



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated February 27, 2023)

Drafting Number: LLS 23-0314 Date: April 10, 2023
Prime Sponsors: Sen. Zenzinger, Rep. Willford; Young Bill Status: House Appropriations
Fiscal Analyst: Shukria Maktabi | 303-866-4720, shukria.maktabi@coleg.gov

Bill Topic: SUNSET CONTINUE NURSING HOME ADMINISTRATORS

- Summary of Fiscal Impact: [X] State Revenue, [X] State Expenditure, [ ] State Transfer, [ ] TABOR Refund, [ ] Local Government, [ ] Statutory Public Entity

Sunset Bill. This bill continues the regulation of nursing home administrators in the Department of Regulatory Agencies, which is scheduled to repeal on September 1, 2023. State fiscal impacts under the bill include the continuation of the program's current revenue and expenditures, and new expenditure impacts beginning in FY 2023-24. The program is continued through September 1, 2028.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This revised fiscal note reflects the introduced bill, as amended by the House Public and Behavioral Health and Human Services Committee.

Table 1
State Fiscal Impacts Under SB 23-155^1

Table with 3 columns: Category, Budget Year FY 2023-24, Out Year FY 2024-25. Rows include New Impacts for Revenue, Expenditures, and Other Budget Impacts.

Table with 3 columns: Category, Description, Budget Year FY 2023-24, Out Year FY 2024-25. Rows include Continuing Impacts for Revenue and Expenditures, and Other Budget Impacts for TABOR Refund.

^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 nursing home administrators by the State Board of Examiners of Nursing Home Administrators in the Department of Regulatory Agencies until September 1, 2028. In addition, the bill implements the recommendations in the 2022 Sunset Report, including authorizing the board to discipline a licensee for failing to respond to a complaint and removing the requirement that letters of admonition be sent through certified mail.

The bill also requires nursing home administrators to undergo Colorado Adult Protective Services data system (CAPS) checks and to receive dementia trainings when working at certain facilities.

## **Continuing Program Impacts**

Based on the department's current revenue and expenditures, the Department of Regulatory Agencies (DORA) is expected to have revenue of \$121,493 and expenditures of \$98,945 to administer the regulation of nursing home administrators. If this bill is enacted, current revenue and expenditures will continue for the program starting in FY 2023-24. This continuing revenue is subject to the state TABOR limit. If this bill is not enacted, the program will end on September 1, 2023, followed by a wind-down period, and state revenue and expenditures will decrease starting in FY 2024-25 by the amounts shown in Table 1, above. The changes to the program that drive additional costs are discussed in the State Expenditure section below.

## **State Expenditures**

The bill increases state workload for the departments of Public Health and Environment, Regulatory Agencies, and Human Services in FY 2023-24.

**Department of Public Health and Environment.** Workload will increase to add rules regarding the dementia training requirements for nursing home administrators to their health facility regulations. This includes preparing, facilitating, and providing subject matter expertise for stakeholder meetings. As the department has previously conducted a stakeholder process for dementia training requirements, the fiscal note assumes the workload to add a new profession to those requirements will be minimal and can be accomplished within existing appropriations.

**Department of Regulatory Agencies.** Beginning in FY 2023-24, workload will increase for DORA to update program rules, conduct outreach, and handle any additional disciplinary cases. This work will be minimal and can be accomplished within existing appropriations.

**Department of Human Services.** In FY 2023-24 only, workload will increase for the CAPS Check Unit to perform CAPS checks for nursing home administrators; however, as many nursing home administrators already undergo CAPS checks, this workload will be 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 and Local Government Contacts**

Human Services

Information Technology

Law

Public Health and Environment

Regulatory Agencies