

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 28, 2023

TO: Honorable Stephanie Klick, Chair, House Committee on Public Health

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2726 by Klick (relating to the practice of nursing, including disciplinary procedures of the Texas Board of Nursing; authorizing a fee.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2726, Committee Report 1st House, Substituted : a positive impact of \$12,832 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 <i>General Revenue Related Funds</i>
2024	\$6,416
2025	\$6,416
2026	\$6,416
2027	\$6,416
2028	\$6,416

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain/(Loss) from <i>General Revenue Fund</i> 1	<i>Change in Number of State Employees from FY 2023</i>
2024	(\$193,584)	\$200,000	3.0
2025	(\$193,584)	\$200,000	3.0
2026	(\$193,584)	\$200,000	3.0
2027	(\$193,584)	\$200,000	3.0
2028	(\$193,584)	\$200,000	3.0

Fiscal Analysis

The bill would amend the Occupations Code to require the Board of Nursing to adopt procedures to expunge records related to the discipline of a nurse and also sets the criteria required for a nurse to be eligible to have their records expunged. Additionally, the bill would allow the Board of Nursing to establish a fee to cover the costs of these expunctions. The Bill would be effective on September 1, 2023.

Methodology

According to the Board of Nursing, the agency has approximately 20,000 cases that would be eligible for expunction under the provisions of the bill. The agency anticipates and this estimate assumes that the agency would process 4,000 expunction cases per year and that the agency would need one senior level administrative assistants (\$50,750 per year with estimated benefits of \$15,165 per year) to review files and one Investigator (\$60,900 per year with estimated benefits of \$18,198 per year) to review the file for accuracy, rule compliance and update the national practitioner data bank. In addition, the agency would need one Clerk (\$37,396 per year with estimated benefits of \$11,175) to pull the documents and prepare files for review. The total cost would be \$193,584 per year.

This estimate assumes that the agency would establish a fee of at least \$50 to cover the costs of these responsibilities with revenue deposited to the credit of the General Revenue Fund as this agency is statutorily required to generate revenue sufficient to cover its costs.

Local Government Impact

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

Source Agencies: 304 Comptroller of Public Accounts, 507 Texas Board of Nursing
LBB Staff: JMc, NPe, GDZ, SLee