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Fiscal Note

Drafting Number: LLS 24-0029 Date: February 22, 2024
Prime Sponsors: Rep. Amabile Bill Status: House Health & Human Services
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Bill Topic: SHARING OF PATIENT HEALTH-CARE INFORMATION

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

The bill requires the Behavioral Health Administration to create a universal behavioral health consent form and friends and family input form and to convene a workgroup to study a centralized consent repository. The bill increases state expenditures on an ongoing basis.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$230,739 to the Behavioral Health Administration in the Department of Human Services.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under HB 24-1217

Table with 4 columns: Category, Budget Year FY 2024-25, and Out Year FY 2025-26. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total Expenditures, Total FTE), Transfers, and Other Budget Impacts (General Fund Reserve).

Summary of Legislation

The bill requires the Behavioral Health Administration (BHA) to create a universal behavioral health consent form and friends and family input form to allow patients to authorize treatment for up to two years and to allow a patient’s family and friends to supply relevant information. The bill requires the BHA to solicit feedback from stakeholder and legal experts. The family input form must be available by July 1, 2025. No date is specified for the universal behavioral health consent form.

The bill also convenes a workgroup in the Governor’s Office to study a centralized consent repository and produce a report by January 1, 2026. Members must include various stakeholders and department representatives.

State Expenditures

The bill increases state expenditures in the BHA by \$247,000 in FY 2024-25 and \$170,000 annually thereafter, paid from the General Fund. Expenditures are shown in Table 2 and detailed below. Additionally, the bill increases workload for the Governor’s Office and other agencies.

Table 2
Expenditures Under HB 24-1217

	FY 2024-25	FY 2025-26
Behavioral Health Administration		
Personal Services	\$69,294	\$76,994
Operating Expenses	\$1,152	\$1,280
Capital Outlay Costs	\$6,670	-
Legal Services	\$147,223	\$73,611
Translation Services	\$6,400	-
Centrally Appropriated Costs ¹	\$16,677	\$18,530
FTE – Personal Services	0.9 FTE	1.0 FTE
FTE – Legal Services	0.6 FTE	0.3 FTE
Total Cost	\$247,416	\$170,415
Total FTE	1.5 FTE	1.3 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Behavioral Health Administration. The BHA requires staff, legal services, and translation services to create and operate a universal behavioral health consent form and friends and family input form. Based on the BHA’s experience with other inter-organization forms, this work is expected to be ongoing to update forms as needed and facilitate their use. These costs are detailed below.

- **Staff.** The BHA requires 1.0 FTE to conduct the stakeholder engagement process, create and update the forms, and provide guidance to providers on how to collect and use forms. Staff support for this process is necessary given that it is a new area of concern involving a large number of stakeholders. Costs are prorated to an August 2024 start date.
- **Legal services.** The BHA requires 1,150 hours of legal services in FY 2024-25 and half those hours in future years to ensure that the family input process aligns with federal regulation concerning health information and help answer organization questions about the form. Legal services are provided by the Department of Law at a rate of \$128.02 per hour.
- **Translation services.** The BHA will translate each of the two forms into 4 languages. This work is done through a contract for \$0.16 per word. It is assumed that each form will be 5,000 words. Costs to update the translations will be negotiated and the BHA will request additional funds as needed through the annual budget process.

Governor's Office. Workload will increase in the Governor's office to study a centralized consent repository and produce a report by January 1, 2026. Since the bill does not allow for member compensation and assuming that there will be fewer than 10 members, this work can be accomplished within existing resources.

Other agencies. Workload will increase in other agencies including the Department of Corrections, the Department of Health Care Policy and Financing, and the Department of Public Health and Environment to participate in the stakeholder engagement process and adapt procedures to accept the forms. This work can be accomplished within existing resources.

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 and supplemental employee retirement payments, are shown in Table 2.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2024-25, the bill requires a General Fund appropriation of \$230,739 to the Behavioral Health Administration and 0.9 FTE. Of this amount, \$147,223 is reappropriated to Department of Law with an additional 0.6 FTE.

State and Local Government Contacts

Behavioral Health Administration
Health Care Policy and Financing
Judicial
Public Health and Environment

Corrections
Governor
Law

District Attorneys
Human Services
Regulatory Agencies

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).