

## Disciplinary Actions - Draft Proposal

*Note: we are adding two new defined terms to the common definitions as follows:*

- *"Law" means the federal and state constitution, statutes, rules, and caselaw."*
- *"Regulator" means, within a particular part or article of this title 12, the director or a board or commission that has regulatory authority concerning a profession or occupation regulated by that part or article.*

1           **12-200-\_\_\_. Disciplinary actions - regulator powers. [Formerly 12-5.5-302**  
 2 **(1)] (1) General disciplinary authority.** If ~~the director~~ A REGULATOR determines that  
 3 an applicant, licensee, CERTIFICATE HOLDER, OR REGISTRANT has committed ~~any of the~~  
 4 ~~acts specified in part 4 of this article, the director~~ AN ACT OR ENGAGED IN CONDUCT THAT  
 5 CONSTITUTES GROUNDS FOR DISCIPLINE OR UNPROFESSIONAL CONDUCT UNDER THE LAWS  
 6 GOVERNING THE PARTICULAR PROFESSION OR OCCUPATION, THE REGULATOR may:

7           (a) Issue a letter of admonition;

8           (b) Place a licensee, CERTIFICATE HOLDER, OR REGISTRANT on probation;

9           (c) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(c)(II) OF THIS SECTION, impose an  
 10 administrative fine ~~not to exceed two thousand five hundred dollars for each separate~~  
 11 ~~offense~~ SUBJECT TO ANY LIMITATIONS OR REQUIREMENTS SPECIFIED IN THE LAWS  
 12 GOVERNING A PARTICULAR PROFESSION OR OCCUPATION;

13           (II) THIS SUBSECTION (1)(c) DOES NOT APPLY TO THE FOLLOWING ARTICLES OF  
 14 THIS TITLE 12: <{*need to insert list of practice acts that do not include fining*  
 15 *authority.*>

16           (A) ARTICLE [REDACTED]; <{*Acupuncturists*>

17           (B) ARTICLE [REDACTED]; <{*Athletic trainers*>

18           (C) ARTICLE [REDACTED]; <{*Massage therapists*>

19           (D) ARTICLE [REDACTED]; <{*Naturopathic doctors*>

20           (E) ARTICLE [REDACTED]; <{*Certified nurse aides*>

21           (F) ARTICLE [REDACTED]; <{*Nursing home administrators*>

22           (G) ARTICLE [REDACTED]; <{*Occupational therapists/Occupational therapy*  
 23 *assistants*>

24           (H) ARTICLE [REDACTED]; AND <{*Respiratory therapists*>

25           (I) ARTICLE [REDACTED]. <{*Surgical assistants/surgical technologists*>

26 or

27           (d) Deny, refuse to renew, revoke, or suspend the license, CERTIFICATION, OR  
 28 REGISTRATION of an applicant, ~~or~~ licensee, CERTIFICATE HOLDER, OR REGISTRANT.

29  
 30           (2) [Formerly 12-5.5-302 (2)] **Deferral precluded.** (a) When a complaint or  
 31 investigation discloses an instance of misconduct that, in the opinion of the ~~director~~  
 32 REGULATOR, warrants formal action, the ~~complaint~~ REGULATOR shall not ~~be resolved~~  
 33 RESOLVE THE COMPLAINT by a deferred settlement, action, judgment, or prosecution.

(b) THIS SUBSECTION (2) DOES NOT APPLY TO ARTICLES [REDACTED], <{*fantasy contests*}> [REDACTED], <{*certified nurse aides*}> AND [REDACTED] <{*passenger tramway operators*}> OF THIS TITLE 12.

(3) [Formerly 12-5.5-302 (3)] **Waiting period after suspension or revocation.** (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(a)(II) OF THIS SECTION, a person whose license, CERTIFICATION, OR REGISTRATION to practice as a hearing aid provider or apprentice A PROFESSION OR OCCUPATION under this article TITLE 12 is revoked, or who surrenders his or her license, CERTIFICATION, OR REGISTRATION to avoid discipline, is ineligible to apply for any A new license, CERTIFICATION, OR REGISTRATION under this article THE PART OR ARTICLE OF THIS TITLE 12 THAT GOVERNS THE PARTICULAR PROFESSION OF OCCUPATION for two years after the date of revocation or surrender of his or her license, CERTIFICATION, OR REGISTRATION. <{*The language regarding surrender of license in lieu of discipline appears in 14 practice acts, while 17 practice acts refer only to "revoked". Do we want to include the surrender language here? Or create 2 waiting period provisions, one applicable to practice acts that refer only to revocation and another provision applicable to practice acts that refer to revocation and surrender?*}>

(II) (A) FOR A PERSON WHOSE LICENSE UNDER ARTICLE [REDACTED] <{*nursing home administrators*}> IS REVOKED OR WHO SURRENDERS THE LICENSE TO AVOID DISCIPLINE, THE PERSON IS INELIGIBLE TO APPLY FOR A NEW LICENSE UNDER THAT ARTICLE FOR ONE YEAR AFTER THE DATE OF REVOCATION OF SURRENDER.

(B) FOR A PERSON WHOSE LICENSE, CERTIFICATION, OR REGISTRATION UNDER ARTICLE [REDACTED] <{*mental health professionals*}> IS REVOKED OR WHO SURRENDERS THE LICENSE, CERTIFICATION, OR REGISTRATION TO AVOID DISCIPLINE, THE PERSON IS INELIGIBLE TO APPLY FOR A NEW LICENSE, CERTIFICATION, OR REGISTRATION UNDER THAT ARTICLE FOR THREE YEARS AFTER THE DATE OF REVOCATION OF SURRENDER.

(b) THIS SUBSECTION (3) DOES NOT APPLY TO THE FOLLOWING ARTICLES OF THIS TITLE 12:

- (I) ARTICLE [REDACTED]; <{*combative sports*}>
- (II) ARTICLE [REDACTED]; <{*fantasy contests*}>
- (III) ARTICLE [REDACTED]; <{*athletic trainers*}>
- (IV) ARTICLE [REDACTED]; <{*chiropractors*}>
- (V) ARTICLE [REDACTED]; <{*certified nurse aides*}>
- (VI) ARTICLE [REDACTED]; <{*psychiatric technicians*}>
- (VII) ARTICLE [REDACTED]; AND <{*surgical assistants and surgical technologists*}>
- (VIII) ARTICLE [REDACTED]. <{*passenger tramway operators*}>

**Notes for discussion regarding waiting period:**

- Five practice acts contain language specifying the an application made after the waiting period is treated as a "new application."
- Three practice acts specify that the waiting period applies when a license to

1 practice the given profession or any other health care occupation is revoked by  
2 another legally qualified board.

3  
4 (4) [Formerly 12-5.5-302 (4)] Letter of admonition. (a) When a complaint or  
5 investigation discloses an instance of misconduct that, in the opinion of the director  
6 REGULATOR, does not warrant formal action by the director REGULATOR but that should  
7 not be dismissed as being without merit, the director REGULATOR may issue and send a  
8 letter of admonition to the licensee, CERTIFICATE HOLDER, OR REGISTRANT.

9  
10 Note for discussion regarding letters of admonition (LoA):

- 11 • Sixteen of the practice acts that contain LoA authority are silent regarding method  
12 of transmission; 15 practices acts require LoAs to be sent by certified mail and 5  
13 require by 1st-class mail. How should we handle method of transmission of  
14 LoAs?

15  
16 (b) (I) When the director REGULATOR sends a letter of admonition to a licensee,  
17 CERTIFICATE HOLDER, OR REGISTRANT pursuant to paragraph (a) of this subsection (4)  
18 THIS SUBSECTION (4)(a), the director REGULATOR shall also advise the licensee,  
19 CERTIFICATE HOLDER, OR REGISTRANT that he or she has the right to request in writing,  
20 within twenty days after service RECEIPT of the letter, that the director REGULATOR  
21 initiate formal disciplinary proceedings to adjudicate the propriety of the conduct upon  
22 which the letter of admonition is based.

23 (II) If the licensee, makes the request for CERTIFICATE HOLDER, OR REGISTRANT  
24 TIMELY REQUESTS adjudication, the director REGULATOR shall vacate the letter of  
25 admonition and shall process the matter by means of formal disciplinary proceedings.

26  
27 Note for discussion regarding adjudication requests:

- 28 • All practice acts except 3 mention "timely" requests for adjudication. Seems  
29 appropriate to add "timely" to this provision. Agree?

30  
31 (c) THIS SUBSECTION (4) DOES NOT APPLY TO ARTICLES [REDACTED] <{athletic  
32 *trainers*}> AND [REDACTED] <{*surgical assistants and surgical technologists*}> OF THIS TITLE  
33 12.

34  
35 (5) [Formerly 12-5.5-302 (5)] Letter of concern. (a) When a complaint or  
36 investigation discloses an instance of conduct that does not warrant formal action by the  
37 director and, in the opinion of the director, should be dismissed, but the director has  
38 noticed indications of possible errant conduct by the licensee that could lead to serious  
39 consequences if not corrected, the director may send the licensee a confidential letter of  
40 concern.

41 (c) THIS SUBSECTION (5) DOES NOT APPLY TO ARTICLES [REDACTED], <{*fantasy*  
42 *contests*}> [REDACTED], <{*athletic trainers*}> [REDACTED], <{*surgical assistants and surgical*

1 *technologists*> AND        <{*passenger tramway operators*}> OF THIS TITLE 12.  
2

3 (6) [Formerly 12-5.5-302 (7)] **Disposition of fines.** All fines collected pursuant  
4 to this section shall be transmitted to the state treasurer, who shall credit them to the  
5 general fund. <{See separate proposal on disposition of fines. This provision will be  
6 modified accordingly.}>  
7

8 **12-200-\_\_\_\_. Investigations - hearings - oaths - witness statements -**  
9 **subpoenas - appointment of administrative law judge.** [Formerly 12-40.5-110 (7)(b)  
10 **and (7)(c)]** (1) In accordance with article 4 of title 24 C.R.S., and ~~this article~~ THE LAWS  
11 GOVERNING THE PARTICULAR PROFESSION OR OCCUPATION OVER WHICH A REGULATOR  
12 HAS REGULATORY AUTHORITY, ~~the director is authorized to~~ A REGULATOR MAY  
13 investigate, hold hearings, and gather evidence in all matters related to the exercise and  
14 performance of the REGULATOR'S powers and duties. ~~of the director.~~

15 (2) (a) In order to aid the ~~director~~ REGULATOR in any hearing or investigation  
16 instituted pursuant to this section, the ~~director~~ REGULATOR or an administrative law judge  
17 appointed pursuant to ~~paragraph (c) of this subsection (7)~~ SUBSECTION (3) OF THIS  
18 SECTION is authorized to administer oaths, take affirmations of witnesses, and issue  
19 subpoenas compelling the attendance of witnesses and the production of all relevant  
20 records, papers, books, documentary evidence, and materials in any hearing,  
21 investigation, accusation, or other matter before the ~~director~~ REGULATOR or an  
22 administrative law judge.

23 (b) (I) Upon failure of any witness or licensee to comply with a subpoena or  
24 process, the district court of the county in which the subpoenaed person, ~~or~~ licensee,  
25 CERTIFICATE HOLDER, OR REGISTRANT resides or conducts business, upon application by  
26 the ~~director~~ REGULATOR with notice to the subpoenaed person, ~~or~~ licensee, CERTIFICATE  
27 HOLDER, OR REGISTRANT, may issue to the person, ~~or~~ licensee, CERTIFICATE HOLDER, OR  
28 REGISTRANT an order requiring that person, ~~or~~ licensee, CERTIFICATE HOLDER, OR  
29 REGISTRANT to:

30 (A) Appear before the ~~director~~ REGULATOR; ~~to~~

31 (B) Produce the relevant papers, books, records, documentary evidence, or  
32 materials if so ordered; or ~~to~~

33 (C) Give evidence touching the matter under investigation or in question.

34 (II) If the person, ~~or~~ licensee, CERTIFICATE HOLDER, OR REGISTRANT fails to obey  
35 the order of the court, the court may hold the person, ~~or~~ licensee, CERTIFICATE HOLDER,  
36 OR REGISTRANT in contempt of court.

37 (3) The ~~director~~ REGULATOR may appoint an administrative law judge pursuant to  
38 part 10 of article 30 of title 24 C.R.S., to conduct hearings, take evidence, make findings,  
39 and report ~~such~~ THE findings to the ~~director~~ REGULATOR.

## Confidential Letter of Concern

Profession/Occupation/Business	Applicable Statutes	Notes
Accountants	§12-2-126 (1)(b)(II)(C)	
Hearing Aid Providers	§ 12-5.5-302 (5)	
Barbers & Cosmetologists	§ 12-8-108 (1)(j)	
Combative Sports	§ 12-10-107.1 (2)(b)(III)	
Fantasy Contests		No provision
Electricians	§ 12-23-118 (6)(d)(II)(C)	
Engineers	§ 12-25-109 (12)	
Land Surveyors	§§ 12-25-208 (5), 12-25-209 (12)	
Architects	§ 12-25-308 (2)(d)	
Acupuncturists	§12-29.5-107 (2.5)	
Athletic Trainers		No provision
Audiologists	§12-29.9-108 (3)	
Podiatrists	§12-32-108.3 (2)(c)(V)	
Chiropractors	§ 12-33-117 (2.5)	
Dentists/Dental Hygienists	§§ 12-35-129.1 (3)	
Massage Therapists	§ 12-35.5-112 (10)	

## Confidential Letter of Concern

Physicians/PAs/ Anesthesiologist Assistants	§§ 12-36-118 (4)(c)(II.5)	
Direct-entry Midwives	§§ 12-37-107 (7.5)	
Naturopathic Doctors	§12-37.3-112 (8)	
Nurses	§ 12-38-116.5 (3)(c)(III)	
Certified Nurse Aides	§ 12-38.1-114 (10.5)	
Nursing Home Administrators	§ 12-39-114 (7)	
Optometrists	§ 12-40-119 (2.1)	
Occupational Therapists/Occupational Therapy Assistants	§ 12-40.5-110 (18)	
Physical Therapists/Physical Therapist Assistants	§§ 12-41-116 (3.5), 12-41-211 (4)	
Respiratory Therapists	§ 12-41.5-109 (11.5)	
Psychiatric Technicians		Governed by §12-38-116.5
Pharmacists/Pharmacies	§ 12-42.5-124 (7)	
Mental Health Professionals	§ 12-43-224 (3)(e)	
Surgical Assistants/Technologists		No provision
Speech-language Pathologists	§ 12-43.7-111 (7)	

## Confidential Letter of Concern

Landscape Architects	§ 12-45-114 (3)	Limited to unauthorized practice
Mortuaries/Crematories	§ 12-54-404	
Outfitters/Guides	§ 12-55.5-106 (3.5)	
Plumbers	§ 12-58-110 (2.5)	
Private Investigators	§ 12-58.5-109 (16)	
Veterinarians	§ 12-64-111 (1.7)	
Passenger Tramway Operators		No provision

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## No Deferred Action/Settlement

Profession/Occupation/Business	Applicable Statutes	Notes
Accountants	§12-2-126 (7)	
Hearing Aid Providers	§ 12-5.5-302 (2)	
Barbers & Cosmetologists	§ 12-8-131 (8)	
Combative Sports	§ 12-10-107.1 (4)	
Fantasy Contests		No provision
Electricians	§ 12-23-118 (4)(b) (III)	
Engineers	§ 12-25-109 (11)	
Land Surveyors	§ 12-25-209 (11)	
Architects	§ 12-25-309 (6)	
Acupuncturists	§12-29.5-107 (4)	
Athletic Trainers	§12-29.7-110 (10)	
Audiologists	§12-29.9-108 (4)	
Podiatrists	§12-32-108.3 (2)(c)(IV)	
Chiropractors	§ 12-33-119 (9)(b)	
Dentists/Dental Hygienists	§ 12-35-129.2 (3)	
Massage Therapists	§ 12-35.5-112 (6)©	

## No Deferred Action/Settlement

Physicians/PAs/ Anesthesiologist Assistants	§ 12-36-118 (4)(c)(IV)	
Direct-entry Midwives	§ 12-37-107 (8)	
Naturopathic Doctors	§12-37.3-112 (9)	
Nurses	§ 12-38-116.5 (3)(c)(V)	
Certified Nurse Aides		No provision
Nursing Home Administrators	§ 12-39-111 (5)	
Optometrists	§ 12-40-119 (6)	
Occupational Therapists/Occupational Therapy Assistants	§ 12-40.5-110 (11)	
Physical Therapists/Physical Therapist Assistants	§§ 12-41-117 (10), 12-41-212 (9)	
Respiratory Therapists	§ 12-41.5-109 (12)	
Psychiatric Technicians		Governed by §12-38-116.5
Pharmacists/Pharmacies	§ 12-42.5-124 (8)	
Mental Health Professionals	§ 12-43-224 (3)(f)	
Surgical Assistants/Technologists	§12-43.2-105 (9)	
Speech-language Pathologists	§ 12-43.7-111 (6)	
Landscape Architects	§ 12-45-114 (4)	

## No Deferred Action/Settlement

Mortuaries/Crematories	§ 12-54-409	
Outfitters/Guides	§ 12-55.5-106 (5)	
Plumbers	§ 12-58-110 (4)	
Private Investigators	§ 12-58.5-109 (9)	
Veterinarians	§ 12-64-111 (5)	
Passenger Tramway Operators		No provision

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## Letter of Admonition

Profession/Occupation/Business	Applicable Statutes	Notes
Accountants	§12-2-126 (1)(b)(II)(D) & (1)(b)(III)	
Hearing Aid Providers	§ 12-5.5-302 (4)	
Barbers & Cosmetologists	§ 12-8-108 (1)(h)	
Combative Sports	§ 12-10-107.1 (2)(b)(IV) & (2)(c)	
Fantasy Contests	§12-15.5-109 (1)	Included in general provision listing director's discipline authority
Electricians	§ 12-23-118 (6)(d)(II)(D) & (6)(d)(III)	
Engineers	§ 12-25-108 (2)	
Land Surveyors	§ 12-25-208 (2)	
Architects	§ 12-25-308 (2)(a) to (2)(c)	
Acupuncturists	§12-29.5-107 (2)(c)	
Athletic Trainers		No provision
Audiologists	§12-29.9-108 (7)	
Podiatrists	§12-32-108.3 (2)(c)(III)	
Chiropractors	§ 12-33-119 (9)(a)	
Dentists/Dental Hygienists	§ 12-35-129.1 (2)	
Massage Therapists	§ 12-35.5-112 (9)	

## Letter of Admonition

Physicians/PAs/ Anesthesiologist Assistants	§ 12-36-118 (4)(c)(III)	
Direct-entry Midwives	§ 12-37-107 (7)	
Naturopathic Doctors	§12-37.3-112 (7)	
Nurses	§ 12-38-116.5 (3)(c)(IV)	
Certified Nurse Aides	§ 12-38.1-111 (1)	Included in general provision listing board of nursing's discipline authority
Nursing Home Administrators	§ 12-39-111 (3)	
Optometrists	§ 12-40-119 (2)(f)	
Occupational Therapists/Occupational Therapy Assistants	§ 12-40.5-110 (17)	
Physical Therapists/Physical Therapist Assistants	§§ 12-41-116 (2), 12-41-211 (2)	
Respiratory Therapists	§ 12-41.5-109 (11)	
Psychiatric Technicians		Governed by §12-38-116.5
Pharmacists/Pharmacies	§ 12-42.5-124 (6)	
Mental Health Professionals	§ 12-43-224 (3)(d)	
Surgical Assistants/Technologists		No provision
Speech-language Pathologists	§ 12-43.7-111 (8)	

## Letter of Admonition

Landscape Architects	§ 12-45-114 (2)	
Mortuaries/Crematories	§ 12-54-405	
Outfitters/Guides	§ 12-55.5-106 (3)	
Plumbers	§ 12-58-110 (2)	
Private Investigators	§ 12-58.5-109 (15)	
Veterinarians	§ 12-64-111 (1.5)	
Passenger Tramway Operators	§25-5-706 (2)(b)	

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## Subpoena powers

Profession/Occupation/Business	Applicable Statutes	Notes
Accountants	§§ 12-2-125 (4), (4.5), 12-2-126 (1)(a)	
Hearing Aid Providers	§ 12-5.5-301 (3)	
Barbers & Cosmetologists	§ 12-8-108 (1)(f)	
Combative Sports	§ 12-10-107.1 (3)	
Fantasy Contests	§ 12-15.5-103 (2)	
Electricians	§ 12-23-104 (2)(d)	
Engineers	§ 12-25-109 (7)	
Land Surveyors	§ 12-25-209 (7)	
Architects	§ 12-25-309 (3)	
Acupuncturists	§12-29.5-106 (3)	
Athletic Trainers	12-29.7-110 (6)(b)	
Audiologists	§12-29.9-109 (3)	
Podiatrists	§§12-32-104 (1)(d), 12-32-108.3 (5), 12-32-108.3 (7)	
Chiropractors	§§ 12-33-107 (1)(f), 12-33-119 (3) & (7)	
Dentists/Dental Hygienists	§12-35-109 (1) & (2)	
Massage Therapists	§ 12-35.5-112 (3)	

## Subpoena powers

Physicians/PAs/ Anesthesiologist Assistants	§ 12-36-104 (1)(b)	
Direct-entry Midwives	§ 12-37-107 (6)	
Naturopathic Doctors	§ 12-37.3-112 (6)	
Nurses	§ 12-38-116.5 (13)	
Certified Nurse Aides	§ 12-38.1-114 (10)	
Nursing Home Administrators	§ 12-39-105 (1)(b) & (1)(c)	
Optometrists	§ 12-40-107 (1)(m)	
Occupational Therapists/Occupational Therapy Assistants	§ 12-40.5-110 (7)(b)	
Physical Therapists/Physical Therapist Assistants	§§ 12-41-103.6 (2)(c), 12-41-117 (5), 12-41-201 (1)(d) & (2), 12-41-212 (4)	
Respiratory Therapists	§ 12-41.5-109 (5.5)(b)	
Psychiatric Technicians		Governed by § 12-38-116.5
Pharmacists/Pharmacies	§ 12-42.5-106 (1)(i)	
Mental Health Professionals	§ 12-43-221 (1)(b)	
Surgical Assistants/Technologists	§ 12-43.2-105 (6)(b)	
Speech-language Pathologists	§ 12-43.7-111 (3)(b)	
Landscape Architects	§ 12-45-107 (1)(e)	

## Subpoena powers

Mortuaries/Crematories	§ 12-54-401 (5)	
Outfitters/Guides	§ 12-55.5-104 (1)(b)	
Plumbers	§ 12-58-104 (1)(g)	
Private Investigators	§ 12-58.5-109 (6)(b)	
Veterinarians	§ 12-64-105 (9)(e)	
Passenger Tramway Operators	§ 25-5-704 (1)(d)	

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## Waiting Period after Revocation

Profession/Occupation/Business	Applicable Statutes	Waiting Period	Applicability	Notes
Accountants	§ 12-2-123 (4)	2 years	Revoked	
Hearing Aid Providers	§ 12-5.5-302 (3)	2 years	Revoked or surrendered	
Barbers & Cosmetologists	§ 12-8-111 (4)	2 years	Revoked or surrendered	
Combative Sports				No provision
Fantasy Contests				No provision
Electricians	§ 12-23-118.1	2 years	Revoked	
Engineers	§ 12-25-110 (5)	2 years	Revoked	
Land Surveyors	§ 12-25-210 (4)	2 years	Revoked	
Architects	§ 12-25-310 (3)	2 years	Revoked	
Acupuncturists	§ 12-29.5-104 (5)(b)	2 years	Revoked or surrendered	
Athletic Trainers				No provision
Audiologists	§ 12-29.9-108 (5)	2 years	Revoked or surrendered	
Podiatrists	§ 12-32-108.5 (3)	2 years	Revoked	
Chiropractors				No provision
Dentists/Dental Hygienists	§ 12-35-129.1 (8)	2 years	Revoked	Reference is made to "surrender" but seems to be an error. Also, language

## Waiting Period after Revocation

Profession/Occupation/Business	Applicable Statutes	Waiting Period	Applicability	Notes
				application after waiting period = "new" application
Massage Therapists	§ 12-35.5-112.5	2 years	Revoked or surrendered	
Physicians/PAs/Anesthesiologist Assistants	§ 12-36-118 (5)(i)	2 years	Revoked or surrendered	Language specifying waiting period applies when license "revoked by any other legally qualified board or regulatory entity".
Direct-entry Midwives	§ 12-37-103 (4.5)	2 years	Revoked	
Naturopathic Doctors	§ 12-37.3-112 (3)	2 years	Revoked or surrendered	
Nurses	§§ 12-38-116.5 (4)(e), 12-38-118 (2)(c)	2 years	Revoked or surrendered	Language specifying waiting period applies when license "revoked by any other legally qualified board". Additional language in §12-38-118 (2)(c) re taking exam if license revoked by other legally authorized board.
Certified Nurse Aides	§§ 12-38.1-103 (5)(b) {1-year}, 12-38.1-115 (3) {2-year}	1 or 2 years - conflicting statutes	Revoked	Conflict in waiting period between 2 statutes; also, 2 <sup>nd</sup> provision refers to "surrender"
Nursing Home Administrators	§ 12-39-108 (9)	1 year	Revoked	1-year waiting period

## Waiting Period after Revocation

Profession/Occupation/Business	Applicable Statutes	Waiting Period	Applicability	Notes
Optometrists	§ 12-40-119 (2.3)	2 years	Revoked	
Occupational Therapists/Occupational Therapy Assistants	§ 12-40.5-110 (19)	2 years	Revoked or surrendered	
Physical Therapists/Physical Therapist Assistants	§§ 12-41-116 (6), 12-41-211 (7)	2 years	Revoked or surrendered	Language specifying waiting period applies when license "revoked by any other legally qualified board or regulatory entity"
Respiratory Therapists	§ 12-41.5-109 (18)	2 years	Revoked or surrendered	
Psychiatric Technicians				No provision; unclear if governed by § 12-38-116.5 since this is not "discipline" §12-42-115.3 states that "disciplinary proceedings" are to be conducted pursuant to §12-38-116.5
Pharmacists/Pharmacies	§ 12-42.5-112 (10)	2 years	Revoked	
Mental Health Professionals	§ 12-43-224 (3)(a)(II)	3 years	Revoked	Language re: application after 3-year period = new application
Surgical Assistants/Technologists				No provision

## Waiting Period after Revocation

Profession/Occupation/Business	Applicable Statutes	Waiting Period	Applicability	Notes
Speech-language Pathologists	§ 12-43.7-111 (15)	2 years	Revoked or surrendered	Language re: application after waiting period = new application
Landscape Architects	§ 12-45-114 (13)	2 years	Revoked	
Mortuaries/Crematories	§ 12-54-401 (2)(b)	2 years	Revoked	
Outfitters/Guides	§ 12-55.5-106 (6)	2 years	Revoked or surrendered	
Plumbers	§ 12-58-110.1	2 years	Revoked	
Private Investigators	§ 12-58.5-110	2 years	Revoked or surrendered	Language re: application after waiting period = new application
Veterinarians	§ 12-64-113	2 years	Revoked	Language re: application after waiting period = new application
Passenger Tramway Operators				No provision

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## Confidential Letter of Concern

### *Accountants*

**12-2-126. Investigations, examinations, and cease-and-desist orders against unlawful act.** (1) (b) (II) Upon completing an investigation, the board shall make one of the following findings:

(C) The investigation discloses an instance of conduct that does not warrant formal action and should be dismissed, but the investigation discloses indications of possible errant conduct that could lead to serious consequences if not corrected. If this finding is made, the board shall send a confidential letter of concern to the licensee or registrant.

### *Hearing Aid Providers*

**12-5.5-302. Disciplinary actions.** (5) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the director and, in the opinion of the director, should be dismissed, but the director has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected, the director may send the licensee a confidential letter of concern.

### *Barbers & Cosmetologists*

**12-8-108. Powers and duties of the director - advisory committee - rules.**

(1) The director has the following powers and duties:

(j) To issue confidential letters of concern. When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the director and, in the opinion of the director, the complaint should be dismissed, but the director has noticed indications of possible errant conduct by the licensee or registrant that could lead to serious consequences if not corrected, a confidential letter of concern may be issued and sent to the licensee or registrant.

### *Combative Sports*

**12-10-107.1. Grounds for discipline.** (2) (b) Upon completing an investigation, the director shall make one of the following findings:

(III) The investigation discloses an instance of conduct that does not warrant formal action and should be dismissed, but the director notices indications of possible errant conduct that could lead to serious consequences if not corrected. If this finding is made, the director shall send a confidential letter of concern to the licensee.

### *Fantasy Contests - no provision*

*Electricians*

**12-23-118. Violations - citations - settlement agreements - hearings - fines.**

(6) (d) (II) Upon completing an investigation, the board shall make one of the following findings:

(C) The investigation discloses an instance of conduct that does not warrant formal action and should be dismissed, but the investigation also discloses indications of possible errant conduct that could lead to serious consequences if not corrected. If this finding is made, the board shall send a confidential letter of concern to the licensee or registrant.

*Engineers*

**12-25-109. Disciplinary proceedings - injunctive relief procedure.** (12) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the board and, in the opinion of the board, the complaint should be dismissed, but the board has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected, a confidential letter of concern may be issued and sent to the licensee.

*Land surveyors*

**12-25-208. Disciplinary actions - grounds for discipline.** (5) The board may issue a letter of concern to a professional land surveyor or land surveyor-intern based on any of the grounds specified in subsection (1) of this section without conducting a hearing as specified in section 12-25-209 (4) when an instance of potentially unsatisfactory conduct comes to the board's attention but, in the board's judgment, does not warrant formal action by the board. Letters of concern shall be confidential and shall not be disclosed to members of the public or in any court action unless the board is a party.

**12-25-209. Disciplinary proceedings - injunctive relief procedure.** (12) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the board and, in the opinion of the board, the complaint should be dismissed, but the board has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected, a confidential letter of concern may be issued and sent to the licensee.

*Architects*

**12-25-308. Disciplinary actions - grounds for discipline.** (2) (d) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the board and, in the opinion of the board, the complaint should be dismissed,

but the board has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected, a confidential letter of concern may be issued and sent to the licensee.

#### *Acupuncturists*

**12-29.5-107. Disciplinary authority and proceedings.** (2.5) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the director and, in the opinion of the director, the complaint should be dismissed, but the director has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected, a confidential letter of concern may be issued and sent to the licensee.

#### *Athletic trainers - no provision*

#### *Audiologists*

**12-29.9-108. Disciplinary actions - grounds for discipline.** (3) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the director and, in the opinion of the director, should be dismissed, but the director has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected, the director may send the licensee a confidential letter of concern.

#### *Podiatrists*

**12-32-108.3. Disciplinary action by board.** (2) (c) On completion of an investigation, the board shall make a finding that:

(V) The investigation discloses an instance of conduct which, in the opinion of the board, does not warrant formal action but in which the board has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected, in which case, a confidential letter of concern shall be sent to the podiatrist against whom a complaint was made. If the board learns of second or subsequent actions of the same or similar nature by the licensee, the board shall not issue a confidential letter of concern but shall take such other course of action as it deems appropriate.

#### *Chiropractors*

**12-33-117. Discipline of licensees - letters of admonition, suspension, revocation, denial, and probation - grounds.** (2.5) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the board and, in the opinion of the board, the complaint should be dismissed, but the board has noticed indications of possible errant conduct by the licensee that could lead to serious

consequences if not corrected, a confidential letter of concern may be issued and sent to the licensee.

*Dentists/dental hygienists*

**12-35-129.1. Disciplinary actions.** (3) If an investigation discloses an instance of conduct that, in the opinion of the board, does not warrant formal board action and should be dismissed, but in which the board has noticed indications of possible errant conduct that could lead to serious consequences if not corrected, the board shall send a confidential letter of concern to the licensee against whom the complaint was made. The board shall send the person making the complaint a notice that the board has issued a letter of concern to the licensee.

*Massage therapists*

**12-35.5-112. Disciplinary proceedings - injunctions - investigations - hearings - judicial review - fine.** (10) When a complaint or an investigation discloses an instance of conduct that does not warrant formal action by the director and, in the director's opinion, should be dismissed, but the director has noticed conduct that could lead to serious consequences if not corrected, the director may send a confidential letter of concern to the licensee.

*Physicians/PAs/Anesthesiologist assistants*

**12-36-118. Disciplinary action by board - immunity - rules.** (4) (c) On completion of an investigation, the inquiry panel shall make a finding that:

(II.5) The investigation discloses an instance of conduct that does not warrant formal action by the board and should be dismissed but in which the inquiry panel has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected. In such a case, a confidential letter of concern shall be sent to the licensee against whom the complaint was made.

*Direct-entry Midwives*

**12-37-107. Disciplinary action authorized - grounds for discipline - injunctions - rules.** (7.5) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the director and, in the opinion of the director, the complaint should be dismissed, but the director has noticed indications of possible errant conduct by the registrant that could lead to serious consequences if not corrected, a confidential letter of concern may be issued and sent to the registrant.

*Naturopathic Doctors*

**12-37.3-112. Grounds for discipline - disciplinary actions authorized -**

**procedures - definitions.** (8) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the director and, in the opinion of the director, should be dismissed, but the director has noticed indications of possible errant conduct by the registrant that could lead to serious consequences if not corrected, the director may send the registrant a confidential letter of concern.

*Nurses*

**12-38-116.5. Disciplinary procedures of the board - inquiry and hearings panels.** (3) (c) On completion of an investigation, the inquiry panel shall make a finding that:

(III) An instance of conduct occurred that does not warrant formal action by the board and that should be dismissed, but that indications of possible conduct by the nurse were noted that could lead to serious consequences if not corrected. In such a case, a confidential letter of concern shall be sent to the nurse against whom the complaint was made.

*Certified Nurse Aides*

**12-38.1-114. Disciplinary proceedings - hearing officers.** (10.5) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the board and, in the opinion of the board, the complaint should be dismissed, but the board has noticed indications of possible errant conduct by the certificate holder that could lead to serious consequences if not corrected, a confidential letter of concern may be issued and sent to the certificate holder.

*Nursing Home Administrators*

**12-39-114. Disciplinary proceedings - administrative law judge - judicial review - publicly recorded votes.** (7) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the board and, in the opinion of the board, the complaint should be dismissed, but the board has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected, a confidential letter of concern may be issued and sent to the licensee.

*Optometrists*

**12-40-119. Revocation, suspension, supervision, probation procedure - professional review - reconsideration and review of action by board - rules.**

(2.1) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the board and, in the opinion of the board, the complaint should be dismissed, but the board has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected, a confidential letter of

concern may be issued and sent to the licensee.

*Occupational Therapists/Occupational Therapy Assistants*

**12-40.5-110. Grounds for discipline - disciplinary proceedings - judicial review.** (18) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the director and, in the opinion of the director, should be dismissed, but the director has noticed conduct by the licensee that could lead to serious consequences if not corrected, the director may send a confidential letter of concern to the licensee.

*Physical Therapists/Physical Therapist Assistants*

**12-41-116. Disciplinary actions.** (3.5) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the board and, in the opinion of the board, the complaint should be dismissed, but the board has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected, the board may send a confidential letter of concern to the licensee.

**12-41-211. Disciplinary actions.** (4) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the board and, in the opinion of the board, the complaint should be dismissed, but the board has noticed indications of possible errant conduct by the certified physical therapist assistant that could lead to serious consequences if not corrected, the board may send a confidential letter of concern to the certified physical therapist assistant.

*Respiratory Therapists*

**12-41.5-109. Grounds for action - disciplinary proceedings.** (11.5) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the director and, in the opinion of the director, the complaint should be dismissed, but the director has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected, a confidential letter of concern may be issued and sent to the licensee.

***Psychiatric Technicians - governed by 12-38-116.5***

*Pharmacists/Pharmacies*

**12-42.5-124. Disciplinary actions.** (7) (a) When a complaint or an investigation discloses an instance of conduct that does not warrant formal action by the board but the board determines that the conduct could warrant action if continued, the board may send a confidential letter of concern to the licensee or registrant against whom the complaint

was made or who was the subject of investigation. If a complaint precipitated the investigation, the board shall send a response to the person making the complaint.

(b) A confidential letter of concern is not discipline.

### *Mental Health Professionals*

**12-43-224. Disciplinary proceedings - judicial review - mental and physical examinations - multiple licenses.** (3) Disciplinary actions may consist of the following:

(e) **Issuance of confidential letters of concern.** When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the board but indicates to the board conduct by the licensee, registrant, or certificate holder that could lead to serious consequences if not corrected, the board may issue and send to the licensee, registrant, or certificate holder a confidential letter of concern. The letter must advise the licensee, registrant, or certificate holder that the board is concerned about a complaint it received about the licensee, registrant, or certificate holder and must specify what action, if any, the licensee, registrant, or certificate holder should take to assuage the board's concern. Confidential letters of concern are confidential, and the board shall not disclose the existence of such a letter or its contents to members of the public or in any court action unless the board is a party to the action.

### *Surgical Assistants/Technologists - no provision*

### *Speech-language Pathologists*

**12-43.7-111. Disciplinary actions - judicial review.** (7) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the director and, in the opinion of the director, the complaint should be dismissed, but the director has noticed indications of possible errant conduct by the certificate holder that could lead to serious consequences if not corrected, the director may send a confidential letter of concern to the certificate holder.

### *Landscape Architects*

**12-45-114. Disciplinary actions by board - licenses denied, suspended, or revoked - cease-and-desist orders.** (3) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the board and, in the opinion of the board, the complaint should be dismissed, but the board has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected, a confidential letter of concern may be issued to the licensee. The confidential letter of concern and notice of the issuance of the letter shall be sent to the licensee by certified mail. Issuance of a confidential letter of concern shall not be construed to be discipline.

*Mortuaries/Crematories*

**12-54-404. Letters of concern.** The director may issue and send a confidential letter of concern to the funeral establishment or crematory when a complaint or investigation discloses an instance of conduct that does not warrant formal action by the director and, in the opinion of the director, the complaint should be dismissed, but the director has noticed indications of possible errant conduct by the funeral establishment or crematory that could lead to serious consequences if not corrected.

*Outfitters/Guides*

**12-55.5-106. Disciplinary actions - grounds for discipline.** (3.5) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the director and, in the opinion of the director, should be dismissed, but the director has noticed possible errant conduct by the registrant that could lead to serious consequences if not corrected, the director may send the registrant a confidential letter of concern.

*Plumbers*

**12-58-110. Disciplinary action by board - licenses or registrations denied, suspended, or revoked - cease-and-desist orders.** (2.5) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the board and, in the opinion of the board, the complaint should be dismissed, but the board has noticed indications of possible errant conduct by the licensee or registrant that could lead to serious consequences if not corrected, a confidential letter of concern may be issued and sent to the licensee or registrant.

*Private Investigators*

**12-58.5-109. Disciplinary actions - grounds for discipline - rules - cease-and-desist orders.** (16) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the director and, in the opinion of the director, the complaint should be dismissed, but the director has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected, the director may send the licensee a confidential letter of concern.

*Veterinarians*

**12-64-111. Discipline of licensees.** (1.7) When a complaint or investigation discloses an instance of conduct that does not warrant formal action by the board and, in the opinion of the board, the complaint should be dismissed, but the board has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected, a confidential letter of concern may be issued and sent to

the licensee.

*Passenger Tramway Operators - no provision*

## **No deferred action/settlement**

### *Accountants*

**12-2-126. Investigations, examinations, and cease-and-desist orders against unlawful act.** (7) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

### *Hearing Aid Providers*

**12-5.5-302. Disciplinary actions.** (2) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

### *Barbers & Cosmetologists*

**12-8-131. Disciplinary proceedings - administrative law judges - judicial review.** (8) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

### *Combative Sports*

**12-10-107.1. Grounds for discipline.** (4) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

### *Fantasy Contests - no provision*

### *Electricians*

**12-23-118. Violations - citations - settlement agreements - hearings - fines.** (4) (b) (III) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

### *Engineers*

**12-25-109. Disciplinary proceedings - injunctive relief procedure.** (11) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Land surveyors*

**12-25-209. Disciplinary proceedings - injunctive relief procedure.** (11) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Architects*

**12-25-309. Disciplinary proceedings - injunctions.** (6) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Acupuncturists*

**12-29.5-107. Disciplinary authority and proceedings.** (4) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Athletic trainers*

**12-29.7-110. Grounds for discipline - disciplinary proceedings.** (10) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the director shall not resolve the complaint by a deferred settlement, action, judgment, or prosecution.

*Audiologists*

**12-29.9-108. Disciplinary actions - grounds for discipline.** (4) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the director shall not resolve the complaint by a deferred settlement, action, judgment, or prosecution.

*Podiatrists*

**12-32-108.3. Disciplinary action by board.**

(2) (c) On completion of an investigation, the board shall make a finding that:

(IV) (A) The investigation discloses facts that warrant further proceedings by formal complaint, as provided in subsection (3) of this section, in which event the complaint shall be referred to the attorney general for preparation and filing of a formal complaint;

(B) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Chiropractors*

**12-33-119. Disciplinary proceedings.** (9) (b) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Dentists/dental hygienists*

**12-35-129.2. Disciplinary proceedings.** (3) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the board shall not resolve the complaint by a deferred settlement, action, judgment, or prosecution.<sup>12</sup>

*Massage therapists*

**12-35.5-112. Disciplinary proceedings - injunctions - investigations - hearings - judicial review - fine.** (6) On completion of an investigation, the director shall find one of the following:

(c) The complaint discloses misconduct by the licensee that warrants formal action. When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the director shall not resolve the complaint by a deferred settlement, action, judgment, or prosecution. Rather, the director shall initiate disciplinary proceedings pursuant to subsection (7) of this section.

*Physicians/PAs/Anesthesiologist assistants*

**12-36-118. Disciplinary action by board - immunity - rules.** (4) (c) On completion of an investigation, the inquiry panel shall make a finding that:

(IV) (A) The investigation discloses facts that warrant further proceedings by formal complaint, as provided in subsection (5) of this section, in which event the complaint shall be referred to the attorney general for preparation and filing of a formal complaint.

(B) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Direct-entry Midwives*

**12-37-107. Disciplinary action authorized - grounds for discipline - injunctions - rules.** (8) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Naturopathic Doctors*

**12-37.3-112. Grounds for discipline - disciplinary actions authorized - procedures - definitions.** (9) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the director shall not resolve the complaint by a deferred settlement, action, judgment, or prosecution.

*Nurses*

**12-38-116.5. Disciplinary procedures of the board - inquiry and hearings panels.** (3) (c) On completion of an investigation, the inquiry panel shall make a finding that:

(V) (A) Facts were disclosed that warrant further proceedings by formal complaint, as provided in subsection (4) of this section, and that the complaint should be referred to the attorney general for preparation and filing of a formal complaint.

(B) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

**CNAs - no provision - covered under article 38?**

*Nursing Home Administrators*

**12-39-111. Grounds for discipline.** (5) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Optometrists*

**12-40-119. Revocation, suspension, supervision, probation procedure - professional review - reconsideration and review of action by board - rules.**

(6) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Occupational Therapists/Occupational Therapy Assistants*

**12-40.5-110. Grounds for discipline - disciplinary proceedings - judicial review.** (11) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Physical Therapists/Physical Therapist Assistants*

**12-41-117. Disciplinary proceedings - investigations - judicial review.**

(10) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

**12-41-212. Disciplinary proceedings - investigations - judicial review.**

(9) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the board shall not resolve the complaint by a deferred settlement, action, judgment, or prosecution.

*Respiratory Therapists*

**12-41.5-109. Grounds for action - disciplinary proceedings.** (12) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Psychiatric Technicians - governed by 12-38-116.5*

*Pharmacists/Pharmacies*

**12-42.5-124. Disciplinary actions.** (8) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the board shall not resolve the complaint by a deferred settlement, action, judgment, or prosecution.

*Mental Health Professionals*

**12-43-224. Disciplinary proceedings - judicial review - mental and physical examinations - multiple licenses.** (3) Disciplinary actions may consist of the following:

(f) **Deferred settlement or judgment.** When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Surgical Assistants/Technologists*

**12-43.2-105. Grounds for discipline - disciplinary proceedings - judicial review.** (9) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Speech-language Pathologists*

**12-43.7-111. Disciplinary actions - judicial review.** (6) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the director shall not resolve the complaint by a deferred settlement, action, judgment, or prosecution.

*Landscape Architects*

**12-45-114. Disciplinary actions by board - licenses denied, suspended, or revoked - cease-and-desist orders.** (4) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Mortuaries/Crematories*

**12-54-409. Deferment prohibited.** When a complaint or an investigation discloses misconduct that, in the opinion of the director, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Outfitters/Guides*

**12-55.5-106. Disciplinary actions - grounds for discipline.** (5) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Plumbers*

**12-58-110. Disciplinary action by board - licenses or registrations denied, suspended, or revoked - cease-and-desist orders.** (4) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Private Investigators*

**12-58.5-109. Disciplinary actions - grounds for discipline - rules - cease-and-desist orders.** (9) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the director shall not resolve the complaint by a deferred settlement, action, judgment, or prosecution.

*Veterinarians*

**12-64-111. Discipline of licensees.** (5) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, warrants formal action, the complaint shall not be resolved by a deferred settlement, action, judgment, or prosecution.

*Passenger Tramway Operators - no provision*

## Letters of Admonition

### *Accountants*

**12-2-126. Investigations, examinations, and cease-and-desist orders against unlawful act.** (1) (b) (II) Upon completing an investigation, the board shall make one of the following findings:

(D) The investigation discloses an instance of conduct that does not warrant formal action but should not be dismissed as being without merit. If this finding is made, the board may send a letter of admonition to the licensee or registrant by certified mail.

(III) (A) When a letter of admonition is sent to a licensee or registrant, the board shall include in the letter a notice that the licensee or registrant has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(B) If the request for adjudication is timely made, the letter of admonition is vacated and the board shall proceed by means of formal disciplinary proceedings.

### *Hearing Aid Providers*

#### **12-5.5-302. Disciplinary actions.**

(4) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the director, does not warrant formal action by the director but that should not be dismissed as being without merit, the director may issue and send a letter of admonition to the licensee.

(b) (I) When the director sends a letter of admonition to a licensee pursuant to paragraph (a) of this subsection (4), the director shall also advise the licensee that he or she has the right to request in writing, within twenty days after service of the letter, that the director initiate formal disciplinary proceedings to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(II) If the licensee makes the request for adjudication, the director shall vacate the letter of admonition and shall process the matter by means of formal disciplinary proceedings.

### *Barbers & Cosmetologists*

#### **12-8-108. Powers and duties of the director - advisory committee - rules.**

(1) The director has the following powers and duties:

(h) (I) To send letters of admonition. When a complaint or investigation discloses an instance of misconduct that, in the opinion of the director, does not warrant formal action by the director but that should not be dismissed as being without merit, a letter of admonition may be issued and sent to the licensee or registrant.

(II) When a letter of admonition is sent by the director to a licensee or registrant,

the licensee or registrant shall be advised that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(III) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

### *Combative Sports*

**12-10-107.1. Grounds for discipline.** (2) (b) Upon completing an investigation, the director shall make one of the following findings:

(IV) The investigation discloses an instance of conduct that does not warrant formal action but should not be dismissed as being without merit. If this finding is made, the director may send a letter of admonition to the licensee by certified mail.

(c) (I) The director shall send a letter of admonition by first-class mail to a licensee and shall include in the letter a notice that the licensee has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(II) If the request for adjudication is timely made, the letter of admonition is vacated and the director shall proceed by means of formal disciplinary proceedings.

### *Fantasy Contests*

**12-15.5-109. Grounds for discipline.** (1) The director may deny, suspend, or revoke a license or registration or place on probation or issue a letter of admonition to a licensee or registrant if the fantasy contest operator, including a small fantasy contest operator:

### *Electricians*

**12-23-118. Violations - citations - settlement agreements - hearings - fines.** (6) (d) (II) Upon completing an investigation, the board shall make one of the following findings:

(D) The investigation discloses an instance of conduct that does not warrant formal action but should not be dismissed as being without merit. If this finding is made, the board may send a letter of admonition to the licensee or registrant by certified mail.

(III) (A) When a letter of admonition is sent by certified mail to a licensee or registrant, the board shall include in the letter a notice that the licensee or registrant has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(B) If the request for adjudication is timely made, the letter of admonition is vacated and the board shall proceed by means of formal disciplinary proceedings.

*Engineers*

**12-25-108. Disciplinary actions - grounds for discipline.** (2) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, the board may issue and send a letter of admonition by first-class mail to the professional engineer or engineer-intern at his or her last-known address.

(b) When the board sends a letter of admonition to a professional engineer or engineer-intern, the board shall advise the professional engineer or engineer-intern that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(c) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

*Land surveyors*

**12-25-208. Disciplinary actions - grounds for discipline.** (2) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, the board may issue and send a letter of admonition by first-class mail to the professional land surveyor or land surveyor-intern at his or her last-known address.

(b) When the board sends a letter of admonition to a professional land surveyor or land surveyor-intern, the board shall advise the professional land surveyor or land surveyor-intern that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(c) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

*Architects*

**12-25-308. Disciplinary actions - grounds for discipline.** (2) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, the board may issue and send a letter of admonition by first-class mail to the licensee at the licensee's last-known address.

(b) When the board sends a letter of admonition to a licensee, the board shall advise the licensee that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(c) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

#### *Acupuncturists*

**12-29.5-107. Disciplinary authority and proceedings.** (2) Disciplinary actions may consist of the following:

(c) (I) Issuance of letters of admonition. When a complaint or investigation discloses an instance of misconduct that, in the opinion of the director, does not warrant formal action by the director but that should not be dismissed as being without merit, the director may issue and send a letter of admonition by first-class mail, to the licensee.

(II) When the director sends a letter of admonition to a licensee, the director shall advise the licensee that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(III) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

#### ***Athletic trainers - no provision***

#### *Audiologists*

**12-29.9-108. Disciplinary actions - grounds for discipline.** (7) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the director, does not warrant formal action by the director but should not be dismissed as being without merit, the director may issue and send to the licensee a letter of admonition.

(b) (I) When the director sends a letter of admonition to a licensee pursuant to paragraph (a) of this subsection (7), the director shall also advise the licensee that he or she has the right to request in writing, within twenty days after receipt of the letter, that the director initiate formal disciplinary proceedings to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(II) If the licensee makes the request for adjudication in a timely manner, the director shall vacate the letter of admonition and shall process the matter by means of formal disciplinary proceedings.

*Podiatrists*

**12-32-108.3. Disciplinary action by board.** (2) (c) On completion of an investigation, the board shall make a finding that:

(III) (A) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, a letter of admonition may be issued and sent, by certified mail, to the licensee.

(B) When a letter of admonition is sent by the board, by certified mail, to a licensee, such licensee shall be advised that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(C) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

*Chiropractors*

**12-33-119. Disciplinary proceedings.** (9) (a) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, a letter of admonition may be sent by certified mail to the chiropractor against whom the complaint was made and a copy also sent to the person making the complaint. When a letter of admonition is sent by certified mail by the board to a chiropractor complained against, such chiropractor shall be advised that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal disciplinary proceedings.

*Dentists/Dental Hygienists*

**12-35-129.1. Disciplinary actions.** (2) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but should not be dismissed as being without merit, the board may issue and send to the licensee a letter of admonition.

(b) When the board sends a letter of admonition to a licensee pursuant to paragraph (a) of this subsection (2), the board shall also advise the licensee that he or she has the right to request in writing, within twenty days after receipt of the letter, that the board initiate formal disciplinary proceedings to adjudicate the propriety of the conduct upon which the letter of admonition is based. If the licensee makes the request for

adjudication in a timely manner, the board shall vacate the letter of admonition and shall process the matter by means of formal disciplinary proceedings.

*Massage Therapists*

**12-35.5-112. Disciplinary proceedings - injunctions - investigations - hearings - judicial review - fine.** (9) (a) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the director, does not warrant formal action but should not be dismissed as being without merit, the director may send a letter of admonition to the licensee.

(b) When the director sends a letter of admonition to a licensee, the director shall notify the licensee of his or her right to request in writing, within twenty days after receipt of the letter, that the director initiate formal disciplinary proceedings to adjudicate the propriety of the conduct described in the letter of admonition.

(c) If the licensee timely requests adjudication, the letter of admonition is vacated, and the director shall process the matter by means of formal disciplinary proceedings.

*Physicians/PAs/Anesthesiologist assistants*

**12-36-118. Disciplinary action by board - immunity - rules.** (4) (c) On completion of an investigation, the inquiry panel shall make a finding that:

(III) (A) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, a letter of admonition may be issued and sent, by certified mail, to the licensee.

(B) When a letter of admonition is sent by the board, by certified mail, to a licensee, such licensee shall be advised that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(C) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

*Direct-entry Midwives*

**12-37-107. Disciplinary action authorized - grounds for discipline - injunctions - rules.** (7) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the director, does not warrant formal action by the director but that should not be dismissed as being without merit, the director may issue and send a letter of admonition to the registrant.

(b) When the director sends a letter of admonition to a registrant, the director shall inform the registrant that he or she has the right to request in writing, within twenty

days after receipt of the letter, that the director initiate formal disciplinary proceedings to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(c) If the request for adjudication is timely made, the letter of admonition is vacated and the matter shall be processed by means of formal disciplinary proceedings.

#### *Naturopathic Doctors*

**12-37.3-112. Grounds for discipline - disciplinary actions authorized - procedures - definitions.** (7) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the director, does not warrant formal action by the director but that should not be dismissed as being without merit, the director may issue a letter of admonition to the naturopathic doctor.

(b) When the director sends a letter of admonition to a registrant, the letter must advise the registrant that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(c) If the registrant timely requests adjudication, the director shall vacate the letter of admonition and process the matter by means of formal disciplinary proceedings.

#### *Nurses*

**12-38-116.5. Disciplinary procedures of the board - inquiry and hearings panels.** (3) (c) On completion of an investigation, the inquiry panel shall make a finding that:

(IV) (A) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, a letter of admonition may be issued and sent, by certified mail, to the licensee.

(B) When a letter of admonition is sent by the board, by certified mail, to a licensee, such licensee shall be advised that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(C) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

#### *Certified Nurse Aides*

**12-38.1-111. Grounds for discipline.** (1) The board may suspend, revoke, or deny any person's certification to practice as a nurse aide or authority to practice as a medication aide, *or may issue to the person a letter of admonition*, upon proof that the person:

*Nursing Home Administrators*

**12-39-111. Grounds for discipline.** (3) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, a letter of admonition may be issued and sent, by certified mail, to the licensee.

(b) When a letter of admonition is sent by the board, by certified mail, to a licensee, such licensee shall be advised that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(c) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

*Optometrists*

**12-40-119. Revocation, suspension, supervision, probation procedure - professional review - reconsideration and review of action by board - rules.**

(2) (f) (I) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, a letter of admonition may be issued and sent, by certified mail, to the licensee.

(II) When a letter of admonition is sent by the board, by certified mail, to a licensee, such licensee shall be advised that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(III) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

*Occupational Therapists/Occupational Therapy Assistants*

**12-40.5-110. Grounds for discipline - disciplinary proceedings - judicial review.** (17) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the director, does not warrant formal action but should not be dismissed as being without merit, the director may send a letter of admonition to the licensee.

(b) When the director sends a letter of admonition to a licensee, the director shall notify the licensee of the licensee's right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct described in the letter of admonition.

(c) If the licensee timely requests adjudication, the director shall vacate the letter of admonition and process the matter by means of formal disciplinary proceedings.

*Physical Therapists/Physical Therapist Assistants*

**12-41-116. Disciplinary actions.** (2) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action but should not be dismissed as being without merit, the board may send a letter of admonition to the licensee.

(b) When the board sends a letter of admonition to a licensee, the board shall notify the licensee of the licensee's right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct described in the letter of admonition.

(c) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

**12-41-211. Disciplinary actions.** (2) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action but should not be dismissed as being without merit, the board may send a letter of admonition to the certified physical therapist assistant.

(b) When the board sends a letter of admonition to a certified physical therapist assistant, the board shall notify the certified physical therapist assistant of his or her right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct described in the letter of admonition.

(c) If the request for adjudication is timely made, the letter of admonition is vacated and the matter must be processed by means of formal disciplinary proceedings.

*Respiratory Therapists*

**12-41.5-109. Grounds for action - disciplinary proceedings.** (11) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the director, does not warrant formal action by the director but that should not be dismissed as being without merit, the director may issue and send a letter of admonition to the licensee.

(b) When the director sends a letter of admonition to a licensee, the letter must advise the licensee that he or she has the right to request in writing, within twenty days after receipt of the letter, that the director initiate formal disciplinary proceedings to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(c) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

**Psychiatric Technicians - governed by 12-38-116.5**

*Pharmacists/Pharmacies*

**12-42.5-124. Disciplinary actions.** (6) (a) When a complaint or an investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but should not be dismissed as being without merit, the board may send a letter of admonition by certified mail to the licensee or registrant against whom the complaint was made or who was the subject of investigation and, in the case of a complaint, may send a copy of the letter of admonition to the person making the complaint.

(b) When the board sends a letter of admonition to a licensee or registrant complained against, the board shall include in the letter a statement advising the licensee or registrant that the licensee or registrant has the right to request in writing, within twenty days after receipt of the letter, that the board initiate formal disciplinary proceedings to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(c) If the licensee or registrant timely requests adjudication, the letter of admonition is vacated, and the board shall process the matter by means of formal disciplinary proceedings.

*Mental Health Professionals*

**12-43-224. Disciplinary proceedings - judicial review - mental and physical examinations - multiple licenses.** (3) Disciplinary actions may consist of the following:

(d) **Issuance of letters of admonition.** (I) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, a letter of admonition may be issued and sent, by certified mail, to the licensee, registrant, or certificate holder.

(II) When a letter of admonition is sent by the board, by certified mail, to a licensee, registrant, or certificate holder, the letter also must advise the person that he or she has the right to request, in writing within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(III) If the request for adjudication is timely made, the letter of admonition is vacated and the matter shall be processed by means of formal disciplinary proceedings.

**Surgical Assts/Technologists - no provision**

*Speech-language Pathologists*

**12-43.7-111. Disciplinary actions - judicial review.** (8) (a) When a complaint

or investigation discloses an instance of misconduct that, in the opinion of the director, does not warrant formal action but should not be dismissed as being without merit, the director may send a letter of admonition to the certificate holder.

(b) When the director sends a letter of admonition to a certificate holder, the director shall notify the certificate holder of his or her right to request in writing, within twenty days after receipt of the letter, that the director initiate formal disciplinary proceedings to adjudicate the propriety of the conduct described in the letter of admonition.

(c) If the certificate holder timely requests adjudication, the director shall vacate the letter of admonition and shall process the matter by means of formal disciplinary proceedings.

#### *Landscape Architects*

**12-45-114. Disciplinary actions by board - licenses denied, suspended, or revoked - cease-and-desist orders.** (2) (a) When a complaint or investigation discloses an instance of misconduct that, in the board's opinion, does not warrant formal action but that should not be dismissed as being without merit, the board may issue and send to the licensee, by certified mail, a written letter of admonition.

(b) When a letter of admonition is sent by the board, the licensee shall be advised that he or she has the right to request, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(c) Upon receipt of a timely request for adjudication pursuant to paragraph (b) of this subsection (2), the board shall void the letter of admonition and shall institute formal disciplinary proceedings to address the matter.

#### *Mortuaries/Crematories*

**12-54-405. Letters of admonition - funeral homes and crematories.** (1) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the director, does not warrant formal action by the director but that should not be dismissed as being without merit, a letter of admonition may be issued and sent to a person by certified mail.

(2) When a letter of admonition is sent by the director, the subject shall be advised of the right to request that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based. The subject shall make the request in writing within twenty days after receipt of the letter.

(3) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

*Outfitters/Guides*

**12-55.5-106. Disciplinary actions - grounds for discipline.** (3) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the director, does not warrant formal action by the director but that should not be dismissed as being without merit, the director may issue and send a letter of admonition to the registrant.

(b) When a letter of admonition is sent by the director to a registrant, the letter must advise the registrant that the registrant has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(c) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

*Plumbers*

**12-58-110. Disciplinary action by board - licenses or registrations denied, suspended, or revoked - cease-and-desist orders.** (2) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, a letter of admonition may be issued and sent, by certified mail, to the licensee.

(b) When a letter of admonition is sent by the board, by certified mail, to a licensee, such licensee shall be advised that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(c) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

*Private Investigators*

**12-58.5-109. Disciplinary actions - grounds for discipline - rules - cease-and-desist orders.** (15) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the director, does not warrant formal action by the director but that should not be dismissed as being without merit, the director may issue and send the licensee a letter of admonition.

(b) When the director sends a letter of admonition to a licensee, the director shall advise the licensee that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(c) If the licensee timely requests adjudication, the director shall vacate the letter

of admonition and process the matter by means of formal disciplinary proceedings.

*Veterinarians*

**12-64-111. Discipline of licensees.** (1.5) (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, a letter of admonition may be issued and sent, by certified mail, to the licensee.

(b) When a letter of admonition is sent by the board, by certified mail, to a licensee, such licensee shall be advised that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(c) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

*Passenger Tramway Operators*

**25-5-706. Disciplinary action - administrative sanctions - grounds.**

(2) Disciplinary action of the board may be imposed as an alternative to or in conjunction with the issuance of orders or the pursuit of other remedies provided by section 25-5-707 or 25-5-716, and may consist of any of the following:

(b) (I) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, issuance and sending of a letter of admonition, by certified mail, to the area operator.

(II) When a letter of admonition is sent by the board, by certified mail, to an area operator such area operator shall be advised that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(III) If the request for adjudication is timely made, the letter of admonition shall be deemed vacated and the matter shall be processed by means of formal disciplinary proceedings.

## **Subpoena powers**

### *Accountants*

**12-2-125. Hearings before board - notice - procedure - review.** (4) The board or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board.

(4.5) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board or director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

**12-2-126. Investigations, examinations, and cease-and-desist orders against unlawful act.** (1) (a) (I) The board, on its own motion based on reasonable grounds or on the signed, written complaint of any person, may investigate any person who has engaged, is engaging, or threatens to engage in any act or practice that constitutes a violation of any provision of this article. The board or any member thereof may administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board.

(II) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board or director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

*Hearing Aid Providers*

**12-5.5-301. Director - powers - duties - rules.** (3) (a) The director or an administrative law judge has the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the director pursuant to this article. The director may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the director.

(b) Upon failure of any witness to comply with a subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. The court may punish a failure to obey the order of the court as a contempt of court.

*Barbers & Cosmetologists*

**12-8-108. Powers and duties of the director - advisory committee - rules.**

(1) The director has the following powers and duties:

(f) (I) To investigate upon his or her own initiative or upon receiving a complaint all suspected or alleged violations of this article, unless the director or his or her designee determines that a complaint or alleged violation is without merit, and to enter premises in which violations are alleged to have occurred during business hours.

(II) The director or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the director pursuant to this article. The director may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the director.

(III) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

*Combative Sports*

**12-10-107.1. Grounds for discipline.** (3) (a) The director or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the director pursuant to this article. The director may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the commission or the director.

(b) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

*Fantasy Contests*

**12-15.5-103. Fantasy contests - director - rules.** (2) The director may administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the director pursuant to this article. The director may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings.

*Electricians*

**12-23-104. Board powers and duties - rules.** (2) In addition to all other powers and duties conferred or imposed upon the board by this article, the board is authorized to:

(d) (I) Administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board.

(II) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that

person or licensee to appear before the commission or director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

*Engineers*

**12-25-109. Disciplinary proceedings - injunctive relief procedure.** (7) (a) The board or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board pursuant to this part 1.

(b) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board or director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

*Land surveyors*

**12-25-209. Disciplinary proceedings - injunctive relief procedure.** (7) (a) The board or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board pursuant to this part 2.

(b) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board or director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

*Architects*

**12-25-309. Disciplinary proceedings - injunctions.** (3) (a) The board or an administrative law judge shall have the power to administer oaths, take affirmations of

witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board.

(b) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director of the division of professions and occupations within the department of regulatory agencies with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board or director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

#### *Acupuncturists*

**12-29.5-106. Grounds for disciplinary action.** (3) (a) The director or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the director pursuant to this article. The director may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the director.

(b) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

#### *Athletic Trainers*

**12-29.7-110. Grounds for discipline - disciplinary proceedings.** (6) (b) (I) The director may investigate, hold hearings, and gather evidence in all matters related to the exercise and performance of the powers and duties of the director.

(II) In order to aid the director in any hearing or investigation instituted pursuant to this section, the director or an administrative law judge appointed pursuant to paragraph (c) of this subsection (6) may administer oaths, take affirmations of witnesses, and issue subpoenas compelling the attendance of witnesses and the production of all relevant records, papers, books, documentary evidence, and materials in any hearing,

investigation, accusation, or other matter before the director or an administrative law judge.

(III) Upon failure of any witness or registrant to comply with a subpoena or process, the district court of the county in which the subpoenaed person or registrant resides or conducts business, upon application by the director with notice to the subpoenaed person or registrant, may issue to the person or registrant an order requiring the person or registrant to appear before the director; produce the relevant papers, books, records, documentary evidence, or materials; or give evidence touching the matter under investigation or in question. If the person or registrant fails to obey the order of the court, the person or registrant may be held in contempt of court.

#### *Audiologists*

**12-29.9-109. Director - powers - duties - rules.** (3) (a) The director or an administrative law judge may administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the director pursuant to this article. The director may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the director.

(b) Upon the failure of any witness to comply with a subpoena or process, the director may apply to the district court of the county in which the subpoenaed person or licensee resides or conducts business, and after notice of the application by the director to the subpoenaed person or licensee, the district court may issue to the person or licensee an order requiring that the person or licensee appear before the director; produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or give evidence relevant to the matter under investigation or in question. If the person or licensee fails to obey the order of the court, the court may hold the person or licensee in contempt of court.

#### *Podiatrists*

**12-32-104. Powers and duties of board.** (1) The Colorado podiatry board shall regulate the practice of podiatry. The board shall exercise, subject to the provisions of this article, the following powers and duties:

(d) (II) The board or an administrative law judge may administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board.

(III) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board or director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

**12-32-108.3. Disciplinary action by board.** (5) The attendance of witnesses and the production of books, patient records, papers, and other pertinent documents at the hearing may be summoned by subpoenas issued by the board, which shall be served in the manner provided by the Colorado rules of civil procedure for service of subpoenas.

**12-32-108.3. Disciplinary action by board.** (7) (a) The board or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board. The person providing such copies shall prepare them from the original record and shall delete from the copy provided pursuant to the subpoena the name of the patient, but shall identify the patient by a numbered code, to be retained by the custodian of the records from which the copies were made. Upon certification of the custodian that the copies are true and complete except for the patient's name, they shall be deemed authentic, subject to the right to inspect the originals for the limited purpose of ascertaining the accuracy of the copies. No privilege of confidentiality shall exist with respect to such copies, and no liability shall lie against the board or the custodian or his or her authorized employee for furnishing or using such copies in accordance with this subsection (7).

(b) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board or director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

### *Chiropractors*

**12-33-107. Board powers.** (1) The board is authorized to and shall:

(f) Employ investigators, issue subpoenas, compel the attendance of witnesses,

compel the production of records, books, papers, and documents, and administer oaths to persons giving testimony at hearings;

**12-33-119. Disciplinary proceedings.** (3) The attendance of witnesses and the production of books, patient records, papers, and other pertinent documents at the hearing may be summoned by subpoenas issued by the board, which shall be served in the manner provided by the Colorado rules of civil procedure for service of subpoenas.

(7) (a) The board or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board. The person providing such copies shall prepare them from the original record and shall delete from the copy provided pursuant to the subpoena the name of the patient, but he or she shall identify the patient by a numbered code, to be retained by the custodian of the records from which the copies were made.

(b) Upon certification of the custodian that the copies are true and complete except for the patient's name, they shall be deemed authentic, subject to the right to subpoena the originals for the limited purpose of ascertaining the accuracy of the copies. The originals shall remain confidential and be returned to the custodian as soon as the accuracy of the copy is ascertained or as soon as the case is concluded if the original is needed as evidence of falsification. No privilege of confidentiality shall exist with respect to such copies, and no liability shall lie against the board or the custodian for furnishing or using such copies in accordance with this subsection (7).

(c) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board or director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

#### *Dentists/Dental Hygienists*

**12-35-109. Power of board to administer oaths - issue subpoenas - service - penalty for refusing to obey subpoena.** (1) The board or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. The board may

appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board.

(2) Upon failure of any witness to comply with such subpoena or process, the board may petition the district court in the county in which the proceeding is pending setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, in which event, the district court, after hearing evidence in support of or contrary to the petition, may enter an order as in other civil actions compelling the witness to attend and testify or produce books, records, or other evidence.

### *Massage Therapists*

**12-35.5-112. Disciplinary proceedings - injunctions - investigations - hearings - judicial review - fine.** (3) (a) The director is authorized to investigate, hold hearings, and gather evidence in all matters related to the exercise and performance of the powers and duties of the director pursuant to article 4 of title 24, C.R.S., and this article.

(b) The director or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the director. The director may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to conduct hearings, take evidence, and make findings and report them to the director.

(c) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. If a person or licensee fails to obey the order of the court, the court may hold the person or licensee in contempt of court.

### *Physicians/PAs/Anesthesiologist assistants*

**12-36-104. Powers and duties of board.** (1) In addition to all other powers and duties conferred and imposed upon the board by this article, the board has the following powers and duties to:

(b) (I) Make investigations, hold hearings, and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the board.

(II) The board or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of

witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board.

(III) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board or director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

#### *Direct-entry Midwives*

**12-37-107. Disciplinary action authorized - grounds for discipline - injunctions - rules.** (6) (a) The director or an administrative law judge may administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the director. The director may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the director, including copies of hospital and physician records. The provider of such copies shall prepare the copies from the original record and shall delete the name of the patient or client, to be retained by the custodian of the records from which the copies were made, but shall identify the patient or client by a numbered code. Upon certification by the custodian that the copies are true and complete except for the patient's or client's name, the copies shall be deemed authentic, subject to the right to inspect the originals for the limited purpose of ascertaining the accuracy of the copies. No privilege of confidentiality exists with respect to such copies and no liability lies against the director or the custodian or the director's or custodian's authorized employees for furnishing or using such copies in accordance with this section.

(b) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or registrant resides or conducts business, upon application by the director with notice to the subpoenaed person or registrant, may issue to the person or registrant an order requiring that person or registrant to appear before the director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

### *Naturopathic Doctors*

**12-37.3-112. Grounds for discipline - disciplinary actions authorized - procedures - definitions.** (6) (a) The director or an administrative law judge may administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter before the director or administrative law judge. The director may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the director, including hospital and naturopathic doctor records. The person providing copies of records shall prepare the copies from the original record, deleting the name of the patient and instead identifying the patient by a numbered code. Upon certification by the custodian that the copies are true and complete except for the patient's name, the copies are deemed authentic, subject to the right to inspect the originals for the limited purpose of ascertaining the accuracy of the copies. The copies are not confidential, and the director or custodian of the records and their authorized employees are not liable for furnishing or using the copies in accordance with this section.

(b) If a witness or naturopathic doctor fails to comply with a subpoena or process, the director may apply to the district court of the county in which the subpoenaed person or naturopathic doctor resides or conducts business for an order directing the person or naturopathic doctor to appear before the director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. The director shall provide notice to the subpoenaed person or naturopathic doctor of the director's application to the district court, and the court shall not issue the order absent the notice. If the subpoenaed person or naturopathic doctor fails to obey the court's order, the court may hold the person in contempt of court.

### *Nurses*

**12-38-116.5. Disciplinary procedures of the board - inquiry and hearings panels.** (13) (a) The board or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board including, but not limited to, hospital and physician records. Upon certification of the custodian that the copies are true and complete except for the patient's name, the copies shall be deemed authentic, subject to the right to inspect the originals for the limited purpose of ascertaining the accuracy of the copies. No privilege

of confidentiality shall exist with respect to such copies, and no liability shall lie against the board or the custodian or the custodian's authorized employee for furnishing or using such copies in accordance with this subsection (13).

(b) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board or director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

### *Certified Nurse Aides*

**12-38.1-114. Disciplinary proceedings - hearing officers.** (10) (a) The board or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board. The person providing documents shall prepare them from the original record and shall delete from the copy provided pursuant to the subpoena the name of the patient, but the patient shall be identified by a numbered code to be retained by the custodian of the records from which the copies were made. Upon certification of the custodian that the copies are true and complete except for the patient's name, they shall be deemed authentic, subject to the right to inspect the originals for the limited purpose of ascertaining the accuracy of the copies. No privilege of confidentiality shall exist with respect to such copies, and no liability shall lie against the board or the custodian or the custodian's authorized employee for furnishing or using such copies in accordance with this subsection (10).

(b) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board or director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

*Nursing Home Administrators*

**12-39-105. Powers and duties of the board - rules.** (1) (b) The board or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board. The person providing documents shall prepare them from the original record and shall delete from the copy provided pursuant to the subpoena the name of the resident, but shall identify the resident by a numbered code, to be retained by the custodian of the records from which the copies were made. Upon certification of the custodian that the copies are true and complete except for the resident's name, they shall be deemed authentic, subject to the right to inspect the originals for the limited purpose of ascertaining the accuracy of the copies. No privilege of confidentiality shall exist with respect to the copies, and no liability shall lie against the board, the custodian, or the custodian's authorized employee for furnishing or using the copies in accordance with this subsection (1).

(c) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board or director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

*Optometrists*

**12-40-107. Powers and duties of the board - rules.** (1) In addition to all other powers and duties conferred upon the board by this article, the board has the following powers and duties:

(m) (I) To make investigations, hold hearings, and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the board.

(II) The board or an administrative law judge shall have the power to administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board.

(III) Upon failure of any witness to comply with such subpoena or process, the

district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board or director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

*Occupational Therapists/Occupational Therapy Assistants*

**12-40.5-110. Grounds for discipline - disciplinary proceedings - judicial review.** (7) (b) (I) In accordance with article 4 of title 24, C.R.S., and this article, the director is authorized to investigate, hold hearings, and gather evidence in all matters related to the exercise and performance of the powers and duties of the director.

(II) In order to aid the director in any hearing or investigation instituted pursuant to this section, the director or an administrative law judge appointed pursuant to paragraph (c) of this subsection (7) is authorized to administer oaths, take affirmations of witnesses, and issue subpoenas compelling the attendance of witnesses and the production of all relevant records, papers, books, documentary evidence, and materials in any hearing, investigation, accusation, or other matter before the director or an administrative law judge.

(III) Upon failure of any witness or licensee to comply with a subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. If the person or licensee fails to obey the order of the court, the court may hold the person or licensee in contempt of court.

*Physical Therapists/Physical Therapist Assistants*

**12-41-103.6. Powers and duties of board - reports - publications - rules - interstate compact.** (2) In addition to any other powers and duties given the board by this article 41, the board has the following powers and duties:

(c) (I) To conduct hearings upon charges for discipline of a licensee and cause the prosecution and enjoinder of all persons violating this article;

(II) (A) To administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make

findings and report them to the board.

(B) Upon failure of a witness to comply with a subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. The court may punish a failure to obey its order as a contempt of court.

**12-41-117. Disciplinary proceedings - investigations - judicial review.**

(5) (a) The board or an administrative law judge may administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board pursuant to this article. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board.

(b) Upon failure of a witness to comply with a subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

**12-41-201. Additional board authority - rules.** (1) In addition to all other powers and duties given to the board by law, the board may:

(d) Administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board;

(2) Upon failure of a witness to comply with a subpoena or process, the district court of the county in which the subpoenaed person resides or conducts business, upon application by the board with notice to the subpoenaed person, may issue to the person an order requiring that person to appear before the board; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. The court may punish a failure to obey its order as a contempt of court.

**12-41-212. Disciplinary proceedings - investigations - judicial review.**

(4) (a) The board or an administrative law judge may administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and

the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board under this part 2. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board.

(b) Upon failure of a witness to comply with a subpoena or process, the district court of the county in which the subpoenaed person or certified physical therapist assistant resides or conducts business, upon application by the board with notice to the subpoenaed person or certified physical therapist assistant, may issue an order requiring that person or certified physical therapist assistant to appear before the board; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

### *Respiratory Therapists*

**12-41.5-109. Grounds for action - disciplinary proceedings.** (5.5) (b) (I) In accordance with the provisions of article 4 of title 24, C.R.S., and this article, the director is authorized to investigate, hold hearings, and gather evidence in all matters related to the exercise and performance of the powers and duties of the director.

(II) The director or an administrative law judge may administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the director. The director may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the director.

(III) Upon failure of any witness to comply with a subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. If the person or licensee fails to obey the order of the court, the court may hold the person or licensee in contempt of court.

### *Psychiatric Technicians - governed by 12-38-116.5*

### *Pharmacists/Pharmacies*

**12-42.5-106. Powers and duties.** (1) The board shall:

(i) (I) Conduct investigations, hold hearings, and take evidence in all matters

relating to the exercise and performance of the powers and duties of the board.

(II) (A) The board or an administrative law judge may administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter before the board.

(B) The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence, make findings, and report the findings to the board.

(III) Upon failure of any witness to comply with a subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. The court may hold the person or licensee in contempt of court for failure to obey the order of the court.

### *Mental Health Professionals*

**12-43-221. Powers and duties of the boards - rules.** (1) In addition to all other powers and duties conferred and imposed upon the boards, as defined in section 12-43-201 (1), each board has the following powers and duties with respect to the licensing, registration, and certification of the persons licensed, registered, or certified by each individual board pursuant to this article:

(b) (I) To make investigations, hold hearings, and take evidence in accordance with article 4 of title 24, C.R.S., and this article in all matters relating to the exercise and performance of the powers and duties vested in each board.

(II) Each board, or an administrative law judge acting on the board's behalf, may administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter before the board. Each board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board pursuant to paragraph (e) of this subsection (1).

(III) Upon failure of a witness to comply with a subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. The court may punish the failure to obey the order of the court as a contempt

of court.

*Surgical Assistants/Technologists*

**12-43.2-105. Grounds for discipline - disciplinary proceedings - judicial review.** (6) (b) (I) In accordance with article 4 of title 24, C.R.S., and this article, the director is authorized to investigate, hold hearings, and gather evidence in all matters related to the exercise and performance of the powers and duties of the director.

(II) In order to aid the director in any hearing or investigation instituted pursuant to this section, the director or an administrative law judge appointed pursuant to paragraph (c) of this subsection (6) is authorized to administer oaths, take affirmations of witnesses, and issue subpoenas compelling the attendance of witnesses and the production of all relevant records, papers, books, documentary evidence, and materials in any hearing, investigation, accusation, or other matter before the director or an administrative law judge.

(III) Upon failure of any witness or registrant to comply with a subpoena or process, the district court of the county in which the subpoenaed person or registrant resides or conducts business, upon application by the director with notice to the subpoenaed person or registrant, may issue to the person or registrant an order requiring that person or registrant to appear before the director; produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or give evidence touching the matter under investigation or in question. If the person or registrant fails to obey the order of the court, the person or registrant may be held in contempt of court.

*Speech-language Pathologists*

**12-43.7-111. Disciplinary actions - judicial review.** (3) (b) (I) In accordance with article 4 of title 24, C.R.S., and this article, the director may investigate, hold hearings, and gather evidence in all matters related to the exercise and performance of the powers and duties of the director.

(II) In order to aid the director in any hearing or investigation instituted pursuant to this section, the director or an administrative law judge appointed pursuant to paragraph (c) of this subsection (3) may administer oaths, take affirmations of witnesses, and issue subpoenas compelling the attendance of witnesses and the production of all relevant records, papers, books, documentary evidence, and materials in any hearing, investigation, accusation, or other matter before the director or an administrative law judge.

(III) Upon failure of any witness or certificate holder to comply with a subpoena or process and upon application by the director with notice to the subpoenaed person or certificate holder, the district court of the county in which the subpoenaed person or certificate holder resides or conducts business may issue an order requiring the person or certificate holder to appear before the director; to produce the relevant papers, books,

records, documentary evidence, or materials; or to give evidence touching the matter under investigation or in question. If the person or certificate holder fails to obey the order of the court, the district court may hold the person or certificate holder in contempt of court.

#### *Landscape Architects*

**12-45-107. Powers and duties of board - rules.** (1) The board shall have the following powers and duties:

(e) (I) To administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to perform the functions of this paragraph (e) and to take evidence and to make findings and report them to the board.

(II) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

#### *Mortuaries/Crematories*

**12-54-401. Powers and duties of the director - rules.** (5) (a) The director or an administrative law judge may administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing or investigation conducted by the director or an administrative law judge.

(b) Upon failure of a witness to comply with a subpoena or service of process, the district court of the county in which the subpoenaed witness resides or conducts business may issue an order requiring the witness to appear before the director or administrative law judge and produce the relevant papers, books, records, documentary evidence, testimony, or materials in question. Failure to obey the order of the court may be punished as a contempt of court. The director or an administrative law judge may apply for such order.

#### *Outfitters/Guides*

**12-55.5-104. Powers and duties of the director.** (1) In addition to all other powers and duties conferred or imposed upon the director by this article or by any other

law, the director:

(b) (I) May administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the director. The director may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to perform the functions of this subparagraph (I) and to take evidence and to make findings and report them to the director.

(II) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or registrant resides or conducts business, upon application by the director with notice to the subpoenaed person or registrant, may issue to the person or registrant an order requiring that person or registrant to appear before the director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence relevant to the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

#### *Plumbers*

**12-58-104. Powers of board - fees - rules.** (1) In addition to all other powers and duties conferred or imposed upon the board by this article 58, the board is authorized and empowered to:

(g) (I) Administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to perform the functions of this paragraph (g) and to take evidence and to make findings and report them to the board.

(II) Upon failure of any witness to comply with such subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board or director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

#### *Private Investigators*

**12-58.5-109. Disciplinary actions - grounds for discipline - rules - cease-and-desist orders.** (6) (b) (I) The director may investigate, hold hearings, and gather evidence in all matters related to the exercise and performance of the powers and

duties of the director.

(II) In any hearing or investigation instituted pursuant to this section, the director or an administrative law judge appointed pursuant to paragraph (c) of this subsection (6) may administer oaths, take affirmations of witnesses, and issue subpoenas compelling the attendance of witnesses and the production of all relevant records, papers, books, documentary evidence, and materials in any hearing, investigation, accusation, or other matter before the director or an administrative law judge.

(III) Upon failure of any witness or licensee to comply with a subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the director with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring the person or licensee to appear before the director; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. If the person or licensee fails to obey the order of the court, the court may hold the person or licensee in contempt of court.

#### *Veterinarians*

**12-64-105. Board of veterinary medicine - creation - powers.** (9) The board has the power to:

(e) (I) Conduct investigations;

(II) Administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant papers, books, records, documentary evidence, and materials in any hearing, investigation, accusation, or other matter coming before the board. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board pursuant to paragraph (f) of this subsection (9).

(III) Upon failure of a witness to comply with a subpoena or process, the district court of the county in which the subpoenaed person or licensee resides or conducts business, upon application by the board and with notice to the subpoenaed person or licensee, may issue to the person or licensee an order requiring that person or licensee to appear before the board; to produce the relevant papers, books, records, documentary evidence, or materials if so ordered; or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

#### *Passenger Tramway Operators*

**25-5-704. Powers and duties of board.** (1) The board has the following powers and duties in addition to those otherwise described by this part 7:

(d) To conduct meetings, hold hearings, and take evidence in all matters relating to the exercise and performance of the powers and duties of the board, subpoena

witnesses, administer oaths, and compel the testimony of witnesses and the production of books, papers, and records relevant to the subject inquiry. The program administrator may issue subpoenas on behalf of the board at the board's direction. If any person refuses to obey any subpoena so issued, the board may petition the district court, setting forth the facts, and thereupon the court in a proper case shall issue its subpoena. The board may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to take evidence and to make findings and report them to the board. The board may elect to hear the matter itself with the assistance of an administrative law judge, who shall rule on the evidence and otherwise conduct the hearing in accordance with the "State Administrative Procedure Act", article 4 of title 24, C.R.S.

## Waiting Period after Revocation

### *Accountants*

**12-2-123. Grounds for disciplinary action - administrative penalties.** (4) No certificant whose certificate is **revoked** shall be allowed to apply for reinstatement of such certificate earlier than **two years** after the effective date of the revocation.

### *Hearing Aid Providers*

**12-5.5-302. Disciplinary actions.** (3) A person whose license to practice as a hearing aid provider or apprentice under this article is **revoked, or who surrenders his or her license to avoid discipline**, is ineligible to apply for any new license under this article for **two years** after the date of revocation or surrender of his or her license.

### *Barbers & Cosmetologists*

**12-8-111. Application - form.** (4) A person who has had a license **revoked or has surrendered a license in lieu of discipline** may not submit an application for licensure until **two years** after the date that the license was revoked or surrendered.

**Combative Sports - no provision**

**Fantasy Contests - no provision**

### *Electricians*

**12-23-118.1. Reapplication after revocation of licensure.** No person whose license has been **revoked** shall be allowed to reapply for licensure earlier than **two years** from the effective date of the revocation.

### *Engineers*

**12-25-110. Application for license.** (5) No individual whose license or enrollment has been **revoked** shall be allowed to reapply for licensure or enrollment earlier than **two years** after the effective date of the revocation.

### *Land surveyors*

**12-25-210. Application for licensing.** (4) No individual whose license or enrollment has been **revoked** shall be allowed to reapply for licensure or enrollment earlier than **two years** after the effective date of the revocation.

### *Architects*

**12-25-310. Application for licensing.** (3) A licensee whose license is **revoked**

may reapply for licensure, but the board shall not consider the application until **two years** after the effective date of the revocation.

*Acupuncturists*

**12-29.5-104. Requirement for licensure with the division of professions and occupations - annual fee - required disclosures.** (5) (b) An acupuncturist who has had his or her license **revoked or who has surrendered his or her license to avoid disciplinary action** is not eligible to apply for a license for **two years** after the license is revoked or suspended.

**Athletic trainers - no provision**

*Audiologists*

**12-29.9-108. Disciplinary actions - grounds for discipline.** (5) A person whose license to practice under this article is **revoked, or who surrenders his or her license to avoid discipline**, is ineligible to apply for a new license under this article for **two years** after the date of revocation or surrender.

*Podiatrists*

**12-32-108.5. Reconsideration and review of action of board.** (3) No licensee whose license is **revoked** shall be allowed to apply for reinstatement of such license earlier than **two years** after the effective date of the revocation.

**Chiropractors - no provision check sunset bill**

*Dentists/Dental Hygienists*

**12-35-129.1. Disciplinary actions.** (8) Any person whose license to practice is **revoked** is ineligible to apply for any license under this article for at least **two years** after the date of revocation **or surrender** of the license. *Any subsequent application for licensure is an application for a new license.*

*Massage Therapists*

**12-35.5-112.5. Revocation.** Any person whose license is **revoked or who surrenders his or her license in lieu of discipline** under this article is ineligible to apply for a license under this article for at least **two years** after the date of revocation or surrender of the license.

*Physicians/PAs/Anesthesiologist Assistants*

**12-36-118. Disciplinary action by board - immunity - rules.** (5) (i) Any person whose license to practice medicine, to practice as a physician assistant, or to practice as

an anesthesiologist assistant is **revoked or who surrenders his or her license to avoid discipline** is not eligible to apply for any license for **two years** after the date the license is revoked or surrendered. *The two-year waiting period applies to any person whose license to practice medicine, to practice as a physician assistant, to practice as an anesthesiologist assistant, or to practice any other health care occupation is revoked by any other legally qualified board or regulatory entity.*

#### *Direct-entry Midwives*

**12-37-103. Requirement for registration with the division of professions and occupations - annual fee - grounds for revocation.** (4.5) A person who has had his or her registration **revoked** shall not apply for a new registration until at least **two years** have elapsed since the date of the revocation.

#### *Naturopathic Doctors*

**12-37.3-112. Grounds for discipline - disciplinary actions authorized - procedures - definitions.** (3) Any person whose registration is **revoked or who surrenders his or her registration to avoid discipline** is ineligible to apply for a registration under this article for at least **two years** after the date of revocation or surrender of the registration.

#### *Nurses*

**12-38-116.5. Disciplinary procedures of the board - inquiry and hearings panels.** (e) Any person whose license to practice nursing is **revoked or who surrenders his or her license to avoid discipline** shall not be eligible to apply for any license for **two years** after the date the license is revoked or surrendered. *The two-year waiting period applies to any person whose license to practice nursing or any other health care occupation is revoked by any other legally qualified board.*

**12-38-118. Withholding or denial of license - hearing.** (2) (c) If the board refuses to issue a license to an applicant on the grounds that the applicant's nursing or other health care occupation license was revoked by another legally authorized board, the board may require the applicant to pass a written examination as provided in section 12-38-110, as a prerequisite to licensure. The applicant shall not be allowed to take the written examination until at least **two years** after the revocation of the nursing or other health care occupation license.

#### *Certified Nurse Aides*

**12-38.1-103. Certification - state board of nursing - rules.** (5) (a) The board shall not issue a certificate to a former holder of a certificate whose certificate was **revoked** unless the applicant meets the requirements of this article, has successfully

repeated an approved education program as required by the board, and has repeated and passed a competency evaluation.

(b) No nurse aide certificate holder who has had a certificate **revoked** may apply for recertification before a **one-year waiting period** after such revocation.

**12-38.1-115. Surrender of certificate.** (3) The board shall not issue a certificate to a former holder of a certificate whose certificate has been **denied, revoked, or surrendered** unless a **two-year waiting period** has passed since the date of the surrender and the applicant has met the requirements of this article, has successfully repeated an approved education program, and has repeated and passed a competency evaluation.

#### *Nursing Home Administrators*

**12-39-108. Licenses.** (9) No nursing home administrator who has had a license **revoked** may apply for licensure before a **one-year waiting period** following the date of such revocation and must comply with all requirements established by rules and regulations of the board.

#### *Optometrists*

**12-40-119. Revocation, suspension, supervision, probation procedure - professional review - reconsideration and review of action by board - rules.**

(2.3) No person whose license is **revoked** by the board may reapply for a new license under the provisions of this article for at least **two years** after any such revocation.

#### *Occupational Therapists/Occupational Therapy Assistants*

**12-40.5-110. Grounds for discipline - disciplinary proceedings - judicial review.** (19) Any person whose license is **revoked or who surrenders his or her license to avoid discipline** under this section is ineligible to apply for a license under this article for at least **two years** after the date the license is revoked or surrendered.

#### *Physical Therapists/Physical Therapist Assistants*

**12-41-116. Disciplinary actions.** (6) A person whose license to practice physical therapy is **revoked or who surrenders his or her license to avoid discipline** is not eligible to apply for a license for **two years** after the license is revoked or surrendered.

*The two-year waiting period applies to a person whose license to practice physical therapy, or to practice any other health care occupation, is revoked by any other legally qualified board or regulatory entity.*

**12-41-211. Disciplinary actions.** (7) A physical therapist assistant whose certification is **revoked or who surrenders his or her certification to avoid discipline** is not eligible to apply for a certification for **two years** after the certification is revoked or surrendered. *The two-year waiting period applies to a person whose certification as a physical therapist assistant is revoked by any other legally qualified board or regulatory*

entity.

#### *Respiratory Therapists*

**12-41.5-109. Grounds for action - disciplinary proceedings.** (18) A respiratory therapist whose license is **revoked or who surrenders his or her license to avoid discipline** under this section is not eligible to apply for a license under this article for **two years** after the license is revoked or surrendered.

***Psychiatric Technicians* - - no provision; maybe governed by 12-38-116.5?**

#### *Pharmacists/Pharmacies*

**12-42.5-112. Licensure or registrations - applicability - applications - licensure requirements - rules.** (10) A person whose license has been **revoked** shall not reapply for licensure earlier than **two years** after the effective date of the revocation.

#### *Mental Health Professionals*

**12-43-224. Disciplinary proceedings - judicial review - mental and physical examinations - multiple licenses.** (3) Disciplinary actions may consist of the following:

(a) **Revocation of a license, registration, or certification.** (II) Any person whose license, registration, or certification to practice is **revoked** is ineligible to apply for any license, registration, or certification issued under this article for at least **three years** after the date of surrender of the license, registration, or certification. *Any reapplication after such three-year period is treated as a new application.*

***Surgical Assistants/Technologists* - no provision**

#### *Speech-language Pathologists*

**12-43.7-111. Disciplinary actions - judicial review.** (15) Any person whose certification is **revoked or who surrenders his or her certification to avoid discipline** is ineligible to apply for certification under this article for at least **two years** after the date of revocation of the certification. *The director shall treat a subsequent application for certification from a person whose certification was revoked as an application for a new certification under this article.*

#### *Landscape Architects*

**12-45-114. Disciplinary actions by board - licenses denied, suspended, or revoked - cease-and-desist orders.** (13) Except as provided in subsection (14) of this section, a license that is **revoked** shall not be reinstated within **two years** after the

effective date of the revocation.

*Mortuaries/Crematories*

**12-54-401. Powers and duties of the director - rules.** (2) (b) A crematory or funeral establishment whose registration has been **revoked** shall not be eligible for a registration for **two years** after the effective date of the revocation.

*Outfitters/Guides*

**12-55.5-106. Disciplinary actions - grounds for discipline.** (6) If a person's registration is **revoked under this section or surrendered in lieu of discipline**, the person is ineligible to submit a new application for registration or register for **two years** after the date the registration is revoked.

*Plumbers*

**12-58-110.1. Reapplication after revocation of licensure or registration.** A person whose license or registration has been **revoked** is not allowed to reapply for licensure or registration earlier than **two years** from the effective date of the revocation.

*Private Investigators*

**12-58.5-110. Revocation.** A person whose license is **revoked or who surrenders a license to avoid discipline** is ineligible to apply for a license under this article until at least **two years** after the date of revocation or surrender of the license. *The director shall treat a subsequent application for licensure from a person whose license was revoked or surrendered as an application for a new license under this article.*

*Veterinarians*

**12-64-113. Revocation.** Any person whose license is **revoked** is ineligible to apply for a license under this article for at least **two years** after the date of revocation of the license. *The board shall treat a subsequent application for licensure from a person whose license was revoked as an application for a new license under this article.*

**Passenger Tramway Operators - no provision**