

**STATE
FISCAL IMPACT**

Drafting Number: LLS 13-0900
Prime Sponsor(s): Sen. Giron
 Rep. Levy

Date: April 1, 2013
Bill Status: Senate Health and Human Services
Fiscal Analyst: Bill Zepernick (303-866-4777)

TITLE: CONCERNING THE PERFORMANCE OF AURICULAR ACUDETTOX BY TRAINED MENTAL HEALTH PROFESSIONALS.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue	Potential increase. See State Revenue section.	
Cash Funds Division of Professions and Occupations Cash Fund		
State Expenditures		
Cash Funds Division of Professions and Occupations Cash Fund	\$10,020	\$10,020
FTE Position Change		
Effective Date: July 1, 2013.		
Appropriation Summary for FY 2013-2014: See State Appropriations section.		
Local Government Impact: None.		

Summary of Legislation

This bill allows mental health professionals to perform auricular acudetox under their current scope of practice if they have completed specific training. These mental health professionals include: psychologists, social workers, marriage and family therapists, licensed professional counselors, addiction counselors, and registered psychotherapists. These professions are governed by six regulatory boards in the Department of Regulatory Agencies (DORA).

Auricular acudetox is defined as the subcutaneous insertion of sterile, disposable acupuncture needles on five specific locations of a person’s ear. Mental health professionals who perform auricular acudetox may not use the title "acupuncturist" or otherwise claim to be qualified to perform acupuncture beyond this specific procedure as allowed by the bill.

State Revenue

To the extent that the costs of the bill are not covered by existing fee revenue to the DORA, the bill may result in a minimal increase in fees for licenced mental health professionals, which will increase revenue to the Division of Professions and Occupations Cash Fund by **up to \$10,020 per year**. This potential fee impact is discussed below.

Fee Impact on Mental Health Professions. 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 DORA sets fees based on the existing fund balance in each regulatory program and the estimated costs of a program distributed across the estimated number of licensees or registrations. The DORA adjusts fees to cover all direct and indirect costs. If fee revenue is insufficient to cover the costs of the bill, fees for each of the approximately 20,000 mental health professional in the state could increase by up to \$1.00 for each two-year license or registration period.

State Expenditures

This bill is expected to increase expenditures by \$10,020 per year beginning in FY 2013-14 in the Division of Professions and Occupations in the DORA. These costs are for the six regulatory boards to address complaints and pursue disciplinary actions in regards to mental health professionals practicing auricular acudetox. The fiscal note assumes that about 1,000 mental health professionals, primarily registered psychotherapists and addiction counselors, will be trained in, and begin practicing, auricular acudetox in FY 2013-14.

For the estimated 1,000 practitioners of auricular acudetox, it is assumed that 10 complaints will be filed each year. Of these complaints, 8 will require investigation by the profession's board, as well as review by a expert consultant in acupuncture at a cost of \$60 per hour and an average of 8 hours per case (\$3,840 per year). For disciplinary actions that cannot be resolved by the respective board, the fiscal note assumes that one case per year will be referred to the Attorney General's Office to issue an injunction (60 hours) and one case per year will be referred for adjudication (20 hours). At the standard rate of \$77.25 per hour, legal service costs are estimated at \$6,180 per year.

Cost Components	FY 2013-14	FY 2014-15
Expert Consultant (8 cases x 8 hours x \$60/hour)	\$3,840	\$3,840
Legal Services (80 hours x \$77.25)	6,180	6,180
TOTAL	\$10,020	\$10,020

State Appropriations

For FY 2013-14, the bill requires an appropriation to the DORA of \$10,020 from the Division of Professions and Occupations Cash Fund. Of this amount, \$6,180 is reappropriated to the Department of Law.

Departments Contacted

Regulatory Agencies Law