



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number: LLS 21-0084 **Date:** September 14, 2021
Prime Sponsors: Sen. Fields; Holbert **Bill Status:** Signed into Law
Rep. Ortiz; Larson **Fiscal Analyst:** Matt Bishop | 303-866-4796
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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

The bill recreates the Occupational Therapy Practice Act, which repealed on September 1, 2020. Starting in FY 2021-22, this bill continues 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 enacted bill.

**Table 1
State Fiscal Impacts Under SB 21-003**

		Budget Year FY 2021-22	Out Year 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This bill reenacts the Occupational Therapy Practice Act, which was repealed on September 1, 2021.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 it 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 However, due to the petition clause within the bill, the act repealed before the effective date of the bill.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act for an additional ten years, the section of the bill did not take effect before the statutory section automatically repealed on September 1, 2020.” Programs that repeal following a sunset review continue for one additional year to “wind down.” More information can be found here:

https://leg.colorado.gov/sites/default/files/images/olls/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 HB 20-1230.

State Revenue and Expenditures

Consistent with the fiscal note for HB 20-1230, 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, 2021 start date. This continuing revenue is subject to 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.

In addition, changes to the regulatory program may increase the number of cases heard by the Office of Administrative Courts in the Department of Personnel and Administration. As the number of such cases is expected to be small, this increase in workload is absorbable within existing resources.

Effective Date

This bill was signed into law by the Governor and took effect on January 21, 2021.

State Appropriations

The bill requires an appropriation of \$133,334 from the Professions and Occupations Cash Fund to the Department of Regulatory Agencies; however, the fiscal note assumes that these funds were appropriated in the FY 2021-22 Long Bill rather than in this bill.

State and Local Government Contacts

Information Technology

Personnel

Regulatory Agencies