



Legislative Council Staff

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FISCAL NOTE

Drafting Number: LLS 20-0198
Prime Sponsors: Sen. Crowder

Date: February 3, 2020
Bill Status: Senate SVMA
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Bill Topic: COMPETENCY EVALUATIONS BY ADVANCED PRACTICE NURSES

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

This bill allows advanced practice nurses to act as competency evaluators in criminal cases. Starting in FY 2020-21, the bill may increase state and local government expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

This bill allows an advanced practice nurse who specializes in psychiatric mental health and who meets the criteria established by the Board of Nursing to be a competency evaluator to determine if a defendant charged with a crime is competent to stand trial.

State Expenditures

Starting in FY 2020-21, state expenditures in the Department of Human Services (DHS) and the Judicial Department may increase on an ongoing basis, as described below. In addition, workload to the Department of Regulatory Agencies (DORA) will increase on an ongoing basis.

Department of Human Services. To the extent that the DHS decides to hire and use advanced practice nurses to perform competency evaluations, expenditures in the DHS will increase to provide training to nurses. Expenditures will also increase to supervise advanced practice nurses who conduct forensic evaluations. These costs may be offset to the extent that nurses are used in lieu of psychologists. The fiscal note assumes that the DHS will continue with their existing hiring practices and that it will use psychologist to conduct competency evaluations; therefore, no change in appropriation is required. Should the DHS decide to hire advanced practice nurses to conduct competency evaluations, these costs will be addressed through the annual budget process.

Judicial Department. Workload in the trial courts may be affected in several ways. First, adding more professionals to the pool of competency evaluators available in cases where competency is at issue may result in efficiencies and lower trial court expenditures and workload. Conversely, if evaluations by advanced practice nurses increase the number of second evaluations requested, expenditures and workload in the trial courts will increase. Costs to the independent judicial offices that represent indigent parties will be affected in the same way as trial courts. Given the assumption that the DHS will continue to use psychologist in most cases, the fiscal note assumes that any changes to appropriations resulting from the bill will be addressed through the annual budget process.

Department of Regulatory Agencies. Starting in FY 2020-21, workload for the State Board of Nursing in DORA will increase to establish competency evaluator criteria through rule and to conduct outreach. The bill may also minimally increase the number of complaints heard in front of the board. The fiscal note assumes that this workload can be accomplished within existing appropriations.

Local Government

Similar to the state Judicial Department, district attorney costs and workload may be affected in several ways. If adding more professionals to the pool of competency evaluators results in more expedient cases, expenditures and workload will decrease. Conversely, if nurse competency evaluations increase the number of second evaluations, expenditures and workload for district attorneys will increase. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

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

Human Services
Personnel

Information Technology
Regulatory Agencies

Judicial
Sheriffs