

**2007 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office**

MEASURE NUMBER: SB 717 **STATUS:** B-Engrossed
SUBJECT: Scope of practice review committee
GOVERNMENT UNIT AFFECTED: Board of Medical Examiners and other health professional regulatory Boards
PREPARED BY: Deborah Manthe
REVIEWED BY: John Borden
DATE: June 6, 2007

	<u>2007-2009</u>	<u>2009-2011</u>
EXPENDITURES: See Comments		
REVENUES: See Comments		
POSITIONS / FTE: See Comments		
EFFECTIVE DATE: January 1, 2008		

GOVERNOR'S BUDGET: This bill is not anticipated by the Governor's recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: This measure requires the Board of Medical Examiners (BME) to appoint and convene a "scope of practice review committee" within 30 days of receipt of a written request from a health care professional regulatory board, health care professional, or health care organization representing health care professionals to review a proposed scope of practice change that may fall under what constitutes the practice of medicine as defined by ORS 677.085; specifies committee membership and issues to be considered as part of the review; requires BME to provide technical assistance and support staff for the committee; and requires the review findings be reported to the Legislative Assembly. The measure is repealed on June 30, 2012.

Currently BME reviews and approves the scope of practice for Physicians, Physician Assistants, Podiatrists, and Acupuncturists and then presents its findings to the Legislature in the form of a bill requesting changes to Oregon Revised Statute. BME reviews generally occur biennially. It is unknown how many non-BME proposed scope of practice changes will fall within the scope of ORS 677.085 (e.g., psychologists, optometrists, physical therapists, chiropractors, naturopaths) and of those, since a review is not mandatory, how many will be submitted to BME for review.

To the extent that the frequency of external review requests exceeds BME's ability to absorb the workload (without impacting service levels) additional staff maybe required. The biennial cost of one staff person (at the Administrative Specialist 2 level) is estimated to be \$93,000 Other Funds (license fees). BME has also identified increased legal expenses of approximately \$6,000 Other Funds per

biennium related to the review of administrative rules to implement the bill and issues specific to each proposed change review. The bill does not allow for compensation and travel cost reimbursement for committee members.

The bill does not specify a funding source for the required technical assistance and staff support. The Legislative Fiscal Office (LFO) assumes that BME existing licensee fees are expected to cover these costs, however, LFO is uncertain whether BME has statutory authority to spend existing fee revenue to support scope of practice reviews for professionals not currently under the Board's jurisdiction. The bill makes no provision for BME to recover the cost of its reviews from other health care licensing agencies.

LFO assumes that non-BME health care professional regulatory boards would have a minimal fiscal impact associated with drafting legislation related to scope of practice changes and any new administrative rule development.

This measure currently does not have a subsequent referral to the Joint Committee on Ways and Means. This is appropriate at this time. BME, however, may need to return to the Legislative Emergency Board or a subsequent legislative session for position authority and Other Funds expenditure limitation if the Board is unable to manage any new workload associated with this measure within its Legislatively approved budget.