



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: H. 3731 Introduced on January 27, 2021
Author: Erickson
Subject: Licensed Behavior Analysts
Requestor: House Medical, Military, Public, and Municipal Affairs
RFA Analyst(s): Coomer and Gardner
Impact Date: February 5, 2021

Fiscal Impact Summary

The fiscal impact of this bill is pending, contingent upon a response from the Department of Labor, Licensing and Regulation (LLR) and the State Law Enforcement Division (SLED).

Explanation of Fiscal Impact

Introduced on January 27, 2021

State Expenditure

This bill provides for the regulation of behavior analysts and assistant behavior analysts under the Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists (board). The bill expands the board from eleven to thirteen members and requires that the two new members must be licensed behavior analysts. Additionally, the bill obligates the board to require licensed behavior analysts, licensed assistant behavior analysts, and behavior technicians to undergo a state criminal history records check and a national criminal records check, both supported by fingerprints. The cost of the criminal background check will be borne by the applicant. The bill additionally requires the board to submit a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry for applicants for behavior analyst licensure or assistant behavior analyst licensure. Furthermore, the bill inserts this profession into a number of code sections to conform to restrictions, definitions, and application processes which apply to professions regulated by the board. The bill also adds a criminal background check provision for the board to grant a license to professionals regulated under the board who complete an educational program in a foreign country. Lastly, the bill details exemptions from licensure as a behavior analyst or assistant behavior analyst.

Department of Labor, Licensing and Regulation. The expenditure impact of this bill on the Other Funds of LLR is pending, contingent upon a response from the agency.

State Law Enforcement Division. The expenditure impact of this bill on the Other Funds of SLED due to the provision for criminal history records checks and fingerprinting is pending, contingent upon a response from the agency.

State Revenue

Department of Labor, Licensing and Regulation. This bill allows the board to collect appropriate licensure fees from behavior analysts and assistant behavior analysts. Additionally, Proviso 81.3 of the FY2019-20 Appropriations Act requires LLR to remit 10 percent of expenditures of the Division of Professional and Occupational Licensing (POL) to the General Fund. The revenue impact of this bill on the General Fund and the Other Funds of LLR is pending, contingent upon a response from the agency.

State Law Enforcement Division. This bill may increase the number of state criminal records checks that SLED is required to perform. Pursuant to Section 23-3-115(A), revenue generated by state criminal records checks performed by SLED up to an amount of \$4,461,000 must be deposited in the General Fund. Any revenue over that amount is retained by SLED. The revenue impact of this bill on the General Fund and the Other Funds of SLED is pending, contingent upon a response from the agency.

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director