



Guam Board of Allied Health Examiners

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194 Hernan Cortez Avenue, Hagåtña

September 26, 2022

**PRELIMINARY COST IMPACT ASSESSMENT
FOR
GUAM BOARD OF ALLIED HEALTH EXAMINERS
DRAFT ADMINISTRATIVE RULES & REGULATIONS INCLUDING AMENDED FEE SCHEDULE**

Guam's Administrative Adjudication Law ("AAL"), provides the following exemptions to the requirement that an economic impact statement accompany proposed rules, changes of rules and regulations, including proposals to impose or raise fees or rates:

Exemptions. Any proposed rule, change of rule, regulation or request to impose or raise fees or rates *shall* be exempted from the economic impact statement requirements of Subsection (d), (e), (f), (g), and (h) of this Section if the annual economic impact to the general public is Five Hundred Thousand Dollars (\$500,000) or less, as determined by a preliminary cost impact assessment performed by the Bureau of Budget and Management Research, or the department, agency, autonomous agency, office or instrumentality proposing the rule, change of rule, regulation or request to impose or raise fees. The preliminary cost impact assessment must be completed and made available to the public prior to any required hearings on the proposed rules or regulations, and must be transmitted to *I Liheslatura* (the Legislature) as part of the agency record

Title 5 GCA § 9301(i).

The Guam Board of Allied Health Examiners ("GBAHE") and the Health Profession Licensing Office ("HPLO"), in consultation with the Office of Attorney General have conducted a comprehensive preliminary cost impact assessment of the proposed rules and amended fee schedule to be adopted, based on actual expenses and revenues, and projected expenses and revenues, and have determined that the proposed fee schedule will have an economic impact to the general public of less than \$500,000.

Accordingly, no economic impact statement is required. Nevertheless, in order to allow the public to better understand how the GBAHE and HPLO arrived at the adjusted fee schedule they offer the following:

1. Licensure Fees have not been amended in over two decades when the fee schedules were established in P.L. 24-329 (Dec. 31, 1998) codified at 10 GCA § 12819. In that time, the license populations of regulated professionals have increased significantly resulting in much higher workloads for administrative support personnel. In that time personnel costs have increased as have contractual costs such as legal services, copying services, and services that were not a factor in 1998 such as the cost of Internet and videoconferencing and livestreaming that is required by law.
2. The Allied Health Practice Act contemplates that licensing boards and commissions of all regulated professions are expected to be self-supporting from fees, penalties, and related costs assessed against licensees. Here is that part of the GBAHE's enabling act.

§ 12826. Funding and Fees.

(a) The Board shall also be supported by the revenues generated from its activities, including fees, charges and reimbursed costs. All such revenues,

including fines, shall be deposited in the Revolving Fund of § 12229 of Article 2 of Chapter 12 of Title 10 of the Guam Code Annotated. **This Fund shall receive all interest earned on the deposit of such revenues. Such funds should be appropriated continuously and should be used by the Board only for administration and enforcement of the Allied Health Practice Act.**

(b) The Board shall develop and adopt its own budget reflecting revenues, including the interest thereon, and costs associated with each health care field regulated. **Revenues and interest thereon, from each health care field regulated, should fully support Board regulation of that field. The budget should include allocations for establishment and maintenance of a reasonable reserve fund.**

(c) The Board, pursuant to its proposed budget needs, shall set all Board fees and charges.

10 GCA § 12826 (emphasis added). Despite full authority to do so, the boards served by the HPLO have not been operating as the Legislature has envisioned, and have become overly dependent on DPHSS, the Department of Administration, the Office of the Attorney General to do that which the Legislature expects the boards to do and pay for themselves.

3. Generally-speaking, the individual boards supported by the HPLO have not had their own specific line-items reflected in the Government of Guam's budget acts and because licensing fees are nowhere near enough have had to depend on DPHSS as the principle or supplemental source of revenue. Furthermore, licensure fees collected by the various Boards have occasionally been treated as subject to the Governor's transfer authority, meaning that fees collected have not been maintained in the reserve fund contemplated by 10 GCA § 12819 ("The Board in accordance with the following fee schedule will assess fees for each applicant for licensure. Fees received by the Board shall be deposited in the Revolving Fund of § 12229 of Article 2, Chapter 12 of Title 10 of the Guam Code Annotated in accordance with the laws of Guam."); *see, again*, § 12826(b) ("Revenues and interest thereon, from each health care field regulated, should fully support Board regulation of that field. The budget should include allocations for establishment and maintenance of a reasonable reserve fund.").
4. Historically, GBAHE and all the boards served by DPHSS/HPLO have come nowhere close to collecting the revenue necessary to adequately fund the administrative, regulatory, and enforcement mandates of the law. With the withdrawal of investigative and prosecution services by the Office of the Attorney General since 2015, boards have been forced to make do without in many areas, to the detriment of the boards' ability to properly investigate and discipline allied health professionals.
5. Two years ago, the GBAHE had formally and informally compared licensure fees for each profession licensed by the Board to licensing fees imposed in the following jurisdictions: Alaska, California, Florida, Hawaii, Illinois, Texas, and Washington State. The adjusted fees considered then were either equal to, or in most cases, less than the cost for initial and renewal of professional licenses in any other jurisdiction. Since then, expenses have only increased.
6. The HPLO and the GBAHE have estimated administrative, regulatory, and enforcement costs associated with licensure and discipline of each profession licensed by the Board, which include the following real-time considerations, many of which have been previously provided free of

charge or absorbed by other agencies or departments, but are not being provided, or are provided as an additional expense:

- Executive Director and dedicated Administrative Support Staff, including a budget analyst;
- The Board's proportionate share of office and conference room rent, utilities, and security;
- Computers including software licenses for Office Suite or comparable software, videoconferencing platform subscriptions and the purchase or rental of necessary hardware to allow for real-time videoconferencing and livestreaming required by law;
- Printing, Copying, Scanning, and Publishing equipment;
- Off-site storage of records required to be kept in many cases indefinitely;
- Computer network management, Internet Access, Email, Web Page hosting;
- Inspectors – to inspect clinics to ensure compliance with the Allied Health Practice Act in coordination with the Division of Environmental Health of DPHSS;
- Investigators – experienced in the collection and management of evidence and witness testimony, to investigate complaints or suspected violations of the Allied Health Practice Act in association with in-house or contracted legal counsel;
- Legal Counsel – including at least in-house general counsel shared between the boards; and a minimum of at two contractual private counsel (in the event one has a conflict) to investigate and prosecute complaints;
- Hearing Officers – previously provided for free by the Attorney General's Office, now acquired through contract with that office or via procurement process;
- Court Reporters – to record and draft or prepare minutes of meetings, to record disciplinary enforcement proceedings pursuant to the Administrative Adjudication Law, and for other purposes including providing transcripts required by the AAL;
- Publication of Notices in newspapers of general circulation five (5) working days and forty-eight (48) hours before regular monthly meetings, special meetings, and other occasions such as when rules or fees are being amended, as required by the Open Government Act and the Administrative Adjudication Law;
- Sponsoring on-island conferences for licensees to earn continuing education credit locally, and, funding permitting, travel and lodging for at least two board members and staff to attend off-island conferences;
- Subscriptions to professional regulatory journals published by or for those professions regulated by the Board; and
- Board Memberships in Professional Organizations dedicated to regulation of healthcare professionals.

As noted, many of the services, fees, and costs identified above were previously absorbed by other agencies including DPHSS and the Department of Administration or provided free of charge by the Office of the Attorney General. While the HPLO has endeavored to reduce costs where possible, such as utilizing free publication of notices of board meetings, that is far from enough.

Attached to this preliminary cost impact assessment are two informational spreadsheets that show the current and projected revenue and minimum projected expenses, which also include anticipated expenses for investigators and inspectors that were never specifically included in any prior budget, expected to be a

PRELIMINARY COST IMPACT ASSESSMENT

Draft Rules & Regulations Including

& Amended Fee Schedule

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shared cost among the boards on an as-needed basis. Some forecasted contractual expenses such as for prosecuting attorneys, experts, consultants, and related expenses are likely less than the actual expenses are going to be. Because the GBAHE and other boards served have not had enough experience being responsible for having to pay for outside contractual professionals, including attorneys, experts, consultants, etc., future budgets will be amended, and the current fee schedule revisited. The GBAHE intends to conduct annual reviews of its revenue and expenditures and plans to revisit the adjustment of fees as warranted.

As noted, there are two spreadsheets – one with projected revenue from the licensing of podiatrists and physician assistants and one without. It is contemplated that jurisdiction over those two professions will be transferred by legislative enactment to the Guam Board of Medical Examiners if not in this legislative session, then the next. Even so, the revenues collected from those two sources were relatively negligible.

Despite anticipating the expenses outlined above, it is the Board and HPLO's opinion that the proposed fee schedule will likely still not meet the GBAHE's expenses required to meet its statutory mandates to administer and enforce the Allied Health Practice Act, especially when compared to larger jurisdictions with more resources. Even where the proposed fees have more than doubled over current rates, the anticipated difference between current and projected revenues generated by increasing GBAHE's licensing and renewal fees come to less than \$62,450.00 a relatively meager sum that does not account for inflation, accruing interest, or regular replenishment and growth of the Board's revolving fund. It is, however, a necessary and long overdue start, and it was felt that *at this time* fees could only be raised so far before they became a burden that the licensees would not be equipped to bear without passing those costs onto the consumer of healthcare services. A rising tide lifts all boats, and the GBAHE and HPLO hope that these small steps toward financial self-sufficiency will serve as an incentive to the other licensing boards to adjust their own fee schedules, so that all boards who share expenses and resources will be better able to meet their own statutory mandates as the Legislature had intended.



Mamie Balajadia, EdD

Chairperson

Attachments

Guam Board of Allied Health Examiners as of 09.26.2022

Estimated Projected Income based on Current/Proposed Fee:

Preliminary Cost Impact Assessment with Physician Assistants and Podiatrists (A)

2022 CURRENTLY LICENSED - 9/26/2022	Current Number of Licensees	Current Initial License Fee	Current Initial License Fee Total	Current Renewal License Fee	Current Renewal License Fee Total	Current Number of Licensees	Current Proposed Cost of License Fee	Current Proposed Initial License Fee total	Current Proposed Cost of Renewal License Fee	Proposed Renewal License Fee total
Current/Proposed Fee Schedule:		\$ 125.00	\$125.00 x number of licensees	\$ 80.00	\$80.00 x number of licensees					
Proposed Initial/Renewal Fee Schedule:							Fees listed below per profession	license fee x number of licensees	Fees listed below per profession	license fee x number of licensees
Acupuncture/Oriental Medicine	8	\$ 125.00	\$ 1,000.00	\$ 80.00	\$ 640.00	8	\$ 350.00	\$2,800.00	\$ 200.00	\$ 1,600.00
Audiology	4	\$ 125.00	\$ 500.00	\$ 80.00	\$ 320.00	4	\$ 250.00	\$1,000.00	\$ 200.00	\$ 800.00
Chiropractic	15	\$ 125.00	\$ 1,875.00	\$ 80.00	\$ 1,200.00	15	\$ 350.00	\$5,250.00	\$ 250.00	\$ 3,750.00
Clinical Psychology	18	\$ 125.00	\$ 2,250.00	\$ 80.00	\$ 1,440.00	18	\$ 350.00	\$6,300.00	\$ 250.00	\$ 4,500.00
Licensed Professional Counselor	69	\$ 125.00	\$ 8,625.00	\$ 80.00	\$ 5,520.00	69	\$ 250.00	\$17,250.00	\$ 200.00	\$ 13,800.00
Licensed Professional Counselor Intern	0	\$ 125.00	\$ -	\$ 80.00	\$ -	0	\$ 200.00	\$0.00	\$ 150.00	\$ -
Licensed Marriage Family Therapist	29	\$ 125.00	\$ 3,625.00	\$ 80.00	\$ 2,320.00	29	\$ 300.00	\$8,700.00	\$ 250.00	\$ 7,250.00
Licensed Mental Health Counselor	24	\$ 125.00	\$ 3,000.00	\$ 80.00	\$ 1,920.00	24	\$ 300.00	\$7,200.00	\$ 250.00	\$ 6,000.00
Licensed Mental Health Counselor Intern	0	\$ 125.00	\$ -	\$ 80.00	\$ -	0	\$ 200.00	\$0.00	\$ 150.00	\$ -
Dietitian	30	\$ 125.00	\$ 3,750.00	\$ 80.00	\$ 2,400.00	30	\$ 200.00	\$6,000.00	\$ 100.00	\$ 3,000.00
Nutritionist	2	\$ 125.00	\$ 250.00	\$ 80.00	\$ 160.00	2	\$ 300.00	\$600.00	\$ 250.00	\$ 500.00
Nursing Home Administrator	2	\$ 125.00	\$ 250.00	\$ 80.00	\$ 160.00	2	\$ 250.00	\$500.00	\$ 200.00	\$ 400.00
Occupational Therapy	35	\$ 125.00	\$ 4,375.00	\$ 80.00	\$ 2,800.00	35	\$ 250.00	\$8,750.00	\$ 200.00	\$ 7,000.00
Occupational Therapy Intern	0	\$ 125.00	\$ -	\$ 80.00	\$ -	0	\$ 200.00	\$0.00	\$ 100.00	\$ -
Physician Assistant	25	\$ 125.00	\$ 3,125.00	\$ 80.00	\$ 2,000.00	0	\$ -	\$0.00	\$ -	\$ -
Physical Therapy	55	\$ 125.00	\$ 6,875.00	\$ 80.00	\$ 4,400.00	55	\$ 300.00	\$16,500.00	\$ 100.00	\$ 5,500.00
Physical Therapy Assistant	7	\$ 125.00	\$ 875.00	\$ 80.00	\$ 560.00	7	\$ 200.00	\$1,400.00	\$ 200.00	\$ 1,400.00
Podiatry	8	\$ 125.00	\$ 1,000.00	\$ 80.00	\$ 640.00	0	\$ -	\$0.00	\$ -	\$ -
Registered Respiratory Therapy	25	\$ 125.00	\$ 3,125.00	\$ 80.00	\$ 2,000.00	25	\$ 250.00	\$6,250.00	\$ 250.00	\$ 6,250.00
Certified Respiratory Therapy	8	\$ 125.00	\$ 1,000.00	\$ 80.00	\$ 640.00	8	\$ 200.00	\$1,600.00	\$ 150.00	\$ 1,200.00
Speech & Language Pathologist	50	\$ 125.00	\$ 6,250.00	\$ 80.00	\$ 4,000.00	50	\$ 300.00	\$15,000.00	\$ 250.00	\$ 12,500.00
Speech & Language Pathology Assistant	10	\$ 125.00	\$ 1,250.00	\$ 80.00	\$ 800.00	10	\$ 200.00	\$2,000.00	\$ 100.00	\$ 1,000.00
Veterinary Medicine	19	\$ 125.00	\$ 2,375.00	\$ 80.00	\$ 1,520.00	19	\$ 350.00	\$6,650.00	\$ 100.00	\$ 1,900.00
Euthanasia Technician (annual)	0	\$ -	\$ -	\$ -	\$ -	0	\$ 150.00	\$0.00	\$ 100.00	\$ -
Prescriptive Authority	25	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	0	\$100.00	\$0.00	\$ 100.00	\$ -
	468	\$ 2,925.00	\$ 55,425.00	\$ 1,890.00	\$ 35,490.00	410	\$5,800.00	\$113,750.00	\$ 4,100.00	\$75,950.00

Object Class:	Breakdown on Expenditures:
111 Salary	For Program Coordinator, Board Investigator, Administrative Assistant, Board Inspector
113 Benefits	For Program Coordinator, Board Investigator, Administrative Assistant, Board Inspector
220 Travel	Off-Island Conferences, On-Island Training & Education Conferences
230 Contractual	Prosecuting Attorney Contract, Copier Lease,
233 Office Space	Building Office Lease for HPLO Annual Rent \$81,600.00
240 Supplies	General Office Supplies, postage and handling supplies
250 Equipment	Video Camera, Voice Recorder, Laptop
271 Drug Testing	Recruitment Drug Testing for 7 Personnel
290 Miscellaneous	Board Meeting Stipends

GBAHE Budget for FY 2022	Program Coordinator I	Board Investigator	Administrative Assistant	Board Inspector
111 Salaries	\$ 336,407.00	\$ 33,911.00	\$ 37,100.00	\$ 31,076.00
113 Benefits	\$ 94,597.00	\$ 12,000.00	\$ 8,000.00	\$ 8,000.00
220 Travel	\$ 15,000.00	\$ 45,911.00	\$ 45,100.00	\$ 39,076.00
230 Contractual	\$ 37,796.11			
233 Office Space	\$ 9,500.00	Board Investigator III	Board Inspector	
240 Supplies	\$ 888.88	\$ 68,697.00	\$ 91,423.00	\$ 37,100.00
250 Equipment	\$ 7,497.13	\$ 20,638.00	\$ 29,959.00	\$ 8,000.00
271 Drug Testing	\$ 280.00	\$ 89,335.00	\$ 121,382.00	\$ 45,100.00
290 Miscellaneous	\$ 11,250.00			
Total Budget	\$ 513,216.12	111 Salary	\$ 336,407.00	
		113 Benefits	\$ 94,597.00	
			\$ 431,004.00	

Guam Board of Allied Health Examiners as of 09.25.2022

Estimated Projected Income based on Current/Proposed Fee:

Preliminary Cost Impact Assessment without Physician Assistant and Podiatrists (B)

2022 CURRENTLY LICENSED - 9/25/2022	Current Number of Licensees	Current Initial License Fee	Current Initial License Fee Total	Current Renewal License Fee	Current Renewal License Fee Total	Current Number of Licensees	Proposed Initial License Fee	Proposed Initial License Fee total	Proposed Renewal License Fee	Proposed Renewal License Fee total
Current Initial/Renewal Fee Schedule:		\$ 125.00	\$125.00 x number of licensees	\$ 80.00	\$80.00 x number of licensees					
Proposed Initial/Renewal Fee Schedule:							Fees listed below per profession	Proposed Initial license fee x number of licensees	Fees listed below per profession	Proposed Renewal license fee x number of licensees
Acupuncture/Oriental Medicine	8	\$ 125.00	\$ 1,000.00	\$ 80.00	\$ 640.00	8	\$ 350.00	\$ 2,800.00	\$ 200.00	\$ 1,600.00
Audiology	4	\$ 125.00	\$ 500.00	\$ 80.00	\$ 320.00	4	\$ 250.00	\$ 1,000.00	\$ 200.00	\$ 800.00
Chiropractic	15	\$ 125.00	\$ 1,875.00	\$ 80.00	\$ 1,200.00	15	\$ 350.00	\$ 5,250.00	\$ 250.00	\$ 3,750.00
Clinical Psychology	18	\$ 125.00	\$ 2,250.00	\$ 80.00	\$ 1,440.00	18	\$ 350.00	\$ 6,300.00	\$ 250.00	\$ 4,500.00
Licensed Professional Counselor	69	\$ 125.00	\$ 8,625.00	\$ 80.00	\$ 5,520.00	69	\$ 250.00	\$ 17,250.00	\$ 200.00	\$ 13,800.00
Licensed Professional Counselor Intern	0	\$ 125.00	\$ -	\$ 80.00	\$ -	0	\$ 200.00	\$ -	\$ 150.00	\$ -
Licensed Marriage Family Therapist	29	\$ 125.00	\$ 3,625.00	\$ 80.00	\$ 2,320.00	29	\$ 300.00	\$ 8,700.00	\$ 250.00	\$ 7,250.00
Licensed Mental Health Counselor	24	\$ 125.00	\$ 3,000.00	\$ 80.00	\$ 1,920.00	24	\$ 300.00	\$ 7,200.00	\$ 250.00	\$ 6,000.00
Licensed Mental Health Counselor Intern	0	\$ 125.00	\$ -	\$ 80.00	\$ -	0	\$ 200.00	\$ -	\$ 150.00	\$ -
Dietitian	30	\$ 125.00	\$ 3,750.00	\$ 80.00	\$ 2,400.00	30	\$ 200.00	\$ 6,000.00	\$ 100.00	\$ 3,000.00
Nutritionist	2	\$ 125.00	\$ 250.00	\$ 80.00	\$ 160.00	2	\$ 300.00	\$ 600.00	\$ 250.00	\$ 500.00
Nursing Home Administrator	2	\$ 125.00	\$ 250.00	\$ 80.00	\$ 160.00	2	\$ 250.00	\$ 500.00	\$ 200.00	\$ 400.00
Occupational Therapy	35	\$ 125.00	\$ 4,375.00	\$ 80.00	\$ 2,800.00	35	\$ 250.00	\$ 8,750.00	\$ 200.00	\$ 7,000.00
Occupational Therapy Intern	0	\$ 125.00	\$ -	\$ 80.00	\$ -	0	\$ 200.00	\$ -	\$ 100.00	\$ -
Physical Therapy	55	\$ 125.00	\$ 6,875.00	\$ 80.00	\$ 4,400.00	55	\$ 300.00	\$ 16,500.00	\$ 250.00	\$ 13,750.00
Physical Therapy Assistant	7	\$ 125.00	\$ 875.00	\$ 80.00	\$ 560.00	7	\$ 200.00	\$ 1,400.00	\$ 100.00	\$ 700.00
Registered Respiratory Therapy	25	\$ 125.00	\$ 3,125.00	\$ 80.00	\$ 2,000.00	25	\$ 250.00	\$ 6,250.00	\$ 200.00	\$ 5,000.00
Certified Respiratory Therapy	8	\$ 125.00	\$ 1,000.00	\$ 80.00	\$ 640.00	8	\$ 200.00	\$ 1,600.00	\$ 100.00	\$ 800.00
Speech & Language Pathologist	50	\$ 125.00	\$ 6,250.00	\$ 80.00	\$ 4,000.00	50	\$ 300.00	\$ 15,000.00	\$ 250.00	\$ 12,500.00
Speech & Language Pathology Assistant	10	\$ 125.00	\$ 1,250.00	\$ 80.00	\$ 800.00	10	\$ 200.00	\$ 2,000.00	\$ 150.00	\$ 1,500.00
Veterinary Medicine	19	\$ 125.00	\$ 2,375.00	\$ 80.00	\$ 1,520.00	19	\$ 350.00	\$ 6,650.00	\$ 250.00	\$ 4,750.00
Euthanasia Technician (annual)	0	\$ -	\$ -	\$ -	\$ -	0	\$ 150.00	\$ -	\$ 100.00	\$ -
Prescriptive Authority	25	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	0	\$ 100.00	\$ -	\$ 100.00	\$ -
	435	\$ 2,675.00	\$ 51,300.00	\$ 1,730.00	\$ 32,850.00	410	\$ 5,800.00	\$113,750.00	\$4,250.00	\$87,600.00

Object Class:	Breakdown on Expenditures:
111 Salary	For Program Coordinator, Board Investigator, Administrative Assistant, Board Inspector
113 Benefits	For Program Coordinator, Board Investigator, Administrative Assistant, Board Inspector
220 Travel	Off-Island Conferences, On-Island Training & Education Conferences
230 Contractual	Prosecuting Attorney Contract, Copier Lease,
233 Office Space	Building Office Lease for HPLO Annual Rent \$81,600.00
240 Supplies	General Office Supplies, postage and handling supplies
250 Equipment	Video Camera, Voice Recorder, Laptop
271 Drug Testing	Recruitment Drug Testing for 7 Personnel
290 Miscellaneous	Board Meeting Stipends

GBAHE Budget for FY 2022		Program		Administrative		
		Coordinator I	Board Investigator	Assistant	Board Inspector	
111 Salaries	\$ 336,407.00	\$ 33,911.00	\$ 37,100.00	\$ 31,076.00	\$ 37,100.00	
113 Benefits	\$ 94,597.00	\$ 12,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	
220 Travel	\$ 15,000.00	\$ 45,911.00	\$ 45,100.00	\$ 39,076.00	\$ 45,100.00	
230 Contractual	\$ 37,796.11					
		Board		Board Inspector		
233 Office Space	\$ 9,500.00	Investigator II	Investigator III			
240 Supplies	\$ 888.88	\$ 68,697.00	\$ 91,423.00	\$ 37,100.00		
250 Equipment	\$ 7,497.13	\$ 20,638.00	\$ 29,959.00	\$ 8,000.00		
271 Drug Testing	\$ 280.00	\$ 89,335.00	\$ 121,382.00	\$ 45,100.00		
290 Miscellaneous	\$ 11,250.00					
Total Budget	\$ 513,216.12	111 Salary	\$ 336,407.00			
		113 Benefits	\$ 94,597.00			
			\$ 431,004.00			

Attachment B