



NORTH CAROLINA GENERAL ASSEMBLY

Session 2021

Legislative Fiscal Note

Short Title: Reduce Reg. To Help Children with Autism.
Bill Number: Senate Bill 103 (Second Edition)
Sponsor(s): Senators Perry, Lee, and Barnes

SUMMARY TABLE

	FISCAL IMPACT OF S.B.103, V.2nd				
	<u>FY 2021-22</u>	<u>FY 2022-23</u>	<u>FY 2023-24</u>	<u>FY 2024-25</u>	<u>FY 2025-26</u>
State Impact					
General Fund Revenue	36,963.0	9,610.0	58,603.0	15,258.0	93,165.0
Less Expenditures	36,963.0	9,610.0	58,603.0	15,258.0	93,165.0
General Fund Impact	-	-	-	-	-
NET STATE IMPACT	-	-	-	-	-

FISCAL IMPACT SUMMARY

This bill adds new Article 43, Behavior Analyst Licensure, to G.S. Chapter 90. The bill:

1. 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.
2. 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.
3. Effective January 1, 2022, makes violations of the Article a Class 2 misdemeanor.
4. Establishes the NC Behavior Analysis Board (Board), with five members (three appointed by the Governor and one each upon recommendation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate).
5. Charges the Board with administration of the licensing program and requires the Board to make an annual report to the Governor.
6. 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.
7. Allows for reciprocity and for the issuance of temporary licenses. Permits criminal record checks for licensees and persons seeking licenses.
8. Makes conforming changes to GS 90-270.138.
9. Requires the Board to adopt temporary rules to implement the act, which remain in effect until permanent rules are effective.
10. Enacts GS 8-53.14 governing the confidentiality of communications between a behavior analyst and their client or patient.

The criminal offense modifications in the proposed bill may have a fiscal impact on the judicial and correction systems. However, due to a lack of sufficient historical data on this offense or similar offenses, the Fiscal Research Division (FRD) is unable to provide a reasonable estimate of the total fiscal impact. For further information on the potential impact on the State’s judicial and correction system, an incarceration note may be found at <https://www.ncleg.gov/Sessions/2021/FiscalNotes/Senate/PDF/SIN0103v1.pdf>

FISCAL ANALYSIS

Criminal History Checks

The bill requires all applicants for licensure to consent to and pay for the cost of criminal history record checks and directs the Board to collect the fees to cover the State’s costs associated with conducting the criminal history record check.

In FY 2019-20, the NC State Bureau of Investigation reported that a total of 147,013 criminal history record checks were conducted. Criminal history record checks may be conducted at the state or federal level or both. This fiscal note assumes the combination (state and federal) criminal history check applies. The current fee for the combined check is \$38.

Using data provided by the national Behavior Analyst Certification Board, Inc., this note assumes a total of 973 applicants for the first year of implementation, resulting in a total of \$36,963 in fees to offset the cost to the SBI for the increase in criminal history record checks. Thus, the initial implementation of the bill would have a negligible impact on the SBI and would not require additional staff.

Licensure Fees

Currently, an individual who is a behavioral analyst, but not licensed to practice psychology in North Carolina, may provide ancillary services under the supervision and/or employment of a licensed psychologist or psychological associate, but shall not otherwise practice behavior analysis.

The national Behavior Analyst Certification Board reports the following number of nationally certified professionals in North Carolina as of July 1, 2020:

Certification	July 1, 2020 Certifications
Registered Behavior Technician	1570
Board Certified Assistant Behavior Analyst	52
Board Certified Behavior Analyst	553
Board Certified Behavior Analyst-Doctoral	48
Source: Behaviorial Analyst Certification Board, Inc.	

House Bill 91 would establish a fee schedule that sets the following amounts that fees must not exceed.

License	Maximum Fee Authorized
License Application	\$250
License Renewal	\$200
Late Renewal	\$50
Reciprocal Application	\$250
Temporary License	\$100

Assuming the number of licenses reported by the national board are consistent with those granted by the newly established North Carolina Behavior Analysis Board, fee collections for FY 2021-22 would be approximately \$193,000. This assumes 973 license applications from behavior analysts and assistant behavior analysts. Behavior technicians are exempt from licensure. With a license granted for the period of two years, revenues will be staggered depending on the initial application year.

Impact on State Budget

This note assumes the Board will operate in a manner similar to the majority of other State licensing boards, whose budgets and spending occur outside the State treasury and budget. Thus, the collection of fees authorized in the bill and the administrative costs associated with the Board would not impact the State's budget.

TECHNICAL CONSIDERATIONS

The bill requires the Board to furnish the **State Department of Justice** the fingerprints of each applicant. The **State Bureau of Investigation**, housed in the Department of Public Safety, is the central repository for criminal information for the State.

DATA SOURCES

BEHAVIOR ANALYST BOARD CERTIFICATION BOARD [HTTPS://WWW.BACB.COM/BACB-CERTIFICANT-ANNUAL-REPORT-DATA/](https://www.bacb.com/bacb-certificant-annual-report-data/)

LEGISLATIVE FISCAL NOTE – PURPOSE AND LIMITATIONS

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

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

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