



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

**HB 18-1180**

# REVISED FISCAL NOTE

(replaces fiscal note dated February 15, 2018)

**Drafting Number:** LLS 18-0882  
**Prime Sponsors:** Rep. Melton  
Sen. Smallwood

**Date:** March 14, 2018  
**Bill Status:** Senate Health and Human Services  
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**Bill Topic:** MENTAL HEALTH PROFESSIONAL DISMISSED COMPLAINT CORA ACCESS

**Summary of  
Fiscal Impact:**  State Revenue  TABOR Refund  
 State Expenditure  Local Government  
 State Transfer  Statutory Public Entity

This bill creates an exception to Colorado Open Records Law to allow a mental health professional who is a respondent to a dismissed complaint to access the Division of Professions and Occupations or regulatory board's complaint file. It increases state revenue and expenditures on an ongoing basis.

**Appropriation  
Summary:** The bill requires an appropriation of \$13,204 for the Department of Regulatory Agencies.

**Fiscal Note  
Status:** The fiscal note reflects the reengrossed bill.

**Table 1**  
**State Fiscal Impacts under HB 18-1180**

		<b>FY 2018-19</b>	<b>FY 2019-20</b>
<b>Revenue</b>	Cash Funds	\$6,875	\$6,875
	<b>Total</b>	<b>\$6,875</b>	<b>\$6,875</b>
<b>Expenditures</b>	Cash Funds	\$13,204	\$14,403
	Centrally Appropriated	\$1,205	\$1,316
	<b>Total</b>	<b>\$14,409</b>	<b>\$15,719</b>
	<b>Total FTE</b>	<b>0.3 FTE</b>	<b>0.3 FTE</b>
<b>Transfers</b>		-	-

## **Summary of Legislation**

This bill creates an exception to Colorado Open Records Act (CORA) to allow a mental health professional who is a respondent to a dismissed complaint to access the Division of Professions and Occupations or regulatory board's complaint file. The names of the respondent's clients or other recipients of service contained in the file must be redacted. The boards subject to the bill include:

- State Board of Psychologist Examiners;
- State Board of Social Work Examiners;
- State Board of Licensed Professional Counselor Examiners;
- State Board of Marriage and Family Therapist Examiners;
- State Board of Registered Psychotherapists; and
- State Board of Addiction Counselor Examiners.

## **Background**

Under current law, the Division of Professions and Occupations and regulatory boards in the Department of Regulatory Agencies (DORA) provide the healthcare professional with a copy of the complaint except in certain circumstances. The file on a dismissed complaint is not subject to CORA. DORA receives an average of 745 complaints per year about mental health professionals, of which 549 are dismissed. DORA charges \$25 per hour after the first hour, to respond to CORA requests.

## **Assumptions**

The fiscal note assumes that mental health professionals will submit a CORA request for 50 percent of the 549 dismissed complaints and that each file will require 2 hours of staff time to prepare a response including redaction.

## **State Revenue**

Based on the assumptions above, beginning in FY 2018-19, this bill will increase revenue by \$6,875 per year from CORA request processing fees to the Division of Professions and Occupations Cash Fund.

## **TABOR Refund**

The bill increases state revenue subject to TABOR by \$6,875 in FY 2018-19 and FY 2019-20. State revenue is not currently expected to exceed the TABOR limit in either year and no refund is required. However, refunds in future years when the state next collects a TABOR surplus will be increased.

## **State Expenditures**

This bill will increase expenditures by \$14,409 and 0.3 FTE in FY 2018-19 and \$15,719 and 0.3 FTE in FY 2019-20 from the Division of Professions and Occupations Cash Fund. Expenditures are for the division and regulatory board staff to copy, redact, and send out complaint files. Staff will also conduct education and outreach to licensees on the law change. These expenditures are shown in Table 2 below.

**Table 2**  
**Expenditures Under HB 18-1180**

<b>Cost Components</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>
<b>Department of Regulatory Agencies</b>		
Personal Services	\$13,204	\$14,403
Centrally Appropriated Costs*	\$1,205	\$1,316
FTE – Personal Services	0.3 FTE	0.3 FTE
<b>Total</b>	<b>\$14,409</b>	<b>\$15,719</b>
<b>Total FTE</b>	<b>0.3 FTE</b>	<b>0.3 FTE</b>

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

**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, supplemental employee retirement payments, and leased space, are estimated to be \$1,205 in FY 2018-19 and \$1,316 in FY 2019-20.

## **State Appropriations**

The bill requires an appropriation of \$13,204 from the Division of Professions and Occupations Cash Fund for FY 2018-19 and an allocation of 0.3 FTE.

## **Effective Date**

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

## **State and Local Government Contacts**

Information Technology      Law      Regulatory Agencies