



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 20-0151 Date: February 3, 2020
Prime Sponsors: Sen. Ginal; Cooke Bill Status: Senate Judiciary
Rep. Caraveo Fiscal Analyst: Aaron Carpenter | 303-866-4918
Aaron.Carpenter@state.co.us

Bill Topic: PROVIDER DISCLOSE DISCIPLINE CONVICT SEX OFFENSE

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

This bill requires providers to disclose to patients any final conviction, plea, or disciplinary action related to a sexual offense. This bill will increase state workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Summary of Legislation

This bill requires providers subject to the Medical Transparency Act of 2010 to disclose the following to patients that they have a direct treatment relationship with:

- final conviction or plea for a sex offense; and
final disciplinary action due to a conviction or plea of a sex offense or a finding of unprofessional conduct related to sexual misconduct.

Beginning on January 1, 2021, a provider must disclose to patients the information above in writing and obtain the patients agreement and acknowledgment before treating the patient. The requirements do not apply when a patient is unconscious, the visit occurs in an emergency room, or the provider is not known to the patient prior to the start of the visit. Failure to comply with the requirements constitutes unprofessional conduct. If a provider was placed on probation as part of a conviction or plea, or was on probationary status due to a final disciplinary action, the requirement to disclose ends when then the provider has satisfied the requirements of the probation or other limitation.

State Expenditures

Starting in FY 2020-21, this bill will increase workload in the professional boards in the Department of Regulatory Agencies to hear and take more disciplinary action, and to conduct outreach and rulemaking. The fiscal note assumes that providers will comply with the law and that the workload increase will be minimal. No change in appropriations is required.

Effective Date

The bill takes effect August 5, 2020, if the General Assembly adjourns on May 6, 2020, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Corrections
Information Technology
Regulatory Agencies

Higher Education
Judicial

Human Services
Personnel