HOUSE BILL 17-1165

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

Section 2 of the bill directs the Colorado dental board to conduct a review of its disciplinary procedures, identify inefficiencies, devise improvements, and implement the improvements.
Section 3 defines "health care prescriber board" to mean the following boards in the department of regulatory agencies: The Colorado podiatry board; the Colorado dental board; the Colorado medical board; the state board of nursing; the state board of optometry; and the state board of veterinary medicine. Section 3 also adjusts the boards' disciplinary procedures as follows:

1. Within 15 days after receipt of a complaint, the board shall provide the complainant with a comprehensive, written summary of the procedures, timelines, and complainant and respondent rights that apply to the processing and resolution of complaints and the contact information for the person who will be coordinating the board's response to the complaint;

2. Within 30 days after receiving or initiating a complaint, the board shall notify the licensee named in the complaint of the complaint and provide a copy of the notice to the complainant, if any. If patient records are potentially relevant to resolution of the complaint, the notice must state that the licensee shall provide the board with the records within 30 days after the board sent the notice.

3. Within 30 days after the board sent the notice, the licensee named in the complaint is required to provide a written response to the complaint to the board and include all patient records specified in the notice. If the licensee fails to timely respond, the board is to send the licensee a second notice and include a statement that failure to respond within 30 days will result in license suspension.

4. If the licensee fails to timely respond to a second notice of complaint, the board is to suspend the licensee's license unless good cause is shown;

5. The board is to notify the complainant if it receives a response from the licensee or if it suspends the licensee for failure to respond to a second notice of complaint;

6. If the complainant is a patient, the board must promptly notify the patient of the patient's right to receive a copy of the patient records; and

7. If an investigation was initiated by a complaint and the board took formal action regarding the alleged misconduct, the board shall provide the complainant, within 30 days after the action, with written notice of any initial disposition or board action, the next steps in the investigation process, and the final disposition of the investigation or complaint, as applicable.

By December 31, 2017, each board shall adopt rules regarding the procedures, timelines, and complainant and respondent rights that apply.
to the processing and resolution of disciplinary actions. The boards are
directed to use their best efforts to make an initial disposition of
disciplinary actions within 6 months after initiation of an investigation or
receipt of a complaint. An initial disposition includes a formal
determination that more time is needed to resolve the action.

Section 1 requires health insurance companies to update their
participating provider lists at least monthly, based on information on the
department's health care prescriber boards' websites, to remove a provider
whose license has been suspended or revoked.

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

SECTION 1. In Colorado Revised Statutes, add 10-16-145 as
follows:

10-16-145. 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:

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

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

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

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.