

**FINAL
FISCAL NOTE**

Drafting Number: LLS 12-0218
Prime Sponsor(s): Rep. Massey
 Sen. Boyd

Date: May 31, 2012
Bill Status: Postponed Indefinitely
Fiscal Analyst: Clare Pramuk (303-866-2677)

TITLE: CONCERNING THE REGULATION OF DIETITIANS.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
State Revenue*		
General Fund		<\$1,000
Cash Funds		
Division of Registrations Cash Fund	\$176,039	132,281
State Expenditures		
Cash Funds		
Division of Registrations Cash Fund	\$159,252	\$114,717
FTE Position Change	2.1 FTE	2.0 FTE
Effective Date: The bill was postponed indefinitely by the House Agriculture, Livestock, and Natural Resources Committee on February 6, 2012.		
Appropriation Summary for FY 2012-2013: See State Appropriations section.		
Local Government Impact: See Local Government Impact section.		

**Note that revenue is greater than expenditures to recover the direct and indirect costs of the bill.*

Summary of Legislation

This bill creates the five member State Board of Dietitians (board) to regulate the licensing of dietitians and specifies the experience and education requirements for licensing. The board will operate within the Division of Registrations (division) of the Department of Regulatory Agencies (DORA).

The board will be appointed by the Governor and consist of three licensed dietitians who are Colorado residents and have been actively practicing for at least five years and two members of the public who are not licensed dietitians. The board is authorized to license dietitians; promulgate rules; set, collect and disburse fees; enforce continuing competency requirements; process complaints; investigate violations of the licensing requirements; and take disciplinary action. The board may also issue subpoenas, examine witnesses, and administer oaths. The chairperson may appoint advisory committees to assist the board in its operations.

To receive a license an applicant must:

- be at least 21 years of age;
- be of good moral character;

- have received a baccalaureate or post baccalaureate degree in nutrition;
- have at least 1,200 hours practical experience; and
- have successfully completed the examination administered by the Commission on Dietetic Registration.

The bill allows for exemptions in certain circumstances such as military service, establishes grounds for discipline and sets penalties for violations. The board is authorized to order a licensed dietitian to undergo a mental or physical examination if the board has concerns about the dietitian's ability to practice with reasonable skill and safety.

The board is subject to sunset on September 1, 2019.

State Revenue

This bill is expected to increase revenue to the Division of Registrations Cash Fund by \$176,039 in FY 2012-13 and \$132,281 in FY 2013-14 from fees paid by dietitians. The bill may increase state revenue from fines, although less than \$1,000 per year in new fine revenue to the General Fund is expected beginning in FY 2013-14.

Fee Impact on Individuals, Families or Business. Section 2-2-322, C.R.S., requires legislative service agency review of measures which create or increase any fee collected by a state agency. Actual fee levels will be set by the board to cover the direct and indirect costs of the program. Table 1 below identifies the fee impact of this bill based on the expenditure estimates in the fiscal note.

Table 1. Fee Impact on Licensed Dietitians					
Type of Fee	Current Fee	Proposed Fee	Fee Change	Number Affected	Total Fee Impact
Original License (FY 2012-13)	\$0	\$58.68	\$58.68	3,000	\$176,039
Original License (FY 2013-14)	0	41.99	41.99	3,000	125,982
Renewal License (FY 2013-14)	0	41.99	41.99	150	6,299
2 YEAR TOTAL					\$308,320

Under the bill, the penalty for a misdemeanor violation is up to six months imprisonment in a county jail, a fine of up to \$500, or both. 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 is expected to increase expenditures from the Division of Registrations Cash Fund by \$159,252 and 2.1 FTE in FY 2012-13 and \$114,717 and 2.0 FTE in FY 2013-14. These costs are detailed in Table 2 and described below.

The regulation of dietitians will require staffing for program oversight, planning, budgeting, outreach and implementation. Staff will conduct the application process including responding to inquiries, following up on incomplete applications, and processing and issuing licenses. The board is required to set the date when licensure is required. This is expected to be July 1, 2013, with applications due to the board two months prior to that date. As the regulation is implemented, additional workload will involve investigation of complaints, auditing continuing compliance requirements, and the handling of enforcement actions.

The board is tasked with a number of responsibilities. The fiscal note assumes that the board will meet up to nine times in FY 2012-13 with one meeting for orienting the members to their duties and board procedure. The other meetings will be for the board to promulgate rules, develop the licensing process, and consider license exceptions. In subsequent years, the board is expected to meet quarterly to oversee the licensing process and adjudicate disciplinary actions. Although the bill is silent as to compensation, the fiscal note assumes that board members will receive per diem and reimbursement for travel expenses.

The advisory committee is expected to meet four times in the first year and two times in subsequent years. The fiscal note assumes members will receive reimbursement for actual and necessary expenses.

Legal services provided by the Department of Law will be used to assist the board in adopting rules, developing the licensing process, approving education and training and disciplinary actions. In FY 2012-13 the board is expected to use 350 hours of legal services; in and thereafter, the board is expected to use 150 hours of legal services per year.

Cost Components	FY 2012-13	FY 2013-14
Personal Services	\$108,811	\$95,136
FTE	2.1	2.0
Operating Expenses	6,756	4,224
Capital Outlay	8,936	
Board and Advisory Committee Expenses (Per diem, travel and actual expenses)	8,250	4,000
Legal Services (\$75.71 hour)	26,499	11,357
TOTAL	\$159,252	\$114,717

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 HB12-1060*		
Cost Components	FY 2012-13	FY 2013-14
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$11,495	\$11,495
Supplemental Employee Retirement Payments	5,139	5,916
Short Term Disability	153	153
TOTAL	\$16,787	\$17,564

**More information is available at: <http://colorado.gov/fiscalnotes>*

Local Government Impact

The penalty for a misdemeanor under this bill is up to six months imprisonment in a county jail, a fine of up to \$500, 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

For FY 2012-13, the Division of Registrations in the DORA requires an appropriation of \$159,252 and 1.9 FTE from the Division of Registrations Cash Fund. Of this, \$26,499 is reappropriated to the Department of Law. The Department of Law also requires 0.2 FTE for FY 2012-13.

Departments Contacted

Regulatory Agencies

Law