

Revised to include provisions adopted in AM 2365

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2024-25		FY 2025-26	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

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

This bill adds certified art therapist to the Uniform Credentialing Act, provides definitions, and requires certification by the Department of Health and Human Services (DHHS) subject to the qualifications described. DHHS assumes the Art Therapy Certificate would be an option under the Mental Health Practitioner’s license and implementation costs would be shared within all other Mental Health Practitioner’s credentialing costs. An Art Therapy professional would be added to the Board of Mental Health Practice, thus necessitating an additional public member, at a total cost of \$2,400 annually. The bill authorizes DHHS to create an advisory committee for the practice of Art Therapy which would have 4 members and meet 6 times per year for a cost of \$4,800 annually.

DHHS would need to modify the License Information System software, create applications and standards, and process and review additional applications. The total operational expenses total to \$23,639 in FY25 and \$1,010 in FY26. The fiscal impact of the bill’s expenditures can be absorbed within the current cash authority granted to DHHS Program 178 Professional Licensure. Revenues from the new fees for the Art Therapy Certification would total to \$2,750 in the FY24-25 biennium and \$2,075 each biennium thereafter.

The amendment, AM 2365, specifies the operative date of these provisions is January 1, 2025 and corrects the corresponding dates in the bill. These changes do not change the fiscal impact.

**LB⁽¹⁾ 605 AM2365
AM2417**

FISCAL NOTE

2024

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

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

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Date Prepared 2-16-2024

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	<u>FY 2024-2025</u>		<u>FY 2025-2026</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$0	\$0	\$0	\$0

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

Explanation of Estimate:

LB 605, as amended by AM 2365 AND am 2417, adds a certification of individuals allowing practice as a Certified or Licensed Art Therapist in Nebraska. The certification would become part of the Mental Health Practice Act and the Uniform Credentialing Act. The bill also establishes qualifications to become a Certified Art Therapist.

This fiscal note is based on an Art Therapy Certificate being issued as an option under a Mental Health Practitioner’s license. Costs to implement and operate this credentialing program would be shared with all other Mental Health Practitioner’s credentialing costs. This would allow the certification fee to be reasonable for the applicants. Otherwise, an independent certification program would need to establish a fee amount to cover the entire cost of the program and may be cost prohibitive for the applicants.

Per the initial application submitted as part of the 407 Credentialing Review Process, there are approximately 40 individuals that may currently qualify for the certificate or provisional certificate. Because the certification is interpreted to fall under the existing Mental Health Practitioner Credentialing Program, common costs associated with adding Art Therapist certifications would be consolidated with all Mental Health Practitioner common costs. This would reduce the net effective cost to the individual rather than assigning all cost to the certification alone.

LB 605 also adds an Art Therapy professional to the existing Board of Mental Health Practice. This would bring the total membership to 11, which then would require an additional public member per statute. The estimated expenditures to add 2 board members is approximately \$200 per member, per meeting. This estimate is based on holding 6 meetings per year. Total estimated cost is \$2,400 per year.

LB 605 authorizes the Department of Health and Human Services (DHHS) to create an advisory committee related to the practice of Art Therapy. The Art Therapy Advisory Committee may be formed to develop recommendations of standards and protocols to the Board of Mental Health Practice for consideration. This estimate is based upon appointing a committee of 4 members during the first 2 years to assist with the implementation of LB605. The estimated expenditures to add 4 committee members is approximately \$200 per member, per meeting. This estimate is based on a total of 6 committee meetings per year. The total estimated cost is \$4,800 per year.

DHHS estimates the following personnel costs would be incurred to develop and implement of LB 605:

A DHHS Program Manager II, Health Licensing Coordinator and Administrative Specialist is included for a total of 168 hours each to establish and prepare committees and boards to develop and implement the credentialing of Art Therapists. The work also includes creation of application for certification, publication of information and forms to the website and the subsequent review and issuance of initial applications. Implementation hours are included during the first fiscal year. It is anticipated that an average of 24 hours per fiscal year would be required for the operations of the Art Therapist Credentialing program, beginning with the FY2025 – FY2026 fiscal year.

The License Information System (LIS) software will require modifications to add the full and provisional certification types under the Mental Health Practitioners program. An IT Business Systems Analyst is included for 80 hours to make these modifications.

The estimated cost to implement and conduct activities associated with LB605 are as follow:

POSITION(S)			FY 2024-2025					
Job Code	Job Title	Hourly Rate	No. of Hours	FTE	Pay	Benefits (35%)	Operating costs (26.7%)	Total
V78792	DHHS Program Manager II	30.71	168.00	1.00	\$ 5,159	\$ 1,806	\$ 1,859	\$ 8,824
X01740	Health Licensing Coordinator	20.20	168.00	1.00	\$ 3,394	\$ 1,188	\$ 1,223	\$ 5,805
K01014	Administrative Specialist	19.37	168.00	1.00	\$ 3,253	\$ 1,139	\$ 1,173	\$ 5,565
A07081	IT Business Systems Analyst	25.18	80.00	1.00	\$ 2,014	\$ 705	\$ 726	\$ 3,446
			584.00	4.00	\$ 13,820	\$ 4,837	\$ 4,982	\$ 23,639
			FY 2025-2026					
5% increase	No. of Hours	FTE	Pay	Benefits (35%)	Operating costs (26.7%)	Total		
\$ 32.242	8.00	1.00	\$ 258	\$ 90	\$ 93	\$ 441		
\$ 21.211	8.00	1.00	\$ 170	\$ 59	\$ 61	\$ 290		
\$ 20.333	8.00	1.00	\$ 163	\$ 57	\$ 59	\$ 278		
\$ 26.440	0.00	0.00	\$ -	\$ -	\$ -	\$ -		
	24.00	3.00	\$ 590	\$ 207	\$ 213	\$ 1,010		

Revenue:

Given the certification is under the Mental Health Practice Act, and if the same fees are applied to art therapists and provisional art therapists as those currently charged for certified marriage and family therapists, master social workers, and professional counselors, the fees would be \$50 for the certification as an art therapist (initial and renewal fee) and \$125 for initial certification as a certified provisional art therapist.

	Biennial 2024-2026	Biennially Thereafter
\$50 certification fee for 30 members	\$1,500	
\$125 provisional certification fee for 10 members In the initial year of full implementation	\$1,250	
\$50 certification fee for 39 individuals, biennially		\$1,950
\$125 provisional certification fee for 1 biennially		\$ 125
Total estimated revenue per biennial cycle:	\$2,750	\$2,075

The Uniform Credentialing Act is operated under Program 178 – Professional & Occupational Credentialing. LB 605 costs would be offset by cash revenue fees collected under the Mental Health Practitioner category. Current cash authority in program 178 is sufficient to absorb these costs.

MAJOR OBJECTS OF EXPENDITURE				
PERSONAL SERVICES:				
POSITION TITLE	NUMBER OF POSITIONS		2024-2025	2025-2026
	24-25	25-26	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
TOTAL.....			\$0	\$0