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# Fiscal Note

<b>Drafting Number:</b>	LLS 24-0671	<b>Date:</b>	February 22, 2024
<b>Prime Sponsors:</b>	Rep. Hamrick; Garcia Sen. Michaelson Jenet; Gonzales	<b>Bill Status:</b>	House Health & Human Services
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**Bill Topic:** PREVENT WORKPLACE VIOLENCE IN HEALTH-CARE SETTINGS

<b>Summary of Fiscal Impact:</b>	<input type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Local Government
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill requires certain health facilities to establish a workplace violence prevention committees and prevention plans for their employees. The bill increases state expenditures beginning in FY 2024-25.

**Appropriation Summary:** For FY 2024-25, the bill requires an appropriation of \$451,895 to multiple state agencies.

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

**Table 1**  
**State Fiscal Impacts Under HB 24-1066**

		<b>Budget Year FY 2024-25</b>	<b>Out Year FY 2025-26</b>
<b>Revenue</b>		-	-
<b>Expenditures</b>	General Fund	\$451,895	\$539,835
	Centrally Appropriated	\$100,464	\$151,440
	<b>Total Expenditures</b>	<b>\$552,359</b>	<b>\$691,276</b>
	<b>Total FTE</b>	<b>5.8 FTE</b>	<b>9.0 FTE</b>
<b>Transfers</b>		-	-
<b>Other Budget Impacts</b>	General Fund Reserve	\$67,784	\$80,975

## Summary of Legislation

The bill enacts the “Violence Prevention in Health-care Settings Act” and the “Violence Prevention in Behavioral Health Settings Act.” These acts protect health care staff in hospitals, emergency departments, nursing care facilities, assisted living residences, federally qualified health centers (FQHCs), and comprehensive community behavioral health centers.

Each facility must establish a workplace violence prevention committee that documents and reviews violent incidents, develops and implements prevention plans for their employees, offers immediate post-incident services, and submits biannual incident reports to the Department of Public Health and Environment (CDPHE) or the Behavioral Health Administration (BHA). These departments must post reports received on their websites.

The bill specifies the required components of facility workplace violence prevention committees and plans, prohibits facilities from discouraging staff reporting incidents to law enforcement, and protects persons who choose to either report a workplace violence incident, advise a staff member of the right to report, or choose not to report an incident.

## State Expenditures

The bill increases state General Fund expenditures in the CDPHE and the Department of Human Services (CDHS) by \$550,000 in FY 2024-25 and by \$700,000 in FY 2025-26 and ongoing. The bill also increases workload for the BHA and the Department of Corrections (DOC), and may increase costs in the Department of Health Care Policy and Financing (HCPF). The Department of Personnel and Administration (DPA) may also be impacted. Expenditures are shown in Table 2 and detailed below.

**Table 2**  
**Expenditures Under HB 24-1066**

	<b>FY 2024-25</b>	<b>FY 2025-26</b>
<b>Department of Public Health and Environment</b>		
Personal Services	\$74,092	\$168,486
Operating Expenses	\$2,048	\$5,120
Capital Outlay Costs	\$26,680	-
Centrally Appropriated Costs <sup>1</sup>	\$25,395	\$61,916
FTE – Personal Services	1.6 FTE	4.0 FTE
<b>CDPHE Subtotal</b>	<b>\$128,214</b>	<b>\$235,522</b>

**Table 2  
Expenditures Under HB 24-1066 (Cont.)**

	FY 2024-25	FY 2025-26
<b>Department of Human Services</b>		
Personal Services	\$293,988	\$351,648
Operating Expenses	\$5,376	\$6,400
Capital Outlay Costs	\$33,350	-
Trainer Certifications	\$16,362	\$8,181
Centrally Appropriated Costs <sup>1</sup>	\$75,069	\$89,524
FTE – Personal Services	4.2 FTE	5.0 FTE
<b>CDHS Subtotal</b>	<b>\$424,145</b>	<b>\$455,753</b>
<b>Total</b>	<b>\$552,359</b>	<b>\$691,276</b>
<b>Total FTE</b>	<b>5.8 FTE</b>	<b>9.0 FTE</b>

<sup>1</sup> Centrally appropriated costs are not included in the bill's appropriation.

**Department of Public Health and Environment.** The department requires 4.0 FTE to establish processes and manage incident data provided by facilities.

- **Staff.** CDPHE requires administrative assistant staff to receive and review reports from approximately 980 facilities twice per year. The fiscal note assumes staff can review, redact, and post two reports per day. Administrative costs are prorated for a March 2025 start date when internal systems are expected to be established and first reports are received by facilities. CDPHE also requires 0.2 FTE to establish and manage the IT system for receiving data and posting data online beginning in October 2024. Additionally, in the first year, CDPHE requires 0.1 FTE from July 2024 to October 2024 to establish workplace violence reporting requirements and processes, including holding four stakeholder meetings at an average of 50 hours per meeting. Standard operating and capital outlay costs are included.

**Department of Human Services.** The CDHS requires staff and certification costs to implement the workplace violence prevention measures at two state-run hospitals. Based on information provided by the Risk Management Division in DPA, these CDHS facilities have a higher rate of workplace violence.

- **Staff.** The Colorado Mental Health Hospital in Fort Logan and the Colorado Mental Health Hospital in Pueblo require 5.0 FTE between the two hospitals. This includes 2.0 FTE training staff who will train approximately 1,900 employees on the new policies; 2.0 FTE program assistant staff to assist in handling reporting of incidents and associated data entry; and 1.0 FTE to manage the staff and administer the prevention committee and associated plan.

Staff costs are prorated for a September 1, 2024, start date and include standard operating and capital outlay costs.

- **Certification of trainers.** The two facilities will have initial costs of \$16,362, and ongoing costs of \$8,181 for the two trainers to receive training certification.

**Behavioral Health Administration.** The BHA will have increased workload to receive biannual reports from behavioral health facilities, and post the de-identified data online. As the BHA already receives a high-level of reporting from behavioral health facilities, this workload is expected to be minimal and can be accomplished within existing appropriations.

**Department of Corrections.** The department will have increased workload to implement the workplace violence prevention measures. This workload is expected to be minimal for the department and can be accomplished within existing appropriations.

**Department of Health Care Policy and Financing.** Assuming administrative costs increase for providers at FQHCs and Community Mental Health Centers, the department may be required to pay increased facility rates. These costs are indeterminate and will be addressed through the annual budget process.

**Department of Personnel and Administration.** This analysis assumes the bill's increased transparency of and training on workplace violation incidents will decrease the state's overall liability in these cases. Because the bill does not specify what post-incident services are required to be provided to state employees, the fiscal note also assumes that the Colorado State Employees Assistance Program will not be required to provide these services. No change in appropriations is required.

**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 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## State Appropriations

For FY 2024-25, the bill requires total appropriations of \$451,895 from the General Fund, of which:

- \$102,820 is appropriated to the Department of Public Health and Environment, and 1.6 FTE;
- \$349,076 is appropriated to the Department of Human Services, and 4.2 FTE; and

## **Departmental Differences**

**Department of Public Health and Environment.** The CDPHE assumes it requires 9.4 FTE to manage incident data provided by facilities, based on the assumption that each report requires 10 hours to review, redact, and post twice per year. The fiscal note assumes that two reports can be processed per day, at 4 hours per report, which can be accomplished with 3.8 FTE.

**Department of Human Services.** The CDHS assumes it requires an additional 4.5 FTE to implement the bill above what is included in this analysis. This includes 3.0 FTE training staff, based on an assumption that training will require five days per staff member, the maximum ratio of learners to instructors is 10:1, and that one staff person will design the curricula and manage the training team. The fiscal note assumes that two full-time trainers and their supervisor can manage this workload. The DHS also assumes it requires 1.0 FTE administrative assistant to assist the violence prevention program and 0.5 FTE project manager to facilitate quality assurance and incident reporting. The fiscal note assumes this workload can be accomplished by 2.0 FTE program assistants and existing staff.

**Department of Personnel and Administration.** The DPA estimates that it will have \$2.5 million in additional costs per year for employee support services and increased liability. Specifically, the DPA estimates that it requires about \$200,000 and 2.0 FTE to provide mental health services through the Colorado State Employee Assistance Program (CSEAP). The fiscal note does not include this staffing because CSEAP services are already available to state employees who request them and the bill does not specifically list the program as a required source of post-incident services.

The DPA estimates increased risk management costs of \$2.3 million, based on the assumption that by mandating policies and standards for preventing workplace violence, state hospitals would create a standard of care against which claimants could claim negligence, and that, further, publicized safety plans and reports will highlight state hospitals' safety incidents and potentially invite civil claims. The DPA requests \$270,000 General Fund to cover liability claims and \$2.1 million to cover workers' compensation claims in FY 2024-25. In future fiscal years, these costs would be addressed through the Risk Management Division's actuarial analysis that informs the annual budget process, and borne by affected state agencies. The fiscal note does not include these DPA estimates because, as stated above, it assumes that increased prevention strategies and supports for employees will lower overall liability risk for the state associated with violence in state-run health facilities. Also, the bill does not directly change any relevant cause of action or standards associated with negligence or workers' compensation claims.

## **State and Local Government Contacts**

Behavioral Health Administration	Corrections	Counties
Early Childhood	Higher Education	Human Services
Labor	Public Health and Environment	Regulatory Agencies

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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](#).