

NOTE: As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used for other purposes.

The most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR: Rawson DATE TYPED: 3/12/03 HB _____
 SHORT TITLE: Disclosure of Complaints Against Licensees SB 268/aSPAC
 ANALYST: Maloy

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI		NFI		

SOURCES OF INFORMATION

Responses Received From
 Office of the Attorney General
 Regulation and Licensing Department
 Commission of Public Records
 Board of Nursing
 Board of Medical Examiners

SUMMARY

Synopsis of the SPAC Amendment

The Senate Public Affairs Committee amended Senate Bill 678 to provide that information relating to an administrative disciplinary decision involving a licensee is to be made available to the public “upon request”.

This is a sound amendment. This prevents agencies from simply publishing/posting such decisions in mass, but allows the consumer to protect himself by specifically looking into a licensee’s compliance standing over the past several years (dependent upon the destruction of records requirements of the agency).

Synopsis of Original Bill

Senate Bill 268 expressly grants public access to administrative disciplinary decisions (findings of fact and conclusions of law) involving professional licensees. This express language is added to the Uniform Licensing Act.

Significant Issues

Pursuant to the Inspection of Public Records Act, these records are currently available to the public, unless expressly exempted for unique privacy or public policy reasons under the different boards' enabling acts, or the Inspection of Public Records Act.

At this time, the only real blanket restriction on the release of such information (or similar information) is that boards and commissions do not have to release complaint information regarding a licensee that has not been adjudicated, as such a release may jeopardize the case preparations and prosecution.

FISCAL IMPLICATIONS

There are no fiscal implications for the state unless the Inspection of Public Records Act is violated. In which case, monetary damages may be awarded to a complainant.

SJM/sb:yr:njw