



**Legislative Council Staff**

*Nonpartisan Services for Colorado's Legislature*

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**Fiscal Note**

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<b>Drafting Number:</b>	LLS 24-0787	<b>Date:</b>	February 6, 2024
<b>Prime Sponsors:</b>	Sen. Liston Rep. Weinberg	<b>Bill Status:</b>	Senate Health & Human Services
		<b>Fiscal Analyst:</b>	Kristine McLaughlin   303-866-4776 kristine.mclaughlin@coleg.gov

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**Bill Topic:** **PATIENT'S RIGHT TO PROVIDER IDENTIFICATION**

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<b>Summary of Fiscal Impact:</b>	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Local Government
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill places disclosure requirements on health care providers and state health care facilities. Failure to comply is considered unprofessional conduct. The bill minimally increases state workload and revenue on an ongoing basis.

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**Appropriation Summary:** No appropriation is required.

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**Fiscal Note Status:** This fiscal note reflects the introduced bill.

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**Summary of Legislation**

Beginning in January 2025, health care providers, including those at state health care facilities, who are rendering services that require informed consent must disclose to patients the following information: their name, job title, employer, degree/training, and credentialing. The information must be provided in writing and be visible on provider's photo identification badge during all patient encounters. Failure to comply is considered unprofessional conduct and grounds for discipline through a regulatory response.

**State Revenue**

To the extent that the bill results in more civil filings with the trial courts related to disciplinary actions taken by a professional regulator, fee revenue to the Judicial Department may increase by a minimal amount. Revenue from filing fees is subject to TABOR.

## **State Expenditures**

To the extent that the bill results in additional complaints being filled or additional complaints resulting in disciplinary action, workload may increase in the Department of Regulatory Agencies (DORA). Workload may also increase in the Office of Administrative Courts in the Department of Personal and Administration (DPA) and the trial courts in the Judicial Department. These impacts are discussed below.

**Department of Regulatory Agencies.** The bill may result in additional complaints or disciplinary procedures for state regulatory boards and the Division of Professions and Occupations. If the division chooses to investigate and take enforcement action, costs associated with legal services, provided by the Department of Law (DOL), may also increase. Given that regulated professional are assumed to have a high level of compliance, any increase in workload is anticipated to be minimal and can be accomplished within existing appropriations.

**Administrative and trial courts.** The bill may increase workload for the Office of Administrative Courts in the DPA, and subsequently the trial courts in the Judicial Department, to handle any challenges to agency disciplinary decisions. It is assumed that professionals will abide by the law and that any violation of the legislation will result in minimal number of new cases and appeals; no change in appropriations is required.

## **Effective Date**

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## **Departmental Difference**

DORA anticipates an increase in costs from consumer complaints and disciplinary actions, and the DOL anticipates an increase in costs from complaints referred to the Attorney General as a result of this bill. The fiscal note assumes any increase will be minimal. These agency estimates are outlined below.

- **Department of Regulatory Agencies.** DORA estimates that the bill requires \$100,553 and 1.0 FTE in FY 2024-25 and \$174,542 and 2.0 FTE in future years, paid from the Division of Professions and Occupations Cash Fund. This amount is based on the assumption that the bill will result in a 10 percent increase in complaints filed against affected professions. The department estimate is based on the large number of licenses issued to the affected professions. DORA does not anticipate an increase in legal services costs.
- **Department of Law.** DOL estimates that the bill increases legal services costs by \$58,889 and 0.3 FTE in FY 2024-25 and ongoing. These costs for legal services provided to DORA. This estimate assumes that, given the authority to take disciplinary action on this type of complaint, DORA will refer an additional four cases per year to the Attorney General.

The fiscal note does not include these agency costs for several reasons. First, it is assumed that regulated professionals will largely comply with the bill. Second, information on disciplinary actions taken against regulated professionals by DORA, as outlined in various Sunset Reports, indicate that relatively few complaints/disciplinary actions relate to violations of disclosure requirements for professions that are subject to such a requirement under currently law. Lastly, any complaints concerning violations of this disclosure are assumed to require relatively little staff time, relative to disciplinary actions involving standards of care and more complicated issues.

### **State and Local Government Contacts**

District Attorneys	Judicial	Law
Public Health and Environment	Regulatory Agencies	

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).