

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING OUT-OF-STATE HEALTH-CARE WORKERS PROVIDING HEALTH-CARE SERVICES THROUGH TELEHEALTH TO PATIENTS LOCATED IN COLORADO.

Prime Sponsors: Sens. Van Winkle and Michaelson Jenet JBC Analyst: Kelly Shen
 Phone: 303-866-5434
 Date Prepared: April 30, 2024

Appropriation Items of Note

Appropriation Required, Amendments in Packet

TABOR Impact

Fiscal Impact of Bill as Amended to Date

The most recent Legislative Council Staff Revised Fiscal Note (attached) reflects the fiscal impact of the bill as of 02/29/24.

XXX	No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
	Update: Fiscal impact has changed due to <i>new information or technical issues</i>
	Update: Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	Non-Concurrence: JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
J.001	Staff-prepared appropriation amendment
L.006	Bill Sponsor amendment - changes fiscal impact <i>and</i> appropriation

Current Appropriations Clause in Bill

The bill requires but does not contain an appropriation clause.

Description of Amendments in This Packet

J.001 Staff has prepared amendment **J.001** (attached) to add a provision appropriating \$177,718 cash funds from the Division of Professions and Occupations Cash Fund to the Department of Regulatory Agencies for FY 2024-25. Of this amount, \$16,643 is further appropriated to the Department of Law. This provision also states that the appropriation is based on the

assumption that the Department of Regulatory Agencies will require an additional 2.3 FTE and the Department of Law will require an additional 0.1 FTE.

L.006 Bill Sponsor amendment **L.006** (attached) strikes everything below the enacting clause. The amendment includes changes that delay the date when out-of-state telehealth providers may begin providing services to patients in Colorado; prohibit those providers from prescribing a controlled substance; specify services that must be provided in emergency situations; and require a jurisprudence examination if one is required in the state in which the provider is licensed. Legislative Council Staff and JBC Staff agree that the amendment eliminates the required appropriation for FY 2024-25 and reduces costs and revenue in future years.

The Committee may adopt either **J.001** or **L.006**, but **not** both.

Points to Consider

TABOR Impact

The March 2024 Office of State Planning and Budgeting (OSPB) revenue forecast projects a TABOR surplus liability of \$1.3 billion for FY 2024-25 and \$1.8 billion for FY 2025-26 to be refunded to taxpayers out of the General Fund. Legislation that increases non-exempt revenue (such as cash funds) will increase the TABOR refund from the General Fund.

This bill is estimated to increase cash fund revenues by \$229,144 in FY 2024-25 and FY 2025-26, which will reduce the available General Fund in each fiscal year by an equal amount. This bill increases the TABOR refund made out of the General Fund by \$229,144 for FY 2024-25, reducing the \$63.1 million General Fund set aside for FY 2024-25 by the same amount.

If **L.006** is adopted, the TABOR impact is eliminated for FY 2024-25. In FY 2025-26, the bill is projected to increase cash revenues by \$151,235, reducing the available General Fund by an equal amount.