



**Colorado
Legislative
Council
Staff**

SB16-161

**REVISED
FISCAL NOTE**

(replaces fiscal note dated March 28, 2016)

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

Drafting Number: LLS 16-0224
Prime Sponsor(s): Sen. Crowder
Rep. Primavera

Date: April 18, 2016
Bill Status: Senate Finance
Fiscal Analyst: Erin Reynolds (303-866-4146)

BILL TOPIC: REGULATE ATHLETIC TRAINERS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue	up to \$59,700	up to \$10,000
Cash Funds	up to 59,700	up to 10,000
State Expenditures	\$28,802	\$28,861
Cash Funds	25,134	25,134
Centrally Appropriated Costs	3,668	3,727
TABOR Impact		up to \$10,000
FTE Position Change	0.4 FTE	0.4 FTE
Appropriation Required: \$25,134 – Department of Regulatory Agencies (FY 2016-17).		
Future Year Impacts: Ongoing state revenue and expenditure increases.		

**Fee revenue exceeds state expenditures in FY 2016-17 due to anticipated biennial registration renewal schedule.*

Note: The fiscal note has been revised to reflect updated information regarding legal services costs.

Summary of Legislation

The bill, **recommended by the Colorado Commission on Uniform State Laws**, requires athletic trainers to be registered with the Division of Professions and Occupations (DPO) in the Department of Regulatory Agencies (DORA), and reinstates the Athletic Trainer Practice Act as it existed prior to its 2015 repeal, by:

- specifying educational background, certifications, and examination requirements;
- providing DORA with the ability to set fees and schedule renewals of registrations;
- establishing the grounds for disciplinary proceedings and authorizing the DPO director to take disciplinary actions; and
- establishing a class 2 misdemeanor for conviction of the offense of practicing without an active registration, and a class 1 misdemeanor for a subsequent offense.

In addition, the bill makes some changes to the act, including recodification, terminology modifications, and the following substantive changes:

- adding title protection for the abbreviation A.T.C. (athletic trainer certified) to limit its use to registered athletic trainers;
- requiring evidence of current national certification at registration and, if required by the DPO director, at renewal; and
- adding as grounds for discipline the failure of an athletic trainer to practice pursuant to the direction of a Colorado-licensed or otherwise lawfully practicing health care professional and the failure to practice in a manner that meets generally accepted standards of athletic training practice.

The bill repeals September 1, 2026, following a sunset review.

Background

Athletic trainers. Athletic trainers provide health care to athletes who are physically active as part of various organizations and activities. Common services include educating athletes about avoiding injuries, providing emergency care during sporting events, and applying devices such as tape and braces for joint stability.

Legislative history of athletic trainer regulation. Senate Bill 09-026 created a registration program for athletic trainers in DORA. The program was not renewed July 1, 2015, following a sunset review. State agencies are appropriated funds to wind up the affairs of an expiring program for 12 months following the repeal date. While the program is still in existence through June 30, 2016, no new registrations or renewals occurred in FY 2015-16.

Colorado Commission on Uniform State Laws. The Colorado Commission on Uniform State Laws is charged with working with the national Uniform Law Commission (ULC) to promote uniformity in state laws where uniformity may be deemed desirable and practicable. This is achieved by developing proposed uniform legislation through the ULC that can be adopted by the various state legislatures. Colorado's commissioners are required to be attorneys admitted to practice law in Colorado. Members include six attorneys appointed or reappointed by joint resolution of the General Assembly; any Colorado citizen who is elected as a life member of the ULC (after twenty years of membership); and the Director of the Office of Legislative Legal Services, or the Director's designee. The Office of Legislative Legal Services provides assistance to the legislative members of the Colorado Commission in their efforts to enact legislation regarding uniform acts.

Comparable Crime

Pursuant to Section 2-2-322 (2.5), C.R.S., 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 changes an element of the existing crime that creates a new factual basis for the offense. Under current law, unregistered athletic trainer practice is a class 2 misdemeanor for the first offense, and a class 1 misdemeanor for a second or any subsequent offense. In the past three years, there have been no convictions under the Athletic Trainer Practice Act.

State Revenue

The bill will increase state revenue from fees and fines by up to **\$59,700 in FY 2016-17 and up to \$10,000 in FY 2017-18** in DORA and the Judicial Department. These revenue increases are discussed below.

Fee impact on athletic trainers. By reinstating the regulation of athletic trainers in DORA, the bill will increase fee revenue to the DPO Cash Fund by an estimated \$54,700 in FY 2016-17 and \$5,000 in FY 2017-18. State law requires legislative service agency review of measures which create or increase any fee collected by a state agency. Fee amounts are based on fees formerly assessed for the registration program, which is currently set to repeal on June 30, 2016. Accordingly, no new registrations or renewals occurred in FY 2015-16. As of June 30, 2015, there were 710 registered athletic trainers in Colorado, with 500 of those registrants scheduled to renew in FY 2015-16, according to the program's two-year renewal cycle. The fiscal note assumes the entire existing population will be treated as renewals in FY 2016-17. In FY 2017-18, approximately 50 new registrations are expected. The fee amounts displayed in Table 1 are estimates only; actual fee calculations are set administratively by the DORA based on the cash fund balance, estimated program costs, and the estimated number of registrations.

Table 1. Fee Impact on Athletic Trainers Under SB16-161			
Type of Fee	Proposed Fee	Number Affected	Total Fee Impact
FY 2016-17			
New registrations	\$100	50	\$5,000
Registration renewals	\$70	710	\$49,700
FY 2016-17 TOTAL		760	\$54,700
FY 2017-18			
New registrations	\$100	50	\$5,000
Registration renewals	\$70	0	
FY 2017-18 TOTAL		50	\$5,000

Judicial Department. State revenue from fines collected by the Judicial Department is also anticipated to increase by up to \$5,000 per year, credited to the Fines Collection Cash Fund. The penalty for a class 2 misdemeanor is a fine penalty of \$250 to \$1,000, 3 to 12 months in jail, or both. The penalty for a class 1 misdemeanor is a fine penalty of \$500 to \$5,000, 6 to 18 months in jail, or both. Because the courts have the discretion of incarceration, imposing a fine, or both, the precise impact to state revenue cannot be determined. However, based on no violations of unregistered athletic trainers in three previous years, the fiscal note assumes up to \$5,000 in fine revenue. Probation revenue from misdemeanor convictions may also increase by \$50 per month per person sentenced to probation under the bill.

TABOR Impact

This bill increases state revenue from fees and fines, which will increase the amount of money required to be refunded under TABOR beginning in FY 2017-18. TABOR refunds are paid out of the General Fund. A TABOR refund is not projected for FY 2016-17.

State Expenditures

The bill increases cash fund expenditures in DORA by **\$28,802 in FY 2016-17 and \$28,861 in FY 2017-18**, paid from the DPO Cash Fund, as shown in Table 2 and discussed below.

Table 2. Expenditures Under SB16-161		
Cost Components	FY 2015-16	FY 2016-17
Personal Services	\$14,778	\$14,778
FTE	0.3 FTE	0.3 FTE
Operating Expenses	285	285
Legal Services	10,071	10,071
FTE	0.1 FTE	0.1 FTE
Centrally Appropriated Costs*	3,668	3,727
TOTAL	\$28,802	\$28,861

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

Personal and legal services — DORA. DORA requires 0.3 FTE to reinstate the program, review applications, manage registration and renewal data, and provide outreach. Standard operating expenses cover telephones and supplies. Legal services are calculated at 106 hours at a rate of \$95.01 and require an additional allocation of 0.1 FTE. These costs are based on actual program spending and assume adjudication of one complaint every two years.

Judicial Department. The bill may impact the trial court in the following ways. The reinstatement of two misdemeanor offenses may increase criminal filings. Probation services in the Judicial Department may also experience a minimal increase in workload to supervise convicted offenders. Based on no violations of unregistered athletic trainers in three previous years, workload increases are expected to be minimal and will not require additional appropriations.

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. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 3.

Table 3. Centrally Appropriated Costs Under SB16-161		
Cost Components	FY 2016-17	FY 2017-18
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$2,403	\$2,403
Supplemental Employee Retirement Payments	1,265	1,324
TOTAL	\$3,668	\$3,727

Local Government Impact

This bill will affect local governments in several ways, as discussed below.

Misdemeanor offenses in county courts. The bill may increase workload for district attorneys to prosecute any new offenses. To the extent that this bill increases misdemeanor convictions and offenders are sentenced to jail, costs will increase. Because the courts have the discretion of incarceration or imposing a fine, the precise impact at the local level cannot be determined. The cost to house an offender in county jails varies from about \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$52.74 to house state inmates. It is assumed that the impact on county courts will be minimal.

Denver County Court. The bill results in a minimal increase in workload and revenue for the Denver County Court, managed and funded by the City and County of Denver. The court will try misdemeanor cases where a person violates the Athletic Trainer Practice Act. Probation services in the Denver County Courts may also experience a minimal increase in workload and revenue to supervise convicted persons.

Effective Date

The bill takes effect July 1, 2016.

State Appropriations

For FY 2016-17, the Department of Regulatory Agencies requires an appropriation of \$25,134 from the Division of Professions and Occupations Cash Fund and an allocation of 0.3 FTE. Of this, the Department of Law requires \$18,052 in reappropriated funds and an additional allocation of 0.1 FTE.

State and Local Government Contacts

Judicial
Information Technology

Law
Regulatory Agencies