

Department of Regulatory Agencies SMART Act Hearing

Joint Business Committees
January 27, 2021



COLORADO
Department of
Regulatory Agencies

DORA's Mission & Vision

The **Department of Regulatory Agencies** (DORA) is dedicated to **preserving the integrity of the marketplace** and is committed to promoting **a fair and competitive business environment** in Colorado.

Consumer protection is our mission.



DORA BY THE NUMBERS

- **600.8** FTE
- **\$118.8 M** Budget (FY20-21)
- **40** Boards, Commissions and Advisory Committees
- **50** Regulatory programs
- **886,000** individual licensees
- **65,000** regulated business and institutions



DORA's Organizational Chart



DEPARTMENT OF REGULATORY AGENCIES
Patty Salazar, Executive Director

Deputy Executive Director, Ginny Brown		 EXECUTIVE DIRECTOR'S OFFICE (31.5 FTE)	Chief Administrative Officer, Marisol Larez	
Communications & Stakeholder Engagement	Legislative Affairs		Human Resources Office	Budget Office
Broadband Deployment Office	Colorado Office of Policy, Research, & Regulatory Reform	Department Operations	Office of Accounting & Purchasing	



DIVISION OF BANKING
 Ken Boldt, Commissioner
 (40.0 FTE)



COLORADO CIVIL RIGHTS DIVISION
 Aubrey Elenis, Director
 (27.3 FTE)



DIVISION OF CONSERVATION
 Aaron Welch, Director
 (3.8 FTE)



DIVISION OF FINANCIAL SERVICES
 Mark Valente, Commissioner
 (15.6 FTE)



DIVISION OF INSURANCE
 Michael Conway, Commissioner
 (98.5 FTE)



OFFICE OF CONSUMER COUNSEL
 Cindy Schonhaut, Director
 (7.0 FTE)



DIVISION OF PROFESSIONS & OCCUPATIONS
 Ronne Hines, Director
 (205.5 FTE)



PUBLIC UTILITIES COMMISSION
 Doug Dean, Director
 (104.8 FTE)



DIVISION OF REAL ESTATE
 Marcia Waters, Director
 (48.9 FTE)



DIVISION OF SECURITIES
 Tung Chan, Commissioner
 (24.0 FTE)



What DORA Regulates

Financial Services



- Accounting Firms
- Broker-Dealer Firms
- Broker-Dealer Sales Representatives
- Certified Public Accountants
- Investment Adviser Firms
- Investment Adviser Representatives
- Money Transmitters
- Mortgage Broker-Dealers
- Mortgage Loan Originators
- State-Chartered Savings & Loans
- State-Chartered Banks

Insurance

- Insurance Agents/Brokers
- Insurance Companies

Real Estate, Buildings & Repair



- Appraisers
- Architects
- Community Association Managers
- Electricians
- Engineers
- Homeowners Associations (via HOA Information and Resource Center)
- Land Surveyors
- Landscape Architects
- Plumbers

Beauty

- Barbers
- Barber/Cosmetology Shops
- Cosmetologists
- Estheticians
- Hair Stylists

Man Technicians

Healthcare & Wellness

- Acupuncturists
- Addiction Counselors
- Athletic Trainers
- Audiologists
- Chiropractors
- Dental Hygienists
- Dentists
- Direct-entry Midwives
- Hearing Aid Providers
- Marriage and Family Therapists
- Massage Therapists
- Naturopathic Doctors
- Nurses
- Nursing Home Administrators
- Occupational Therapists/Occupational
- Optometrists
- Pharmacists
- Pharmacies
- Physical Therapy
- Physicians (all types)
- Physician Assistants
- Professional Counselors
- Psychiatric Technicians
- Psychologists
- Respiratory Therapists
- Speech Language Pathologists
- Social Workers
- Surgical Assistants/Surgical Technologists

Transportation



- Children's Activity and Charter Buses
- Limousines
- Off-road Charters
- Moving Companies (household goods)
- Non-consensual Towing
- Passenger Tramways
- Shuttles, Taxis
- Transportation Network Companies



Utilities

- Investor-owned electric, gas, water
- Some telecommunications

services

Other

- Bail Bonds/Bail Bonds Agents
- Boxing
- Conservation Easement Holders
- Conservation Easement Tax Credits
- Daily Fantasy Sports
- Funeral Homes, Crematories
- Medicare Assistance - home of State Health Insurance Assistance Program (SHIP)
- Outfitters
- Private Investigators



DORA Performance Management Philosophy

- Bottom-up Approach
- Results-driven
- Accountability
- Communication
- Transparency



FY21 DASHBOARD

	
DEPARTMENT-WIDE GOAL/PRIORITY	
SPI 1 BALANCED REGULATION TO ENSURE EFFECTIVE ENFORCEMENT AND PROTECT CONSUMERS WHILE REDUCING UNDUE BURDEN	
Deliver timely resolution of complaints and investigations	+
Uphold effective pathways for alternative resolution	+
Protection of Consumers through Effective Enforcement	+
DEPARTMENT-WIDE GOAL/PRIORITY	
SPI 2 ACCESSIBILITY THROUGH EDUCATION AND OUTREACH	
Strengthen statewide and online opportunities for Coloradans to interact with DORA	+
Increased accessibility of DORA's consumer information	+
DEPARTMENT-WIDE GOAL/PRIORITY	
SPI 3 MODERNIZED AND BOLD OPERATIONAL IMPROVEMENTS TO BETTER SERVE STAKEHOLDERS	
Provide simple and fast licensing to Colorado professionals	+
Streamlining Processes and Cutting Red Tape	+
Streamlining occupational licensing for veterans	+
Maintain efficient regulatory examinations	+
WILDLY IMPORTANT GOALS (WIGs)	
Colorado Economy - Colorado being one of the 5 Economies in the US	+
Banking and Financial Services for Cannabis-related Businesses	+
Colorado Option	+
Reinsurance	+
Premium Tax Receipts	+
Increase Health Insurance Enrollment of 201-200% FPL Cohort	+
Operational Modernization Plan to Support the Governor's Goal of 100% Renewable Energy Resources by 2040	+
Modernize the Administration and Governance of Boards and Commissions (Executive Director Goal)	+

DORA's FY 2020-21 Wildly Important Goals (WIGs)

1

Modernize the administration and governance of more than 40 boards and commissions within DORA by January 1, 2023 in order to ensure statutory compliance and improved collaboration with the department through consistent training, compliance with statutory mandates, and the priority of the public interest.

2

Increase the number of cannabis-related businesses that receive banking and financial services by 20 percent each year through June 30, 2023, in order to reduce concerns about public safety associated with commercial businesses operating in an all-cash environment.

3

Create a PUC Operational Modernization Plan in an effort to support the Governor's goal of 100 percent renewable energy resources by 2040; the plan will identify operational strategies to be implemented by June 30, 2021 and full implementation, including technological system upgrades, by June 30, 2023.

DORA's FY 2020-21 Wildly Important Goals (WIGs)

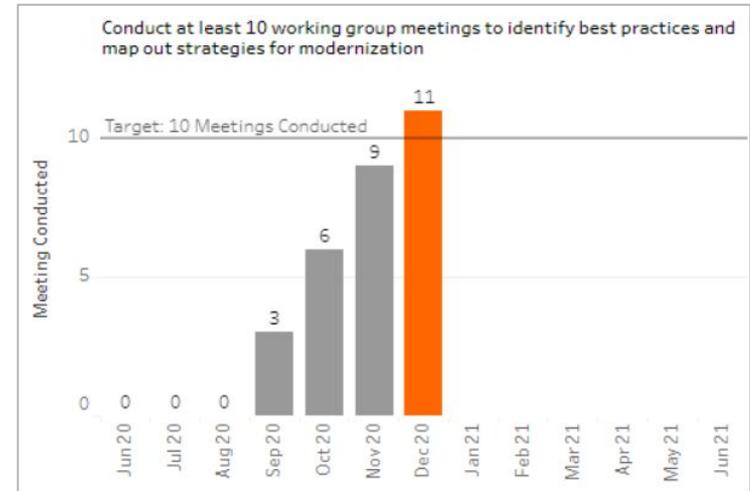
WIG #1: Modernize the Administration and Governance of Boards and Commissions

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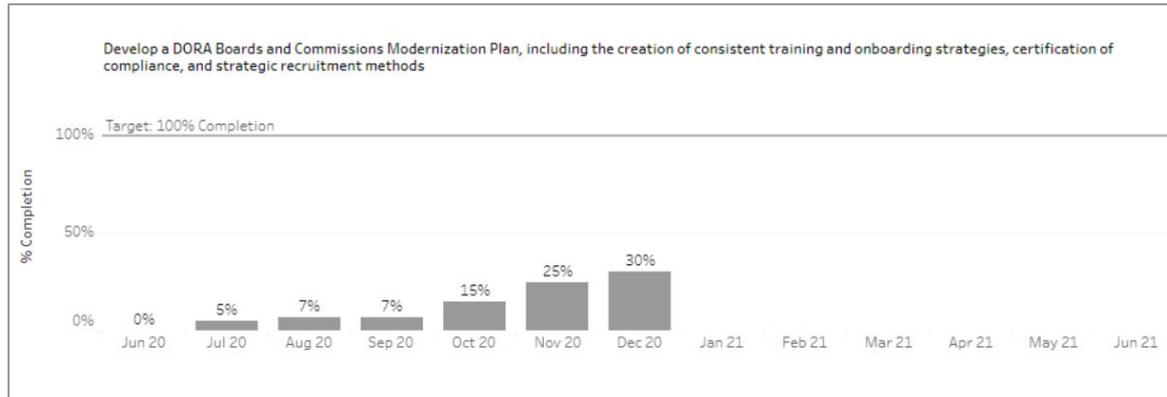
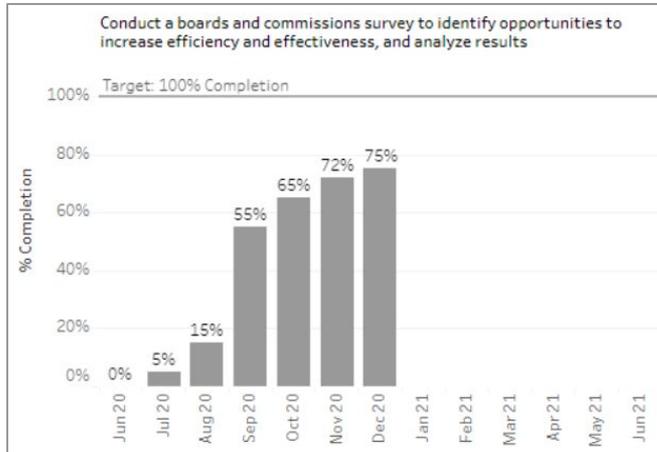
How DORA will accomplish the WIGs:

WIG #1: Modernize the Administration and Governance of Boards and Commissions



How DORA will accomplish the WIGs:

WIG #1: Modernize the Administration and Governance of Boards and Commissions



More information

To view monthly updates on Wildly Important Goals and corresponding lead measures, please visit the [Governor's Dashboard](#).

For more information on additional [Department] goals, view our FY 2020-21 Performance Plan at: operations.colorado.gov/performance-management/department-performance-plans



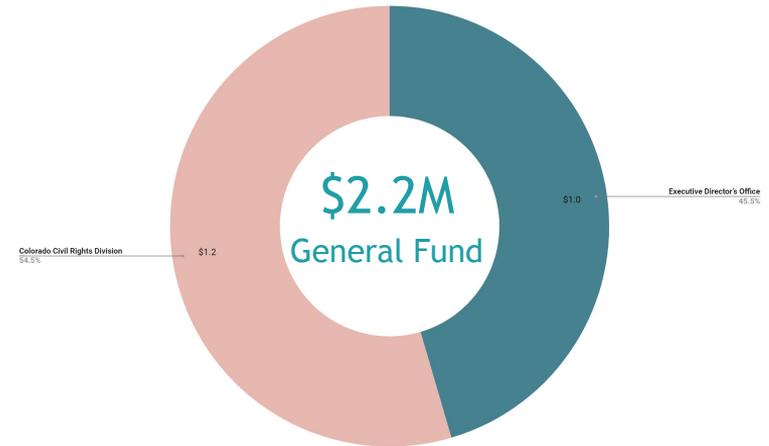
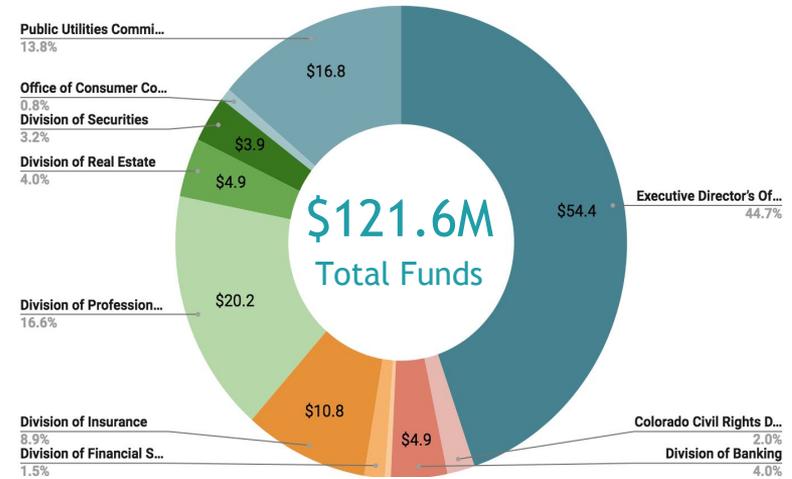
DORA FY 2021-22 Budget Request

FY 2021-22 Budget Snapshot

FY 2021-22 Total Funds: **\$121.6M**

FY 2021-22 General Fund: **\$2.2M**

FY 2021-22 FTE: **606.9**



DORA Select FY 2021-22 Budget Requests

DORA's FY 2021-22 Budget Request includes the following:

- R-01 Colorado Option Health Insurance, \$864k and 3.4 FTE
- R-02 Prescription Drug Affordability, \$371k and 2.8 FTE

DORA's request also includes the following fiscal stimulus items:

- NPS-01 (OIT Request) Expand State Broadband Access, \$50.0M



High Cost Support Mechanism - 40-15-208 C.R.S.

- Authorized to assist with providing affordable basic service in high cost areas.
- SB18-002 authorized broadband service while reducing support to basic service, with a 5 year transition (2019-2023).
 - \$ 47.5M transferred to Broadband
- A 2.6% retail revenue surcharge remains in place for the 5 year transition.
- For 2019 and 2020, collections from the surcharge have been dropping greater than anticipated with less funding sent to the Broadband Fund.
- Beginning in 2023, CenturyLink no longer receives any support and twelve rural providers receive a final year of fixed support.



Legislative Highlights

The Department respectfully requests the General Assembly consider legislation on the following:

- Ensure fiscal solvency for the Public Utilities Commission and Office of Consumer Counsel by stabilizing the Fixed Utilities Fund
- Remove unnecessary barriers to state credentials (registrations, licenses, certificates) for qualified individuals regardless of residency status



2021 Regulatory Agenda

308 Rules identified for action on behalf of Department:

Division of Professions & Occupations:

- Emergency Rules: allowed more trained medical professionals to provide health care services for COVID relief.
- Revised & New: general clean-up, mandatory rule review and implementation of legislation from 2020

Public Utilities Commission:

- Distribution planning, 911 Surcharge and Renewable Energy Standard Compliance



HB18-1250 Analysis

Ten agencies were responsive

- 111 Rules identified
- Agencies prioritize the ability to cure minor violations



Responding to COVID-19 - Remote Work

In response to COVID-19, DORA has completed a comprehensive review of its programs and staff to identify where short-term remote work is appropriate, and is continuing to evaluate long-term opportunities for remote work. Currently, DORA has:

- **90%** of employees working remotely while continuing to provide services to the people of Colorado via phone, mail, email, fax, chat, and through our online systems and new website.
- **Innovation to During COVID-19: The development and implementation of remote video inspection methods**
 - Benefits include reduced risk of exposure for employees and customers; ensuring inspection services are not interrupted; and ensuring sufficient PPE is preserved for employee safety.



Responding to COVID-19

- Continuity of Operations
- Innovate remote and virtual alternatives
- Emergency and temporary licensure through Executive Orders



- DORAnet Home
- Accounting
- Communications/Branding
- Divisions
- Forms
- Human Resources
- Operations
- Policies and Procedures
- Boards and Commissions Administration
- OIT Services
- DORAnet on Google - Feedback Form

DORA EMERGENCY PREPAREDNESS INFORMATION

PERCENTAGE OF DORA WORKFORCE WORKING REMOTELY: 90% (3.27.20)

EMPLOYEE NOTIFICATIONS

Home

HR Forms for COVID-19 Related Reporting

Guidance/Action-items for Non-exempt Employees Who are Working Remotely

Employee Wellness and Self-Care

HR Forms for COVID-19 Related Reporting

Please also continue to submit the appropriate HR forms, depending on any changes to circumstances.

Home

HR Forms for COVID-19 Related Reporting

Guidance/Action-items for Non-exempt Employees Who are Working Remotely

Employee Wellness and Self-Care

Employee Wellness and Self-Care



It's important to make sure you're taking care of your mental health during this time. We all need a little help from time to time, and we want our employees to feel empowered to take care of themselves and know they have the support of their colleagues and friends who work alongside them.

Responding to COVID

- Stakeholder Engagement
- Industry-specific guidance
- Fraud Prevention Education

Updates by Topic Area

▼ Healthcare
▼ Insurance
▼ Public Utilities
▼ Civil Rights
▼ Finance
▼ Real Estate

DORA Supplemental Guidance by Profession

Please note: DORA's supplemental guidance documents are being updated to reflect the state's new [Dual system](#). If your profession has not yet been updated from Safer at Home, please check back soon.

 Guidance for Dentists and Dental Hygienists	 Guidance for Mental Health Professionals	 Guidance for Personal Services Salons & Spas	 Guidance for Massage Therapists
 Guidance for Real Estate Brokers	 Guidance for Electrical & Plumbing Inspections	 Emergency Licensing for Physicians	 Emergency Licensing for Nurses and Assistants
 Emergency Licensing for Pharmacists	 Emergency Licensing for Respiratory Therapists		



Equity, Diversity, and Inclusion (EDI)



In accordance with the **Governor's Executive Order [2020 175](#)**, the Department is in the process of reviewing data and preparing a plan to improve **equity, diversity, and inclusion**, including efforts to:

- Complete implementation of **EDI training** for employees, supervisors, and executive leadership
- Conduct analysis of **Boards and Commissions** demographic data and review recruitment strategies to ensure application of EDI considerations

Division of Conservation - 12-15-106(13)(c) C.R.S.

Publicly available information shared with COMaP registry of conservation easements.

- Deeds of conservation easement
- Location and acreage by county
- Names of grantor and grantee
- Holder's certification status
- Tax credit issued

Nearly 600,000 acres conserved in 53 counties across the state.



Colorado Public Utilities Commission

Daryl Branson

State 911 Program Manager



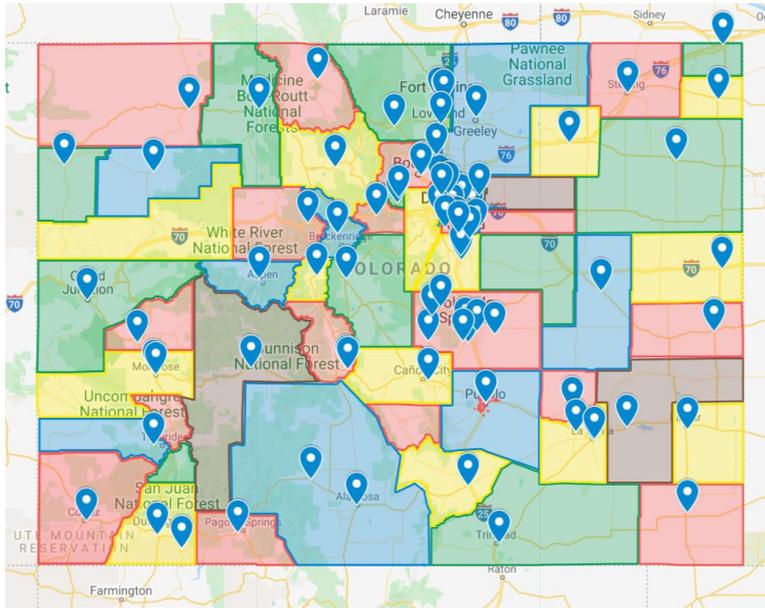
2019-2020 State of 911 Report Summary

Key points:

- House Bill 20-1293 made significant improvements to ensuring sufficient future funding of 911.
- Local agencies, with the help of the PUC, are implementing new technologies to improve 911 service statewide.
- 911 network reliability remains an issue and will be addressed through an upcoming rulemaking.
- Colorado remains in the minority of states that have no minimum training standards or minimum operations standards for 911 centers.



The Current State of 911



82 Primary Answering Points

58 911 Governing Bodies

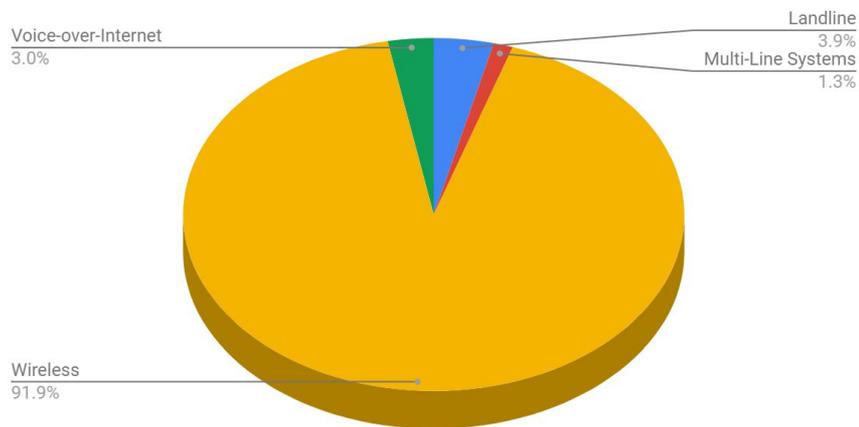


Enhanced 9-1-1 Available Any Place You Can Make a Call

- 100% coverage of 911 service anywhere in the state that a 911 call can be made.
- Enhanced 911 for landline and wireless phone in every county.
- 2020 marks the first time that every primary PSAP in the state can receive location information from cell phone 911 callers.



911 Call Volume, Statewide



7.6 million 911 calls in 2019

91.9% of 911 calls from wireless devices

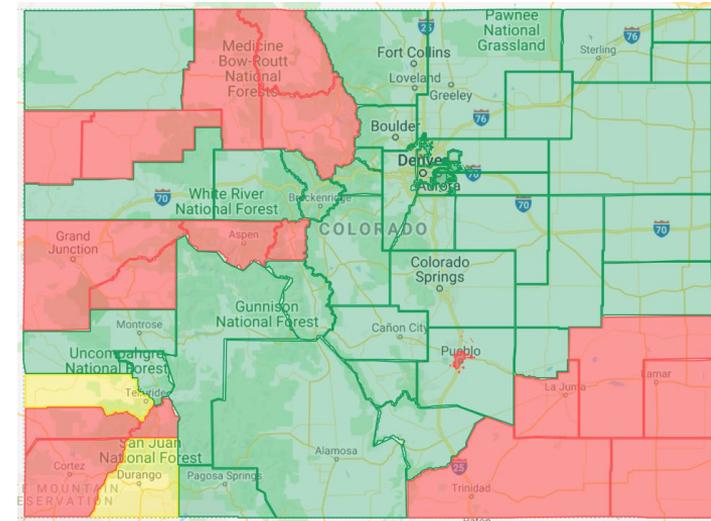
The Goal: Next Generation 911

- Standards-based Internet Protocol network
- More resilient and flexible
- Capable of delivering any type of data to the call center
- Able to incorporate new types of communication technology
- Able to provide a more consistent experience to callers



The First Step: Emergency Services IP Network

- Emergency Services IP-Network (ESInet) - the backbone of Next Generation 911
- Migration of Colorado's 911 centers to the ESInet began in January 2020
- All centers are expected to be migrated by the end of this fiscal year.

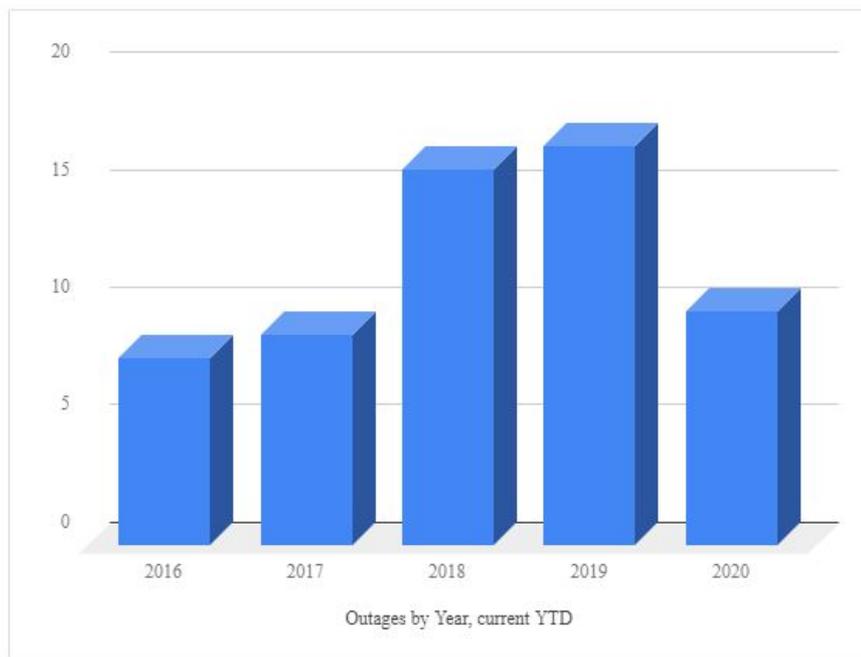


911 Network Reliability

- Reliability continues to be a concern in various areas of the state.
- The creation of a new funding mechanism provided for by the enactment of HB 20-1293 may allow the Commission to address this by funding 9-1-1 network improvements.
- Not all portions of the 9-1-1 call flow are within the Commission's jurisdiction.



Basic Emergency Service Outages, by Year



Ten BES Outages in 2020

Does not include outages in originating networks in 911 centers

Outage Special Investigations

- The 911 Advisory Task Force conducts special investigations into outages.
- CenturyLink has been participating in these investigations.
- Twelve special investigations have been initiated since the Task Force began this practice in July of 2019.
- Investigations are available on the 911 Task Force website and include recommendations for reducing the likelihood impact of future outages.



The Cost of ESInet Implementation

- About \$4 million in non-recurring costs and project management fees.
- **All** costs are billed to local 9-1-1 governing bodies.
- A federal grant obtained by the Commission, along with matching funds set aside by the Commission will reimburse **100%** of one-time migration costs paid to the provider.



Ongoing Costs of the ESInet

- Cost of call delivery to 911 centers is increasing with the implementation of the Emergency Services IP network
- Unit of pricing also changed, resulting in larger impact on small call centers and rural 911 governing bodies.
- Every 911 governing body will see an increase in costs.
- The enactment of HB 20-1293 gave the Commission a mechanism to relieve local agencies of this cost burden.



Funding Sources

Emergency Telephone Charge

- 70¢ to \$3.00 per line per mo.
- Raises ~\$62 mill. per year

State 911 Surcharge

- 10¢ per line per month
- Will raise ~\$6.5 mill. per year

Wireless prepaid 911 surcharge

- 2020: 1.4% 2021: \$1.38
- Raises ~\$2.3 mill. per year

County and municipal general funds

- unknown



911 Challenges for Colorado

- ~~Local funding model insufficient for Next Generation 9-1-1 deployment.~~
- Single points of failure in the 9-1-1 network.
- ~~Lack of funding accountability.~~
- No minimum training standards.
- No public safety answering point performance and service standards.
- No requirements for emergency medical pre-arrival instructions or quality assurance.



* Items crossed out indicate that the topic was addressed in HB 20-1293.

Questions?



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