

Article VIII Health Related Agencies – Summary of Recommendations – House 2/22/23

This summary of recommendations is for the 10 Article VIII regulatory agencies listed below. These agencies are responsible for the licensing and regulation of health professions.

- Behavioral Health Executive Council
- Texas Board of Nursing
- Board of Chiropractic Examiners
- Texas State Board of Dental Examiners
- Health Professions Council
- Texas Medical Board
- 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:

	2022-23 Base	2024-25 Recommended	Biennial Change (\$)	Biennial Change (%)
General Revenue	\$88,097,801	\$98,245,966	\$10,148,165	12%
GR Dedicated	\$5,890,000	\$6,490,000	\$600,000	10%
Other Funds	\$17,145,747	\$15,523,220	(\$1,622,527)	(9%)
All Funds	\$111,133,548	\$120,259,186	\$9,125,638	8%

Cross-agency Issues and Recommendations for Selected Agencies:

- The Executive Council of Physical Therapy and Occupational Therapy Examiners, the Texas Medical Board, and the Texas Board of Nursing contain workload analysis located in the Fiscal and Policy sections of the Summary of Recommendations packets. These analyses are in response to agency requests for FTEs and funding due to increased workloads.
- All of the agencies with the exception of the Optometry Board have exceptional items regarding salary funding to improve retention and recruitment. These requests have been retained and adjusted to reflect the general statewide salary adjustment.

Selected Fiscal and Policy IssuesBoard of Pharmacy

Prescription Monitoring Program. Recommendations include \$10.8 million in General Revenue Funds in Strategy B.1.3, Prescription Monitoring Program, for the Prescription Monitoring Program (PMP) through which the agency collects and monitors prescription data for controlled substances for prescribers, pharmacies, and patients through an online database. All pharmacists and prescribers are required to check patient history in the PMP database before prescribing or dispensing certain controlled substances.

Included in Recommendations are two agency requests for enhancement services to the PMP totaling \$7.4 million in General Revenue for the following:

- \$3.3 million each year, or \$6.6 million for the biennium, for a new enhancement, Statewide Integration, which allows healthcare providers to immediately access a patient's history in the Prescription Monitoring Program through their electronic health records or pharmacy management system without needing to log in separately for each patient. This item allows users to save time by avoiding multiple log ins and integration of multiple portals.
- \$0.4 million each year, or \$0.8 million for the biennium, for a new enhancement, NarxCare, which aggregates and analyzes prescription information and presents visual, interactive information, including a patient risk score for accidental overdose death based on factors such as past exposure to controlled substances and the number of current controlled substance prescriptions. Narxcare also provides clinical alerts for harmful drug interactions. This item creates statistics and analytics instantly based upon the last 36 months of patient history.

Recommendations include a new rider 5, Prescription Monitoring Program, that designates the funding provided for these purposes is not subject to Appropriations Limited to Revenue Collection requirements.

Board of Veterinary Medical Examiners

Sunset Review. The State Board of Veterinary Medical Examiners (Veterinary Board) has undergone three Sunset Commission reviews over the last six years. In November 2022, a special-purpose Sunset staff review found the agency had improperly contracted for a new database it never received and indicated that the agency was continuing to struggle with data collection, tracking, reliability, and analysis. As a result of these and other findings, the Sunset Commission directed staff to identify options to address the systemic issues at the Veterinary Board and submit them to the commission. In January 2023, Sunset staff proposed a series of options for the commission. The Sunset Commission adopted Option 1, which recommends temporarily attaching the Veterinary Board to the Texas Department of Licensing and Regulation (TDLR) for a four-year period during which TDLR would provide the Veterinary Board with policymaking and administrative oversight, guidance, and support. The Veterinary Board would serve as an advisory board during this period, and at the end of the four-year attachment, the Veterinary Board would return to its independent agency status. In addition, TDLR and the Department of Information Resources (DIR) would determine the Veterinary Board's database needs and help acquire and implement a suitable database.

Optometry Board

Glaucoma Treatment Investigations. Enactment of Senate Bill 993, Eighty-seventh Legislature, Regular Session, 2021, required the Optometry Board to investigate complaints regarding treatment of a patient's glaucoma by a therapeutic optometrist. In addition, the agency is required to select Texas ophthalmologists to review glaucoma complaints and submit expert reports to a panel composed of certain medical experts that would review these complaints. This panel would then issue a recommendation to the agency regarding any appropriate disciplinary action. The agency is also required to maintain online public information regarding the number of complaints filed and the disposition of these complaints.

While the fiscal impact to the state was not anticipated to be significant, the fiscal note for Senate Bill 993 indicated that costs related to expert review of complaints could not be determined and if the number or complexity of associated complaints increased, then the agency would not be able to absorb these costs with existing resources and may be required to raise fees. No contingency funding to implement this legislation was included in the General Appropriations Act for the 2022–23 biennium.

The agency has since determined that the cost to conduct investigations of glaucoma patients is \$20,000 each year, or \$40,000 for the biennium. These requested amounts are included in recommendations.

Texas Medical Board

MOF Swap from General Revenue to General Revenue-Dedicated Fund No. 5147. Recommendations include replacing \$600,000 of General Revenue funding with General Revenue-Dedicated funding from Account 5147, The Texas Physicians Health Program Account. The purpose of this account is to fund the Texas Physicians Health Program, but is not estimated to generate enough revenue from their participatory fees to fully fund the program in the 2024-25 biennium. The amounts included in recommendations are based on an agency-provided revenue estimate of the program and will be adjusted to align with actual revenue estimates to fully utilize the General Revenue Dedicated account. Historic data regarding the expenditures and generated revenue of the program can be found on page 3 of the Texas Medical Board Summary of Recommendations packet.