



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

**FINAL
FISCAL NOTE**

Drafting Number:	LLS 18-0882	Date:	May 14, 2018
Prime Sponsors:	Rep. Melton Sen. Smallwood	Bill Status:	Postponed Indefinitely
		Fiscal Analyst:	Clare Pramuk 303-866-2677 Clare.Pramuk@state.co.us

Bill Topic: MENTAL HLTH PROFL DISMISSED COMPLAINT CORA ACCESS

Summary of Fiscal Impact:

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

This bill creates an exception to Colorado Open Records Law to allow a mental health professional who is a respondent to a dismissed complaint to access the Division of Professions and Occupations or regulatory board's complaint file. It increases state revenue and expenditures on an ongoing basis.

Appropriation Summary: The bill requires an appropriation of \$13,204 for the Department of Regulatory Agencies.

Fiscal Note Status: The fiscal note reflects the reengrossed bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

**Table 1
State Fiscal Impacts under HB 18-1180**

		FY 2018-19	FY 2019-20
Revenue	Cash Funds	\$6,875	\$6,875
	Total	\$6,875	\$6,875
Expenditures	Cash Funds	\$13,204	\$14,403
	Centrally Appropriated	\$1,205	\$1,316
	Total	\$14,409	\$15,719
	Total FTE	0.3 FTE	0.3 FTE
Transfers		-	-

Summary of Legislation

This bill creates an exception to Colorado Open Records Act (CORA) to allow a mental health professional who is a respondent to a dismissed complaint to access the Division of Professions and Occupations or regulatory board's complaint file. The names of the respondent's clients or other recipients of service contained in the file must be redacted. The boards subject to the bill include:

- State Board of Psychologist Examiners;
- State Board of Social Work Examiners;
- State Board of Licensed Professional Counselor Examiners;
- State Board of Marriage and Family Therapist Examiners;
- State Board of Registered Psychotherapists; and
- State Board of Addiction Counselor Examiners.

Background

Under current law, the Division of Professions and Occupations and regulatory boards in the Department of Regulatory Agencies (DORA) provide the healthcare professional with a copy of the complaint except in certain circumstances. The file on a dismissed complaint is not subject to CORA. DORA receives an average of 745 complaints per year about mental health professionals, of which 549 are dismissed. DORA charges \$25 per hour after the first hour, to respond to CORA requests.

Assumptions

The fiscal note assumes that mental health professionals will submit a CORA request for 50 percent of the 549 dismissed complaints and that each file will require 2 hours of staff time to prepare a response including redaction.

State Revenue

Based on the assumptions above, beginning in FY 2018-19, this bill will increase revenue by \$6,875 per year from CORA request processing fees to the Division of Professions and Occupations Cash Fund.

TABOR Refund

The bill increases state revenue subject to TABOR by \$6,875 in FY 2018-19 and FY 2019-20. State revenue is not currently expected to exceed the TABOR limit in either year and no refund is required. However, refunds in future years when the state next collects a TABOR surplus will be increased.

State Expenditures

This bill will increase expenditures by \$14,409 and 0.3 FTE in FY 2018-19 and \$15,719 and 0.3 FTE in FY 2019-20 from the Division of Professions and Occupations Cash Fund. Expenditures are for the division and regulatory board staff to copy, redact, and send out complaint files. Staff will also conduct education and outreach to licensees on the law change. These expenditures are shown in Table 2 below.

Table 2
Expenditures Under HB 18-1180

Cost Components	FY 2018-19	FY 2019-20
Department of Regulatory Agencies		
Personal Services	\$13,204	\$14,403
Centrally Appropriated Costs*	\$1,205	\$1,316
FTE – Personal Services	0.3 FTE	0.3 FTE
Total	\$14,409	\$15,719
Total FTE	0.3 FTE	0.3 FTE

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

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, supplemental employee retirement payments, and leased space, are estimated to be \$1,205 in FY 2018-19 and \$1,316 in FY 2019-20.

State Appropriations

The bill requires an appropriation of \$13,204 from the Division of Professions and Occupations Cash Fund for FY 2018-19 and an allocation of 0.3 FTE.

Effective Date

The bill was postponed indefinitely by the Senate Health and Human Services Committee on March 21, 2018.

State and Local Government Contacts

Information Technology Law Regulatory Agencies