

Revised to reflect additional information

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	\$37,608		\$8,610	
CASH FUNDS	\$85,264		\$132,014	\$236,200
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$122,872		\$140,624	\$236,200

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 to DHHS Program 178 – Professional Licensure 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. Capital outlay for 3 half-time FTE is \$6,000 in FY24 only.

The cost to DHHS would amount to \$85,264 in FY24 and \$95,814 in FY25.

Nebraska State Patrol would also need one additional FTE, an Office Specialist, also starting in October 2023 to process the additional criminal history background checks. State Patrol indicates that the Criminal Identification Division is at capacity and would need the additional FTE to process new requests. State Patrol verified that 1 FTE would suffice to cover an increase of 800 applicants even though their estimate is based on 100 to 200 applicants, which is consistent with the estimate of 183 Board Certified Behavior Analysts, BCBAs, a portion of expected new applicants, by DHHS.

The costs of a fingerprint background check as required by the bill is \$45.25 and is to be paid by the applicant making the total costs of applying for a license \$295.45 which remains in parity with other states' fees. Revenue from 800 background checks is \$36,200 in cash fund revenue within the biennium. The cost of the salary and benefits for the additional employee is \$33,608 in FY24 and \$44,810 in FY25. Capital outlay for 1 FTE is \$4,000 in FY24 only. General fund appropriation would be required to cover the full cost of the FTE in FY24 and the difference between the cash fund revenue and the personnel cost in FY25.

The cost to State Patrol would amount to \$37,608 in FY24 and \$44,810 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.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB:	123	AM:	AGENCY/POLT. SUB: Nebraska State Patrol
REVIEWED BY:	Ann Linneman	DATE:	1-26-2023 PHONE: (402) 471-4180
COMMENTS: The Nebraska State Patrol's 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

Phone: (5) 471-6719

	<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	2024-2025
		23-24	24-25	EXPENDITURES	EXPENDITURES
	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

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2023

LB⁽¹⁾ 123

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska State Patrol

Prepared by: ⁽³⁾ Carol Aversman Date Prepared: ⁽⁴⁾ 01-24-2023 Phone: ⁽⁵⁾ 402-471-4545

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$46,210- \$43,010		\$41,710- \$38,510	
CASH FUNDS	\$4,525-\$9,050	\$4,525-\$9,050	\$4,525-\$9,050	\$4,525-\$9,050
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$50,735- \$52,060	\$4,525-\$9,050	\$46,235- 47,560	\$4,525-\$9,050

Explanation of Estimate:

LB 123 adds the category of licensed behavior analysts to the requirement for a national criminal history background check conducted by the State Patrol. From 2020 to 2021, there was a 42% increase in the demand for behavior analysts. According to DHHS this growth is anticipated to continue. In 2021, there were 167 licensed behavior analysts. Demand existed for 265 additional behavior analysts.

The Criminal Identification Division currently is operating at maximum capacity, and as such the addition of more required classes of individuals to this bill will result in the need for an additional office specialist to handle the added workload. A range has been provided that reflects the number of applicants from 100-200. The revenues generated by these applicants is not enough to offset the increased expense. The shortfall in these revenues over the expected expenses has been reflected as General Funds for purposes of this fiscal note.

The revenues anticipated for 100 applicants totals \$4,525. The revenues anticipated for 200 applicants totals \$9,050. The total costs for 100 applicants totals \$50,735 in year 1 and \$46,235 in year 2. The total costs for 200 applicants totals \$52,060 in year 1 and \$47,560 in year 2.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Office Specialist	1	1	\$33,193	\$33,193
Benefits.....			\$11,617	\$11,617
Operating.....			\$1,425-\$2,750	\$1,425-\$2,750
Travel.....				
Capital outlay.....			\$4,500	
Aid.....				
Capital improvements.....				
TOTAL.....			\$50,735- \$52,060	\$46,235- \$47,560