

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

Legislative Fiscal Note

BILL NUMBER: House Bill 714 (Second Edition)

SHORT TITLE: Behavior Analyst Licensure.

SPONSOR(S): Representatives Jeter, McGrady, Shepard, and Cotham

FISCAL IMPACT					
(\$ in millions)					
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Estimate Available					
State Impact	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
General Fund Revenues:	** Please see Assumptions & Methodology section for additional details. **				
General Fund Expenditures:					
State Positions:					
NET STATE IMPACT					
<p>PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: NC Behavior Analysis Board</p> <p>EFFECTIVE DATE: Sections 2 and 3 of this act become effective March 1, 2016. The remainder of this act is effective when it becomes law.</p> <p>TECHNICAL CONSIDERATIONS: None</p>					

BILL SUMMARY:

House Bill 714 enacts new Article 43 of GS Chapter 90 to require the licensure of behavior analysts and assistant behavior analysts. It creates a nine-member NC Behavior Analysis Board (Board) with authority to determine licensure qualifications and fees; issue, deny, or suspend any license; conduct background checks; and discipline licensees. It sets the selection process for the Board members and requires the initial Board members be selected on or before August 1, 2015. The bill establishes minimum qualifications for licensure and maximum licensure fees and provides for license renewal, temporary licensure, and reciprocity.

It enacts new GS 90-726.16, making it a Class 2 misdemeanor to practice behavior analysis without a license; each violation is a separate offense. The bill enacts new GS 8-53.14 providing that any person, duly authorized as a licensed behavior analyst, or any of the person's employees or associates, is not required to disclose any information which the person may have acquired in the practice of behavior analysis and which information was necessary to enable the person to practice behavior analysis. It allows the court to compel such disclosure if necessary. It provides that the behavior analyst-client or behavior analyst-patient privilege is not grounds for failure to report suspected child abuse or neglect to the appropriate county department of social services or for failure to report a disabled adult suspected to be in need of protective services to the appropriate county department of social services. Also, it provides that the behavior analyst-client or behavior

analyst-patient privilege is not grounds for excluding evidence regarding the abuse or neglect of a child, or an illness of or injuries to a child, or the cause thereof, or for excluding evidence regarding the abuse, neglect, or exploitation of a disabled adult, or an illness of or injuries to a disabled adult, or the cause thereof, in any judicial proceeding related to a report pursuant to the Child Abuse Reporting Law, Article 3 of GS Chapter 7B.

The bill directs the Board to adopt temporary rules to implement this act no later than January 1, 2016 and makes additional clarifying, organizational and technical changes to this act.

ASSUMPTIONS AND METHODOLOGY:

House Bill 714 would allow the newly created NC Behavior Analysis Board to charge a number of fees. Those fees are listed below.

The Board may collect the following fees, not exceed these amounts:	
Application fee for licensure	\$250.00
License renewal	\$200.00
Late renewal fee	\$50.00
Reciprocal license application	\$250.00
Temporary license application	\$100.00

On their website, the national Behavior Analyst Certification Board (BACB) currently lists 231 members with North Carolina addresses. Assuming that all of those members apply with the NC Behavior Analysis Board for licensure by July 1, 2016, the Board would collect \$57,750 in fees. This assumes that only those who are certified by the BACB will apply for a state license, and there will be no additional applications.

In order to forecast the number of licenses going forward, National employment growth for NAICS code 6117 (Education and health services) was looked at. For the last three years, that sector has averaged 3.1% employment growth. That growth was taken into account when projecting the number of new applications going forward.

The below table shows the fee collections that are estimated under House Bill 714.

	2015-16	2016-17	2017-18	2018-19	2019-20
New license applications	231	7	7	7	8
License renewals		231	238	245	252
Total revenue	\$57,750	\$47,950	\$49,350	\$50,750	\$52,400

SOURCES OF DATA: Behavior Analyst Certification Board, Bureau of Labor Statistics

TECHNICAL CONSIDERATIONS: None

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