

Article VIII Health Related Agencies – Summary of Recommendations – House
03/04/2021

This summary of recommendations is for the six Article VIII regulatory agencies listed below. These agencies are responsible for the licensing and regulation of health professions.

- Texas Medical Board
- Texas Board of Nursing
- Optometry Board
- Board of Pharmacy
- Executive Council of Physical Therapy and Occupational Therapy Examiners
- Board of Veterinary Medical Examiners

Total Article VIII Health Related Agencies Appropriations:

	2020-21 Base	2022-23 Recommended	Biennial Change (\$)	Biennial Change (%)
General Revenue	\$78,610,764	\$82,137,401	\$3,526,637	4%
GR Dedicated	\$6,045,000	\$5,890,000	\$(155,000)	-3%
Other Funds	\$13,647,413	\$16,201,247	\$2,553,834	19%
All Funds	\$98,303,177	\$104,228,648	\$5,925,471	6%

*Net change in FTEs across these agencies amounts to +0.6.

Common Cross Agency Issues and Recommendations for Selected Agencies:

- Capitol Complex Relocation
 - All of the Article VIII health related agencies are a part of the first cohort of tenants that will be moving into the George H. W. Bush building at 1801 Congress during fiscal year 2022. Recommendations do not include exceptional item requests, comprised of both one-time and on-going expenses, related to relocation costs. These requests total \$7.8 million.
 - Requests include funding for movers, the purchasing of furniture and equipment, and various information technology maintenance and upgrades that are anticipated within their new spaces. Amounts requested also address anticipated constraints associated with no usable boardrooms being planned for within the George H. W. Bush building. Preliminary guidance received by agencies indicate that boardrooms will be within the building at 1601 Congress.
- Health Professions Council Contributions
 - The Health Professions Council (HPC) is funded entirely through Interagency Contracts (IAC). HPC's base for maintaining current obligations in 2022–23 is increasing by \$0.3 million due to increased costs in database hosting services and to absorb the increase in licensees brought on with the merger of the Texas State Board of Examiners of Psychologists (TSBEP) into the new Behavioral Health Executive Council (BHEC) pursuant to House Bill 1501 (86R). Recommendations include requested funding to cover these increases for the Board of Pharmacy and the Optometry Board.

- HPC also identified a need for an upgrade to the Shared Regulatory Database to update it to the current versions of the software and an additional full-time equivalent (FTE) position to manage the additional workload from the licensee increase related to BHEC. HPC identified an increased cost of \$405,900 in Interagency Contracts for this purpose. Recommendations include exceptional item requests related to these upgrades submitted the Optometry Board and the Board of Pharmacy.
- Peer Assistance Programs
 - Five health related regulatory agencies have a peer assistance program that was identified as behavioral health funding and included in the Statewide Behavioral Health Coordinated Expenditure Proposal and Plan. Peer assistance programs provide referrals to treatment providers, track compliance agreements, and provide education and support to impaired licensees and students.
 - Behavioral health funds were exempt from the 2020-21 5% reduction.
- Prescription Monitoring Program
 - The State Board of Pharmacy (TSBP) manages the Prescription Monitoring Program (PMP), which collects and monitors prescription data for controlled substances for prescribers, pharmacies, and patients through an online database. The introduced bill includes \$3.0 million in General Revenue Funds to maintain current obligations for the PMP.
 - Senate Bill 500, Eighty-sixth Legislature, 2019, the supplemental appropriations bill, provided funding for upgrades to the PMP database so that it could support certain enhanced features. TSBP requests an additional \$5.0 million in General Revenue Funds in the 2022-23 biennium to maintain these software subscriptions so that prescribers can continue using the enhanced features. These subscription costs would be an on-going cost. Recommendations do not include funding for this exceptional item request.
- Office of the Governor's Fee Reduction Initiative
 - In October 2019, the Office of the Governor requested executive branch agencies to develop plans to reduce occupational license fees to at least 75 percent of the national average for comparable or equivalent licenses.
 - Certain Health-related regulatory agencies expressed concerns regarding the associated decrease in revenue that would be anticipated following the adoption of reduced occupational licensing fees per this initiative. Reported estimated decreases ranged from \$25,000 to \$550,000 per biennium, amounts that could impact the provision of agency services as well as revenue deposited to the state treasury.

Rider Highlights:

- Recommendations add a contingency provision for the Board of Veterinary Medicine's upcoming Sunset review to make the agency's appropriations for fiscal year 2023 contingent on the continuation of the agency by the Eighty-seventh Legislature. If the agency is not continued, then rider would authorize the use of the agency's fiscal year 2022 appropriations for the phase out of agency operations.