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FISCAL NOTE

Drafting Number: LLS 20-0511 Date: February 12, 2020
Prime Sponsors: Rep. Singer; Larson Bill Status: House Public Health Care
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Bill Topic: SUNSET OCCUPATIONAL THERAPY PRACTICE ACT

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

Sunset bill. HB 20-1230 continues the the licensing of occupational therapists and assistants in the Department of Regulatory Agencies, which is scheduled to repeal on September 1, 2020. State fiscal impacts include the continuation of the program's current revenue and expenditures, as well as an increased workload from changes to the program under the bill. The program is continued through September 1, 2030.

Appropriation Summary: No appropriation is required.

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

Table 1 State Fiscal Impacts Under HB 20-1230\*

Table with 3 columns: Category, Fund Type, FY 2020-21, FY 2021-22. Rows include New Impacts (Revenue, Expenditures, TABOR Refund) and Continuing Program Impacts (Revenue, Expenditures, FTE, 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.

## Summary of Legislation

This bill continues the licensing of occupational therapists and assistants until September 1, 2030, and makes the following changes:

- adds occupational therapy consultant and occupational therapy assistant to the list of titles a person can use if they are licensed in the state and allows occupational therapy assistants to use the abbreviation O.T.A. or C.O.T.A.;
- clarifies that the law does not restrict the activities of a person fulfilling an occupational therapy doctoral capstone experience under appropriate supervision;
- adds failing to make essential or falsifying entries on a patent record, committing abuse of health insurance, and committing a fraudulent insurance act to the grounds of discipline;
- adds additional definitions concerning the scope of practice for occupational therapists; and
- reorganizes sections of statute and makes other technical changes.

## Continuing Program Impacts

Based on the department's FY 2018-19 expenses, the Department of Regulatory Agencies (DORA) is expected to have revenue and expenditures of \$160,000 to administer the licensing of occupational therapists and their assistants. If this bill is enacted, current revenue and expenditures will continue for the program starting in FY 2021-22. This continuing revenue is subject to the state TABOR limits. If this bill is not enacted, the program will end on September 1, 2021, following a wind-down period, and state revenue and expenditures will decrease starting in FY 2021-22 by the amounts shown in Table 1. The changes to the program that drive additional revenue and costs are discussed in the State Expenditure sections below. The fiscal note does not identify any change to TABOR refund because the revenue is already accounted for in the LCS revenue forecast.

## State Expenditures

Starting in FY 2020-21, this bill will increase workload within the Division of Professions and Occupations in DORA to update materials, conduct outreach, and to promulgate any rules. In addition, to the extent there are more disciplinary hearings, workload will also increase in the division. The fiscal note that any increases in workload will be minimal and can be accomplished within existing appropriations.

## Effective Date

The bill takes effect August 5, 2020, if the General Assembly adjourns on May 6, 2020, as scheduled, and no referendum petition is filed.

**State and Local Government Contacts**

Information Technology

Regulatory Agencies