



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number: LLS 22-1019 **Date:** September 7, 2022
Prime Sponsors: Sen. Zenzinger; Liston **Bill Status:** Signed into Law
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Bill Topic: **AMBULANCE SERVICE SUSTAINABILITY & STATE LICENSING**

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input checked="" type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill creates the Emergency Medical Services System Sustainability Task Force in the Department of Public Health and Environment and requires ambulances to be licensed at the state level beginning July 1, 2024. Starting in FY 2022-23, the bill increases state and local expenditures on an ongoing basis. Starting in FY 2024-25, the bill increases state revenue on an ongoing basis.

Appropriation Summary: For FY 2022-23, the bill requires and includes an appropriation of \$256,504 to multiple agencies.

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

Table 1
State Fiscal Impacts Under SB 22-225

		Budget Year FY 2022-23	Out Year FY 2023-24	Out Year FY 2024-25
Revenue	Cash Funds	-	-	\$172,013
	Total Revenue	-	-	\$172,013
Expenditures	General Fund	\$256,504	\$122,546	\$1,882
	Cash Funds	-	-	\$62,769
	Centrally Appropriated	\$19,153	\$16,479	\$23,423
	Total Expenditures	\$275,657	\$139,025	\$88,074
	Total FTE	1.0 FTE	0.8 FTE	0.5 FTE
Transfers		-	-	-
Other Budget Impacts	GF Reserve	\$38,476	\$18,382	\$282
	TABOR Refund	-	-	<i>not estimated</i>

Summary of Legislation

The bill requires ambulance operators to be licensed by the Department of Public Health and Environment (CDPHE) after July 1, 2024, and creates the Emergency Medical Services (EMS) System Sustainability Task Force to make recommendations regarding the regulatory structure for ambulance services.

Task force. The EMS Sustainability Task Force is created in the CDPHE and consists of 20 members, with criteria outlined in the bill. The two legislative members are entitled to per diem compensation, while non-legislators are entitled to actual and necessary expense reimbursement. The task force is required to convene by September 30, 2022, and meet at least four times per year to make recommendations for statutory, rule, and policy changes required to preserve, promote, and expand consumer access to EMS services. To develop the recommendations, the task force must complete phased work and reporting, as outlined under the bill, to be completed by January 1, 2027, at which time the task force is required to submit a final report summarizing findings and recommendations. The task force is repealed on September 1, 2027.

Board of Health rules. By January 1, 2024, the state Board of Health is required to adopt rules establishing minimum standards for the operation of an ambulance service, as outlined in the bill, including minimum education and experience standards for ambulance service administrators, minimum general liability insurance coverage levels, and fees for ambulance service applications and licenses to cover the CDPHE's costs, and must adopt additional rules concerning ambulance service operation, as specified in the bill.

State licensing of ambulance operators. Beginning July 1, 2024, ambulance service operators are required to obtain a license from the CDPHE. The bill outlines procedures for licensing issuance, renewal, revocation, and suspension, creates a new petty offense for operation of an ambulance service without a state license, and specifies certain civil penalties.

Local oversight of ambulance operators. Counties, and city and counties are required to verify that an ambulance service has a valid state license before granting an ambulance services authorization, except in certain circumstances, and may enact an ordinance or resolution governing the authorization to operate ambulance services, as specified in the bill.

Ambulance Services Cash Fund. The bill creates the Ambulance Services Cash Fund. Any fees collected under the bill and all interest and income derived from the deposit and investment of money in the fund will be transmitted to the State Treasurer and credited to the fund. The money in the fund is subject to annual appropriation by the General Assembly to the CDPHE for direct and indirect costs in implementing and administering the bill. Any unencumbered or unexpended money in the fund at the end of a state fiscal year remains in the fund and is not transferred to the General Fund or any other fund.

Background

Ground ambulances are currently licensed by counties, or city and counties, with operators required to collect and submit patient care data to the CDPHE. There are currently 225 ambulance service operators in the state.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. This section outlines data on crimes comparable to the offense in this bill and discusses assumptions on future rates of criminal conviction for those offense.

Prior conviction data and assumptions. This bill creates the new offense of operating an ambulance without a proper license, a petty offense. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of unauthorized practice of a profession or occupation, a class 2 misdemeanor. From FY 2018-19 to FY 2020-21, zero offenders have been sentenced and convicted for this existing offense; therefore, the fiscal note assumes that there will be minimal or no additional case filings or convictions for the new offense under the bill. Because the bill is not expected to have a tangible impact on criminal justice-related revenue or expenditures at the state or local levels, these potential impacts are not discussed further in this fiscal note. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue

The bill will increase state revenue from licensing and background check fees beginning in FY 2024-25 by an estimated \$163,125 to the Ambulance Services Cash Fund and \$8,888 to the Colorado Bureau of Investigation (CBI) Identification Unit Cash Fund. With the exception of the federal portion of the background check fee, this revenue is subject to TABOR. Anticipated fee revenue is shown in Table 2 and discussed below.

Table 2
Fee Impact on Ambulance Service Operators

Fiscal Year	Type of Fee	Proposed Fee	Number Affected	Total Fee Impact
FY 2024-25	Operator License	\$725.00	225	\$163,125
	Background Check	\$39.50	225	\$8,888
			Total	\$172,013

Fee impact on ambulance service operators. Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. Operator license fee amounts are estimates only, actual fees will be set administratively by the CDPHE based on cash fund balance, estimated program costs, and the estimated number of licensees subject to the fee.

Background check fees. In addition, the bill increases state cash fund revenue from fingerprint-based criminal history background checks to the CBI Identification Unit Cash Fund in the Department of Public Safety by \$8,888 in FY 2023-24. It is assumed that there will be 225 checks conducted in the year that licensing begins, and that checks will be conducted biennially, coinciding with license renewal. To the extent that new ambulance operators seek licensure, background check revenue will increase minimally in future years. The current fee for background checks is \$39.50, which includes \$11.25 for a Federal Bureau of Investigation (FBI) fingerprint based check, which is passed on to that federal agency. The federal portion of this fee is excluded from the state TABOR limit, meaning \$6,356 is subject to TABOR.

State Expenditures

The bill increases state General Fund expenditures in the Department of Public Health and Environment by \$273,696 in FY 2022-23 and \$137,064 in FY 2023-24. Beginning in FY 2024-25, CDPHE costs of at least \$81,532 will be paid from the Ambulance Services Cash Fund. The bill also increases costs in the Legislative Department by about \$2,000 from the General Fund from FY 2022-23 through FY 2026-27, when the task force repeals. Finally, the bill will increase costs in the Department of Public Safety by about \$4,500 in FY 2024-25, paid from the CBI Identification Unit Cash Fund. Workload may minimally increase in the Judicial Department. Expenditures are shown in Table 3 and detailed below.

**Table 3
Expenditures Under SB 22-225**

Cost Components	FY 2022-23	FY 2023-24	FY 2024-25
Department of Public Health and Environment			
Personal Services	\$79,492	\$72,004	\$49,933
Operating Expenses	\$1,350	\$1,080	\$675
Capital Outlay Costs	\$6,200	-	-
Environmental Scan Contractor	\$160,000	\$40,000	-
Travel Costs	\$7,580	\$7,580	\$7,580
Centrally Appropriated Costs ¹	\$19,074	\$16,400	\$23,344
FTE – Personal Services	1.0 FTE	0.8 FTE	0.5 FTE
CDPHE Subtotal	\$273,696	\$137,064	\$81,532
Legislative Department			
Per Diems and Expense Reimbursements	\$1,882	\$1,882	\$1,882
Centrally Appropriated Costs ¹	\$79	\$79	\$79
Legislative Dept. Subtotal	\$1,961	\$1,961	\$1,961
Department of Public Safety			
Background Checks	-	-	\$4,581
DPS Subtotal	-	-	\$4,581
Total	\$275,657	\$139,025	\$88,074
Total FTE	1.0 FTE	0.8 FTE	0.5 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Public Health and Environment. Beginning in FY 2022-23, the CDPHE requires 1.0 FTE to manage the task force process, oversee the contract for an environmental scan and report completion, and coordinate stakeholder processes and rule development. Standard operating and capital outlay costs are included, as well as costs for travel. Because the CDPHE will not be collecting fees until FY 2024-25, the fiscal note assumes that these costs will be paid from the General Fund for the first two fiscal years. Beginning in FY 2024-25, the CDPHE will utilize 0.5 FTE to continue the work

required under the bill. The fiscal note assumes that the overall costs of the licensing program will be determined once further information is obtained from the task force, and these costs will be addressed through the annual budget process in FY 2024-25 as needed.

- **Environmental scan contractor.** The CDPHE will hire a contractor to conduct an environment scan of the current status of EMS in Colorado, including funding for EMS services and agencies, inequity in access to emergency medical services, as well as workforce recruitment and retention. Costs will increase by \$160,000 in FY 2022-23 and \$40,000 in FY 2023-24.

Legislative Department. Beginning in FY 2022-23, it is assumed that two members of the legislature will participate in four meetings of the task force each year.

Fingerprint-based background checks — Department of Public Safety. The bill increases cash fund expenditures for fingerprint-based criminal history background checks by \$4,581 in FY 2024-25 from the CBI Identification Unit Cash Fund in the Department of Public Safety. This covers the costs of conducting additional background checks and includes the pass through costs of the FBI component of the background check. These costs are based on an estimated 225 background checks.

Judicial Department. Workload in the Judicial Department may increase for trial courts to hear cases related to violation of new ambulance service licensing requirements, and to conduct judicial review of civil penalties issued against ambulance service providers by the CDPHE. The fiscal note assumes that increased workloads will be minimal and no change in appropriations is required.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve beginning in FY 2022-23. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, which will decrease the amount of General Fund available for other purposes.

TABOR refunds. The bill is expected to increase the amount of state revenue required to be refunded to taxpayers by the amounts shown in the State Revenue section, beginning in FY 2024-25. However, a forecast of state revenue subject to TABOR is not available beyond FY 2023-24. Because TABOR refunds are paid from the General Fund, increased cash fund revenue will reduce the amount of General Fund available to spend or save.

Local Government

Starting in FY 2024-25, workload will decrease in counties and city and counties related to ambulance licensing. Ongoing workload will include approval of ambulance service provider requests to operate and to ensure those operators are licensed with the state. Costs may increase for local governments that choose to enact additional requirements as allowed by the bill.

Effective Date

This bill was signed into law by the Governor and took effect on June 1, 2022, except that Sections 5 through 14 of the bill, which largely repeal current county regulations of ambulances, take effect on July 1, 2024.

State Appropriations

For FY 2022-23, the bill requires and includes an appropriation of \$256,504 from the General Fund, of which:

- \$254,622 is to the Department of Public Health and Environment, and 1.0 FTE; and
- \$1,882 is to the Legislative Department for use by the Legislative Council Staff.

State and Local Government Contacts

Counties	District Attorneys	Information Technology
Judicial	Law	Legislative Council Staff
Municipalities	Public Health and Environment	Treasury