

**Department of Legislative Services**

Maryland General Assembly

2002 Session

**FISCAL NOTE**

Senate Bill 126

(The President) (Department of Legislative Services)

Education, Health, and Environmental Affairs

Environmental Matters

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**Health Occupations - Regulatory Boards - Sunset Extension and Program Evaluation**

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This bill extends the sunset date for several occupational boards and an advisory committee within the Department of Health and Mental Hygiene (DHMH). The bill applies to the State Board of Audiologists, Hearing Aid Dispensers, and Speech Language Pathologists; the State Board of Professional Counselors and Therapists; the State Board of Occupational Practice; and the Physician Assistant Advisory Committee of the State Board of Physician Quality Assurance. The bill authorizes the State Board of Audiologists, Hearing Aid Dispensers, and Speech Language Pathologists to continue operations until July 1, 2016 and undergo a sunset evaluation on or before July 1, 2015. The State Board of Professional Counselors and Therapists would continue until July 1, 2009 and undergo sunset evaluation on or before July 1, 2008. The State Board of Occupational Therapy Practice would continue operations until July 1, 2015 and undergo sunset evaluation on or before July 1, 2014. The Physician Assistant Advisory Committee would continue operations until July 1, 2013 and undergo sunset evaluation on or before July 1, 2012.

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**Fiscal Summary**

**State Effect:** Special fund revenues and expenditures for these boards would be maintained beyond FY 2004. The proposed FY 2003 budget assumes a total of \$781,300 in special fund revenues for the committee and three boards and provides special fund expenditures of \$1,003,000. Out-year revenues and expenditures are expected to remain relatively constant, except for revenue fluctuations due to biennial license renewal schedules.

**Local Effect:** None.

**Small Business Effect:** None.

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## **Analysis**

**Current Law:** The boards and the committee are to terminate operations as of July 1, 2004.

The boards and the committee are subject to the Maryland Program Evaluation Act, also known as the “sunset law” which provides a system of periodic legislative review of the regulatory, licensing, and other activities of various units of State government. “Sunset review” determines the need for certain programs, services, and other governmental functions and is intended to make governmental activities responsive to the public interest.

To streamline the evaluation process, each unit subject to sunset review undergoes a preliminary evaluation. The evaluation is completed on or before November 30 of the second year before the evaluation date. The information is presented to the Legislative Policy Committee, which determines whether substantial issues exist which warrant a full evaluation. If the Legislative Policy Committee waives a government unit from evaluation, then legislation to extend the termination date of a government unit is submitted to the General Assembly for consideration.

**Background:** A brief summary of the function of each board and the committee and the Department of Legislative Services’ (DLS) recommendations follows:

*State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech Language Pathologists:* This 13-member board is responsible for the licensing of: audiologists, who evaluate hearing, assess hearing problems, and rehabilitate hearing impairment; speech pathologists, who treat speaking disorders; and hearing aid dispensers who fit and sell assistive listening devices. The board is responsible for examination of applicants and the imposition of sanctions on those practitioners who violate Maryland law or regulations. DLS recommended that the board submit a follow-up report to the Legislative Policy Committee by October 1, 2002, addressing: (1) board plans to develop online services; (2) criteria for selection of an online contractor; (3) time and costs for the online project; (4) an assessment of the board’s financial health over the next five years, including the impact of online services on the board’s fund balance; (5) implementation of licensing for speech language pathologist assistants, the number of projected licenses and the financial impact of the new license; and (6) the status of the

board's efforts to establish rehabilitation committees for audiologists, speech pathologists, and hearing aid dispensers.

*State Board of Professional Counselors and Therapists:* The board consists of nine members and is responsible for the licensure and certification of counselors and therapists, enforcing professional standards, investigating consumer complaints, and examining applicants. DLS recommended that the board submit a follow-up report to the Legislative Policy Committee by October 1, 2002 that assesses whether continued use of professional certification is necessary with the increasing use of licensure. The report should also address the projected fiscal status of the board over the next five years to ensure that revenues continue to exceed expenses. DLS recommended a sunset review in five years for this board because of the licensure issue.

*State Board of Occupational Therapy Practice:* This seven-member board is responsible for licensing occupational therapists and occupational therapy assistants, setting standards for the practice of occupational therapy, and resolving consumer complaints. DLS found that that the board and its supporting staff were functioning well and promoted a high level of professionalism. A follow-up report was not requested from the board.

*Physician Assistant Advisory Committee:* This committee is a sub-unit of the State Board of Physician Quality Assurance (BPQA). It is a seven-member advisory committee that reviews all applications for certification, renewal, and reinstatement of physician assistants. The committee reviews delegation agreements, relevant regulations, and makes recommendations to BPQA. It investigates complaints against physician assistants and provides advice about the physician assistant profession to BPQA. DLS recommended that the committee submit a follow-up report to the Legislative Policy Committee by October 1, 2002 regarding: (1) regulatory changes to improve consistency with enabling legislation; (2) improvements to effectively communicate the delegation agreement fee structure to applicants; and (3) communication and sharing of information between BPQA and the advisory committee regarding the committee's financial status.

**State Fiscal Effect:** Special fund revenues and expenditures for each board and the committee would be maintained beyond fiscal 2004. The table below presents the revenues and expenditures for each board and the committee in fiscal 2002 as well as the fiscal 2003 revenue assumptions and budget allowance:

<b><u>State Board or Committee</u></b>	<b><u>2002 Revenues</u></b>	<b><u>2002 Expenditures</u></b>	<b><u>2003 Revenue Projection</u></b>	<b><u>2003 Expenditure Allowance</u></b>
Audiologists	\$345,850	\$239,467	\$65,000	\$272,034
Counselors	375,000	254,326	477,500	344,968
Occ. Therapists	586,075	234,246	49,950	316,006
Physician Assist. Committee	<u>126,625</u>	<u>69,035</u>	<u>188,825</u>	<u>70,317</u>
<b>Totals</b>	<b>\$1,433,550</b>	<b>\$797,074</b>	<b>\$781,275</b>	<b>\$1,003,325</b>

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 149 (The Speaker) – Environmental Matters.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - January 18, 2002  
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