



Legislative Council Staff

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Fiscal Note

Drafting Number:	LLS 24-0723	Date:	March 18, 2024
Prime Sponsors:	Sen. Ginal; Smallwood	Bill Status:	Senate Health & Human Services
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Bill Topic: **TRAINING FOR ENTRY-LEVEL HEALTH-CARE WORKERS**

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

The bill requires direct-care workers at assisted living residences to complete certain testing and trainings. It increases state expenditures and may increase state revenue on an ongoing basis beginning in FY 2024-25.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$30,152 to the Department of Public Health and Environment.

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

Table 1
State Fiscal Impacts Under SB 24-167

		Budget Year	Out Year	Out Year
		FY 2024-25	FY 2025-26	FY 2026-27
Revenue		-	-	-
Expenditures	General Fund	\$30,152	\$69,232	\$169,507
	Centrally Appropriated	\$5,625	\$14,994	\$37,462
	Total Expenditures	\$35,777	\$84,226	\$206,969
	Total FTE	0.3 FTE	0.8 FTE	2.0 FTE
Transfers		-	-	-
Other Budget Impacts	General Fund Reserve	\$4,523	\$10,385	\$25,426

Summary of Legislation

The bill allows the Department of Public Health and Environment (CDPHE) to develop rules that would require direct-care workers providing care at assisted living residences to take a tuberculosis test and undergo fit testing for a respiratory mask. The bill also requires assisted living residence operators to require direct-care workers to complete certain trainings related to providing direct care. The bill outlines what the trainings must include, at minimum, and requires the training entity to provide a certificate of completion to the direct-care worker. The testing and trainings must be provided by an entity that is approved by the CDPHE.

Background

There are approximately 700 assisted living residences in the state with approximately 25,500 beds.

State Revenue

To the extent that assisted living residences are assessed fines or penalties for noncompliance, funds in the Assisted Living Residence Improvement Fund will increase. This fee revenue is subject to TABOR.

State Expenditures

The bill increases state expenditures in the CDPHE by \$36,000 in FY 2024-25, \$84,000 in FY 2025-26, and \$207,000 in FY 2026-27, paid from the General Fund. Although the CDPHE receives fees for licensing assisted living residences, the Assistance Living Residence Cash Fund does not have sufficient funds to cover the provisions in the bill and the potential for fee increases is limited. Expenditures are shown in Table 2 and detailed below.

Table 2
Expenditures Under SB 24-167

	FY 2024-25	FY 2025-26	FY 2026-27
Dept. of Public Health and Environment			
Personal Services	\$23,098	\$61,538	\$153,607
Operating Expenses	\$384	\$1,024	\$2,560
Capital Outlay Costs	\$6,670	\$6,670	\$13,340
Centrally Appropriated Costs ¹	\$5,625	\$14,994	\$37,462
Total	\$35,777	\$84,226	\$206,969
Total FTE	0.3 FTE	0.8 FTE	2.0 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Department of Public Health and Environment. The CDPHE requires staff for rulemaking and evaluating training and testing entities, with 0.3 FTE required in FY 2024-25, 0.8 FTE required in FY 2025-26, and 2.0 FTE required in FY 2026-27.

- **Rulemaking.** From FY 2024-25 to FY 2025-26, the CDPHE requires 0.5 FTE to develop regulations on the testing and training requirements for assisted living residences. This includes preparing, facilitating, and providing subject matter expertise for stakeholder meetings and board hearings. The fiscal note assumes the rulemaking process will occur from January 1, 2025, through June 30, 2026, and will include stakeholder meetings and board hearings. Costs are based on prior rulemaking within the department. Staff costs are prorated based on the duration of the rulemaking process.
- **Evaluations.** In FY 2025-26, CDPHE requires 0.3 FTE to develop the criteria for evaluating training and testing entities. In FY 2026-27 and FY 2027-28, once the evaluation criteria and facility regulations are established, CDPHE requires 2.0 FTE to assess and approve the entities that will provide training and testing for the 700 assisted living facilities in the state. In following years, only 0.5 FTE will be required for continued evaluations.

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.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

Effective Date

The bill takes effect January 1, 2025, assuming no referendum petition is filed.

State Appropriations

For FY 2024-25, the bill requires a General Fund appropriation of \$30,152 to the Department of Public Health and Environment, and 0.3 FTE.

State and Local Government Contacts

Counties

Human Services

Public Health and Environment

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](#).