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FISCAL NOTE

Drafting Number: LLS 19-0351
Prime Sponsors: Sen. Court, Rep. Sirota

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Bill Status: Senate SVMA
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Bill Topic: SUNSET LICENSE REGULATE PSYCHIATRIC TECHNICIANS

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

Sunset bill. This bill continues the regulation of psychiatric technicians by the State Board of Nursing in the Department of Regulatory Agencies, which is scheduled to repeal on July 1, 2019. State fiscal impacts under the bill include only the continuation of the program's current revenue and expenditures. The program is continued through September 1, 2034.

Appropriation Summary: No appropriation is required.

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

Table 1
State Fiscal Impacts Under SB-154*

Table with 3 columns: Category, FY 2019-20, FY 2020-21. Rows include New Impacts* (Revenue, Expenditures, TABOR Refund) and Continuing Program Impacts* (Revenue, Expenditures, 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. Because the bill continues a program without making any changes, there are no new impacts. The continuing program impacts will end if the bill is not passed and the program is allowed to repeal.

Summary of Legislation

The bill continues the regulation of psychiatric technicians by the State Board of Nursing (board) in the Department of Regulatory Agencies (DORA) to September 1, 2034, and implements the recommendations of the DORA sunset review. The recommendations include:

- changing references from "accredited" psychiatric technician education programs to "approved" programs;
- modifying grounds for discipline for alcohol or substance abuse;
- modifying the regulation of individuals with a condition that may render them unable to safely practice to allow them to practice so long as they do so within the terms of a confidential agreement with the board;
- removing the terms "willfully" and "negligently" as conditions for various grounds for discipline; and
- eliminating a requirement that the board send letters of admonition by certified mail.

Background

Licensed psychiatric technicians (LPTs) provide care to patients with mental or emotional conditions or developmental disabilities, and generally work under physicians or other health care practitioners. The primary employer of LPTs is the Colorado Department of Human Services at its Pueblo Institute and three regional centers for people with intellectual and developmental disabilities.

The State Board of Nursing in the Division of Professions and Occupations in DORA has the authority to regulate LPTs. In FY 2016-17, the board licensed 871 LPTs. Licensees are charged fees of \$65 for initial licensure and \$20 for renewal.

Continuing Program Impacts

The Department of Regulatory Agencies is expected to collect revenue of \$22,755 in FY 2020-21 and future odd numbered years when license renewals are due, and \$3,480 in future even numbered years. DORA is expected to continue spending \$13,118 annually to license and regulate psychiatric technicians. If this bill is enacted, current revenue and expenditures will continue for the program starting in FY 2020-21. This continuing revenue is subject to the state TABOR limits. If this bill is not enacted, the program will end on July 1, 2020, following a wind-down period, and state revenue and expenditures will decrease starting in FY 2020-21 by the amounts shown in Table 1.

State Expenditures

The bill will increase workload for the board and the Division of Professions and Occupations in DORA to conduct outreach, education, and potentially rulemaking. In addition, workload will increase to enter into confidential agreements to limit the practice of some licensees. This work can be carried out within existing appropriations.

Effective Date

The bill takes effect July 1, 2019, except that sections 11-20 take effect only if House Bill 19-1172 becomes law, in which case sections 11-20 take effect on October 1, 2019.

State and Local Government Contacts

Information Technology Law Regulatory Agencies