



Legislative
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Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 20B-0027	Date: November 30, 2020
Prime Sponsors: Rep. Singer	Bill Status: House Public Health
Sen. Fields; Holbert	Fiscal Analyst: Aaron Carpenter 303-866-4918 Aaron.Carpenter@state.co.us

Bill Topic: RECREATE OCCUPATIONAL THERAPY PRACTICE ACT

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

This bill recreates the Occupational Therapy Practice Act, which repealed on September 1, 2020. Starting in FY 2021-22, this bill will continue current state revenue and expenditures until September 1, 2030.

Appropriation Summary: No appropriation is required; see State Appropriations section.

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

**Table 1
State Fiscal Impacts Under HB 20-1007**

		FY 2020-21 (current year)	FY 2021-22	FY 2022-23
Revenue	Cash Funds*	-	\$133,334	\$160,000
Expenditures	Cash Funds*	-	\$133,334	\$160,000
	FTE	-	0.4 FTE	0.4 FTE
Transfers		-	-	
TABOR Refund		-	-	

*Represents a continuation of current revenue and expenditures.

Summary of Legislation

This bill reenacts the Occupational Therapy Practice Act, which was repealed on September 1, 2021. This bill extends the act until 2030 and amends the act to include additional protective titles; changes requirements related to examinations and applications; adds more prohibited behaviors; and removes obsolete language.

Background

During the 2020 Regular Session, the General Assembly passed and the Governor signed House Bill 20-1230, which extended the repeal date of the Occupational Therapy Practice Act to September 1, 2030. However, due to the petition clause within the bill, the act repealed before the effective date of the bill. In the opinion of the Office of Legislative Legal Services, "while section 1 of HB 1230 would have amended that statutory provision to extend the practice act for an additional ten years, that section of the bill did not take effect before the statutory section...automatically repealed on September 1, 2020." More information can be found here:
http://coga.prod.acquia-sites.com/sites/default/files/html-attachments/ab44e75bbdf1e0758725860e005810a0__hearing_summary/publication_of_HB20-1230.pdf

Assumptions

Based on the Office of Legislative Legal Services opinion, this fiscal note assumes that HB 20-1230 did not extend the Occupational Therapy Practice Act, and that this bill will extend the act. Therefore, the continuation costs to extend the program in the Department of Regulatory Agencies (DORA) will be attributed to this bill, instead of in HB 20-1230.

State Revenue and Expenditures

Consistent with the fiscal note for HB20-1230, the bill continues DORA's current revenue and expenditures of \$133,334 in FY 2021-22, and \$160,000 in future fiscal years to administer the licensing of occupational therapists and their assistants. Costs in FY 2021-22 are prorated for a September 1, 2020, start date. This continuing revenue is subject to the state TABOR limits. If this bill is not enacted, the program will end on September 1, 2021, and state revenue and expenditures will decrease starting in FY 2021-22 by the amounts shown in Table 1. The fiscal note assumes that these continuing costs will be appropriated through the annual budget process.

Effective Date

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

State Appropriations

The General Assembly may appropriate \$133,334 from the Professions and Occupations Cash Fund to the Department of Regulatory Agencies through this bill; however, the fiscal note assumes that these funds will be appropriated in the FY 2021-22 Long Bill and that no appropriation is required. If the General Assembly decides to appropriate funds through this bill, the General Assembly should not include these funds in the FY 2021-22 Long Bill.

State and Local Government Contacts

Information Technology

Personnel

Regulatory Agencies