

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 17-1165

BY REPRESENTATIVE(S) Lebsock, Hooton, Gray, Rosenthal;
also SENATOR(S) Aguilar.

CONCERNING THE RESOLUTION OF DISCIPLINARY ACTIONS BY AGENCIES
WITHIN THE DEPARTMENT OF REGULATORY AGENCIES, AND, IN
CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 10-16-146 as follows:

10-16-146. Periodic updates to provider directory. EACH CARRIER SHALL, AT LEAST EVERY THIRTY DAYS, UPDATE ITS PROVIDER DIRECTORY AS POSTED ON THE CARRIER'S WEBSITE IN ACCORDANCE WITH THE INFORMATION CONTAINED ON THE WEBSITES MAINTAINED BY THE APPLICABLE HEALTH CARE PRESCRIBER BOARD, AS THAT TERM IS DEFINED IN SECTION 24-34-112, TO REMOVE A PROVIDER WHOSE LICENSE HAS BEEN REVOKED OR SUSPENDED BY THE APPLICABLE HEALTH CARE PRESCRIBER BOARD.

SECTION 2. In Colorado Revised Statutes, **add** 24-34-112 as follows:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

24-34-112. Health care prescriber boards - disciplinary procedures - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "HEALTH CARE PRESCRIBER BOARD" OR "BOARD" MEANS:

(I) THE COLORADO PODIATRY BOARD CREATED IN SECTION 12-32-103;

(II) THE COLORADO DENTAL BOARD CREATED IN SECTION 12-35-104;

(III) THE COLORADO MEDICAL BOARD CREATED IN SECTION 12-36-103;

(IV) THE STATE BOARD OF NURSING CREATED IN SECTION 12-38-104;

(V) THE STATE BOARD OF OPTOMETRY ESTABLISHED IN SECTION 12-40-106; AND

(VI) THE STATE BOARD OF VETERINARY MEDICINE CREATED IN SECTION 12-64-105.

(b) "LICENSEE" MEANS AN INDIVIDUAL WHO IS LICENSED OR OTHERWISE REGULATED BY A BOARD.

(2) EXCEPT AS SPECIFIED IN SUBSECTION (4) OF THIS SECTION, NOTWITHSTANDING ANY OTHER PROVISION OF LAW IN THIS TITLE 24 OR TITLE 12, EACH HEALTH CARE PRESCRIBER BOARD SHALL:

(a) WITHIN FIFTEEN DAYS AFTER RECEIPT OF A COMPLAINT, PROVIDE THE COMPLAINANT WITH A WRITTEN NOTICE PROVIDING CONTACT INFORMATION FOR THE BOARD AND A SUMMARY OF THE REGULATORY AND STATUTORY PROCEDURES, TIMELINES, AND COMPLAINANT AND RESPONDENT RIGHTS THAT APPLY TO THE PROCESSING AND RESOLUTION OF COMPLAINTS, INCLUDING, IF THE COMPLAINANT IS THE PATIENT OF THE LICENSEE WHO IS THE SUBJECT OF THE COMPLAINT, A NOTICE OF THE PATIENT'S RIGHT TO RECEIVE FROM THE LICENSEE A COPY OF HIS OR HER PATIENT RECORDS

PURSUANT TO SECTIONS 25-1-801 AND 25-1-802;

(b) IF AN INVESTIGATION WAS INITIATED BY A COMPLAINT AND THE BOARD TOOK PUBLIC FORMAL ACTION REGARDING THE ALLEGED MISCONDUCT, PROVIDE THE COMPLAINANT, WITHIN THIRTY DAYS AFTER THE ACTION, WITH WRITTEN NOTICE OF THE ACTION TAKEN BY THE BOARD;

(c) IF A COMPLAINT IS STILL PENDING AFTER SIX MONTHS, NOTIFY THE COMPLAINANT THAT THE COMPLAINT REMAINS PENDING, SUBJECT TO APPLICABLE RESTRICTIONS IN THE BOARD'S GOVERNING LAW; AND

(d) UPDATE ITS WEBSITE WITHIN THIRTY DAYS AFTER SUSPENDING OR REVOKING A LICENSE TO SEPARATELY LIST EACH LICENSEE SUBJECT TO THE SUSPENSION OR REVOCATION.

(3) IF PATIENT RECORDS ARE POTENTIALLY RELEVANT TO RESOLUTION OF A COMPLAINT AGAINST A LICENSEE AND THE LICENSEE IS THE CUSTODIAN OF THE RECORDS, THE LICENSEE SHALL PROVIDE THE BOARD WITH THE PATIENT RECORDS WITHIN THIRTY DAYS AFTER THE BOARD REQUESTS THE RECORDS.

(4) IF ANY PROVISION OF ARTICLE 4 OF THIS TITLE 24 OR ARTICLE 32, 35, 36, 38, 40, OR 64 OF TITLE 12 IS MORE PROTECTIVE OF COMPLAINANTS' RIGHTS OR RESULTS IN A MORE EXPEDITIOUS RESOLUTION OF DISCIPLINARY PROCEEDINGS THAN A CORRESPONDING PROVISION OF THIS SECTION, THAT PROVISION APPLIES RATHER THAN THE CORRESPONDING PROVISION OF THIS SECTION.

(5) (a) THE DEPARTMENT SHALL INCLUDE IN ITS ANNUAL PRESENTATION MADE PURSUANT TO SECTION 2-7-203 A PERFORMANCE REPORT PREPARED BY THE DIVISION REGARDING CHANGES TO THE BOARDS' PROCESSES AND PROCEDURES.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2018.

SECTION 3. Appropriation. (1) For the 2017-18 state fiscal year, \$20,000 is appropriated to the department of regulatory agencies. This appropriation is from the division of professions and occupations cash fund created in section 24-34-105 (2)(b)(I), C.R.S. To implement this act, the

department may use this appropriation for the purchase of information technology services.

(2) For the 2017-18 state fiscal year, \$20,000 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of regulatory agencies under subsection (1) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of regulatory agencies.

SECTION 4. Applicability. This act applies to disciplinary actions commenced on or after the effective date of this act.

SECTION 5. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO