

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**PREMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0722.02 Thomas Morris x4218

**HOUSE BILL 17-1165**

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**HOUSE SPONSORSHIP**

**Lebsock,**

**SENATE SPONSORSHIP**

**Aguilar,**

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**House Committees**

Business Affairs and Labor  
Appropriations

**Senate Committees**

Business, Labor, & Technology

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**A BILL FOR AN ACT**

101 **CONCERNING THE RESOLUTION OF DISCIPLINARY ACTIONS BY**  
102 **AGENCIES WITHIN THE DEPARTMENT OF REGULATORY**  
103 **AGENCIES.**

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**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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.*

*Dashes through the words indicate deletions from existing statute.*

HOUSE  
3rd Reading Unamended  
April 4, 2017

HOUSE  
Amended 2nd Reading  
March 31, 2017

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:

- ! 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;
- ! 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.
- ! 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.
- ! 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;
- ! 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;
- ! 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
- ! 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.

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*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 12-35-104;

(III) THE COLORADO MEDICAL BOARD CREATED IN SECTION

1 12-36-103;

2 (IV) THE STATE BOARD OF NURSING CREATED IN SECTION  
3 12-38-104;

4 (V) THE STATE BOARD OF OPTOMETRY ESTABLISHED IN SECTION  
5 12-40-106; AND

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

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

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

13 (a) WITHIN FIFTEEN DAYS AFTER RECEIPT OF A COMPLAINT,  
14 PROVIDE THE COMPLAINANT WITH A WRITTEN NOTICE PROVIDING CONTACT  
15 INFORMATION FOR THE BOARD AND A SUMMARY OF THE REGULATORY AND  
16 STATUTORY PROCEDURES, TIMELINES, AND COMPLAINANT AND  
17 RESPONDENT RIGHTS THAT APPLY TO THE PROCESSING AND RESOLUTION  
18 OF COMPLAINTS, INCLUDING, IF THE COMPLAINANT IS THE PATIENT OF THE  
19 LICENSEE WHO IS THE SUBJECT OF THE COMPLAINT, A NOTICE OF THE  
20 PATIENT'S RIGHT TO RECEIVE FROM THE LICENSEE A COPY OF HIS OR HER  
21 PATIENT RECORDS PURSUANT TO SECTIONS 25-1-801 AND 25-1-802;

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

26 (c) IF A COMPLAINT IS STILL PENDING AFTER SIX MONTHS, NOTIFY  
27 THE COMPLAINANT THAT THE COMPLAINT REMAINS PENDING, SUBJECT TO

1 APPLICABLE RESTRICTIONS IN THE BOARD'S GOVERNING LAW; AND

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

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

10 (4) IF ANY PROVISION OF ARTICLE 4 OF THIS TITLE 24 OR ARTICLE  
11 32, 35, 36, 38, 40, OR 64 OF TITLE 12 IS MORE PROTECTIVE OF  
12 COMPLAINANTS' RIGHTS OR RESULTS IN A MORE EXPEDITIOUS RESOLUTION  
13 OF DISCIPLINARY PROCEEDINGS THAN A CORRESPONDING PROVISION OF  
14 THIS SECTION, THAT PROVISION APPLIES RATHER THAN THE  
15 CORRESPONDING PROVISION OF THIS SECTION.

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

20 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
21 2018.

22 **SECTION 3. Applicability.** This act applies to disciplinary  
23 actions commenced on or after the effective date of this act.

24 **SECTION 4. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, and safety.