

CHAPTER 284

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 22-1213

BY REPRESENTATIVE(S) Young and Pico, Jodeh, Michaelson Jenet, Boesenecker, Duran, Esgar, Exum, Gonzales-Gutierrez, Gray, Hooton, Lontine, McCluskie, Snyder, Valdez D.;
also SENATOR(S) Buckner, Fields, Ginal, Gonzales, Hansen, Kolker, Story.

AN ACT

CONCERNING THE CONTINUATION OF THE REGULATION OF SPEECH-LANGUAGE PATHOLOGISTS BY THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS IN THE DEPARTMENT'S SUNSET REVIEW.

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

SECTION 1. In Colorado Revised Statutes, **amend** 12-305-119 as follows:

12-305-119. Repeal of article - review of functions. This article 305 is repealed, effective ~~September 1, 2022~~ **SEPTEMBER 1, 2033**. Before the repeal, the director's powers, duties, and functions under this article 305 are scheduled for review in accordance with section 24-34-104.

SECTION 2. In Colorado Revised Statutes, 24-34-104, **repeal** (23)(a)(VIII); and **add** (34)(a)(III) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (23) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2022:

(VIII) ~~The regulation of speech-language pathologists by the director of the division of professions and occupations in accordance with article 305 of title 12;~~

(34) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2033:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(III) THE REGULATION OF SPEECH-LANGUAGE PATHOLOGISTS BY THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN ACCORDANCE WITH ARTICLE 305 OF TITLE 12.

SECTION 3. In Colorado Revised Statutes, 12-305-108, **amend** (4)(a) and (4)(b) as follows:

12-305-108. Provisional certification - qualifications - application - expiration - practice - rules. (4) Expiration of provisional certification. (a) EXCEPT AS PROVIDED IN SUBSECTION (4)(b) OF THIS SECTION, a provisional certification expires twenty-four months after issuance or upon the issuance of certification to the applicant under section 12-305-107, whichever occurs first.

(b) The director shall not renew a provisional certification, BUT THE DIRECTOR MAY GRANT AN EXTENSION OF A PROVISIONAL CERTIFICATION. THE DIRECTOR MAY ADOPT RULES REGARDING THE PROCESS AND CRITERIA FOR GRANTING PROVISIONAL CERTIFICATION EXTENSIONS.

SECTION 4. In Colorado Revised Statutes, 12-305-112, **amend** (2)(q) and (2)(r); and **add** (2)(s) as follows:

12-305-112. Grounds for discipline - definitions. (2) The director may take disciplinary or other action specified in section 12-20-404 or 12-305-113 or issue a cease-and-desist order to a certificate holder in accordance with sections 12-20-405 and 12-305-113 (8) upon proof that the certificate holder:

(q) Has failed to make essential entries on patient records or falsified or made incorrect entries of an essential nature on patient records; ~~or~~

(r) Has otherwise violated any provision of this article 305 or lawful order or rule of the director; OR

(s) HAS COMMITTED:

(I) A FRAUDULENT INSURANCE ACT, AS SET FORTH IN SECTION 10-1-128; OR

(II) AN ABUSE OF HEALTH INSURANCE, AS SET FORTH IN SECTION 18-13-119.

SECTION 5. In Colorado Revised Statutes, 10-1-128, **amend** (1) as follows:

10-1-128. Fraudulent insurance acts - immunity for furnishing information relating to suspected insurance fraud - legislative declaration. (1) For purposes of this title 10, articles 40 to 47 of title 8, articles 200, 215, 220, 240, 245, 255, 270, 275, 285, 290, ~~and~~ 300, AND 305 of title 12, and article 20 of title 44, a fraudulent insurance act is committed if a person knowingly and with intent to defraud presents, causes to be presented, or prepares with knowledge or belief that it will be presented to or by an insurer, a purported insurer, or any INSURANCE producer ~~thereof~~ any written statement as part or in support of an application for the issuance or the rating of an insurance policy or a claim for payment or other benefit pursuant to an insurance policy that the person knows to contain false information concerning any fact material ~~thereto~~ TO THE APPLICATION OR CLAIM or if the person knowingly

and with intent to defraud or mislead conceals information concerning any fact material ~~thereto~~ RELATED TO THE APPLICATION OR CLAIM. For purposes of this section, "written statement" includes a client medical record as such term is defined in section 18-4-412 (2)(a) and any bill for medical services.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 31, 2022