

JLBC Fiscal Note

BILL # HB 2408

TITLE: nursing board; regulatory actions; expungement

SPONSOR: Willoughby

PREPARED BY: Brian Belakovsky

STATUS: House Engrossed

Description

The bill would establish procedures for Nursing Board complaints and investigations, including a new complaint prioritization process and 180-day complaint investigation timeline, create an expungement process for specific licensees, and subject the board to liability in certain circumstances.

Estimated Impact

We expect the bill to generate additional costs up to \$2.9 million from the Board of Nursing Fund. The actual cost will depend on implementation of the bill, including the target caseload per investigator in order to complete complaint investigations within the bill's statutory timeframe.

Specifically, the board projects the following costs:

- \$2.8 million to hire 23 investigative staff (including 12 Nurse Practitioner Consultants, 5 Advanced Practice Registered Nurses, and 6 senior investigators) along with 5 legal secretaries. This figure includes an equipment budget for new staff of \$56,000.
- \$60,000 for increased Office of Administrative Hearings (OAH) fees related to a change in burden of proof requirements that could lengthen hearings.
- \$20,000 for Health Insurance Portability and Accountability Act (HIPAA) compliance costs and IT infrastructure.
- An unspecified administrative cost associated with reviewing applicant history for expungement requests. This would likely be offset by new fees.

Analysis

Our estimated impact is based on the following assumptions and data sources:

- 1) In its FY 2027 budget request, the board proposed an increase of \$2.7 million to hire 28 additional staff and purchase equipment. The board notes that it has experienced an increase in the number of complaints received, the average complexity of complaints, and the backlog of such complaints over the past several years. The Board's request was based on the Auditor General's recommendation that complaints be investigated within 180 days.
- 2) The board expects that the provisions under this bill would increase the average complexity of complaint processing.
- 3) The board notes that the national standard for investigator caseloads is 30-40 cases per investigator, which would require between 39 and 50 total investigative staff to meet the proposed 180-day investigation timeline. The board currently employs 27 investigators, including 3 vacant positions. The 23 new FTE positions would provide the board with 50 total investigation-related staff. The personnel cost could potentially be lower if fewer staff are needed under a 40-case scenario.

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