

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 1257 (First Edition)

SHORT TITLE: Amend Respiratory Care Practice Act/Fees

SPONSOR(S): Representatives Tolson and Nye

FISCAL IMPACT					
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>	<u>FY 2006-07</u>	<u>FY 2007-08</u>
REVENUES					
General Fund	Approximately \$3,000 annually				
Board of Cosmetic Art Examiners	\$21,050	\$21,050	\$21,050	\$21,050	\$21,050
EXPENDITURES					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: North Carolina Department of Revenue, North Carolina Respiratory Care Board					
EFFECTIVE DATE: This act is effective when it becomes law.					

BILL SUMMARY: The proposed bill amends various provisions under the Respiratory Care Practice Act, authorizing the North Carolina Respiratory Care Board (the Board) to establish fees for verification of licensure status and approval of continuing education programs. The bill also authorizes the Board to assess civil penalties for violations of Article 38 of Chapter 90.

ASSUMPTIONS AND METHODOLOGY: According to the information provided by the Board, there are 3,401 licensed respiratory care practitioners in North Carolina. Of these, 157 practitioners hold provisional licenses. According to the Board, on average, they perform 790 license verifications every year. With a verification fee of \$20, the total annual revenue from providing official verification of licensure status for a fee would constitute \$15,800.

The bill proposes to set a maximum fee for approval of continuing education programs at \$150. However, the Board plans to charge \$35 for this service. Based on the data provided by the Board, on average, annually it approves 150 programs, which would generate annual revenue of \$5,250.

With regard to civil penalties, the Board has indicated that there are about twenty major violations of Article 38, Chapter 90 of the General Statutes, such as operating under somebody else's license, which would be considered for the maximum penalty of \$1,000. There are also an identified number of less serious violations that would generate fewer penalties, for which no specific amounts are set. Overall, it is possible to assume that the total amount generated as the result of civil penalties collection would be in the range of \$3,000. According to the proposed bill, this amount would be remitted to the General Fund of the State of North Carolina.

SOURCES OF DATA: North Carolina Respiratory Care Board

TECHNICAL CONSIDERATIONS: Given the recent court rulings on the use of revenue from fines and forfeitures, it does not appear to Fiscal Research that the proceeds of the Board's civil penalties can be credited to the General Fund.

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Linda Struyk Millsaps and Alexei Pavlichev

APPROVED BY: James D. Johnson, Director, Fiscal Research Division

DATE: June 5, 2003.



Signed Copy Located in the NCGA Principal Clerk's Offices