



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 18-1155

FINAL FISCAL NOTE

Drafting Number: LLS 18-0461 Date: September 17, 2018
Prime Sponsors: Rep. Singer; Liston Sen. Martinez Humenik Bill Status: Signed into Law
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Bill Topic: SUNSET CONTINUE PHYSICAL THERAPY BOARD FUNCTIONS

- Summary of Fiscal Impact: State Revenue (continuation), State Expenditure (continuation, new), State Transfer, TABOR Refund, Local Government, Statutory Public Entity

Sunset bill. HB 18-1155 continues the regulation of physical therapists and physical therapist assistants by the Physical Therapy Board in the Department of Regulatory Agencies, which is scheduled to repeal on September 1, 2018. State fiscal impacts under the bill include the continuation of the program's current revenue and expenditures, as well as a minimal workload impact from changes in the bill. The program is continued through September 1, 2024.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the enacted bill.

Table 1 State Fiscal Impacts Under HB 18-1155\*

Table with 3 columns: Category, FY 2018-19, FY 2019-20. Rows include New Impacts (Revenue, Expenditures), Continuing Program Impacts (Revenue, Expenditures), and TABOR Refund.

\* Table 1 shows the new impacts resulting from changes to the program under the bill, and the continuing impacts from extending the program beyond its current repeal date. The continuing program impacts will end if the bill is not passed and the program is allowed to repeal. New impacts under the bill are minimal.

## Summary of Legislation

This sunset bill continues the licensing of physical therapists and the certification of physical therapist assistants through September 1, 2024. The bill also makes the following changes to the regulation of physical therapy:

- clarifies that physical therapists can make physical therapy diagnoses within their scope of practice;
- allows physical therapists to practice noninvasive wound debridement and, if certain conditions are met, dry needling;
- adds one physical therapy assistant to the seven-member Physical Therapy Board in place of one physical therapist;
- modifies prohibited practices to clarify that physical therapists must provide adequate supervision to physical therapy assistants and that adverse actions in other states must be reported to the board;
- requires physical therapy assistants to maintain continued competency to practice; and
- removes the requirement that physical therapists operating in Colorado under the Interstate Physical Therapy Licensure Compact Act submit detailed background information pursuant to the Michael Skolnik Medical Transparency Act.

## Continuing Program Impacts

Based on its FY 2018-19 budget request, the Department of Regulatory Agencies (DORA) is expected to have expenditures of \$347,000 and 1.1 FTE and average annual revenue of \$347,000 across the two-year license renewal cycle to regulate physical therapists and physical therapy assistants. If this bill is enacted, current revenue and expenditures will continue for the program starting in FY 2019-20. If this bill is not enacted, the program will end on September 1, 2019, following a wind-down period, and state revenue and expenditures will decrease starting in FY 2019-20 by the amounts shown in Table 1. The expenditures in Table 1 are prorated to reflect the September 1, 2019, repeal date. The changes to the program that drive additional workload impacts are discussed in the State Expenditure section.

## TABOR Refund

This bill continues state cash fund revenue from fees, which will increase the amount of money required to be refunded under TABOR in FY 2019-20. Since the bill increases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will decrease by an identical amount. State revenue subject to TABOR is not estimated for years beyond FY 2019-20.

## State Expenditures

In addition to continuing the program, the bill will minimally increase net workload for DORA from several changes in the bill starting in FY 2018-19. First, staff in the Division of Professions and Occupations will need to update rules and conduct outreach with physical therapists concerning the clarifications to the physical therapy scope of practice and supervision responsibilities. Workload may also decrease by a small amount from eliminating the requirement

that out-of-state physical therapists submit information under the Michael Skolnik Medical Transparency Act. The overall change in workload is assumed to be minimal and no adjustment in appropriations is required.

## **Effective Date**

The bill was signed into law by the Governor on May 29, 2018, and took effect September 1, 2018.

## **State and Local Government Contacts**

Information Technology

Law

Regulatory Agencies