



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
(803)734-3780 • RFA.SC.GOV/IMPACTS

This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: S. 0397 Signed by Governor on June 19, 2023
Author: Shealy
Subject: Athletic Trainers Act
Requestor: Senate
RFA Analyst(s): Wren and Griffith
Impact Date: July 26, 2023

Fiscal Impact Summary

This bill transfers the regulation of athletic trainers from the Department of Health and Environmental Control (DHEC) to the Board of Medical Examiners, which is under the administration of the Department of Labor, Licensing and Regulation (LLR). The bill also creates an Athletic Trainers' Advisory Committee consisting of nine members appointed by the Board of Medical Examiners. The Board of Medical Examiners, with the advice of the Athletic Trainers' Advisory Committee, must develop standards and promulgate regulations to implement the provisions of this bill and for the improvement of athletic training services. The Board of Medical Examiners may levy fees in an amount sufficient to administer the requirements of the bill. The bill further specifies that the programmatic cash balance, powers, functions, duties, responsibilities, and authority statutorily exercised by DHEC concerning the regulation of athletic trainers are transferred to and devolved upon the Board of Medical Examiners.

LLR indicates the need for 1.0 FTE, an Administrative Assistant, to account for the increase in licenses issued. Other Funds expenses for the FTE, additional expenses for the Board of Medical Examiners meetings, and equipment will total \$62,253 in FY 2023-24. Expenses will decrease to \$61,253 beginning in FY 2024-25. The agency will need to request an Other Funds authorization increase to cover the expenses.

This bill will have no cost savings on DHEC since the responsibilities and job duties of the 0.25 FTEs will be reallocated to other program areas within the agency.

The Revenue and Fiscal Affairs Office (RFA) does not anticipate that this bill will have an expenditure impact on Judicial. The offense specified in the bill for any person who violates the provisions of the bill is currently in Chapter 75, Title 44, which is being repealed and added to Chapter 47, Title 40. The bill is not expected to alter the duties or responsibilities of Judicial.

The bill allows the Board of Medical Examiners to apply to an administrative law judge as provided under Article 5, Chapter 23, Title 1 for an injunction enjoining an individual from providing services as an athletic trainer. RFA anticipates that the Administrative Law Court will be able to manage any increase in caseload with existing appropriations.

The Board of Medical Examiners falls under the Division of Professional and Occupation Licensing. Proviso 81.3 of the FY 2022-23 Appropriations Act requires LLR to remit annually to the General Fund an amount equal to 10 percent of expenditures unless the board has an overall negative ending cash balance. Based on LLR's estimated expenditures, the bill will increase General Fund revenue by \$6,225 in FY 2023-24 and by \$6,125 beginning in FY 2024-25.

Based on information provided by DHEC, the cash balance for this program is approximately \$98,400. Therefore, this bill will shift approximately \$98,400 in Other Funds revenue of DHEC to Other Funds revenue of LLR in FY 2023-24. Additionally, since fees must be set in regulation by the Board of Medical Examiners, the additional impact on Other Funds revenue of LLR for fees is undetermined. For reference, DHEC reports there are currently 1,110 licensed athletic trainers in South Carolina.

Explanation of Fiscal Impact

Signed by Governor on June 19, 2023

State Expenditure

This bill repeals Chapter 75, Title 44, which relates to the regulation of athletic trainers by DHEC and transfers the regulation of athletic trainers to the Board of Medical Examiners, which is under the administration of LLR. The bill also creates an Athletic Trainers' Advisory Committee consisting of nine members appointed by the Board of Medical Examiners. Two members must be physicians who are licensed in South Carolina, five must be licensed athletic trainers, and two must be members of the general public who are not certified or licensed in any health care field and are not connected in any way to athletic trainers. The Board of Medical Examiners, with the advice of the Athletic Trainers' Advisory Committee, must develop standards and promulgate regulations to implement the provisions of this bill and for the improvement of athletic training services. The Board of Medical Examiners may levy fees in an amount sufficient to administer the requirements of the bill.

Additionally, the bill specifies the requirements and certifications that an applicant must possess in order to obtain an initial athletic trainer license and for license renewal. Any person who holds himself out as an athletic trainer without being licensed is guilty of a misdemeanor and upon conviction must be fined not more than \$300 or imprisoned for not more than ninety days, or both. The Board of Medical Examiners may apply to an administrative law judge as provided under Article 5, Chapter 23, Title 1 for an injunction enjoining an individual from providing services as an athletic trainer.

Further, the bill specifies that the programmatic cash balance, powers, functions, duties, responsibilities, and authority statutorily exercised by DHEC concerning the regulation of athletic trainers are transferred to and devolved upon the Board of Medical Examiners.

Department of Labor, Licensing and Regulation. LLR indicates that due to the number of athletic trainers that will be licensed, the agency will require 1.0 FTE for an Administrative Assistant. Salary and fringe benefits will total \$58,753 in recurring expenses for the new position, and non-recurring expenses will total \$1,000 for a desktop computer and accessories.

For miscellaneous services and supplies, along with additional expenses for the Board of Medical Examiners meetings, the agency will require \$2,500 in recurring funds. Thus, LLR will need to request an Other Funds authorization increase of 1.0 FTE as well as an Other Funds authorization increase of \$62,253 in FY 2023-24. Expenses will decrease to \$61,253 beginning in FY 2024-25. RFA anticipates that the Board will levy fees as permitted by this bill to offset these expenses.

Department of Health and Environmental Control. DHEC indicates that transferring the regulation of athletic trainers to LLR will have no cost savings on the agency since the responsibilities of the 0.25 FTEs will be reallocated to other program areas within DHEC.

Judicial. The offense specified in the bill for any person who violates the provisions of the bill is currently in Chapter 75, Title 44, which is being repealed and added to Chapter 47, Title 40. RFA does not expect that the bill will alter the duties or responsibilities of Judicial. Therefore, we do not anticipate that the bill will have an expenditure impact on Judicial.

Administrative Law Court. The bill allows the Board of Medical Examiners to apply to an administrative law judge as provided under Article 5, Chapter 23, Title 1 for an injunction enjoining an individual from providing services as an athletic trainer. We anticipate that the Administrative Law Court will be able to manage any increase in caseload with existing appropriations.

State Revenue

This bill repeals Chapter 75, Title 44, which relates to the regulation of athletic trainers by the DHEC and transfers the regulation of athletic trainers to the Board of Medical Examiners, which is under the administration of LLR. The Board of Medical Examiners may levy fees in an amount sufficient to administer the requirements of the bill. Additionally, the bill specifies that the programmatic cash balance, powers, functions, duties, responsibilities, and authority statutorily exercised by DHEC concerning the regulation of athletic trainers are transferred to and devolved upon the Board of Medical Examiners.

The Board of Medical Examiners falls under the Division of Professional and Occupation Licensing. Proviso 81.3 of the FY 2022-23 Appropriations Act requires LLR to remit annually to the General Fund an amount equal to 10 percent of expenditures unless the board has an overall negative ending cash balance. Based on LLR's estimated expenditures, the bill will increase General Fund revenue by \$6,225 in FY 2023-24 and by \$6,125 beginning in FY 2024-25. Additionally, RFA anticipates that the Board will levy fees as permitted by this bill to offset expenses.

DHEC indicates that the current revenues of the program total approximately \$14,500, and expenses are \$10,400. Further, the cash balance to date is approximately \$98,400. Therefore, this bill will shift \$98,400 in Other Funds revenue of DHEC to Other Funds revenue of LLR in FY 2023-24. Additionally, since fees must be set in regulation by the Board of Medical Examiners, the additional impact on Other Funds revenue of LLR for fees is undetermined. For reference, DHEC reports there are currently 1,110 licensed athletic trainers in South Carolina.

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director