

**STATE
REVISED FISCAL IMPACT**

(replaces fiscal note dated April 10, 2013)

Drafting Number: LLS 13-0834

Date: April 18, 2013

Prime Sponsor(s): Sen. Jahn
Rep. Ginal

Bill Status: House Health Insurance and
Environment

Fiscal Analyst: Bill Zepernick (303-866-4777)

TITLE: CONCERNING ALTERNATIVE HEALTH CARE PRACTITIONERS, AND, IN CONNECTION THEREWITH, ENACTING THE "COLORADO NATURAL HEALTH CONSUMER PROTECTION ACT" TO PROVIDE AN EXEMPTION FROM STATE REGULATION FOR UNLICENSED COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONERS, REQUIRE A PERSON PROVIDING COMPLEMENTARY AND ALTERNATIVE HEALTH CARE SERVICES TO DISCLOSE TO CLIENTS THE PERSON'S EDUCATIONAL BACKGROUND AND THE NATURE OF THE SERVICES TO BE PROVIDED, AND PROHIBIT COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONERS FROM ENGAGING IN SPECIFIED ACTIVITIES THAT ONLY STATE-REGULATED HEALTH CARE PROFESSIONALS MAY PERFORM.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
General Fund - Fines	<\$10,000	<\$10,000
State Expenditures	Minimal. See State Expenditures section.	
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: None.		

Summary of Legislation

The *reengrossed bill* places certain requirements and restrictions on practitioners of complementary and alternative health care services who are not otherwise licensed or regulated by the state as a health care professional. Specifically, the bill requires practitioners of complementary and alternative health care services to provide a written disclosure to clients that states:

- their name, business address, and other contact information;
- the fact that he or she is not licensed, certified, or regulated by the state as a health care professional;
- the nature of the service to be provided;
- that the client should discuss the recommendation of the practitioner with various other health care providers;
- whether or not they carry liability insurance; and

- a listing of any degrees, training, credential, or experience regarding the service to be provided.

The bill outlines services and practices that may not be performed by practitioners of complementary and alternative health care services, as well as procedures that may be provided with certain training. In addition, persons who are not allowed to engage in complementary and alternative health care services are specified. Failure to provide the required disclosure or performing prohibited services constitutes a deceptive trade practice under the Colorado Consumer Protection Act. The bill also specifically exempts complementary and alternative health care services from the definition of "practice of medicine" if the services are provided in compliance with the bill.

State Revenue

By applying the consumer protection law to the practice of complementary and alternative health services, the bill may increase General Fund revenue by up to \$10,000 per year. Persons found guilty of a deceptive trade practice may be subject to a civil penalty of up to \$2,000 per violation, up to a cap of \$500,000 for related incidents. The number of violations that may be committed by practitioners of complementary and alternative health care services is not known at this time, but is assumed to be minimal. Thus, fine revenue is assumed to be less than \$10,000 per year.

State Expenditures

The bill may have a minimal impact on state agencies and departments as discussed below.

Department of Law. The Department of Law may have a small increase in workload to handle additional complaints about deceptive trade practices concerning practitioners of complementary and alternative health care services. However, the fiscal note assumes a high level of compliance, and does not expect a significant increase in complaints concerning practitioners under the bill. Any increase can be addressed within existing appropriations.

Judicial Branch. The bill creates a new cause of action for deceptive trade practices concerning complementary and alternative health care services. This may result in additional civil actions being filed with the courts. Any increase in caseload is assumed to be minimal and can be absorbed within existing appropriations to the Judicial Department.

Department of Regulatory Agencies. The bill will not affect workload in the Department of Regulatory Agencies, as violations of existing health professional practice acts may already be pursued by the Division of Professions and Occupations under current law. This bill does not affect the department's current enforcement and regulation activities.

Departments Contacted

Regulatory Agencies
Corrections

Judicial
District Attorneys

Law
Counties