

CHAPTER 87

PROFESSIONS AND OCCUPATIONS

SENATE BILL 00-101

BY SENATOR Reeves;
also REPRESENTATIVES Morrison, T. Williams, Johnson, Coleman, Gagliardi, Mace, McKay, and S. Williams.

AN ACT

CONCERNING WHEN A DISCIPLINARY PROCEEDING AGAINST A MENTAL HEALTH PROFESSIONAL IS OPEN TO THE PUBLIC.

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

SECTION 1. 12-43-224 (4), Colorado Revised Statutes, is amended to read:

12-43-224. Disciplinary proceedings - judicial review - mental and physical examinations - multiple licenses. (4) ~~Complaints, investigations, hearings, meetings, or any other proceedings of a board conducted pursuant to the provisions of this article and relating to disciplinary proceedings shall be exempt from the provisions of any law requiring that proceedings of the board be conducted publicly or that the minutes or records of the board with respect to action of the board taken pursuant to the provisions of this article be open to public inspection; except that this exemption shall apply only when a board, or an administrative law judge acting on behalf of a board, specifically determines that it is in the best interest of a complainant or other recipient of services to keep such proceedings or documents relating thereto closed to the public or, if the licensee, registrant, or unlicensed psychotherapist is violating section 12-43-222 (1) (e), the licensee, registrant, or unlicensed psychotherapist is participating in good faith in a program approved by the board designed to end such addiction or dependency and the licensee, registrant, or unlicensed psychotherapist has not violated any provisions of the board's order regarding such person's participation in such a treatment program. If the board determines that it is in the best interest of a complainant or other recipient of services to keep such proceedings or documents relating thereto closed to the public, then the final action of the board must be open to the public without disclosing the name of the client or other recipient.~~ EXCEPT WHEN A DECISION TO PROCEED WITH A DISCIPLINARY ACTION HAS BEEN AGREED UPON BY A MAJORITY OF THE BOARD THAT LICENSES, REGISTERS, OR REGULATES SUCH LICENSEE, REGISTRANT, OR UNLICENSED

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

PSYCHOTHERAPIST, AND A NOTICE OF FORMAL COMPLAINT IS DRAFTED AND SERVED ON THE LICENSEE, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST BY FIRST-CLASS MAIL OR UPON FINAL AGENCY ACTION UNLESS THE COMPLAINT IS DISMISSED, INVESTIGATIONS, EXAMINATIONS, HEARINGS, MEETINGS, OR ANY OTHER PROCEEDINGS OF THE BOARD CONDUCTED PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE EXEMPT FROM THE PROVISIONS OF THE OPEN RECORDS LAW, ARTICLE 72 OF TITLE 24, C.R.S., REQUIRING THAT PROCEEDINGS OF THE BOARD BE CONDUCTED PUBLICLY OR THAT THE MINUTES OR RECORDS OF THE BOARD WITH RESPECT TO ACTION OF THE BOARD TAKEN PURSUANT TO THE PROVISIONS OF THIS SECTION BE OPEN TO PUBLIC INSPECTION. ANY FINAL AGENCY ACTION OR THE FILING OF A FORMAL COMPLAINT, WHEN THE BOARD DETERMINES IT IS NECESSARY, SHALL REDACT ALL NAMES OF CLIENTS OR OTHER RECIPIENTS OF SERVICES TO PROTECT SUCH PERSONS' CONFIDENTIALITY.

SECTION 2. Effective date - applicability. (1) This act shall take effect February 1, 2001, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall take effect on the specified date only if approved by the people.

(2) The provisions of this act shall apply to investigations or complaints filed with or commenced against a mental health professional licensed, registered, or regulated under article 43 of title 12, C.R.S., on or after the applicable effective date of this act.

Approved: March 31, 2000