

- SUBJECT:** Appropriating licensing fees for office of patient protection
- COMMITTEE:** Appropriations — favorable, without amendment
- VOTE:** 23 ayes — Heflin, Luna, Berman, Branch, B. Brown, F. Brown, J. Davis, Deshotel, Eiland, Hamric, Hope, Hupp, Isett, E. Jones, Kolkhorst, McClendon, Menendez, Pitts, Raymond, Solis, Stick, Truitt, Turner, Wohlgemuth
- 0 nays
- 6 absent — F. Brown, Crownover, Dukes, Ellis, Gutierrez, Pickett
- WITNESSES:** No public hearing
- BACKGROUND:** The 78th Legislature during its regular session enacted HB 2985 by Capelo, establishing an Office of Patient Protection (OPP) within the Health Professions Council to serve as an ombudsman for consumer complaints at health profession licensing agencies. Funding for the OPP is generated through a \$5 fee on initial licensing or registration of health professionals and a \$1 fee on renewals.
- Generally, when pending legislation would generate fee revenue, lawmakers adopt a contingency rider in the general appropriations act giving direction to appropriate the funds if the bill becomes law and the fees are generated. HB 1 by Heflin, the general appropriations act for fiscal 2004-05, contains no contingency rider for HB 2985.
- DIGEST:** HB 23 would appropriate to the Health Professions Council all fees collected during fiscal 2004-05, starting September 1, 2003, that are authorized by HB 2985 for the administration of the office of patient protection.
- Any future increases in the cost of state employee benefits connected with administration of HB 2985 would have to be paid by the fee-generated funds.

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The bill would take effect immediately if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect January 15, 2004.

NOTES: The fiscal note for HB 23 estimates a general revenue cost of about \$1.3 million in fiscal 2004-05.