

  
*Colorado Legislative Council Staff Fiscal Note*  
**FINAL**  
**FISCAL NOTE**

**Drafting Number:** LLS 12-0023  
**Prime Sponsor(s):** Rep. Schafer S.  
 Sen. Spence

**Date:** June 25, 2012  
**Bill Status:** Signed into Law  
**Fiscal Analyst:** Josh Abram (303-866-3561)

**TITLE:** CONCERNING THE REGULATION OF SPEECH-LANGUAGE PATHOLOGISTS BY THE DEPARTMENT OF REGULATORY AGENCIES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
<b>State Revenue</b>		
Fines Collection Cash Fund - Fines		< \$5,000
Cash Funds		
Division of Registrations Cash Fund	\$132,000	\$87,1000
<b>State Expenditures</b>		
Cash Funds		
Division of Registrations Cash Fund	\$111,148	\$86,586
<b>FTE Position Change</b>	1.2 FTE	1.2 FTE
<b>Effective Date:</b> The bill was signed into law by the Governor on June 6, 2012, and takes effect August 8, 2012, assuming no referendum petition is filed.		
<b>Appropriation Summary for FY 2012-2013:</b> See State Appropriations section.		
<b>Local Government Impact:</b> See Local Government Impact section.		

\* *Fee revenue exceeds state expenditures in order to pay for costs noted in the Expenditures Not Included section of this fiscal note.*

**Summary of Legislation**

This bill enacts the Speech-Language Pathology Practice Act, and requires that the Division of Registrations (division) in the Department of Regulatory Agencies (DORA), create a certification program for speech-language pathologists. Beginning July 1, 2013, only individuals properly certified by the division may use the title "certified speech-language pathologist" or otherwise represent themselves as such. Speech-language pathologists who are employed by schools and licensed by the Colorado Department of Education as special education services providers are exempt from the certification requirements. In addition, the bill:

- defines speech-language pathologists and the scope of their work;
- specifies educational background, qualifying examination requirements, and continued competency requirements;
- allows the division to adopt necessary rules;
- allows for certification by endorsement;

- provides the DORA with the ability to set fees and schedule renewals of certifications;
- establishes the grounds for disciplinary proceedings;
- authorizes the director of the division to take disciplinary actions; and
- establishes a class 2 misdemeanor for conviction of the first offense of practicing as a speech-language pathologist without an active certification, and a class 1 misdemeanor for subsequent convictions.

The certification program is repealed September 1, 2022, following a sunset review.

**State Revenue**

*In FY 2012-13, this bill increases revenue from fees by an estimated \$132,000. In FY 2013-14, increased fee revenue is \$87,100.* Fees are credited to the Division of Registrations Cash Fund.

*Fee impact on certified speech-language pathologists.* 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. Fee calculations are set administratively by the DORA based on the cash fund balance, estimated program costs, and the estimated number of certifications.

This fiscal analysis is based on annual certifications; however, the actual renewal schedule is left to the discretion of the division. During annual fee setting for the program, the division will determine if renewals can be completed every two years based on the fund balance and fee amounts. The number of professionals affected is based on estimates provided by the Colorado Speech Language Hearing Association, and excludes speech-language pathologists who work in schools. Table 1 displays the fee impact of the bill.

<b>Table 1. Fee Impact on Certified Speech-Language Pathologists</b>			
<b>Type of Fee</b>	<b>Proposed Fee</b>	<b>Number Affected</b>	<b>Total Fee Impact</b>
Initial Certification FY 2012-13	\$110	1,200	\$132,000
Renewal Certification FY 2013-14	\$68	1,200	\$81,600
Initial Certification FY 2013-14	\$110	50	\$5,500
<b>FY 2012-13</b>			<b>\$132,000</b>
<b>FY 2013-14</b>			<b>\$87,100</b>
<b>2-YEAR TOTAL</b>			<b>\$219,100</b>

*Fines.* The bill may increase state revenue from fines beginning in FY 2013-14, although less than \$5,000 in new state revenue is expected per year. According to Section 18-1.3-501, C.R.S., the penalty for a class 2 misdemeanor is 3 to 12 months imprisonment in a county jail, a fine of \$250 to \$1,000, or both. The penalty for a class 1 misdemeanor is 6 to 18 months imprisonment in a county jail, a fine of \$500 to \$5,000, or both. Fine revenue that is not otherwise appropriated is deposited into the Fines Collection Cash Fund.

**State Expenditures**

*In FY 2012-13, this bill will result in total costs of \$111,148 and 1.2 FTE from the Division of Registrations Cash Fund in the DORA. In FY 2013-14, total costs are \$86,586 and 1.2 FTE.* Major cost components are discussed below and summarized in Table 2.

The division requires permanent staff and some temporary contract staff beginning in FY 2012-13 to implement the program, research rules, provide general direction and oversight, manage certification data, establish continued competency requirements, provide outreach to professionals in the community, and issue certifications. The division must also research and approve a nationally recognized qualifying exam for speech-language pathologists. Ongoing, the division must manage renewal data, investigate complaints, and respond to disciplinary issues. The Department of Law will provide 250 hours of legal assistance to the division to interpret the act, promulgate rules, and assist in the resolution of disciplinary issues. Legal services are provided at a blended rate of \$75.71 per hour. The Office of Information Technology will provide 70 hours of technical assistance to assist the division with the continued competency program at a rate of \$74 per hour.

<b>Table 2. Total Expenditures Under HB 12-1303</b>		
<b>Cost Components</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>
Personal Services	\$57,428	\$61,309
FTE	1.2	1.2
Operating Expenses and Capital Outlay	5,653	950
Travel, Outreach, & Printing	2,256	715
Temporary Contract Labor	27,971	9,395
Information Technology	1,184	3,996
Legal Services	16,656	10,221
<b>TOTAL</b>	<b>\$111,148</b>	<b>\$86,586</b>

**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.

<b>Table 3. Expenditures Not Included Under HB 12-1303*</b>		
<b>Cost Components</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$6,746	\$6,753
Supplemental Employee Retirement Payments	\$3,062	\$3,763
<b>TOTAL</b>	<b>\$9,808</b>	<b>\$10,516</b>

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

**Local Government Impact**

The penalty for misdemeanors includes fines, imprisonment in a county jail, 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. 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**

Consistent with this fiscal note, for FY 2012-13, the bill contains an appropriation of \$111,148 and 1.1 FTE from the Division of Registrations Cash Fund to the Department of Regulatory Agencies. Of this amount, the Department of Law receives \$16,656 in reappropriated funds and 0.1 FTE, and the Governor's Office of Information Technology receives \$1,184 in reappropriated funds.

**Departments Contacted**

Law            Regulatory Agencies