

Article VIII Health Related Agencies - Senate

This summary of recommendations is for the Article VIII regulatory agencies listed below, including ten health related agencies and one non-health related agency, the Funeral Service Commission. The health related agencies license and regulate health professions, and similarly, the Funeral Service Commission licenses and regulates the funeral and death care industry. The Health Professions Council coordinates administrative and technological support services for various state regulatory agencies.

- Board of Chiropractic Examiners
- Texas State Board of Dental Examiners
- Funeral Service Commission
- Health Professions Council
- Texas Medical Board
- Texas Board of Nursing
- Optometry Board
- Board of Pharmacy
- Executive Council of Physical Therapy and Occupational Therapy Examiners
- Board of Examiners of Psychologists
- Board of Veterinary Medical Examiners

Total Summary of Recommendations:

| | 2018-19 Base | 2020-21 Recommended | Biennial Change (\$) | Biennial Change (%) |
|------------------|-------------------------|--------------------------------|---------------------------------|--------------------------------|
| General Revenue | \$74,340,600 | \$74,716,568 | \$375,968 | 0.5% |
| GR Dedicated | \$7,125,607 | \$6,200,000 | \$(925,607) | (13%) |
| Other Funds | \$13,146,209 | \$13,125,233 | \$(20,976) | (0.2%) |
| All Funds | \$94,612,416 | \$94,041,801 | \$(570,615) | (0.6%) |

Common Cross Agency Issues and Recommendations:

- Shared Regulatory Database
 - Costs with the database vendor, Micropact, and the Department of Information Resources (DIR) for database hosting services are projected to increase for the shared regulatory database managed by the Health Professions Council (HPC) in the 2020-21 biennium. Recommendations include an increase for DIR cost increases but not for the increase with the vendor.
 - Participating agencies fund both the database and HPC through interagency contracts (IAC), and any increase in appropriations for HPC would result in agencies seeing an increase in their IAC with HPC proportional to the services the agency uses. Prior to HPC’s submission of its Legislative Appropriations Request, member agencies agree to the defined services provided and their respective share of the costs.
- Prescription Monitoring Program
 - Recommendations for the Board of Pharmacy do not include an exceptional item of \$5.0 million for system enhancements for the Prescription Monitoring Program (PMP). Fees collected from participating agencies fund the program, and any increase in appropriations for the PMP may result in agencies raising fees for their licensee populations. Recommendations continue funding for the PMP at the 2018-19 level of \$4.3 million.
- Agencies under Review by the Sunset Advisory Commission
 - The Texas Medical Board
 - Funeral Service Commission
 - Board of Examiners of Psychologists
- Department of Information Resources Internet Bandwidth Cost Increase
 - The Department of Information Resources has changed the method of charging agencies for internet bandwidth usage beginning in fiscal year 2019, and some agencies may see an increase in their monthly internet costs. Recommendations do not include additional funding for this purpose.

- Lump Sum Annual Leave Payout
 - Three agencies received funding in 2018-19 for anticipated lump sum annual leave payments to retiring employees, and a rider was added in each agency's bill pattern in the General Appropriations Act limiting the use of funds for that purpose. Two of the three agencies, the Board of Pharmacy and Board of Examiners of Psychologists, requested funding for 2020-21 for the same purpose. Recommendations include funding in the base for the two agencies and a continuation of the related rider, and recommendations also remove the funding from the Executive Council of Physical Therapy and Occupational Therapy Examiners' base and delete the related rider.
- Agencies with Peer Assistance Programs
 - Six health related regulatory agencies have a peer assistance program that was identified as behavioral health funding and included in the 2018-19 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.

Agency Specific Issues and Recommendations:

- Board of Examiners of Psychologists
 - Sunset recommendations for the Board of Examiners of Psychologists include consolidating the agency with the Board of Marriage and Family Therapists, Board of Examiners of Professional Counselors, and Board of Social Worker Examiners to create the Texas Behavioral Health Executive Council (BHEC). The estimated fiscal impact includes a startup cost of \$0.9 million which is not included in recommendations.
- Texas State Board of Dental Examiners
 - The agency received contingent appropriations in fiscal year 2019 for their Sunset legislation (SB 313) for the implementation of an anesthesia inspection program. Recommendations increase the agency's appropriations by \$0.2 million to biennialize the ongoing cost of the program.
- Board of Veterinary Medical Examiners
 - The agency received contingent appropriations for their Sunset legislation (SB 319) for an additional FTE in the 2018-19 biennium. The agency was unable to generate sufficient revenue and hire the FTE in fiscal year 2018 and lapsed appropriations for that fiscal year. The Comptroller has not certified contingent appropriations for fiscal year 2019 due to implemented fees not generating sufficient revenue, and recommendations decrease the appropriations for fiscal year 2019 and decrease the agency's FTE cap by one FTE.
- Texas Medical Board
 - Recommendations include a Method of Finance swap of \$0.9 million from General Revenue-Dedicated (GR-D) Public Assurance Account Number 5105 to General Revenue (GR). In the 2018-19 biennium the agency's GR-D appropriations was increased in an effort to spend down the account balance, and the GR appropriations had a corresponding decrease. The estimated balance of the account in fiscal year 2021 would not sustain funding levels from the 2018-19 biennium. The recommendation is to increase the appropriations from GR by \$0.9 million and decrease the appropriations from GR-D by \$0.9 million

Rider Highlights:

- Recommendations add an informational rider for the Prescription Monitoring Program to the Special Provisions Relating to All Regulatory Agencies and remove the rider from the Board of Pharmacy's bill pattern.
- Recommendations for the Board of Pharmacy add a rider to clarify the appropriations of official prescription form fees. The agency is statutorily required to issue the forms and authorized to collect a cost recovery fee, pursuant to Health and Safety Code §481.075.