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Final Fiscal Note

Drafting Number: LLS 24-0566 Date: August 6, 2024
Prime Sponsors: Rep. English; Holtorf Bill Status: Signed into Law
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Bill Topic: SUNSET REGULATION OF RESPIRATORY THERAPY

Summary of Fiscal Impact: [X] State Revenue [ ] State Transfer [ ] Local Government
[X] State Expenditure [ ] TABOR Refund [ ] Statutory Public Entity

Sunset bill. The bill continues the regulation of respiratory therapy, which is scheduled for repeal on September 1, 2024. State fiscal impacts include the continuation of the program's current revenue and expenditures. Changes to the program under the bill have minimal workload impact. The program is continued through September 1, 2035.

Appropriation Summary: No appropriations is required.

Fiscal Note Status: The final fiscal note reflects the enacted bill.

Table 1
State Fiscal Impacts Under HB 24-1253

Table with 3 columns: Category, Budget Year FY 2024-25, and Out Year FY 2025-26. Rows include New Impacts (Revenue, Expenditures), Continuing Impacts (Revenue, Expenditures), Transfers, and Other Budget Impacts (TABOR Refunds).

1 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. Because the bill continues a program with minor changes, the new impacts are minimal and not quantified. The continuing program impacts will end if the bill is not passed and the program is allowed to repeal.

## Summary of Legislation

The bill continues the regulation of respiratory therapists for 11 years from September 1, 2024, to September 1, 2035. The bill also:

- expands the definition of respiratory therapy to make physician assistants subject to the same requirements as physicians; and
- narrows the exemption for uncredentialed polysomnographic technologists to practice under the supervision.

## Background

Respiratory therapy has been regulated in Colorado since 2008. There are currently approximately 5,000 licensed massage therapists in Colorado. The full sunset report and recommendations on the profession can be found [here](#).

## Continuing Program Impacts

Based on the 2022 sunset report, DORA is expected to have revenue of \$155,415 and expenditures of \$79,866 to administer the respiratory therapy program in FY 2025-26, with lower revenue in alternating years that reflects the two-year license renewal schedule. If this bill is enacted, these impacts will continue for the program starting in FY 2025-26. This continuing revenue is subject to the TABOR. If this bill is not enacted, the program will end on September 1, 2024, followed by a wind-down period, and state revenue and expenditures will decrease starting in FY 2025-26 by the amounts shown in Table 1.

## Effective Date

The bill was signed into law by the Governor on May 15, 2024, and takes effect on August 7, 2024, assuming no referendum petition is filed.

## State and Local Government Contacts

Law	Regulatory Agencies
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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).