



**Colorado  
Legislative  
Council  
Staff**

**SB16-159**

**FINAL  
FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0909 **Date:** June 6, 2016  
**Prime Sponsor(s):** Sen. Martinez Humenik **Bill Status:** Postponed Indefinitely  
 Rep. Primavera **Fiscal Analyst:** Anna Gerstle (303-866-4375)

**BILL TOPIC:** MUSIC THERAPIST TITLE PROTECTION

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
<b>State Revenue</b>		
General Fund	Potential revenue increase.	
<b>State Expenditures</b>	Workload increase.	
<b>TABOR Impact</b>	Potential revenue increase.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing workload increase.		

**NOTE: This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.**

**Summary of Legislation**

The bill establishes title protection for music therapists by making the use of the title "certified music therapist" or "music therapist" a deceptive trade practice if the person does not maintain proper credentials. Specifically, a music therapist must hold a certification from the Certification Board for Music Therapists or be registered by and in good standing with the National Music Therapy Registry in order to use the protected titles.

**Background**

There are several levels of regulation within Colorado, of which title protection is the lowest level. Title protection prohibits those who do not meet certain requirements from using the relevant titles, and does not require a practitioner to notify the state that they are engaging in the relevant practice. There are currently 154 board-certified music therapists in Colorado.

**State Revenue**

To the extent that music therapists do not follow the requirements of the bill and the Attorney General pursues actions related to a deceptive trade practice, fine revenue to the General Fund may increase beginning in FY 2016-17. Initial fines for violations are up to \$2,000 per

violation, up to a maximum \$500,000 for a related series of violations. Additional fines may be levied for violations of a court order or injunction related to the deceptive trade practice. The fiscal note assumes a high level of compliance and any fine revenue is expected to be minimal.

## **TABOR Impact**

This bill may increase state revenue from fines, which will increase the amount required to be refunded under TABOR. TABOR refunds are paid from the General Fund.

## **State Expenditures**

The bill increases workload in the Department of Law, the Judicial Department, and the Department of Regulatory Agencies. The specific impacts are detailed below.

***Department of Law.*** The Department of Law may have an increase in complaints about deceptive trade practices by persons claiming to be music therapists. The department will assess, investigate, and prosecute valid complaints related to deceptive trade practices. The workload increase is expected to be minimal and does not require a change in appropriations.

***Judicial Department.*** The bill creates a new cause of action for deceptive trade practices by persons practicing music therapy and thus, a potential increase in the number of court cases. The fiscal note assumes that most members of the profession will comply with state laws and the increase in civil cases will be minimal. The department does not require a change in appropriations.

***Department of Regulatory Agencies.*** The bill increases the workload for the Department of Regulatory Agencies to accommodate additional complaints regarding mental health practitioners who practice music therapy. The six professional boards related to mental health will conduct education and outreach to their licensees about the title protection created by the bill. The increase in workload is expected to be minimal and does not require a change in appropriations.

## **Local Government Impact**

Similar to the impact to the Department of Law discussed above, district attorneys may be required to receive and investigate complaints concerning the deceptive trade practice created by this bill. The bill may also increase civil cases in municipal courts by a minimal amount. It is assumed this work will be done within existing resources.

## **Effective Date**

The bill was postponed indefinitely by the Senate Business, Labor, and Technology Committee on March 30, 2016.

## State and Local Government Contacts

Judicial Criminal      Law      Information Technology      Regulatory Agencies