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H.B. 196
(1_134_0228-3)
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 196's Bill Analysis](#)

Version: In House Health

Primary Sponsors: Reps. Kelly and Carruthers

Local Impact Statement Procedure Required: No

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Highlights

- The bill requires the State Medical Board to regulate the practice of surgical assistants, which will result in costs. Initial costs include eLicense upgrades estimated to be approximately \$100,000, as well as rule promulgation costs. Ongoing costs will include processing applications and renewals and investigating complaints.
- The Board will experience a gain in license fee revenue. The amount collected will depend on the number of licensees. Any revenue collected will be deposited into the State Medical Board Operating Fund (Fund 5C60).

Detailed Analysis

Surgical assistant licensure

The bill authorizes an individual holding a current, valid license issued by the State Medical Board to practice as a surgical assistant. It outlines the scope of practice for surgical assistants and the eligibility requirements, as well as application and renewal procedures. The bill specifies that a license is valid for two years. An individual is prohibited from knowingly practicing as a surgical assistant without a Board-issued license one year after the effective date of the bill. The violation of the prohibition against practicing as a surgical assistant is a first degree misdemeanor on a first offense and a fifth degree felony for each subsequent offense. The bill outlines Board regulation of surgical assistants and addresses various related topics including criminal records checks, license suspension or restoration, and treatment of impaired practitioners. In addition, it specifies some grounds for professional discipline as well as procedures for discipline and investigations. The bill authorizes the Board to impose civil penalties in the event of a violation and requires the Board to adopt guidelines regarding the amounts of civil penalties. However, the bill specifies that no penalty amount can exceed \$20,000. The bill addresses continuing education requirements.

Fiscal impact

The State Medical Board will experience both initial and ongoing costs related to the regulation of surgical assistants. The eLicense system will need to be updated to include surgical assistant licensure, which the Board estimates to cost about \$100,000. There may be additional minimal costs to promulgate rules. The Board will experience ongoing costs to process initial and renewal license applications, respond to consumer and applicant inquiries, and to investigate complaints. These costs will depend on the number of surgical assistant license applications received. However, some of these costs may be at least partially offset by application and renewal fees, which are \$200 for an initial and a renewal license, \$35 for a duplicate license, \$50 for license verification, \$225 for license reinstatement, and \$250 for license restoration. All revenues will be deposited into the State Medical Board Operating Fund (Fund 5C60). Again, the revenues will depend on the number of licensees or applicants. However, it is possible that licensure could result in an increase in awareness of the profession. If this occurs, then the number of licensees could increase in future years.

There could be court and incarceration costs if there are any violations of the prohibition against knowingly practicing as a surgical assistant without a license. There could also be a subsequent gain in fine revenue if fines are imposed for such violations. However, the number of any potential violations is anticipated to be few.

Synopsis of Fiscal Effect Changes

The fiscal effects of the substitute bill (I_134_0228-3) will differ from those of the As Introduced version in various ways. Some of these ways are addressed below:

- The As Introduced version of the bill authorized the State Medical Board to impose a civil penalty in the event of a violation of the prohibition against knowingly practicing as a surgical assistant without a license. In the substitute bill, this violation is changed from a civil penalty to a first degree misdemeanor on a first offense and a fifth degree felony for each subsequent offense. This could increase court and incarceration costs and result in fine revenues. However, the number of violations is anticipated to be few.
- The substitute bill delays for one year after the bill's effective date the prohibition on knowingly practicing as a surgical assistant without holding a license. This could delay any fiscal impacts related to this prohibition.
- The substitute bill removes a provision allowing hospitals or ambulatory surgical facilities in certain circumstances to be granted a waiver from the license requirement and that allowed individuals at facilities with a waiver to practice as a surgical assistant without holding a license. This will eliminate any fiscal impacts associated with this provision.
- The substitute bill addresses a number of topics directly in statute rather than delegating to the Medical Board to address these topics in rules. For instance, the substitute bill specifies the licensing fees to be charged by the Board instead of requiring the Board to establish the fees in rule as under the As Introduced version. The fees established are \$200 for an initial and a renewal license, \$35 for a duplicate license, \$50 for license verification, \$225 for license reinstatement, and \$250 for license restoration.