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FISCAL NOTE

Drafting Number: LLS 20-0512
Prime Sponsors: Rep. Mullica

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Bill Status: House Health & Insurance
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Bill Topic: SUNSET CONTINUE NURSE PRACTICE ACT

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

Sunset bill. HB 20-1216 continues the State Board of Nursing in the Department of Regulatory Agencies, which is scheduled to repeal on July 1, 2021. State fiscal impacts include minimal increases in state revenue and workload 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 appropriations is required.

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

Table 1
State Fiscal Impacts Under HB 20-1216*

Table with 3 columns: Category, Fund, and Fiscal Year (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 repeal date of the State Board of Nursing within the Department of Regulatory Agencies (DORA), which regulates nurses, until September 1, 2027, and makes the following changes:

- allows nurses to enter into confidential agreement with the Board to limit their practice;
- modifies the grounds for discipline related to alcohol and drug use, diverting controlled substances, failing to report certain actions to the Board, failing to act within the limitations created by a physical or mental illness, failing to comply to limitations agreed to under a confidential agreement, and engaging in a sexual act with a patient during the course of care or within six months of care;
- requires malpractice insurance companies to send information to the Board related to any malpractice claims against a licensed nurse;
- eliminates the requirement for an articulated plan for advance practice registered nurses who have completed the provisional prescriptive authority period;
- allows, instead of require, the Board to conduct random audits of articulated plans;
- changes and updates references to Advanced Practice Nurse and A.P.N. to Advanced Practice Registered Nurse or A.P.R.N.;
- removes the age requirement to apply for a volunteer nursing license;
- removes the requirement that the director of DORA consult with the Board when appointing an executive administrator and that one member of the Board serve on a panel to interview candidates for the position; and
- makes other technical changes and removes obsolete references.

Continuing Program Impacts

Based on the department's FY 2018-19 budget, DORA is expected to have revenue and expenditures of \$4.6 million to administer the Nurse Practice Act. 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 refund because the revenue is already accounted for in the LCS revenue forecast.

State Revenue

Starting in FY 2020-21, revenue to the Professions and Occupations Cash Fund will increase to the extent that removing the age requirement results in more voluntary nurse applications. The fiscal note assumes that any increase in revenue will be minimal. This revenue is subject to TABOR.

State Expenditures

Starting in FY 2020-21, this bill will affect workload in the State Board of Nursing in DORA in the following ways. First, the bill will increase workload to the extent there are more discipline hearings due to the changes in the bill and to conduct rulemaking and update materials. Workload will also increase in order to enter into confidential agreements, and decrease to the extent the Board conducts fewer audits and a board member does not have to serve on an interview panel. These changes in workload are expected to be minimal and therefore, no change in appropriation is required.

Effective Date

The bill takes effect July 1, 2020.

State and Local Government Contacts

Corrections
Information Technology

Human Services
Regulatory Agencies