



# NORTH CAROLINA GENERAL ASSEMBLY

Session 2019

## Legislative Fiscal Note

**Short Title:** Behavior Analyst Licensure.  
**Bill Number:** House Bill 671 (First Edition)  
**Sponsor(s):** Representatives McGrady, Setzer, Jackson, and Shepard

### SUMMARY TABLE

#### FISCAL IMPACT OF H.B. 671, V.1 (\$ in thousands)

	<u>FY 2019-20</u>	<u>FY 2020-21</u>	<u>FY 2021-22</u>	<u>FY 2022-23</u>	<u>FY 2023-24</u>
<b>North Carolina Behavior Analyst Board Impact</b>					
Board Revenue	126.0	102.0	103.0	104.0	105.0
Less Board Expenditures	-	-	-	-	-
<b>NET BOARD IMPACT</b>	<b>\$126.0</b>	<b>\$102.0</b>	<b>\$103.0</b>	<b>\$104.0</b>	<b>\$105.0</b>

### FISCAL IMPACT SUMMARY

House Bill 671 adds new Article 43, Behavior Analyst Licensure, to GS Chapter 90. It prohibits a person from practicing as a licensed behavior analyst or an assistant behavior analyst without a state license issued pursuant to the Article, with specified exemptions. The bill defines behavior analysis as the design, implementation, and evaluation of systematic instructional and environmental modifications to produce significant personal or interpersonal improvements in human behavior. Effective January 1, 2020, the bill makes violations of the Article a Class 2 misdemeanor.

It establishes the NC Behavior Analysis Board (Board), with seven members (one appointed by the Governor and three each upon recommendation of the Speaker of the House of Representatives and the President Pro Tem. of the Senate). The bill charges the Board with administration of the licensing program and requires the Board to make an annual report to the Governor.

It sets out qualifications for licensure as a behavior analyst or assistant behavior analyst, fees that may be charged by the Board, and the Board's disciplinary authority. House Bill 671 allows for reciprocity and for the issuance of temporary licenses. It permits criminal record checks for licensees and persons seeking licenses. The bill makes conforming changes to GS 90-270.4 and enacts GS 8-53.14 governing the confidentiality of communications between a behavior analyst and their client or patient.

## FISCAL ANALYSIS

House Bill 671 would establish a series of fees the Board would be able to collect. The proposed fees would not be able to exceed the amounts in the following table.

<b>North Carolina Behavior Analyst Board Proposed Fee Caps</b>	
<b>Fee Description</b>	<b>Fee Cap</b>
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

According to the Behavior Analyst Certification Board, a national organization, North Carolina currently has approximately 1,750 Behavior Analyst Certificants. The chart below shows the number of North Carolina certificants by certification type.

<b>Behavior Analyst Certification Board North Carolina</b>	
<b>Certification</b>	<b>Number of Certificants</b>
Board Certified Behavior Analyst - Doctoral	42
Board Certified Behavior Analyst	420
Board Certified Assistant Behavior Analyst	44
Registered Behavior Technician	1,249

As stated within the bill, Behavior Technicians, paraprofessionals who practice under the close, ongoing supervision of a licensed behavior analyst or licensed assistant behavior analyst, are exempt from licensure. Assuming those North Carolina based individuals currently certified by the Behavior Analyst Certification Board opt to receive North Carolina licensure, total fee collections in the first year of the Board would be approximately \$126,500 (as illustrated by the below chart).

<b>North Carolina Behavior Analyst Board Estimated Fee Collections - Year 1</b>		
	<b>Number of Certificants</b>	<b>Application Fee for Licensure</b>
Board Certified Behavior Analyst - Doctoral	42	\$10,500
Board Certified Behavior Analyst	420	\$105,000
Board Certified Assistant Behavior Analyst	44	\$11,000

After FY 2019-20, when existing Board Certified Behavior Analysts and Assistant Behavior Analysts are initially licensed, fee collections should be about \$102,000 and increase slightly due to estimated growth in industry employment in the health care and social assistance fields.

## **TECHNICAL CONSIDERATIONS**

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N/A.

## **DATA SOURCES**

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BEHAVIOR ANALYST CERTIFICATION BOARD, NORTH CAROLINA PSYCHOLOGY BOARD, UNC SCHOOL OF GOVERNMENT, MOODY'S ANALYTICS

## **LEGISLATIVE FISCAL NOTE – PURPOSE AND LIMITATIONS**

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This document is an official fiscal analysis prepared pursuant to Chapter 120 of the General Statutes and rules adopted by the Senate and House of Representatives. The estimates in this analysis are based on the data, assumptions, and methodology described in the Fiscal Analysis section of this document. This document only addresses sections of the bill that have projected direct fiscal impacts on State or local governments and does not address sections that have no projected fiscal impacts.

## **CONTACT INFORMATION**

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Questions on this analysis should be directed to the Fiscal Research Division at (919) 733-4910.

## **ESTIMATE PREPARED BY**

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## **ESTIMATE APPROVED BY**

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**Signed copy located in the NCGA Principal Clerk's Offices**