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FISCAL NOTE

Drafting Number: LLS 20-0513
Prime Sponsors: Rep. Mullica

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Bill Status: House Health & Insurance
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Bill Topic: SUNSET CONTINUE CERTIFICATION OF NURSE AIDES

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

Sunset bill. HB 20-1183 continues the regulation of nurse aides by the Department of Regulatory Agencies, which is scheduled to repeal on July 1, 2021. State fiscal impacts include both decreased revenue and expenditures from changes to the program under the bill, as well as the continuation of the program's current revenue and expenditures. The program is continued through September 1, 2027.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under HB 20-1183*

Table with 3 columns: Category, FY 2020-21, FY 2021-22. Rows include New Impacts (Revenue, Expenditures, TABOR Refund) and Continuing Program Impacts (Revenue, Expenditures, TABOR Refund).

* Table 1 shows the new impacts resulting from changes to the program under the bill and the continuing impacts from extending the program beyond its current repeal date. The continuing program impacts will end if the bill is not passed and the program is allowed to repeal.

Summary of Legislation

This bill extends the regulation of nurse aides until September 1, 2027, and makes the following changes:

- relocates provisions related to certified nurse aides to the Nurse Practice Act;
- modifies the grounds for discipline related to excessive use of alcohol and drugs;
- changes the waiting period for recertification after a certificate is revoked to two years;
- repeals the requirement that the State Board of Nurses send notifications of action taken by certified mail;
- clarifies that the regulation of certified nurse aides does not apply to a person directly employed by a medical facility for the first four months, if the employment is part of an approved training program and the certification is not through endorsement.

Continuing Program Impacts

Based on the department's FY 2018-19 budget, the Department of Regulatory Agencies (DORA) is expected to have revenue and expenditures of about \$1.3 million to administer the nurse aides program. If this bill is enacted, current revenue and expenditures will continue for the program starting in FY 2021-22. This continuing revenue is subject to the state TABOR limits. If this bill is not enacted, the program will end on July 1, 2021, following a wind-down period, and state revenue and expenditures will decrease starting in FY 2021-22 by the amounts shown in Table 1. The changes to the program that drive additional revenue and costs are discussed in the State Revenue and State Expenditure sections below. The fiscal note does not identify any change to TABOR refunds because the revenue is already accounted for in the LCS revenue forecast.

State Revenue

This bill will result in some revenue to the Professions and Occupations Cash Fund being received in FY 2021-22 instead of FY 2020-21 due to increasing the waiting time before applying for recertification. The fiscal note assumes that any shift in revenue across fiscal years will be minimal.

State Expenditures

Starting in FY 2020-21, expenditures in the State Board of Nursing in DORA will decrease by a minimal amount to longer send notifications of actions by certified mail. According to the sunset report, in FY 2017-18 there were 129 cases of disciplinary actions. Any decrease in costs from this change will be minimal.

Effective Date

The bill takes effect July 1, 2020.

State and Local Government Contacts

Corrections
Information Technology

Human Services
Regulatory Agencies