



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

SB 20-102

FINAL FISCAL NOTE

Drafting Number:	LLS 20-0151	Date:	August 24, 2020
Prime Sponsors:	Sen. Ginal; Cooke Rep. Caraveo; Titone	Bill Status:	Signed into Law
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Bill Topic: PROVIDER DISCLOSE DISCIPLINE CONVICT SEX OFFENSE

Summary of Fiscal Impact:	<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> 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 enacted 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 acceptance of a guilty plea by the court for a sex offense; and
- final disciplinary action due to a conviction or acceptance of a guilty plea by the court of a sex offense or a finding of unprofessional conduct related to sexual misconduct.

Beginning on March 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 acceptance of a guilty plea by the court, 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 was signed into law by the Governor on June 29, 2020, and takes effect on September 14, 2020, assuming no referendum petition is filed. The requirements of the bill apply to any convictions and final agency actions entered, issued, or taken on or after the effective date.

State and Local Government Contacts

Corrections
Information Technology
Regulatory Agencies

Higher Education
Judicial

Human Services
Personnel