

SB 106
Relating to regulatory boards

Senate Bill 106 removes statutory references and caps relating to the certain fees for the Board of Chiropractic Examiners and the Board of Pharmacy.

Currently, many of the health professional licensing boards have statutory language allowing them to set fees by administrative rule. Two health boards, the Board of Pharmacy and the Board of Chiropractic Examiners, still have fees and maximums stated in statute. Passage of this bill would allow these two boards to modify fees by administrative rule, subject to legislative approval. Fees modified by administrative rule, are not effective until approval by the Department of Administrative Services, and must be ratified by the Legislature. If fee changes are not ratified by the Legislature the fees must return to their original levels.

The Subcommittee recommends SB 106 be reported out “do pass”.

Joint Committee on Ways and Means

Carrier – House: Rep. Komp
Carrier – Senate: Sen. Monroe

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

Prepared By: Kim To, Legislative Fiscal Office

Meeting Date: May 31, 2013

WHAT THE MEASURE DOES: Allows State Board of Chiropractic Examiners and State Board of Pharmacy to establish certain fees by rule. Distinguishes chiropractic assistant from other ancillary personnel used by chiropractors. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- ORS 291.050 (commonly known as the SB 333 approval process), agencies must obtain legislative approval after administratively changing fees. If the changes are not ratified by the Legislature, the fees must return to their original levels.

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Currently, many of the health professional licensing boards have statutory language allowing them to set appropriate licensing, application, registration and other fees by administrative rule. The Board of Pharmacy and the Board of Chiropractic Examiners are the two health boards which have fees and maximums stated in statute.

Additionally, “ancillary personnel” is referenced in the Board of Chiropractic Examiners governing statutes. The Board of Chiropractic Examiners is requesting that the term be deleted and replaced with chiropractic assistant.

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 106

Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Kim To
Reviewed by: Matt Stayner
Date: 5/2/2013

Measure Description:

Allows State Board of Chiropractic Examiners and State Board of Pharmacy to establish certain fees by rule.

Government Unit(s) Affected:

Board of Chiropractic Examiners, Board of Pharmacy

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:

Senate Bill 106 removes statutory references and caps relating to the following fees for the Board of Chiropractic Examiners and the Board of Pharmacy:

Board of Chiropractic Examiners

- Application Fee
- Criminal Record Check Fee
- Examination Fee
- Chiropractic License Fee
- Certified Chiropractic Assistant Application Fee
- Certified Chiropractic Assistant Examination Fee
- Certified Chiropractic Assistant Certificate Fee
- Certified Chiropractic Assistant Renewal Fee
- Reciprocity Licensing Fee
- Annual Registration Fee
- Late Renewal Fees

Board of Pharmacy

- Examination Fee
- Pharmacist License Fee
- Reciprocity Licensing Fee
- Licensed Intern Fee
- Duplicate Pharmacist Certificate Fee
- Pharmacist License Late Renewal Fee
- Continuing Education Certification Fee
- Initial Drug Outlet Registration Fee
- Drug Outlet Registration Renewal Fee
- Non-Prescription Drug Outlet Registration Fee
- Re-inspection Fee
- Late Renewal Fees
- Renewal Fees

The bill applies to fees assessed on or after July 1, 2013. Passage of this bill would allow these two Boards to modify fees by administrative rule, subject to legislative approval. According to ORS 291.050 (commonly known as the SB 333 approval process), agencies must obtain legislative approval after administratively changing fees. If the changes are not ratified by the Legislature, the fees must return to their original levels.

Passage of this bill has no immediate direct fiscal impact to the Board of Chiropractic Examiners and the Board of Pharmacy. The Board of Pharmacy reports that it does not anticipate increasing fees during the 2013-15 and 2015-17 biennia. However, included in the 2013-15 budget request for the Board of Chiropractic Examiners is a policy package (#100) proposing four fee increases:

Proposed Fee Increases

- Chiropractic Annual Renewal from \$300 to \$350 (\$50 increase)
- Senior Active Renewal from \$225 to \$262.50 (\$37.50 increase)
- Chiropractic Assistant Application from \$25 to \$50 (\$25 increase)
- Chiropractic Assistant Renewal from \$50 to \$75 (\$25 increase)

Project Revenue

- \$121,540
- \$ 18,540
- \$ 21,465
- \$ 41,711
- TOTAL**
- \$203,256**

The Board of Chiropractic Examiners estimates that these proposed fee increases would generate \$203,256 in revenues. Passage of this bill would remove the caps and allow the proposed fee increases to be adopted. The Board proposes using this additional revenue to fund existing operations and the additional expenditures related to two proposed policy packages: Package #102 establishing a Health Care Investigator/Advisor position [\$83,192 Other Funds and 0.50 FTE]; and package #101 to cover attorney general costs [\$43,491 Other Funds]. The Legislative Fiscal Office notes that without an increase in fee revenue, the Board is projected to have a structural imbalance between revenues and expenditures resulting in an erosion of the Board's ending fund balance.