

*Colorado Legislative Council Staff Fiscal Note*

**STATE  
FISCAL IMPACT**

**Drafting Number:** LLS 15-0193      **Date:** February 10, 2015  
**Prime Sponsor(s):** Sen. Martinez Humenik      **Bill Status:** Senate Health & Human Services  
 Rep. Primavera      **Fiscal Analyst:** Bill Zepernick (303-866-4777)

**BILL TOPIC:** SUNSET REVIEW RESPIRATORY THERAPY PRACTICE ACT

<b>Fiscal Impact Summary*</b>	<b>FY 2015-16</b>	<b>FY 2016-17</b>	
This bill changes and continues a program that would otherwise end July 1, 2015, so the fiscal note shows the new and continuing fiscal impacts.	New	New	Continuation
<b>State Revenue</b>		<b>\$254,124</b>	
Cash Funds	\$0	\$0	\$254,124
<b>State Expenditures</b>		<b>\$98,478</b>	
Cash Funds	\$0	\$0	\$98,478
Centrally Appropriated Costs**			
<b>TABOR Set-Aside</b>		\$254,124	
<b>FTE Position Change</b>	0.0 FTE	0.0 FTE	0.4 FTE
<b>Appropriation Required:</b> None.			

\* This summary shows changes from current law under the bill for each fiscal year.

\*\* These costs are not included in the bill's appropriation. See the State Expenditures section for more information.

**Summary of Legislation**

This bill implements the recommendations from the 2014 sunset review for the licensing of respiratory therapists. Under current law, the licensing requirements are set to expire on July 1, 2015; this bill extends the program until September 1, 2024.

Beginning July 1, 2015, the bill changes the program as follows:

- allows the director of the Office of Respiratory Therapy to discipline a licensee for failing to respond to complaints in a timely manner;
- requires licensees to notify the director of any physical or mental illness or condition that renders the person unable to practice respiratory therapy with reasonable skill and safety to clients;
- prohibits the director from disciplining a licensee solely for a physical or mental disability that affects his or her practice and instead allows discipline only in certain circumstances;
- allows the director to order a licensee to undergo a physical or mental evaluation and suspend the license of any person who refuses;
- allows the director to enter into a confidential agreement with a licensee to limit his or her practice based on the licensee's physical or mental illness or condition;

- requires a person whose license is revoked to wait 2 years before seeking a new license;
- eliminates the requirement that the director send letters of admonition via certified mail; and
- strikes references to the National Board of Respiratory Care as the body that credentials respiratory therapists and instead grants the director the power to select the appropriate national credentialing body upon whose practice standards to base licensure in this state.

## **Background**

Respiratory therapists care for patients who have trouble breathing. They are regulated for consumer protection purposes by the Office of Respiratory Therapy in the Division of Professions and Occupations in the Department of Regulatory Agencies (DORA). DORA is responsible for licensing professionals, investigating complaints, and enforcing disciplinary actions. A respiratory therapist license is valid for two years and is subject to renewal by August 31 of odd-numbered years. Thus, no renewal fees are expected to be charged in FY 2015-16. As of September 2014, there were 2,233 active licensed respiratory therapists.

## **Fiscal Impact of Programs Set to Expire**

This bill continues a program in the DORA that is set to repeal on July 1, 2015. Under current law, state agencies may be appropriated funds to wind up the affairs of an expiring program for 12 months following the repeal date. To account for the wind-up period, the impact of extending the program beyond the current repeal date is shown as beginning in FY 2016-17, one year after the repeal date. There is no need to appropriate the \$98,478 in base funding and 0.4 FTE in FY 2015-16, since the program's authorization has not yet expired, and ongoing funding for the program is included in the department's base budget request for FY 2015-16. The anticipated base revenue from licensing fees is approximately \$254,124.

## **State Revenue and Expenditures**

Besides continuing the program, other changes in the bill do not affect state revenue or expenditures. However, implementing some provisions may increase the workload of the Office of Respiratory Therapy and the Division of Professions and Occupations by a minimal amount. No change in appropriations is necessary.

## **Effective Date**

The bill takes effect July 1, 2015.

## **State and Local Government Contacts**

Regulatory Agencies      Law