
MEMORANDUM

Legislative Fiscal Office
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To: Education Subcommittee

From: Kim To, Legislative Fiscal Office
(503) 986-1830

Date: May 6, 2013

Subject: SB 5515 – Board of Licensed Professional Counselors and Therapists
Work Session Recommendations

Board of Licensed Professional Counselors and Therapists – Agency Totals

	2009-11 Actual	2011-13 Legislatively Approved	2013-15 Current Service Level	2013-15 LFO Recommended
Other Funds	903,449	932,509	998,121	1,110,188
Total Funds	\$903,449	\$932,509	\$998,121	\$1,110,188
Positions	4	4	4	4
FTE	3.25	3.50	3.50	3.50

The 2013-15 LFO recommended budget for the Board of Licensed Professional Counselors and Therapists is 4 positions (3.50 FTE), and \$1,110,188 Other Funds. This is a 19.1% increase from 2011-13 Legislatively Approved Budget. Attached are the recommendations from the Legislative Fiscal Office for the Board of Licensed Professional Counselors and Therapists. It contains the following:

Adjustments to Current Service Level:

See attached “Work Session Presentation Report” dated 4/19/2013.

- Package 092 PERS Tax Policy (\$1,408)
This package reflects the policy change in SB 822 that eliminates the increased retirement benefits resulting from Oregon income taxation of payments if the person receiving payments does not pay Oregon income tax on those benefits and is not an Oregon resident. This change reduces state employer contribution rates by approximately 0.30%.
- Package 093 Other PERS Adjustments (\$11,254)
This package reflects the policy change in SB 822 that modifies the cost-of-living adjustment under the Public Employees Retirement System. This change reduces state employer contribution rates by approximately 2.2%.

An administrative action by the PERS Board, as directed by a budget note in the SB 822 budget report, will reduce state employer contribution rates by up to an

additional 1.9%. However, no employer rate is reduced below its 2011-13 biennium rate.

- Package 100 Fingerprinting \$98,216
The Board conducts criminal background checks as part of the license application process, and on licensees and registered interns every 5 years. During the 2015 calendar year, all those who last had background checks in 2010 (approximately 3,000) will be re-checked. All criminal background fees are passed through to the Oregon State Police.
- Package 102 Attorney General \$26,513
With the increase in licensees, the Board expects a continued increase in the number of appeals through both the administrative hearing process, and to the Court o Appeals.

Motion on the LFO Budget Recommendations:

Senator/Representative _____ move that the Education Subcommittee approve the LFO recommendations to SB 5515.

Performance Measures

See attached “Legislatively Proposed 2013-15 Key Performance Measures” form.

Motion on the LFO Key Performance Measure Recommendations:

Senator/Representative _____ move that the Education Subcommittee approve the LFO Key Performance Measures recommendations.

SB 5515 Final Subcommittee Action:

Final Motion:

Senator/Representative _____ move that the Education Subcommittee move SB 5515 to the Full Joint Committee on Ways and Means with a “do pass” recommendation.

Assignment of Carriers:

Full: Senator/Representative _____

House: Senator/Representative _____

Senate: Senator/Representative _____

Licensed Prof Counselors and Therapists, Board of LFO Analyst Recommended

Agency Number: 10800

**LFO102 - Work Session Presentation Report
2013-15 Biennium**

**Version: L - 01 - LFO Analyst Recommended
Cross Reference: 10800-000-00-00-00000
Licensed Prof Counselors & Therapists, Bd of**

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2011-13 Agy. Leg. Adopted	-	-	932,509	-	-	-	932,509	4	3.50
2011-13 Ebds, SS & Admin Act	-	-	-	-	-	-	-	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2011-13 Leg Approved Budget	-	-	932,509	-	-	-	932,509	4	3.50
2011-13 Leg Approved Budget (Base)	-	-	932,509	-	-	-	932,509	4	3.50
Summary of Base Adjustments	-	-	21,189	-	-	-	21,189	-	-
2013-15 Base Budget	-	-	953,698	-	-	-	953,698	4	3.50
010: Non-PICS Pers Svc/Vacancy Factor	-	-	5,391	-	-	-	5,391	-	-
030: Inflation & Price List Adjustments	-	-	39,032	-	-	-	39,032	-	-
2013-15 Current Service Level	-	-	998,121	-	-	-	998,121	4	3.50
Adjusted 2013-15 Current Service Level	-	-	998,121	-	-	-	998,121	4	3.50
Total LFO Recommended Packages	-	-	112,067	-	-	-	112,067	-	-
2013-15 Legislative Actions	-	-	1,110,188	-	-	-	1,110,188	4	3.50
Net change from 2011-13 Leg Approved Budget	-	-	177,679	-	-	-	177,679	-	-
Percent change from 2011-13 Leg Approved Budget	0.0%	0.0%	19.1%	0.0%	0.0%	0.0%	19.1%	0.0%	0.0%
Net change from 2013-15 Current Service Level	-	-	112,067	-	-	-	112,067	-	-
Percent change from 2013-15 Current Service Level	0.0%	0.0%	11.2%	0.0%	0.0%	0.0%	11.2%	0.0%	0.0%

Licensed Prof Counselors and Therapists, Board of LFO Analyst Recommended

Agency Number: 10800

**LFO102 - Work Session Presentation Report
2013-15 Biennium**

**Version: L - 01 - LFO Analyst Recommended
Cross Reference: 10800-001-00-00-00000
Operations**

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2011-13 Agy. Leg. Adopted	-	-	932,509	-	-	-	932,509	4	3.50
2011-13 Ebds, SS & Admin Act	-	-	-	-	-	-	-	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2011-13 Leg Approved Budget	-	-	932,509	-	-	-	932,509	4	3.50
2011-13 Leg Approved Budget (Base)	-	-	932,509	-	-	-	932,509	4	3.50
Summary of Base Adjustments	-	-	21,189	-	-	-	21,189	-	-
2013-15 Base Budget	-	-	953,698	-	-	-	953,698	4	3.50
010: Non-PICS Pers Svc/Vacancy Factor	-	-	5,391	-	-	-	5,391	-	-
030: Inflation & Price List Adjustments	-	-	39,032	-	-	-	39,032	-	-
2013-15 Current Service Level	-	-	998,121	-	-	-	998,121	4	3.50
Adjusted 2013-15 Current Service Level	-	-	998,121	-	-	-	998,121	4	3.50
Total LFO Recommended Packages	-	-	112,067	-	-	-	112,067	-	-
2013-15 Legislative Actions	-	-	1,110,188	-	-	-	1,110,188	4	3.50
Net change from 2011-13 Leg Approved Budget	-	-	177,679	-	-	-	177,679	-	-
Percent change from 2011-13 Leg Approved Budget	0.0%	0.0%	19.1%	0.0%	0.0%	0.0%	19.1%	0.0%	0.0%
Net change from 2013-15 Current Service Level	-	-	112,067	-	-	-	112,067	-	-
Percent change from 2013-15 Current Service Level	0.0%	0.0%	11.2%	0.0%	0.0%	0.0%	11.2%	0.0%	0.0%

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Package 092 PERS Taxation Policy

Package Description This package reflects the policy change in SB 822 that eliminates the increased retirement benefits resulting from Oregon income taxation of payments if the person receiving payments does not pay Oregon income tax on those benefits and is not an Oregon resident. This change reduces state employer contribution rates by approximately 0.30%.

LFO Recommendation Recommend approval.

LFO Recommended	-	-	(1,408)	-	-	-	(1,408)	-	-
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Operations

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 093 Other PERS Adjustments

Package Description This package reflects the policy change in SB 822 that modifies the cost-of-living adjustment under the Public Employees Retirement System. This change reduces state employer contribution rates by approximately 2.2%.

An administrative action by the PERS Board, as directed by a budget note in the SB 822 budget report, will reduce state employer contribution rates by up to an additional 1.9%. However, no employer rate is reduced below its 2011-13 biennium rate.

LFO Recommendation Recommend approval.

LFO Recommended	-	-	(11,254)	-	-	-	(11,254)	-	-
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Licensed Prof Counselors and Therapists, Board of LFO Analyst Recommended

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Operations**

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 100 Fingerprinting

Package Description This package requests the limitation necessary for conducting background checks (LEDS) on licensee applicants. This is a straight pass-through payment from the Board to State Police derived through fees from licensees for background checks.

The analyst pulled the revenue associated with fingerprint checks out of the base (accidentally added in base during ARB) to associate the revenue directly with this package.

LFO Recommendation Recommend approval.

LFO Recommended	-	-	98,216	-	-	-	98,216	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 102 Attorney General Costs

Package Description This package requests and increase in limitation due to increasing AG costs. The analyst is approving this package because of a significant cost increase in AG expenses. In the current biennium, the legal costs are expected to be \$10,000 over the legislatively authorized amount. Furthermore, the board is dealing with three cases that are resulting in higher costs: one of the cases is pending before the Court of Appeals, a second case before the Supreme Court and involves a constitutional issue, and finally a third which involves seeking a judicial injunction against a former licensee who is practicing without a license.

The board's proposal for these expenditures does not involve a fee increase.

LFO Recommendation Recommend approval.

LFO Recommended	-	-	26,513	-	-	-	26,513	-	-
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Legislatively Proposed 2013-2015 Key Performance Measures

Agency: PROFESSIONAL COUNSELORS and THERAPISTS, BOARD of LICENSED

Mission: To protect and benefit the public by setting strong licensing standards for professional counselors and marriage and family therapists. Standards include education, experience, and examinations. Licensees must abide by a Code of Ethics, complete continuing education, and provide clients with licensee background information and how to contact the Board.

Legislatively Proposed KPMs	Customer Service Category	Agency Request	Most Current Result	Target 2014	Target 2015
2 - Percent of complaints presented to the Board within 90 days of receipt of complaint.		Approved KPM	14.00	85.00	85.00
4 - CUSTOMER SERVICE: Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Accuracy	Approved KPM	88.00	90.00	90.00
4 - CUSTOMER SERVICE: Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Availability of Information	Approved KPM	79.00	90.00	90.00
4 - CUSTOMER SERVICE: Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Expertise	Approved KPM	91.00	90.00	90.00
4 - CUSTOMER SERVICE: Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Helpfulness	Approved KPM	87.00	90.00	90.00
4 - CUSTOMER SERVICE: Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Overall	Approved KPM	85.00	90.00	90.00
4 - CUSTOMER SERVICE: Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall, timeliness, accuracy, helpfulness, expertise, availability of information.	Timeliness	Approved KPM	83.00	90.00	90.00
5 - Board Best Practices - Percent of total best practices met by the Board.		Approved KPM	93.00	100.00	100.00

LFO Recommendation:

Recommend approval of KPM and targets as presented.

Sub-Committee Action:

Senate Bill 5515

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Oregon Department of Administrative Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by Oregon Board of Licensed Professional Counselors and Therapists.

Declares emergency, effective July 1, 2013.

A BILL FOR AN ACT

1
2 Relating to the financial administration of the Oregon Board of Licensed Professional Counselors
3 and Therapists; limiting expenditures; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Notwithstanding any other law limiting expenditures, the amount of**
6 **\$1,110,188 is established for the biennium beginning July 1, 2013, as the maximum limit for**
7 **payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts,**
8 **but excluding lottery funds and federal funds, collected or received by the Oregon Board of**
9 **Licensed Professional Counselors and Therapists.**

10 **SECTION 2. This 2013 Act being necessary for the immediate preservation of the public**
11 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
12 **July 1, 2013.**

13

Note: For budget, see 2013-2015 Biennial Budget

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.