\$2,380,754)	(\$2,572,233)	47.0
2026	(\$154,900)	(\$2,380,754)	(\$2,572,233)	47.0
2027	(\$154,900)	(\$2,380,754)	(\$2,572,233)	47.0
2028	(\$154,900)	(\$2,380,754)	(\$2,572,233)	47.0

Fiscal Analysis

The bill would require the Health and Human Services Commission (HHSC) to review state and federal criminal history and obtain electronic updates from the Department of Public Safety on arrests and convictions for each residential caregiver who holds a license or other operational authorization issued by HHSC. A residential caregiver who is convicted of an offense may not provide direct care to individuals and may be subject to disciplinary action by HHSC under certain circumstances. The bill would require HHSC to disenroll a residential caregiver who has been convicted of an offense from participation in Medicaid. The bill would take effect September 1, 2023.

Methodology

According to HHSC, the bill's requirements to require the agency to review criminal history and obtain electronic updates is anticipated to cause increases in workload to Medicaid and CHIP services. HHSC anticipates it will need an additional 47.0 full-time-equivalents (FTEs) to hire a team to conduct criminal history reviews and updates for what is assumed to be a large workforce of residential caregivers. Based on information provide by the agency, analysis assumes HHSC would need additional staff as follows to implement the bill: 30.0 Contract Specialist IV and 10.0 Contract Specialist III to provide oversight and monitoring of criminal history; 5.0 Manager V to lead the team in criminal history reviews; and 2.0 Indirect Program Specialist V for indirect agency functions. Analysis assumes a total of 47.0 FTEs are needed in each fiscal year to implement the provisions of the bill. Personnel related costs, including salaries, are estimated to total \$5,501,658 in All Funds in fiscal year 2024 and \$5,107,887 in All Funds in fiscal year 2025.

It is assumed the Department of Family and Protective Services and Department of Public Safety can perform the functions of the bill with existing resources.

Technology

According to information from HHSC, the total technology cost is estimated to be \$257,857 in fiscal year 2024 and \$149,832 in fiscal year 2025 and is primarily associated with technology for the new FTEs.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

LBB Staff: JMc, NPe, ER, SB, NV