

Department of State Health Services
Agenda Item for State Health Services Council
September 15, 2005

Agenda Item Title: Amendments to twelve sets of rules relating to fee increases for the Regulatory Programs located in 25 Texas Administrative Code:

- (1) §117.14 - End Stage Renal Disease Facilities;
- (2) §123.4 - Respiratory Care Practitioners;
- (3) §133.26 -Hospital Licenses;
- (4) §135.3 - Ambulatory Surgical Centers;
- (5) §141.2 - Massage Therapists;
- (6) §143.4 - Medical Radiologic Technologists;
- (7) Chapter 205, Product Safety:
 - §205.11 - Bedding;
 - §205.44 - Labeling of Hazardous Substances;
 - §205.57 - Inhalant Abuse;
- (8) Chapter 229, Food and Drug:
 - §229.145 - Narcotic Treatment Programs;
 - §229.182 - Food Manufacturers, Food Wholesalers, and Warehouse Operators;
 - §229.372 - Retail Food Establishments;
 - §229.439 - Device Distributors and Device Manufacturers;
- (9) §267.3 - Pesticide Applicators;
- (10) §289.204 - Radiation Control;
- (11) §295.42 - 295.56, 295.61 - Asbestos Health Protection; and
- (12) §448.408 - Chemical Dependency Treatment Facilities.

Agenda Number: 3a

Recommended Council Action:

For Discussion Only

For Discussion and Action by the Council

Background:

Article II of the department's appropriations for Fiscal Year 2006-2007 added contingency rider number 85, which provides that the Department of State Health Services (DSHS) may assess or increase fees sufficient to generate additional revenues to compensate for the 5% budget reduction. Twelve programs have been identified for fee increases. A matrix was developed to assure consistency related to recommended fee increases. Criteria used to determine recommended fee increases:

- projected costs in FY06 and 07
- % of revenues above total costs
- date of last increase
- impact on business operation
- cost of licensee compared to similar professions
- value added analysis of the license

Summary:

The additional revenues to DSHS as a result of fee increases will offset the increased costs associated with the legislative increase in pay, longevity pay, and travel reimbursement. Also, editorial revisions were included in a few rule sets such as to reflect the new name of the agency.

Summary of Stakeholder Input to Date (including advisory committees):

Communication has been or will be distributed to all stakeholder groups advising licensees of proposed rules, fee changes, and seeking public comment.

Proposed Motion: Motion: to recommend HHSC approval for publication of the rules contained in agenda item # 3a1-12

Presented by: Richard Bays

Approved by: Richard Bays

Date Submitted

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09/2/05

Program/Division: Regulatory Services