



# SB 21-021

## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Revised Fiscal Note

(replaces fiscal note dated February 16, 2021)

**Drafting Number:** LLS 21-0460 **Date:** April 22, 2021  
**Prime Sponsors:** Sen. Buckner; Hisey **Bill Status:** House Finance  
Rep. Young; Carver **Fiscal Analyst:** Matt Bishop | 303-866-4796  
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**Bill Topic:** **AUDIOLOGY & SPEECH-LANGUAGE INTERSTATE COMPACT**

**Summary of Fiscal Impact:**

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill enters Colorado into the Audiology and Speech-Language Pathology Interstate Compact to allow audiologists and speech-language pathologists to practice in multiple states. The bill increases state revenue and expenditures on an ongoing basis.

**Appropriation Summary:** For FY 2021-22, the bill requires an appropriation of \$151,440 to the Department of Regulatory Agencies and \$140,676 to the Department of Public Safety.

**Fiscal Note Status:** The revised fiscal note reflects the reengrossed bill, as amended by the House Public and Behavioral Health and Human Services Committee.

**Table 1  
State Fiscal Impacts Under SB 21-021**

		<b>Budget Year FY 2021-22</b>	<b>Out Year FY 2022-23</b>
<b>Revenue</b>	Cash Funds	\$169,850	\$425,245
<b>Expenditures</b>	Cash Funds	\$292,115	\$283,180
	Centrally Appropriated	\$46,787	\$46,456
	<b>Total Expenditures</b>	<b>\$338,902</b>	<b>\$329,636</b>
	<b>Total FTE</b>	<b>1.2 FTE</b>	<b>1.6 FTE</b>
<b>Transfers</b>		-	-
<b>TABOR Refund</b>		-	-

## **Summary of Legislation**

The bill enters Colorado into the Audiology and Speech-Language Pathology Interstate Compact, pending its adoption by ten or more states. The compact requires that member states recognize licenses for audiology or speech-language pathology issued by any other member state, including practicing telehealth services, and establishes minimum criteria for such licenses. One such criterion is a background check for audiologists and speech-language pathologists. Credentialed practitioners in a member state can apply for the privilege to practice in another member state. The compact grants member states the authority to charge a fee for such privilege.

The bill grants the Department of Regulatory Agencies (DORA) the authority to promulgate rules to implement the compact, to appoint members to the compact's governing commission, and to report data to the commission, as determined by rule.

## **Background and Assumptions**

The compact took effect in April, 2021 with ten states adopting it and ten additional states considering adoption, including Colorado. The compact estimates that the setup process requires 12 to 14 months to complete and that compact privileges will be available beginning in the summer of 2022. The fiscal note assumes that compact privilege will be available as of July 1, 2022.

The fiscal note further assumes that audiologists and speech-language pathologists will be required to complete fingerprint-based background checks at their first credential renewal: in the fall of 2021 for speech-language pathologists and the spring of 2022 for audiologists.

The fiscal note assumes that 2,000 practitioners from other member states would apply to use compact privileges in Colorado and that this uptake would occur gradually, with 1,500 applicants in FY 2022-23 and 500 in FY 2023-24. Initial fees are estimated based on this assumption, although fees are expected to decrease as more states join the compact, and costs are spread across more practitioners.

## **State Revenue**

The bill increases state cash fund revenue from fees by \$169,850 in FY 2021-22 and \$425,245 in FY 2022-23. This revenue is from fees on audiologists and speech-language pathologists seeking compact privileges in Colorado charged by DORA, and background check fees paid by audiologists and speech-language pathologists licensed in Colorado to the Colorado Bureau of Investigation (CBI) in the Department of Public Safety (DPS). Revenue to state agencies and fee impact to practitioners are described below and summarized in Table 2.

**Fee impact on audiologists and speech-language pathologists.** Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. These fee amounts are estimates only, actual compact privilege fees will be set administratively by DORA based on cash fund balance, estimated program costs, and the estimated number of compact privilege applications subject to the fee. The table below identifies the fee impact of this bill.

**Table 2**  
**Fee Impact on Audiologists and Speech-Language Pathologists**

<b>Fiscal Year</b>	<b>Type of Fee</b>	<b>Proposed Fee</b>	<b>Number Affected</b>	<b>Total Fee Impact</b>
<b>FY 2021-22</b>	Background Check Fee	\$39.50	4,300	\$169,850
	<b>FY 2021-22 Total</b>			<b>\$169,850</b>
<b>FY 2022-23</b>	Background Check Fee	\$39.50	4,100	\$161,950
	Compact Privilege (Initial)	\$175.53	1,500	\$263,295
	<b>FY 2022-23 Total</b>			<b>\$425,245</b>

**Department of Regulatory Agencies.** Cash fund revenue to DORA is estimated at \$263,295 in FY 2022-23. This revenue is deposited into the Division of Professions and Occupations Cash Fund. Revenue is generated from a fee on audiologists and speech-language pathologists in other member state applying to use compact privileges in Colorado. The fiscal note estimates an initial compact privilege fee of \$175.53 and a renewal fee of \$92.41.

**Fingerprint-based background checks — DPS.** This bill increases state cash fund revenue from fingerprint-based criminal history background checks to the CBI Identification Unit Cash Fund in the DPS by \$169,850 in FY 2021-22 and \$161,950 in FY 2022-23. This assumes 4,300 checks will be conducted in FY 2021-22 and 4,100 in FY 2022-23. The current fee for background checks is \$39.50, which includes \$11.25 for a Federal Bureau of Investigation (FBI) fingerprint-based check, which is passed on to that federal agency. The federal portion of this fee is excluded from the state TABOR limit. The background check is required only upon initial licensure and is not required for renewal.

### **State Expenditures**

The bill increases state cash fund expenditures by \$338,902 and 1.2 FTE in FY 2021-22 and \$329,636 and 1.6 FTE in FY 2022-23. These costs, primarily in DORA’s Division of Professions and Occupations, are summarized in Table 3 and discussed below.

**Table 3  
 Expenditures Under SB 21-021**

<b>Cost Components</b>	<b>FY 2021-22</b>	<b>FY 2022-23</b>
<b>Department of Regulatory Agencies</b>		
Personal Services	\$15,425	\$28,835
IT System Interfaces	\$100,000	\$3,000
Legal Services	\$17,014	\$110,275
Commission Membership Dues	\$15,000	\$15,000
Travel	\$4,000	\$2,000
Centrally Appropriated Costs <sup>1</sup>	\$18,783	\$21,724
FTE – Personal Services	0.3 FTE	0.4 FTE
FTE – Legal Services	0.1 FTE	0.5 FTE
<b>DORA Subtotal</b>	<b>\$170,222</b>	<b>\$180,834</b>
<b>Department of Public Safety</b>		
Personal Services	\$43,848	\$39,649
Standard Operating Costs	\$1,080	\$945
Capital Outlay	\$6,200	-
FBI Pass-Through	\$48,375	\$46,125
Background Check Costs	\$41,173	\$37,351
Centrally Appropriated Costs <sup>1</sup>	\$28,004	\$24,732
FTE – Personal Services	0.8 FTE	0.7 FTE
<b>DPS Subtotal</b>	<b>\$168,680</b>	<b>\$148,802</b>
<b>Total Expenditures</b>	<b>\$338,902</b>	<b>\$329,636</b>
<b>Total FTE</b>	<b>1.2 FTE</b>	<b>1.6 FTE</b>

<sup>1</sup> Centrally appropriated costs are not included in the bill's appropriation.

**Department of Regulatory Agencies.** The Division of Professions and Occupations will experience an increase in expenditures of \$170,222 and 0.3 FTE in FY 2021-22 and \$180,834 and 0.4 FTE in FY 2022-23. These expenditures, which will be paid from the Division of Professions and Occupations Cash Fund, are described below.

*Staffing and administration.* DORA will require 0.3 FTE to establish program rules for operation of the compact in Colorado, handle compact privilege to practice requests, respond to inquiries from other states, and communicate with compact officials beginning in FY 2021-22, and an additional 0.1 FTE to investigate complaints related to Colorado and out-of-state audiologists and speech-language pathologists practicing under the compact beginning in FY 2022-23. Staff costs are prorated in FY 2021-22 for an October 1, 2021 start date. DORA staff will have expenses of \$4,000 in FY 2021-22 and \$2,000 in FY 2022-23 for compact-related travel. Other costs include dues paid to the compact commission, which are estimated at \$15,000 per year.

*Information technology systems.* In FY 2021-22, costs of \$80,000 will be incurred for the Office of Information Technology to install data interfaces between the state licensing system and the compact data system. Further costs of \$20,000 will also be incurred in FY 2021-22 to install data interfaces between the state licensing system and the CBI. Ongoing maintenance costs are estimated at \$3,000 per year starting in FY 2022-23.

*Legal services.* In FY 2021-22, the division will require 160 hours of legal services from Department of Law for rulemaking. Beginning in FY 2022-23, about 1,037 hours of legal services will be required to adjudicate cases involving provider misconduct and complaints that could not be resolved within DORA. This is based on 15 additional complaints per year against audiologists and speech-language pathologists practicing under the compact, which will generate 4 formal investigations and 2 cases referred to the Attorney General's Office for further action.

**Department of Public Safety.** This bill increases overall expenditures from the CBI Identification Unit Cash Fund in DPS by \$168,680 and 0.8 FTE in FY 2021-22 and \$148,802 and 0.7 FTE in FY 2022-23.

*Personal services.* In FY 2021-22, DPS will require 0.5 FTE Fingerprint Examiner II and 0.3 FTE Data Specialist to process the 4,300 fingerprint background applications that the fiscal note assumes the bill will generate from audiologists and speech-language pathologists in Colorado. This becomes 0.5 FTE Fingerprint Examiner II and 0.2 FTE Data Specialist in FY 2022-23. A Fingerprint Examiner II can process 8,250 requests per year, and a Data Specialist 16,500. These employees will undertake a one-time training session that costs \$1,000 per person.

*FBI pass-through.* The DPS passes \$11.25 of every application on to the federal government. With approximately 8,400 applications, this equates to \$94,500 for the two-year period.

*Background check costs.* There are the following costs associated with each background check application: \$6.10 dedicated to equipment maintenance; \$1.55 for print digitization; \$0.88 to access the Colorado Crime Information Center for information pertinent to the background check; and \$0.58 printing and postage costs.

**Office of Administrative Courts and trial courts.** Disciplinary actions by DORA under the compact may result in additional cases being heard by administrative law judges in the Office of Administrative Courts in the Department of Personnel and Administration. Some of these cases may be appealed to the trial courts in the Judicial Department for further review. Because the compact is inter-jurisdictional, the fiscal note assumes that most cases will be held in federal courts and that any state workload increase will be minimal and can be accomplished within existing appropriations.

**Centrally appropriated costs.** Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$46,787 in FY 2021-22 and \$46,456 in FY 2022-23.

**TABOR refunds.** The bill increases state revenue subject to TABOR. For FY 2022-23, the March 2021 LCS forecast projects revenue to fall short of the TABOR limit by \$28.6 million, or 0.2 percent of the limit. If actual revenue exceeds the limit, the bill will increase the amount required to be refunded to taxpayers from the General Fund in FY 2023-24.

## **Effective Date**

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## **State Appropriations**

For FY 2021-22, the bill requires a cash funds appropriation of \$151,440 from the Division of Professions and Occupations Cash Fund to the Department of Regulatory Agencies, of which \$100,000 is reappropriated to the Office of Information Technology and \$17,014 is reappropriated to the Department of Law. DORA requires an allocation of 0.3 FTE, and the Department of Law requires 0.1 FTE.

For FY 2021-22, the bill also requires a cash funds appropriation of \$140,676 from the CBI Identification Unit Cash Fund to the Department of Public Safety and 0.8 FTE.

## **State and Local Government Contacts**

Information Technology  
Personnel

Judicial  
Public Safety

Law  
Regulatory Agencies