

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 937 - HB 1219

March 12, 2019

SUMMARY OF ORIGINAL BILL: Requires occupational regulatory boards within the Department of Health (DOH) and Department of Commerce and Insurance (DCI) to issue a temporary license, valid for 18 months, to a person who is certified in another state to perform the service that left employment to accompany a spouse in the armed forces subjected to a military transfer to this state.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (005618): Deletes all language after the enacting clause. Establishes that the Department of Commerce and Insurance (DCI) may not collect application fees for licensure, or the Department of Health (DOH), in respect to fees for temporary licensure, from a member of the armed forces within 180 days of retirement or discharge or a spouse that left employment to accompany a military transfer to this state if a occupational regulatory board does not make a determination of eligibility in this state within 30 days of the application.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 4-3-1304(d), DCI has an established procedure to expedite the issuance of a full license for a person who is certified in another state to perform the service that left employment to accompany a spouse in the armed forces subjected to a military transfer to this state; if the state from where the license has been issued has significantly inequivalent prerequisites, the procedure may include issuing the

SB 937 - HB 1219

person a temporary permit to allow the person to perform services until all education or training requirements in this state are met.

- DOH has the same established procedures as DCI for the aforementioned temporary licensure issuance under Tenn. Code. Ann. § 68-1-101(b).
- The proposed legislation prohibits any occupational board under the DOH from collecting application fees for a qualified person if a prerequisite determination is not given within 30 days in the case a temporary license is issued, in lieu of a full, expedited license.
- According to DOH and DCI, no temporary licenses have been issued, to date, pursuant to Tenn. Code Ann. § 68-1-101(b) and § 4-3-1304(d), respectively. Full, expedited, licenses have been issued after ensuring the person met all licensing requirements in Tennessee.
- The proposed legislation will require the applicant to pay the existing licensure fee currently set by the corresponding regulatory board. It is estimated that the Departments can determine if the applicant is eligible for full or temporary occupational licensure within the 30 day timeframe in order to collect the application fee. Therefore, no significant change in licensure fee revenue.
- Any rulemaking necessary for an individual regulatory board to ensure temporary licensure procedures adhere to the proposed legislation can be accomplished within existing resources.
- Pursuant to Tenn. Code Ann. § 4-29-121, all regulatory boards are required to be self-supporting over any two-year period. The DCI Division of Regulatory Boards experienced a surplus of \$2,735,422 in FY16-17, a surplus of \$2,394,375 in FY17-18, and a cumulative reserve balance of \$27,499,691 on June 30, 2018.
- The DOH Division of Regulatory Boards experienced a surplus of \$3,609,723 in FY16-17, a surplus of \$3,621,024 in FY17-18, and a cumulative reserve balance of \$34,646,763 on June 30, 2018.

IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed legislation requires DCI or DOH to determine existing occupational license eligibility in this state within a specified timeframe; any decrease in expenditures for qualified persons not required to pay application fees are estimated to be not significant.
- A qualified person must already be certified for the professional service in another state prior to a military transfer to Tennessee; the proposed legislation is not estimated to significantly change the number of military spouses licensed to perform such services in Tennessee.
- Any impact to commerce or jobs in Tennessee is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Handwritten signature of Krista Lee Carsner in black ink.

Krista Lee Carsner, Executive Director

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