

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 13, 2023

TO: Honorable Charles Schwertner, Chair, Senate Committee on Business & Commerce

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB510 by Perry (Relating to the confidentiality of certain information maintained by state licensing agencies.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB510, As Introduced : a negative impact of (\$1,046,446) 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	(\$400,000)
2025	(\$646,446)
2026	\$0
2027	\$0
2028	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from General Revenue Fund 1	Probable Revenue Gain/(Loss) from General Revenue Fund 1	Change in Number of State Employees from FY 2023
2024	(\$1,755,274)	\$1,355,274	13.0
2025	(\$1,937,498)	\$1,291,052	13.0
2026	(\$730,417)	\$730,417	8.0
2027	(\$730,957)	\$730,957	8.0
2028	(\$731,503)	\$731,503	8.0

Fiscal Analysis

The bill would amend the Government Code to make information pertaining to a license holder or applicant's driver's license number, state identification number, passport number, emergency contact information, license application, criminal history, and payment information able to be made confidential and restricted from public access if requested by the license holder or applicant. The bill would take effect September 1, 2023.

Methodology

This estimate assumes that implementing the bill's provisions would require additional staffing for the Texas Medical Board (TMB) and the Texas State Board of Pharmacy (TSBP).

TMB anticipates that the agency will require three additional full-time-equivalent (FTE) positions to implement the provisions of the bill. A Programmer (\$81,780 starting salary with estimated benefits of \$24,803) would be needed to make physician profile programming changes and provide ongoing open records support. A General Counsel (\$143,593 starting salary with estimated benefits of \$43,551) and a Legal Assistant (\$71,658 starting salary with estimated benefits of \$21,734) would be needed to manage the increase in open records requests and making redactions to public disciplinary orders containing criminal history that would be made confidential. These FTEs would total \$330,928 per fiscal year in annual costs and \$18,000 in one time startup costs in fiscal year 2024.

TSBP anticipates that the agency will require five additional FTEs to develop the form specified by the bill, process forms submitted by new licensees, pull and redact the information made confidential by that election from publicly posted places, and refer an increased number of public information requests to the Office of the Attorney General for an open records letter ruling. This would include three License and Permit Specialist IIIs (\$48,744 per year and per FTE with estimated benefits of \$14,565 per FTE), an Administrative Assistant V (\$51,447 per year with estimated benefits of \$15,373), and a Staff Attorney III (\$99,547 per year with estimated benefits of \$29,745).

TSBP staff estimates it would be necessary to hire five temporary FTEs for the 2024-25 biennium to process forms submitted by existing licensees and pull and redact the information made confidential by that election from publicly posted places. TSBP currently publishes on its Internet website all public disciplinary orders entered in the last 10 years and all public inspection reports issued in the last 5 years. Assuming half of the agency's current licensees submit forms electing confidentiality, five temporary FTEs, over a two year period, would be necessary to process submitted forms and redact the applicable disciplinary orders and inspection reports. These additional positions would include three License and Permit Specialist IIIs (\$48,744 per year per FTE with estimated benefits of \$14,565 per FTE) and two Administrative Assistant Vs (\$51,447 per year per FTE with estimated benefits of \$15,373 per FTE). These 10.0 FTEs would total \$644,495 per fiscal year in annual costs per fiscal year for the 2024-25 biennium and \$94,500 in one time startup costs in fiscal year 2024.

This analysis assumes that any increased cost to TSPE and TMB would be offset by an increase in fee-generated revenue because both agencies are statutorily required to generate sufficient revenue to cover operational costs.

Based on the analysis of the Department of Public Safety, the Texas State Board of Plumbing Examiners, the Board of Dental Examiners, the Board of Nursing, the Behavioral Health Executive Council, and the Department of Family and Protective Services, duties and responsibilities associated with implementing the remaining provisions of the bill can be accomplished by utilizing existing resources.

Technology

Based on the analysis of the Texas Alcoholic Beverage Commission (TABC), Health and Human Services Commission (HHSC), Texas Medical Board (TMB), and Texas State Board of Pharmacy (TSBP), the costs to TABC and TSBPE for this database upgrade will total \$414,300 in fiscal year 2024 and that the database upgrade for HHSC would cost \$646,446 in fiscal year 2025. This estimate assumes that similar costs for the Department of Public Safety, Texas State Board of Plumbing Examiners, and Behavioral Health Executive Council can be accomplished by utilizing existing resources. These combined costs would be \$1,060,746 for the 2024-25 biennium.

Local Government Impact

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

Source Agencies: 405 Department of Public Safety, 456 Board of Plumbing Examiners, 458 Alcoholic Beverage Commission, 503 Texas Medical Board, 504 Texas State Board of Dental Examiners, 507 Texas Board of Nursing, 510 Behavioral Health Executive Council, 514 Optometry Board, 515 Board of Pharmacy, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

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