

Colorado Legislative Council Staff Fiscal Note
**STATE and LOCAL
 FISCAL IMPACT**

Drafting Number: LLS 09-0437

Date: January 15, 2009

Prime Sponsor(s): Sen. Williams

Bill Status: Senate Business, Labor, and Technology

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TITLE: CONCERNING THE REGULATION OF ATHLETIC TRAINERS.

Fiscal Impact Summary	FY 2009-2010	FY 2010-2011
State Revenue		
Cash Funds		
Division of Registrations Cash Fund*	\$179,900	\$135,350
Fines Collection Cash Fund	< \$5,000	< \$5,000
State Expenditures		
Cash Funds		
Division of Registrations Cash Fund	\$137,696	\$93,996
FTE Position Change	1.4 FTE	1.4 FTE
Effective Date: The bill is effective July 1, 2009, and applies to the registration of athletic trainers on or after January 1, 2010.		
Appropriation Summary for FY 2009-2010: See State Appropriations section.		
Local Government Impact: See Local Government Impact section.		

* *Fee revenue exceeds state expenditures in order to pay for costs noted in the Expenditures Not Included section of this fiscal note.*

Summary of Legislation

Athletic trainers typically work with athletes in the identification, treatment, and prevention of injuries. SB09-026 requires individuals to register with the director of the Division of Registrations in the Department of Regulatory Agencies (DORA), in order to practice the profession of athletic trainer. Only individuals properly registered may use the title "athletic trainer" or otherwise represent themselves as such. In addition, the bill:

- ▶ defines athletic trainers and the scope of their work;
- ▶ specifies educational background, certifications, and examination requirements;
- ▶ provides the DORA with the ability to set fees and schedule renewals of registrations;
- ▶ establishes the grounds for disciplinary proceedings;
- ▶ authorizes the director to take disciplinary actions, including required medical or psychological examinations, and
- ▶ establishes a class 2 misdemeanor for conviction of a first offense of practicing without an active registration and a class 6 felony for second and subsequent convictions.

The bill removes language giving the Board of Medical Examiners the authority to create rules and regulations concerning athletic trainers. This bill replaces, modifies, and expands upon existing statutory provisions. The program sunsets on July 1, 2015.

State Revenue

Fees. Fee revenue will be collected by the department for the registration of athletic trainers. Fees are determined by distributing program cost across all registrants and are displayed in greater detail in Table 1.

Fee Impact on Athletic Trainers. Section 2-2-322, C.R.S., requires legislative service agency review of measures that create or increase any fee collected by a state agency. The table below identifies the fee impact of this bill. Fee calculations are based on predicted expenditure levels and the number of registrations provided. The assumptions for the expenditures are detailed in the following section. The estimated number of registrations comes from the department's 2005 sunrise review and current membership in the Colorado Athletic Trainer's Association. This fiscal analysis is based on annual registrations; however, the actual renewal schedule is left to the discretion of the board. During annual fee setting for the program it will be determined by the division if renewals can be completed every two years based on the fund balance and fee amounts.

Table 1. Fee Impact on Athletic Trainers			
Type of Fee	Proposed Fee	Number Affected	Total Fee Impact
FY 2009-10 Initial Registration	\$257	700	\$179,900
FY 2010-11 Initial Registration	\$257	50	\$12,850
FY 2010-11 Renewal Registration	\$175	700	\$122,500
TOTAL		FY 2009-10	\$179,900
		FY 2010-11	\$135,350

Fines. The bill may increase state revenue from fines, although less than \$5,000 in new state revenue is expected per year. According to Section 18-1.3-501, C.R.S., the penalty for a class 2 misdemeanor is 3 to 12 months imprisonment in a county jail, a fine of \$250 to \$1,000, or both. Fine revenue that is not otherwise appropriated is deposited into the Fines Collection Cash Fund. Because the courts have the discretion of incarceration, imposing a fine, or both, the impact to state revenue cannot be determined.

State Expenditures

This bill will result in total state expenditures of \$137,696 and 1.4 FTE in FY 2009-10 and \$93,996 and 1.4 FTE in FY 2010-11.

The bill requires the department to develop rules, set up a registration process, and investigate complaints as they arise. Expenditure estimates for this new program are based on costs of similar sized programs within the department. Table 2 identifies the cost components of the bill.

Table 2. Total Expenditures Under SB09-026		
Cost Components	FY 2009-10	FY 2010-11
Personal Services	\$75,143	\$75,143
FTE	1.4	1.4
Contract Personal Services	8,689	-
Operating Expenses and Capital Outlay	11,665	2,084
Legal Services (\$75.10/hour)*	21,779	14,269
IT System Modifications	11,920	-
Evaluation of Exam	6,000	-
Medical Examinations	2,500	2,500
TOTAL	\$137,696	\$93,996

** Legal services are provided by the Department of Law and include assistance with rule making and the prosecution of disciplinary actions.*

Additional details about these costs follow:

- ▶ personnel, including contract personnel in the first year, are required to implement the program, provide general direction and oversight, manage registrations and renewal data, investigate and settle complaints, and provide outreach;
- ▶ a new registration type must be added to the existing IT system resulting in both hardware and software costs;
- ▶ the examination used to register athletic trainers must be reviewed and approved by the department; and
- ▶ one mandated medical or psychological examination will be required each year.

Expenditures Not Included

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. The centrally appropriated costs subject to this policy are summarized in Table 3.

Table 3. Expenditures Not Included Under SB09-026*		
Cost Components	FY 2009-10	FY 2010-11
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$9,672	\$9,672
Supplemental Employee Retirement Payments	2,188	2,794
Indirect Costs	17,207	17,207
Leased Space	6,300	6,300
TOTAL	\$35,367	\$35,973

**More information is available at: http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2009/comsched/CommonPolicies2009.pdf*

Local Government Impact

The penalty for a class 2 misdemeanor is 3 to 12 months imprisonment in a county jail, a fine of \$250 to \$1,000, or both. Because the courts have the discretion of incarceration or imposing a fine, the impact at the local level cannot be determined. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. For the current fiscal year, the state reimburses county jails a daily rate of \$50.44 to house state inmates. It is assumed that the impact of this new misdemeanor will be minimal and will not create the need for additional county jail space.

State Appropriations

This bill requires an appropriation of \$137,695 and 1.4 FTE to the Department of Regulatory Agencies from the Division of Registrations Cash Fund. Of this amount, the Department of Law requires \$21,779 and 0.2 FTE in reappropriated funds.

Department Differences

Due to the new class 6 felony, the Department of Corrections (DOC) anticipates a fiscal impact of \$175,993 General Fund over the next five years for one felony conviction during that period. Rather than defaulting to a general assumption of one in every five years for this new felony offense, this analysis relies on historical rates of convictions for the regulation of professions and occupations.

Departments Contacted

Corrections
Regulatory Agencies

Judicial
Personnel

Law