

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 20-0151.02 Christy Chase x2008

**SENATE BILL 20-102**

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**SENATE SPONSORSHIP**

**Ginal and Cooke**, Bridges, Gardner, Gonzales, Hansen, Lundeen, Tate, Todd, Winter, Woodward

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**A BILL FOR AN ACT**

101 **CONCERNING REQUIRED DISCLOSURES TO PATIENTS REGARDING**  
102 **FORMAL ACTIONS BASED ON SEXUAL MISCONDUCT.**

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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>.)*

The bill requires certain health care providers to disclose to patients if the provider has been convicted of a sex offense or has been subject to final disciplinary action resulting in probation or a limitation on practice when the discipline is based in whole or in part on the provider's sexual misconduct. The bill specifies the form, manner, and content of the disclosures and requires the provider to obtain the patient's signed

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

SENATE  
3rd Reading Unamended  
February 11, 2020

SENATE  
Amended 2nd Reading  
February 10, 2020

agreement to treatment and acknowledgment of receipt of the disclosure before rendering services to the patient. Failure to comply with the requirements of the bill constitutes unprofessional conduct or grounds for discipline under the practice act that regulates the provider's profession.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 12-30-115 as  
3 follows:

4 **12-30-115. Required disclosure to patients - conviction of or**  
5 **discipline based on sexual misconduct - signed agreement to**  
6 **treatment - exceptions - violation grounds for discipline - rules -**  
7 **definitions.** (1) AS USED IN THIS SECTION:

8 (a) "PATIENT" MEANS A PERSON WHO IS SEEKING OR RECEIVING  
9 HEALTH CARE SERVICES FROM A PROVIDER. THE TERM INCLUDES THE  
10 PARENT, LEGAL GUARDIAN, OR CUSTODIAN OF A PATIENT WHO IS A MINOR  
11 UNDER EIGHTEEN YEARS OF AGE OR A PATIENT WHO LACKS THE LEGAL  
12 CAPACITY TO CONSENT.

13 (b) "PROVIDER" MEANS A LICENSEE, CERTIFICATE HOLDER, OR  
14 REGISTRANT WHO IS SUBJECT TO THE REQUIREMENTS OF SECTION  
15 12-30-102.

16 (2) ON OR AFTER JANUARY 1, 2021, A PROVIDER SHALL DISCLOSE  
17 TO PATIENTS ANY:

18 (a) FINAL CONVICTION OF OR PLEA ARRANGEMENT FOR A SEX  
19 OFFENSE, AS DEFINED IN SECTION 16-11.7-102 (3); OR

20 (b) FINAL DISCIPLINARY ACTION BY A REGULATOR THAT RESULTS  
21 IN PROBATIONARY STATUS OR OTHER LIMITATION ON THE PROVIDER'S  
22 ABILITY TO PRACTICE THE PROVIDER'S HEALTH CARE PROFESSION WHEN  
23 THE FINAL DISCIPLINARY ACTION IS BASED IN WHOLE OR IN PART ON ANY

1 OF THE FOLLOWING:

2 (I) A CONVICTION OF OR PLEA ARRANGEMENT FOR A SEX OFFENSE,  
3 AS DEFINED IN SECTION 16-11.7-102 (3), OR A FINDING THAT THE  
4 PROVIDER COMMITTED A SEX OFFENSE AS DEFINED IN SAID SECTION; OR

5 (II) A FINDING THAT THE PROVIDER ENGAGED IN UNPROFESSIONAL  
6 CONDUCT OR OTHER CONDUCT THAT IS GROUNDS FOR DISCIPLINE UNDER  
7 THE PART OR ARTICLE OF THIS TITLE 12 THAT REGULATES THE PROVIDER'S  
8 HEALTH CARE PROFESSION, WHERE THE FAILURE OR CONDUCT IS RELATED  
9 TO, INCLUDES, OR INVOLVES SEXUAL MISCONDUCT THAT RESULTS IN HARM  
10 TO A PATIENT OR PRESENTS A SIGNIFICANT RISK OF PUBLIC HARM TO  
11 PATIENTS.

12 (3) (a) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION,  
13 A PROVIDER SHALL PROVIDE THE DISCLOSURE SPECIFIED IN SUBSECTION (2)  
14 OF THIS SECTION TO THE PATIENT IN WRITING, IN THE FORM AND MANNER  
15 SPECIFIED BY THE REGULATOR BY RULE, BEFORE PROVIDING PROFESSIONAL  
16 SERVICES TO THE PATIENT.

17 (b) FOR A DISCLOSURE OF FINAL DISCIPLINARY ACTION, THE  
18 PROVIDER SHALL INCLUDE THE FOLLOWING INFORMATION, AT A MINIMUM,  
19 IN THE WRITTEN DISCLOSURE:

20 (I) THE TYPE, SCOPE, AND DURATION OF THE DISCIPLINARY ACTION  
21 IMPOSED, INCLUDING WHETHER:

22 (A) THE REGULATOR AND PROVIDER ENTERED INTO A  
23 STIPULATION;

24 (B) THE DISCIPLINARY ACTION RESULTED FROM AN ADJUDICATION  
25 DECISION;

26 (C) THE PROVIDER WAS PLACED ON PROBATION AND, IF SO, THE  
27 DURATION AND TERMS OF THE PROBATION; AND

1 (D) THE REGULATOR IMPOSED ANY LIMITATIONS ON THE  
2 PROVIDER'S PRACTICE AND, IF SO, A DESCRIPTION OF THE SPECIFIC  
3 LIMITATIONS AND THE DURATION OF THE LIMITATIONS;

4 (II) THE NATURE OF THE OFFENSE OR CONDUCT, INCLUDING THE  
5 CAUSES AND GROUNDS FOR PROBATION OR PRACTICE LIMITATIONS  
6 SPECIFIED IN THE FINAL DISCIPLINARY ORDER;

7 (III) THE DATE THE FINAL DISCIPLINARY ORDER WAS ISSUED;

8 (IV) THE DATE THE PROBATION STATUS OR PRACTICE LIMITATION  
9 ENDS; AND

10 (V) THE CONTACT INFORMATION FOR THE REGULATOR THAT  
11 IMPOSED THE DISCIPLINARY ACTION ON THE PROVIDER FOR THE PATIENT  
12 TO OBTAIN ADDITIONAL INFORMATION, INCLUDING INFORMATION ON HOW  
13 TO FILE A COMPLAINT.

14 (c) FOR A DISCLOSURE OF A FINAL CONVICTION OF OR PLEA  
15 ARRANGEMENT FOR A SEX OFFENSE, AS DEFINED IN SECTION 16-11.7-102  
16 (3), THE PROVIDER SHALL INCLUDE THE FOLLOWING INFORMATION, AT A  
17 MINIMUM, IN THE WRITTEN DISCLOSURE:

18 (I) THE DATE THAT THE FINAL JUDGEMENT OF CONVICTION OR  
19 ACCEPTANCE OF A PLEA ARRANGEMENT WAS ENTERED;

20 (II) THE NATURE OF THE OFFENSE OR CONDUCT THAT LED TO THE  
21 FINAL CONVICTION OR PLEA ARRANGEMENT;

22 (III) THE TYPE, SCOPE, AND DURATION OF THE SENTENCE OR OTHER  
23 PENALTY IMPOSED AS A RESULT OF THE FINAL CONVICTION OR PLEA  
24 ARRANGEMENT, INCLUDING WHETHER:

25 (A) THE PROVIDER ENTERED INTO A PLEA ARRANGEMENT OR WAS  
26 CONVICTED PURSUANT TO A CRIMINAL ADJUDICATION; AND

27 (B) THE PROVIDER WAS PLACED ON PROBATION AND, IF SO, THE

1 DURATION AND TERMS OF THE PROBATION AND THE DATE THE PROBATION  
2 ENDS; AND

3 (IV) THE JURISDICTION THAT IMPOSED THE FINAL CONVICTION OR  
4 ISSUED AN ORDER APPROVING THE PLEA ARRANGEMENT.

5 (d) BEFORE TREATING A PATIENT AFTER A FINAL CONVICTION, PLEA  
6 ARRANGEMENT, OR FINAL DISCIPLINARY ACTION DESCRIBED IN  
7 SUBSECTION (2) OF THIS SECTION HAS BEEN IMPOSED, THE PROVIDER  
8 SHALL OBTAIN THE PATIENT'S AGREEMENT TO TREATMENT AND  
9 ACKNOWLEDGMENT OF RECEIPT OF THE DISCLOSURE IN A FORM  
10 PRESCRIBED BY THE DIRECTOR BY RULE AND SIGNED BY THE PROVIDER  
11 AND THE PATIENT. THE PATIENT'S ACKNOWLEDGMENT OF RECEIPT OF THE  
12 DISCLOSURE DOES NOT WAIVE ANY FUTURE CLAIMS AGAINST THE  
13 PROVIDER.

14 (e) IF A PROVIDER IS PLACED ON PROBATION AS PART OF A FINAL  
15 CONVICTION OR PLEA ARRANGEMENT FOR A SEX OFFENSE, AS DEFINED IN  
16 SECTION 16-11.7-102 (3), OR ON PROBATIONARY STATUS OR OTHER  
17 LIMITATION ON THE PROVIDER'S ABILITY TO PRACTICE PURSUANT TO A  
18 FINAL DISCIPLINARY ACTION DESCRIBED IN SUBSECTION (2) OF THIS  
19 SECTION, THE REQUIREMENT TO DISCLOSE THE CONVICTION, PLEA  
20 ARRANGEMENT, OR DISCIPLINARY ACTION ENDS WHEN THE PROVIDER HAS  
21 SATISFIED THE REQUIREMENTS OF THE PROBATION OR OTHER LIMITATION  
22 AND IS NO LONGER ON PROBATION OR OTHERWISE SUBJECT TO A  
23 LIMITATION ON THE ABILITY TO PRACTICE THE PROVIDER'S PROFESSION.

24 (4) (a) A PROVIDER NEED NOT MAKE THE DISCLOSURE REQUIRED  
25 BY THIS SECTION BEFORE PROVIDING PROFESSIONAL SERVICES TO A  
26 PATIENT IF ANY OF THE FOLLOWING APPLIES:

27 (I) THE PATIENT IS UNCONSCIOUS OR OTHERWISE UNABLE TO

1       COMPREHEND THE DISCLOSURE AND SIGN AN ACKNOWLEDGMENT OF  
2       RECEIPT OF THE DISCLOSURE PURSUANT TO SUBSECTION (3)(d) OF THIS  
3       SECTION AND A GUARDIAN OF THE PATIENT IS UNAVAILABLE TO  
4       COMPREHEND THE DISCLOSURE AND SIGN THE ACKNOWLEDGMENT;

5               (II) THE VISIT OCCURS IN AN EMERGENCY ROOM OR FREESTANDING  
6       EMERGENCY DEPARTMENT OR THE VISIT IS UNSCHEDULED, INCLUDING  
7       CONSULTATIONS IN INPATIENT FACILITIES; OR

8               (III) THE PROVIDER WHO WILL BE TREATING THE PATIENT DURING  
9       THE VISIT IS NOT KNOWN TO THE PATIENT UNTIL IMMEDIATELY PRIOR TO  
10      THE START OF THE VISIT.

11              (b) A PROVIDER WHO DOES NOT HAVE A DIRECT TREATMENT  
12      RELATIONSHIP OR HAVE DIRECT CONTACT WITH THE PATIENT IS NOT  
13      REQUIRED TO MAKE THE DISCLOSURE REQUIRED BY THIS SECTION.

14              (5) (a) FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS  
15      SECTION:

16              (I) CONSTITUTES UNPROFESSIONAL CONDUCT OR GROUNDS FOR  
17      DISCIPLINE, AS APPLICABLE, UNDER THE ARTICLE OR PART OF THIS TITLE 12  
18      THAT REGULATES THE PROVIDER'S HEALTH CARE PROFESSION; AND

19              (II) DOES NOT CREATE A PRIVATE RIGHT OF ACTION.

20              (b) NOTHING IN THIS SECTION PREVENTS THE DISCOVERY OF  
21      RECORDS, REPORTS, OR OTHER INFORMATION, OR THE ADMISSIBILITY OF  
22      EVIDENCE, RELATED TO A PROVIDER'S FAILURE TO COMPLY WITH THE  
23      REQUIREMENTS OF THIS SECTION IN ANY CIVIL, CRIMINAL, OR  
24      ADMINISTRATIVE PROCEEDING.

25              **SECTION 2. Act subject to petition - effective date.** This act  
26      takes effect at 12:01 a.m. on the day following the expiration of the  
27      ninety-day period after final adjournment of the general assembly (August

1 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
2 referendum petition is filed pursuant to section 1 (3) of article V of the  
3 state constitution against this act or an item, section, or part of this act  
4 within such period, then the act, item, section, or part will not take effect  
5 unless approved by the people at the general election to be held in  
6 November 2020 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.