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FISCAL IMPACT REPORT

SPONSOR Stewart DATE TYPED 03/10/05 HB 79/aHCPAC
 SHORT TITLE Expand Occupational Therapy Board SB _____
 ANALYST McSherry

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY05	FY06			
	See Narrative			

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files
 Regulations and Licensing Department (RLD)

SUMMARY

Synopsis of HCPAC Amendment

House Consumer and Public Affairs Committee amendment to House Bill 79 removes the purpose of “making the Occupational therapy Board an adjunct agency” portion of the bill, and removes the sections of the act creating board’s powers and duties, the board’s administrative procedures, and the board’s fund.

Synopsis of Original Bill

House Bill 79 amends the description of occupational therapy services, expands the qualifications and definition of occupational therapy (OT). The bill changes the OT licensure requirements and the powers and duties of the licensing board. The definition of OT is amended to be more broadly described and uses language that is more modernly accepted within the profession. The definition of an OT assistant is amended to remove the certification component of professional recognition and maintains the licensure requirement. The definition of a registered occupational therapist is removed because the bill provides for occupational therapist licensure rather than registration.

Three sections are proposed to be removed entirely: board scope of practice, administrative duties, and creation of fund.

Significant Issues

RLD cites the following as a significant issue: (61-12A-4) which defines occupational therapy to be more broad than previous language and establishes parameters for tasks delegated to unlicensed OT aides or technicians; and exempts revenues collected from fines from being deposited in the board's fund. . Other identified changes cited by RLD is the new language added in Section 61-12A-11.A.2(a) and (b) which refers to undefined "past standards."

The deletion of the Board's fund, and scope of practice are significant. Without a fund, the board is not provided the ability to collect licensure funds,

PERFORMANCE IMPLICATIONS

There were no agency comments on performance implications resulting from this legislation.

FISCAL IMPLICATIONS

All board expenses are currently funded through board revenues. The intended outcome of removing the board's statutorily created fund is not known.

ADMINISTRATIVE IMPLICATIONS

The bill proposes to remove the administrative duties section of the bill.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill, similarly to House Bill 306, will extend the life of the board past 2006.

TECHNICAL ISSUES

RLD cites the bills' addition of terms "incompetence," and "past standards," added to sections 61-12A-11.A, (4) and 61-12A-11.A (2) (a) and (b) respectively as technical issues because they are not defined.

The term, "generally recognized past standards" and does not specify what previous standards are to be recognized, or by whom they are recognized.

ALTERNATIVES

Alternatives to this bill have not been proposed by the board or RLD.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If this bill is not enacted, the current board statute would remain unchanged; the board authority would remain the same and the definition and scope of Occupational Therapy would remain the same. Legislation to extend the life of the agency is included in HB306.

POSSIBLE QUESTIONS

1. What criteria should be used to determine which boards and commissions should be administratively attached to RLD? Currently the Nursing Board and Medical Board are independent, while the Pharmacy Board and Dental Board are administratively attached to RLD.
2. What is the intended definition of the terms “incompetence” and “generally recognized past standards?”

EM/lg:yr