

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2394

Seventy-Sixth Oregon Legislative Assembly – 2011 Regular Session
Legislative Fiscal Office

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Date: 2/23/2011

Measure Description:

Allows health professional regulatory boards to which moneys in fund or account are continuously appropriated to spend, without limitation, specified percentage of moneys in fund or account for expenses related to conducting contested case proceedings.

Government Unit(s) Affected:

State Board of Examiners for Speech-Language Pathology and Audiology, State Board of Chiropractic Examiners, State Board of Licensed Social Workers, Oregon Board of Licensed Professional Counselors and Therapists, Oregon Board of Dentistry, Board of Examiners of Licensed Dietitians, State Board of Massage Therapists*, State Mortuary and Cemetery Board, Oregon Board of Naturopathic Medicine, Oregon State Board of Nursing, Nursing Home Administrators Board, Oregon Board of Optometry*, State Board of Pharmacy, Oregon Medical Board, Occupational Therapy Licensing Board, Physical Therapist Licensing Board*, State Board of Psychologist Examiners, Board of Medical Imaging, Oregon State Veterinary Medical Examining Board, Oregon Health Authority

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.

Analysis:

The fiscal impact of the proposed legislation is indeterminate.

HB 2394 provides health professional regulatory boards with unlimited expenditure access to an unspecified percentage of the monies in the fund that is continuously appropriated to them. Because the percentage is unspecified, it is not possible to determine the expenditure impact, in terms of dollars. The Legislative Fiscal Office notes that there is no provision for how this calculation should be made regarding factors such as when the moneys in the fund are used to make the calculation (end of year, beginning of year, each month, etc), whether the moneys in the fund refer to the immediate fund balance, the average fund balance, and so forth.

The costs related to conducting contested cases under ORS chapter 183 vary greatly from year to year for each board. The impacted boards indicate that there is no fiscal impact to the legislation as they have no way of determining whether future contested case costs will be within their historical and budgeted expenditure levels.

Note that the Board of Massage Therapists, the Board of Optometry and the Physical Therapist Licensing Board are semi-independent state agencies subject to ORS 182.456 to 182.472. The agency's budget is not subject to Executive Branch review, or approval or modification by the Legislative Assembly.