



Legislative Council Staff
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Final Fiscal Note

Drafting Number:	LLS 21-0372	Date:	July 9, 2021
Prime Sponsors:	Sen. Kolker; Simpson Rep. Jodeh; Soper	Bill Status:	Signed into Law
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Bill Topic: SUNSET SURGICAL ASSISTANTS & SURGICAL TECHNOLOGISTS

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

Sunset Bill. SB 21-092 continues the regulation of surgical assistants and surgical technologists, which is scheduled to repeal on September 1, 2021. State fiscal impacts include both increased workload from changes to the program under the bill, as well as the continuation of the program's current revenue and expenditures. The program is continued through September 1, 2028.

Appropriation Summary: No appropriation is required.

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

Table 1
State Fiscal Impacts Under SB 21-092¹

		Budget Year FY 2021-22	Out Year FY 2022-23
New Impacts			
Revenue		-	-
Expenditures		-	-
TABOR Refund		-	-
Continuing Impacts			
Revenue	Cash Funds	-	\$139,000
Expenditures	Cash Funds	-	\$139,000
	Continuing FTE	-	0.3 FTE
TABOR Refund	General Fund	-	-

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. 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 surgical assistants and surgical technologists in the Department of Regulatory Agencies (DORA) for seven years, until September 1, 2028. The bill also makes the following changes to the regulatory program:

- requires a surgical assistant or surgical technologist facing disciplinary action to wait two years before reapplying;
- permits DORA to issue letters of admonition and confidential letters of concern;
- expands the grounds for discipline; and
- permits DORA to enter into confidential agreements with surgical assistants or surgical technologists to limit practice based on an illness or other health condition that affects the ability to safely practice.

Background

The Division of Professions and Occupations in DORA requires surgical assistants and surgical technologists to register, submit to a background check, and pay a registration fee. Registrations are renewed annually, and there are approximately 700 surgical assistants and 2,400 surgical technologists currently registered.

Continuing Program Impacts

Based on the department's FY 2019-20 budget, the Department of Regulatory Agencies is expected to have revenue and expenditures of \$139,000 and 0.3 FTE to administer the regulation of surgical assistants and surgical technologists. If this bill is enacted, current revenue and expenditures will continue for the program starting in FY 2022-23. This continuing revenue is subject to the state TABOR limits. If this bill is not enacted, the program will end on September 1, 2022, following a wind-down period, and state revenue and expenditures will decrease starting in FY 2022-23 by the amounts shown in Table 1.

State Expenditures

Workload may increase in the Department of Regulatory Agencies and the Department of Law to promulgate rules as required by the bill. This workload is expected to be minimal and can be accomplished within existing appropriations.

Effective Date

The bill was signed into law by the Governor on May 17, 2021 and takes effect September 1, 2021.

State and Local Government Contacts

Information Technology
Public Health and Environment

Judicial
Regulatory Agencies

Law