

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 11, 2025

TO: Honorable Gary VanDeaver, Chair, House Committee on Public Health

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5537 by González, Mary (Relating to the prescriptive authority of certain psychologists; authorizing a fee.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB5537, As Introduced: a negative impact of (\$110,559) through the biennium ending August 31, 2027.

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> | <i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i> |
|--------------------|---|
| 2026 | (\$77,500) |
| 2027 | (\$33,059) |
| 2028 | (\$45,059) |
| 2029 | \$54,441 |
| 2030 | \$103,441 |

All Funds, Five-Year Impact:

| <i>Fiscal Year</i> | <i>Probable Savings/(Cost) from General Revenue Fund 1</i> | <i>Probable Revenue Gain/(Loss) from General Revenue Fund 1</i> | <i>Change in Number of State Employees from FY 2025</i> |
|--------------------|--|---|---|
| 2026 | (\$77,500) | \$0 | 0.0 |
| 2027 | (\$78,059) | \$45,000 | 1.0 |
| 2028 | (\$73,559) | \$28,500 | 1.0 |
| 2029 | (\$73,559) | \$128,000 | 1.0 |
| 2030 | (\$73,559) | \$177,000 | 1.0 |

Fiscal Analysis

The bill would amend the Occupations Code, and make conforming changes to the Health and Safety Code, to allow for certain certified psychologists to prescribe and administer prescription drugs. The bill would require the Behavioral Health Executive Council (BHEC) to issue conditional prescription certificates to certain psychologists who meet specified requirements and pay a fee, and to issue prescription certificates to certain psychologists who: have conditional prescription certificates; meet specified requirements; and pay a fee. The bill would allow BHEC to deny, revoke, suspend, or refuse to renew a certificate if the holder violates the provisions of the bill or rules adopted by BHEC. The bill would require the appointment of two additional psychologists to the Texas State Board of Examiners of Psychologists (the Board), which is under BHEC. The

bill would require BHEC's participation in the Prescription Monitoring Program, which is under the auspices of the Board of Pharmacy. The bill would require BHEC to appoint a six-member advisory committee to make recommendations to BHEC and the Board regarding the regulation of prescriptive privileges.

The bill would take effect on September 1, 2025.

Methodology

Based on analysis by BHEC, the agency would require additional funding to implement the bill's provisions. To handle the application, licensing, and renewal of prescriptive authority certificates for psychologists, the agency would need 1.0 additional License and Permit Specialist IV beginning in fiscal year 2027, with an annual salary of \$52,000 and benefits of \$15,559 and annual miscellaneous operating expenses of \$3,500 beginning in fiscal year 2027. The bill would add two members to the Texas State Board of Examiners of Psychologists, whose travel expenses are reimbursed by BHEC. The agency would require an estimated \$2,500 each fiscal year for this purpose.

Based on analysis by the Comptroller of Public Accounts, relying on BHEC's anticipated fee rates and estimated annual application volumes for the prescriptive authority certificates, the fees the bill would authorize would result in revenue increases of \$45,000 in fiscal year 2027, \$29,000 in fiscal year 2028, \$128,000 in fiscal year 2029, and \$177,000 in fiscal year 2030.

Technology

Based on analysis by BHEC, the agency would require \$75,000 in one-time costs in fiscal year 2026 to pay the vendor that maintains the agency's licensing database to make upgrades to the database to account for the addition of conditional prescription certificates and, ultimately, prescription certificates. The agency would also require one-time costs of \$4,500 in fiscal year 2027 for software and hardware for the additional FTE. The bill would require BHEC to participate in the Prescription Monitoring Program. This would require the agency to coordinate with the Board of Pharmacy, including potential software changes and technical configurations which BHEC would be required to pay for. Based on analysis by BHEC, the cost for these changes cannot be estimated at this time.

Local Government Impact

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

Source Agencies: 304 Comptroller of Public Accounts, 510 Behavioral Health Executive Council

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