



**Colorado
Legislative
Council
Staff**

HB17-1165

**REVISED
FISCAL NOTE**

(replaces fiscal note dated March 20, 2017)

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0722
Prime Sponsor(s): Rep. Lebsack
Sen. Aguilar

Date: April 17, 2017
Bill Status: Senate Second Reading
Fiscal Analyst: Clare Pramuk (303-866-2677)

BILL TOPIC: DORA BOARDS DISCIPLINARY ACTION RESOLUTION PROCESS

Fiscal Impact Summary	FY 2016-2017 <i>(current year)</i>	FY 2017-2018	FY 2018-2019
State Revenue		<u>\$6,757</u>	<u>\$13,243</u>
Cash Funds		6,757	13,243
State Expenditures	Workload increase.	<u>\$20,000</u>	Workload increase.
Cash Funds		20,000	
TABOR Impact		\$6,757	\$13,243
Appropriation Required: \$20,000 - Department of Regulatory Agencies (FY 2017-18).			
Future Year Impacts: Ongoing workload increase.			

Summary of Legislation

As amended by the Senate Business, Labor, and Technology Committee, this bill modifies the disciplinary procedures for six health care boards for health care professionals with prescriptive authority (health care prescriber boards) within the Department of Regulatory Agencies (DORA). The prescriber boards affected include the:

- Colorado Podiatry Board;
- Colorado Dental Board;
- Colorado Medical Board;
- State Board of Nursing;
- State Board of Optometry; and
- State Board of Veterinary Medicine.

The bill establishes the following deadlines for the health care prescriber boards unless a board has more protective provisions:

- Within 15 days of receipt of a complaint, the board must provide the complainant with a written notice that includes contact information for the board, a summary of the complaint process and the complainant's rights, including a patient's right to receive a copy of his or her patient records.

- If an investigation was initiated as a result of a complaint and the board took public, formal action, the board must provide the complainant with written notice of the action within 30 days of the action.
- If a complaint is still pending after six months, the board is required to notify the complainant that the complaint is still pending, subject to applicable restrictions in the board's governing law.
- Each prescriber board is required to update its website within 30 days after suspending or revoking a license to separately list each licensee subject to the suspension or revocation.

If relevant to a complaint, the bill requires that licensees provide a prescriber board with patient records within 30 days of a board request for the records. DORA will report on the performance of the changes to the boards' processes and procedures at its 2017 SMART Act hearing.

Finally, the bill requires insurance carriers to update their participating provider lists every 30 days to remove providers whose licenses have been suspended or revoked.

State Revenue

This bill will increase revenue from fees by \$6,757 in FY 2017-18 and \$13,243 in FY 2018-19 to the Division of Professions and Occupations Cash Fund in DORA.

Fee impact on healthcare providers. Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. The \$20,000 cost to implement this bill will be shared by approximately 60,000 licensees in FY 2017-18 and approximately 117,000 licensees in FY 2018-19 with a minimal fee increase per licensee.

TABOR Impact

This bill increases state cash fund revenue from fees, which will increase the amount of money required to be refunded under TABOR for FY 2017-18 and FY 2018-19. TABOR refunds are paid out of the General Fund. Since the bill increases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will decrease by an identical amount.

State Expenditures

This bill will increase expenditures by \$20,000 from the Division of Professions and Occupations Cash Fund in DORA in FY 2017-18. The bill will also increase workload in the division beginning in FY 2016-17.

To add the functionality required to separately list licensees who have had their licenses suspended or revoked to the existing licensing and enforcement system requires the development of a new interface at a cost of \$20,000. This cost includes development, staff testing and implementation of the technology. The Office of Information Technology will provide the technology services.

The division will have an increase in workload to adjust its administrative procedures to comply with the bill, as well as additional preparation for its 2017 SMART Act to report on its progress in complaint handling. This workload increase is minimal and can be accomplished within existing appropriations.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2017-18, the Department of Regulatory Agencies requires an appropriation of \$20,000 from the Division of Professions and Occupations Cash Fund, which should be reappropriated to the Office of Information Technology.

State and Local Government Contacts

Information Technology
Personnel

Law
Regulatory Agencies