

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2023-24		FY 2024-25	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS	\$79,264	\$0	\$95,814	\$200,000
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$79,264	\$0	\$95,814	\$200,000

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

This bill creates a new license category, Behavior Analyst, and creates an application process for behavior analysts to become licensed in Nebraska. Minimum standards for licensure are to be decided by the Board of Behavior Analysts. The Department of Health and Human Services (DHHS) is to establish and collect fees for initial licensure and renewal.

The bill also creates a provision for behavior analysts licensed in other states to apply for temporary license to practice within the Nebraska until the licensure is approved by the Board.

DHHS provides a total estimate of 802 Behavioral Analysts in Nebraska based on data from the Behavior Analyst Certification Board and an unknown number of non-certified persons representing themselves as registered behavioral technicians. A biennial fee of \$250 is in line with similar programs in other states and, with 800 licensees, would generate \$200,000 in revenue within the biennium. Funds would be accounted for under Program 178 Professional Licensure.

Startup costs of the program would require additional cash spend authority because fees are not collected until the program is established. DHHS assumes the new board will be composed of 4 members meeting 6 times in the first year, at a cost of \$9,600, and quarterly each year thereafter, at a cost of \$6,400. DHHS would need additional staff to assist with creation of the Board, research, material preparation and other duties as required: a .50 FTE Program Manager II, a .50 FTE Health Licensing Coordinator, and a .50 FTE Administrative Technician all starting in the second quarter of FY24, October 2023, as well as eighty hours of an IT Business Analyst in FY24. The cost of salary and benefits for staff additions totals to \$69,664 in FY24 and \$89,414 in FY25.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB:	123	AM:	AGENCY/POLT. SUB: Nebraska Department of Health & Human Services
REVIEWED BY:	Ann Linneman	DATE:	1-23-2023 PHONE: (402) 471-4180
COMMENTS: The Nebraska Department of Health and Human Services' analysis and estimate of fiscal impact to the department appears reasonable.			

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) John Meals

Date Prepared 1-23-2023

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	<u>FY 2023-2024</u>		<u>FY 2024-2025</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS				
CASH FUNDS	\$97,864	\$0	\$121,919	\$200,000
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$97,864	\$0	\$121,919	\$200,000

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

LB 123 creates the Behavior Analysts Practice Act to be carried out under the Uniform Credentialing Act. Credentialing provisions are to be established for a person to be licensed in the State of Nebraska as a Behavioral Analyst. This license will be required to provide services as defined in LB 123. LB 123 also creates the Nebraska Board of Behavior Analysts to administer all duties as prescribed in the Uniform Credentialing Act under Nebraska §38-101 – 38-1,147.

This fiscal note is based on the following:

1. The estimated number of initial licensee applications is based on the current number of 802 Nebraska certificants listed by the Behavior Analyst Certification Board (BACB) www.bacb.com as follows:
 - a. 572 Registered Behavior Technician (RBT)
 - b. 17 Board Certified Assistant Behavior Analyst (BCaBA)
 - c. 183 Board Certified Behavior Analyst (BCBA)
 - d. 30 Board Certified Behavior Analyst – Doctoral (BCBA-D)
2. The number of non-certified persons representing themselves as a registered behavioral technician, assistant behavior analyst or behavior analyst is not easily obtained. However, the number of licenses issued by most states compared to the number of BACB certificants in each state are very close. The average number of licensees per capita in those states is 1.9 per 10,000. This data may not include all classifications of credentials listed in LB 123 where data for each class was unavailable. Therefore, this fiscal note does not include any estimate for the number of non-certified persons that may apply for a credential in Nebraska.
3. Costs associated with start-up and continued operations of the Board of Behavior Analysts is based on four (4) appointed board members. The estimate is based on six (6) meetings the first year and four (4) meetings annually thereafter being required. The cost for the Department of Health and Human Services (DHHS) to hold a Board meeting including mileage, lodging, meals, and per diem compensation averages \$1,600 per meeting. For FY 2023-2024 the amount would be \$9,600 and for each fiscal year thereafter, the amount would be \$6,400.
4. Administrative costs associated with implementation of LB 123 would require the services of a .50 FTE Program Manager II, a .50 FTE Health Licensing Coordinator, and a .50 FTE Administrative Technician. These staff would assist with creation of the Board, support the board with research, material preparation and other perform other administrative duties as required to establish criteria for the credentialing program. Technical services will require approximately eighty (80) hours of an IT Business Analyst's time to modify the existing licensing software. Also, the cost to promulgate new

rules and regulations included in FY 2024-2025 related to the new credentialing program would be as follows:

Title	Hour(s)	Hourly Cost	Absorbed Cost
Director	4	\$ 76	\$ 303
Deputy Director	4	\$ 55	\$ 218
Administrator I	4	\$ 31	\$ 126
Program Specialist	8	\$ 23	\$ 186
Program Analyst	16	\$ 23	\$ 363
Attorney III	30	\$ 35	\$ 1,035
Total Costs			\$ 2,231

- It is expected that implementation work would be completed approximately eighteen (18) months from the effective date of LB 123. Also, it is estimated the initial year of credentialing would result in at least 600 applications being submitted to DHHS. This will require the services of DHHS personnel as listed in Paragraph 4 above to review applications and issue licenses each renewal year. It is anticipated the administration of the program would be accomplished in non-renewal years by .10 FTE each for a Program Manager II, Health Licensing Coordinator and Administrative Technician.

Credentialing fee amounts will be determined as provided under the Uniform Credentialing Act in Nebraska §38-151 through 38-157. With 800 current certificant, the estimated biennial fee of \$250 should generate \$200,00 in revenue, which will be sufficient to cover the costs of administering the program over a biennial period. Other states with a similar licensing program have set license fees ranging from \$240 (Vermont) to \$350 (South Dakota), biennially. Initial application fees can also vary between \$100 to \$300. Revenue and costs associated with LB123 would be accounted for under Program 178 – Credentialing.

The Department would need cash spending authority in program 178 to cover these revenues and expenses.

MAJOR OBJECTS OF EXPENDITURE				
PERSONAL SERVICES:				
POSITION TITLE	NUMBER OF POSITIONS		2023-2024 EXPENDITURES	2024-2025 EXPENDITURES
	23-24	24-25		
G78792 DHHS Program Manager II	.38	.5	\$22,810	\$30,414
X01740 Health Licensing Coordinator	.38	.5	\$15,757	\$21,009
V01013 Administrative Technician	.38	.5	\$13,381	\$17,841
V07081 IT Business Systems Analyst	.04	0	\$2,016	\$0
Benefits.....			\$15,700	\$20,150
Operating.....			\$28,200	\$32,505
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
TOTAL.....			\$97,864	\$121,919