



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1566

PRINTERS NO. 4336

PRIME SPONSOR: Kortz

COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
General Fund	\$0	\$0
Professional Licensure Augmentation Account	See Fiscal Impact	See Fiscal Impact

SUMMARY: Amends Title 63 (Professions and Occupations – State Licensed) permitting licensed professionals to receive advice from licensing boards and permits licensed professionals to operate during the Governor’s March 6, 2020 disaster emergency declaration. This legislation would take effect in 60 days.

ANALYSIS: This legislation amends Title 63 permitting licensed professionals to receive advice from licensing boards and permits licensed professionals to operate during the Governor’s March 6, 2020 disaster emergency declaration.

Advisory Opinions: The legislation gives the boards and commissions under the Bureau of Professional and Occupational Affairs (BPOA) the authority to issue an advisory opinion, upon request of a licensee, registrant, certificate holder or permit holder, concerning the meaning or interpretation of an act or regulation pertaining to the license, registration, certificate or permit issued by such board.

Under the legislation, no person who acts in good faith on an advisory opinion issued by a licensing board or commission upon the person's request shall be subject to criminal or civil penalties or any disciplinary action by the board or commission, provided that the material facts are as stated in the opinion request.

An advisory opinion shall not be binding upon the licensing board or commission except with respect to the person to whom the opinion is rendered. Advisory opinions shall be public records and may be published.

Operation During Disaster Declaration: The legislation also contains language that would prohibit a board or commission from levying a civil penalty or denying, suspending or revoking a license, registration, certification or permit solely because of an action taken by a licensee contrary to Governor’s March 6, 2020, disaster emergency declaration and any renewal of the state of disaster emergency.

FISCAL IMPACT: According to the Department of State, it is unknown at this time how many such requests would be received as a result of this legislation. The department anticipates that some additional workload could result in the need for additional staff including division lawyers, paralegals and legal assistants to respond to requests for advisory opinions. Any estimate of the number of staff and the corresponding costs are indeterminable at this point. Any increased costs to the restricted accounts would be borne by the licensees in the form of higher biennial fees.

The remainder of this legislation would have no adverse fiscal impact on Commonwealth funds.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: September 1, 2020

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.