

**House Appropriations Committee
Riders - Article VIII**

Article XI

March 16, 2023

Legislative Budget Board

By *Bell*

DEPARTMENT OF INSURANCE
Return to Work Guidelines Contract

Overview

The following action adds a new rider that directs \$1,200,000 for an agency contract to ensure workers' compensation system providers have access to the return to work guidelines as required by 28 TAC Sec. 137.10.

Required Action

On page IX-120 of the MISCELLANEOUS PROVISIONS, add the following new rider:

____. **Return to Work Guidelines Contract.** In addition to other amounts appropriated elsewhere in this Act, \$1,200,000 in General Revenue is appropriated to the Department of Insurance in Strategy D.1.1, Oversight and Compliance, in fiscal year 2024 to fund an agency contract to ensure workers' compensation system providers have access to the return-to-work guidelines as required by 28 TAC Sec. 137.10. Any unexpended balances at the end of fiscal year 2024, are appropriated for the same purpose for fiscal year 2025.

Overview

The proposed rider and funding would provide \$300,000 in General Revenue-dedicated Fund No. 36, Texas Department of Insurance Operating, each fiscal year of the biennium for the purpose of retaining a specialist in the Captive Insurance market.

Required Action

1. On page VIII-18 of the Department of Insurance’s bill pattern, increase funding in Strategy B.1.1, Industry Solvency Regulation, by \$150,000 in fiscal year 2024 and \$150,000 in fiscal year 2025 in General Revenue-dedicated Texas Department of Insurance Operating Fund 36.

2. On page VIII-25 of the Department of Insurance’s bill pattern, add the following new rider:

_____. **Captive Insurance Specialist.** Amounts appropriated above to the Department of Insurance of \$150,000 in fiscal year 2024 and \$150,000 in fiscal year 2025, in General Revenue-dedicated Texas Department of Insurance Operating Fund 36, in Strategy B.1.1, Industry Solvency Regulation, are for the purpose of retaining, through a competitive application process, a Captive Insurance specialist to support captive insurance oversight and related activities in the Texas captive insurance market.

By: Murr

Texas Department of Licensing and Regulation
Proposed Funding and Rider
Plugging of Abandoned Wells

Prepared by LBB Staff, 2/27/23

Overview

Increase in General Revenue funding for the Department of Licensing and Regulation by \$3.0 million dollars in fiscal year 2024 and a rider directing the distribution of the appropriation to the Middle Pecos Groundwater Conservation District to fund a strategic operational well-plugging plan, environmental remediation, and the plugging of abandoned wells in Pecos County.

Required Action

- 1) On page VIII-27 of the Texas Department of Licensing and Regulation bill pattern, increase funding in Strategy B.1.1, Conduct Inspections, by \$3,000,000 in General Revenue funds in fiscal year 2024.
- 2) On page VIII-31 of the Texas Department of Licensing and Regulation bill pattern, add the following rider:

_____. **Middle Pecos Groundwater Conservation District.** Out of amounts appropriated above to the Texas Department of Licensing and Regulation in Strategy B.1.1, Conduct Inspections, the amount of \$3,000,000 in General Revenue in fiscal year 2024 shall be distributed to the Middle Pecos Groundwater Conservation District to create a strategic operational well-plugging plan, conduct environmental remediation, and plug abandoned wells in Pecos County.

Board of Nursing, Article VIII
Proposed Funding and Rider
Regulatory Response

Prepared by LBB Staff, 3/7/2023

Overview

Increase General Revenue funding by \$425,000 each fiscal year with authority for an additional 6.0 Full-Time Equivalent (FTE) positions in fiscal year 2024 and 3.0 FTE positions in fiscal year 2025 and prepare a rider making these funds and positions contingent on submission of a finding of fact by the Texas Board of Nursing to the Legislative Budget Board and the Office of the Governor and if neither of these offices issues a written disapproval to this finding of fact. These appropriations may only be used by the Texas Board of Nursing to address the finding of fact.

Required Action

1. On page VIII-36 of the Board of Nursing bill pattern in House Bill 1, create a new strategy, E.1.1, Regulatory Response.
2. On page VIII-35 of the Board of Nursing bill pattern in House Bill 1, increase General Revenue appropriations in Strategy E.1.1, Regulatory Response, in the amounts of \$425,000 each fiscal year and increase Full-Time Equivalent (FTE) positions by 6.0 FTEs in fiscal year 2024 and 3.0 FTEs in fiscal year 2025.
3. On page VIII-38 of the Board of Nursing bill pattern in House Bill 1, add the following new rider.

_____. **Regulatory Response.** Amounts appropriated above to the Texas Board of Nursing include an amount not to exceed \$425,000 each fiscal year in General Revenue in Strategy E.1.1, Contingency Regulatory Response, and 6.0 Full-Time-Equivalents (FTE) positions in fiscal year 2024 and 3.0 FTE positions in fiscal year 2025 contingent upon a finding of fact by the Texas Board of Nursing that additional resources are needed for the regulation of licensed vocational nurses, registered nurses, and advanced practice nurses. These amounts are to be expended by the agency to address issues identified in the finding of fact.

None of the funds appropriated in Strategy E.1.1, Contingency Regulatory Response, above may be expended and none of the 6.0 Full-Time-Equivalents (FTE) positions in fiscal year 2024 and 3.0 FTEs in fiscal year 2025 included above in the "Number of Full Time-Equivalents (FTE)" may be used by the Texas Board of Nursing unless:

- (1) The Texas Board of Nursing files a written copy of the finding of fact referenced above with the Office of the Governor and the Legislative Budget Board; and
- (2) neither the Office of the Governor nor the Legislative Budget Board issues a written disapproval not later than:
 - a. the 10th business day after the date the staff of the Legislative Budget Board concludes its reviews of findings of fact and forwards those findings of fact along with the conclusions or comments of the Legislative Budget Board staff to the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor; and

b. the 10th business day of the receipt of the finding of fact by the Governor.

The Texas Board of Nursing, upon completion of necessary actions to assess or increase additional fees in the amount of \$425,000 each fiscal year in excess of the \$14,772,680 each fiscal year (Object Code 3560), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2024 and 2025, shall furnish copies of the Board's minutes and other information supporting the estimated revenue to be generated under the revised fee structure to the Comptroller of Public Accounts, and the Comptroller shall assess whether the information is sufficient to support the projection of increased revenues and issues a finding of fact to that effect.

It is the intent of the Legislature that these funds not be included in base level funding requests for the fiscal year 2026-27 biennium.

**Special Provisions Relating to all Regulatory Agencies, Article VIII
Continuing Education Modernization**

Overview

The following action adds a new rider authorizing Art. VIII agencies that license, certify, or regulate a health care practitioner to modernize their continuing education tracking systems.

Many such agencies have not been afforded the opportunity to upgrade their continuing education processes and must still operate using outdated systems. This causes lost workforce productivity, delays in license issuance and renewal, and other hidden costs—such as using valuable state real estate to store antiquated paper files and documents.

The current budget surplus allows Texas the unique opportunity to invest in the future of its licensing agencies, as those with outdated systems may need to pay for a 1-time upgrade cost, but—per the provisions of the rider—will not incur ongoing costs.

The Texas Optometry Board (TOB), for example, modernized from a paper system and incurred a 1-time cost of \$4,000. It was thereafter able to dispose of 4 roomfuls of paper documents in the Hobby Building and reallocate staff time to other agency priorities. Modernization will also assist state agencies in recruiting and retaining workers by better allowing for remote or hybrid work schedules. Modernization at the TOB resulted in operational efficiencies and a streamlined workload and workflow. As far back as 2014, the state of Florida reported saving \$500,000 annually after such modernization.

1,000 people move to Texas each day. Some of those will be licensed health care professionals adding to the workload of already overstretched agency staff. And those who are not licensed professionals will surely, at some point in their Texas residence, require the services of a licensed health care professional. We should take this unique opportunity to plan for the ongoing influx of new Texans by leveraging technology and modernization to ensure our agency staff and continuing education systems are ready to meet the challenges of an ever-growing state population.

Required Action

On page VIII-XX of the Special Provisions Relating to all Regulatory Agencies bill pattern, add the following new rider:

_____. **Continuing Education Modernization.** Out of funds appropriated to every Article VIII agency that licenses, certifies, or regulates a health care practitioner, including a mental or behavioral health care professional, all such agencies may implement a continuing education tracking system for universal use and accessibility by health care practitioners, licensing entity staff, and continuing education providers. The continuing education tracking system must comply with the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.), represent no ongoing cost to the agency, and only collect information directly related to a healthcare practitioners compliance with continuing education requirements.