ARTICLE 1
General Provisions

12-1-101. Short title. The short title of this title 12 is the "Professions and Occupations Act".

12-1-102. Scope of article. This article 1 applies to every article in this title 12 except to the extent specified in either this article 1 or another article of this title 12.

12-1-103. Definitions. As used in this title 12, unless the context otherwise requires:
(1) "Department" means the Department of Regulatory Agencies created in section 24-1-122.
(2) "Executive director" means the Executive director of the Department or the Executive director's designee.
(3) "Profession or occupation", "profession", or "occupation" means an activity subject to regulation by a part or article of this title 12.

Will insert Article 10 - real estate; and Article 15 - conservation after comment period ends on October 5>

ARTICLE 20
Division of Professions and Occupations
PART 1
GENERAL PROVISIONS

12-20-101. Scope. This article 20 applies to every article in this title 12 other than Articles 10 and 15 <real estate and conservation easements> and except to the extent otherwise specified in this article 20 or another article of this title 12.

12-20-102. Definitions. As used in this title 12, except Articles 10 and 15 of this title 12 or unless the context otherwise requires:
(1) "Applicant" means a person applying, pursuant to a part or article of this title 12, for a new license, certification, or registration or to renew, reinstate, or reactivate a license, certification, or registration that is authorized pursuant to that part or article.
(2) "Board" means a board created within the division by a part or article of this title 12 that has regulatory authority concerning the practice of a
PROFESSION OR OCCUPATION REGULATED BY THAT PART OR ARTICLE.

(3) "Certificate holder" means a person that has a valid certificate. "Certificant" has a corresponding meaning.

(4) "Certificate" or "certification" means a credential that demonstrates that a person has the qualifications required by a part or article of this title 12 to practice the a profession or occupation regulated by that part or article.

(5) "Commission" means a commission created within the division by a part or article of this title 12 that has regulatory authority concerning the practice of a profession or occupation regulated by that part or article.

(6) "Director" means the director of the division of professions and occupations created by section 12-20-103 or the director's designee. <{Since division is defined, can't we delete the stricken text?}>

(7) "Division" means the division of professions and occupations created in the department by section 12-20-103.

(8) "Law" means the federal and state constitutions, statutes, rules, and case law.

(9) "License" means a grant of authority issued by the director or a board or commission pursuant to a part or article of this title 12 that authorizes a person to engage in a profession or occupation regulated by that part or article.

(10) "Licensee" means a person regulated by a part or article of this title 12 that holds a current license issued pursuant to that part or article.

(11) "Register" means to record the information required by a part or article of this title 12 in a form and manner as determined by the director or a board or commission that regulates the practice of a profession or occupation pursuant to that part or article. "Registered" and "registration" have corresponding meanings.

(12) "Registriant" means a person that is currently registered.

(13) "Regulate" means to subject a person to a requirement, including a requirement to obtain a license, certification, or registration, pursuant to a part or article of this title 12 and rules adopted pursuant to that part or article of this title 12 in order to practice a profession or occupation. "Regulation" has a corresponding meaning.

(14) "Regulator" means, within a particular part or article of this title 12, the director or a board or commission, as appropriate, that has regulatory authority concerning the practice of a profession or occupation regulated by that part or article.
12-20-103. Division of professions and occupations - creation - duties of division and department head - office space - per diem for board or commission members - review of functions. (1) [Formerly 24-34-102 (1)] Division created. (a) As used in this part 1, unless the context otherwise requires:

(I) "Department" means the department of regulatory agencies.

(II) "Director" means the director of the division of professions and occupations or the director's designee.

(III) "Division" means the division of professions and occupations created in the department pursuant to this section.

(IV) "Executive director" means the executive director of the department.

(V) "License" has the same meaning as set forth in section 24-4-102.

(VI) "Licensee" means a person who has been issued a license.

(b) There is hereby created a division of professions and occupations in the department, the head of which is the director of professions and occupations. The executive director shall appoint the director in accordance with section 13 of article XII of the state constitution. Except as provided in paragraph (c) of this subsection (1) of this section, the director shall appoint other personnel as necessary for the efficient operation of the division.

(c) (b) Subject to available appropriations, the director shall give good faith consideration to the recommendations of any type 1 board or commission relating to the employment of the primary administrator to assist the board or commission, whether the person is designated as an executive secretary, a program administrator, or another title or position.

(2) [Formerly 24-34-102 (2)] Supervision and support. The division has supervision and control of the type 2 examining and licensing boards and agencies transferred to entities within the department by pursuant to the "Administrative Organization Act of 1968". For type 1 boards or commissions, the division shall provide necessary management support. <Ensure consistent with SRC bill.>

(3) [Formerly 24-34-102 (3)] Approval of rules. The supervision and control of, and the management support for, examining and licensing boards, commissions, and agencies programs by the department and the division also includes the approval or disapproval of rules of the boards, commissions, and agencies director relating to the examination and licensure, certification, or registration of applicants to ensure that the rules are fair and impartial. The division shall not license a person who has applied to, and otherwise satisfied the requirements for, licensure by a board or agency until the applicant has paid and the division has received all applicable fees.

(4) [Formerly 24-34-102 (4)] Staff. Subject to subsection (1) of this section, each of the examining and licensing boards, board, commission, or agencies program may
employ and pay out of moneys appropriated to it by the general assembly only that number of employees and subordinate officers as are certified by it and approved by the executive director of the department of regulatory agencies to be necessary, and the necessity for the employment of whom has been approved in writing by the governor. All salaries to be paid such employees and subordinate officers shall be within the appropriation made therefor by the general assembly.

(5) **Office space.** (a) [Formerly 24-34-102 (5)] Each of the examining and licensing boards or agencies, BOARD, COMMISSION, AND PROGRAM shall be provided with suitable offices in the capitol buildings group if space is available in any of such the buildings and, if not, then in a suitable office building in the city and county of Denver selected by the executive director of the department of personnel. It is lawful and proper for two or more of such the boards, COMMISSIONS, or agencies, PROGRAMS to be assigned space in the same office room or suite, if such the grouping or joint occupancy, in the opinion of the executive director, of the department of regulatory agencies, will not unreasonably interfere with the efficient operation of any of such the boards, COMMISSIONS, or agencies, PROGRAMS so grouped or joined.

(b) [Formerly 24-34-102 (6)] Each of the examining and licensing boards or agencies, BOARD, COMMISSION, OR PROGRAM to which office space is provided shall pay into the general revenue fund of the state, out of the moneys appropriated to it by the general assembly, a monthly or annual charge for rental, heat, light, telephone, collection, legal, and other state services made available to such the board, or agency as may be fixed by COMMISSION, OR PROGRAM. The executive director of the department of personnel, with the approval of the executive director of the department of regulatory agencies, such may fix the amount of the charges, to be which must not be more than twenty-five percent of the moneys appropriated to it by the general assembly to the division for use by a board, COMMISSION, OR PROGRAM.

(6) [Formerly 24-34-102 (13)] **Per diem.** Notwithstanding any law to the contrary, each member of a board or commission within the division is entitled to receive a per diem allowance of fifty dollars for each day spent in attendance at board or COMMISSION meetings, hearings, or examinations and to be reimbursed for actual and necessary expenses incurred in the discharge of such the member's official duties. The per diem compensation for board or commission members must not exceed that sum in any fiscal year that the state personnel board approves for employees not under the state personnel system. The general assembly shall annually appropriate moneys from the division of professions and occupations cash fund for the payment of per diem compensation and expenses. A state employee shall not receive per diem compensation for services performed during normal working hours, when on paid administrative leave, or when otherwise prohibited by fiscal rules adopted by the state controller.
1 (7) [Formerly 24-34-102 (15)] Periodic evaluation of division functions. The department shall analyze and evaluate the division and its functions as set forth in this part 1 and in title 12. C.R.S. The department shall conduct the analysis and evaluation in accordance with section 24-34-104 (5) and shall submit its report and recommendations for legislation, if any, in accordance with that section. The department shall initially analyze and evaluate the division and submit its report by October 15, 2015, and shall analyze and evaluate the division every ten years thereafter. This section does not require the repeal of the division or its functions as specified in this part 1 and in title 12. C.R.S.

12-20-104. [Formerly 24-34-104.4] Excise tax on renewal fees - report to joint budget committee - definition. (1) Notwithstanding any provision of law to the contrary, there is imposed, and the executive director of the department of regulatory agencies shall collect, an excise tax of one dollar per each year of the renewal period upon the payment of the following fees:
   (a) and (b) (Deleted by amendment, L. 97, p. 1613, § 1, effective July 1, 1997.)
   (c) Repealed.
   (d) (Deleted by amendment, L. 97, p. 1613, § 1, effective July 1, 1997.)
   (e) Within the division of professions and occupations, renewal fees that are required to be paid by individuals for the renewal of a license, registration, or certificate granting the individual authority or permission from the state to continue the practice of a profession or occupation; except that such the excise tax shall not be imposed on the renewal fee paid by nurse aides pursuant to section 12-38.1-109, C.R.S. The amount of the excise tax to be collected shall be one dollar for each year of the renewal period 12-460-109.

   (2) For the purposes of this section, "renewal fees" includes all fees for the renewal, reinstatement, and continuation of a license, registration, or certificate for the practice of a profession or occupation in this state. "Renewal fees" does not include fees paid for initial licensure, registration, or certification; application fees; examination fees; penalty late fees; duplicate license fees; board action fees; verification fees; license change fees; fees for the verification of licensure, registration, or certification status to other states; electrical inspection permit fees; plumbing inspection fees; and fees for certification of grades.
   (2.5) Repealed.

   (3) Moneys MONEY collected pursuant to subsection (1) of this section shall be credited to the legal defense account created within the division of professions and occupations cash fund pursuant to section 24-34-105 (2)(b) 12-20-105 (5).

   (4) (a) (Deleted by amendment, L. 97, p. 1613, § 1, effective July 1, 1997.)
   (b) On October 1 of each year, the executive director of the department of regulatory agencies shall report to the joint budget committee the amount of money credited to the legal defense account created within the division of professions and occupations cash fund.
pursuant to subsection (3) of this section for the preceding fiscal year.

12-20-105. [Formerly 24-34-105] Fee adjustments - division of professions and occupations cash fund created - legal defense account - definition. (1) This section applies to all activities of the boards and commissions in the division in the department AND ALL REGULATORS.

(2) (a) Each board and commission in the division THE DIRECTOR shall propose, as part of its THE DIVISION’S annual budget request, an adjustment in the amount of each fee that the board or commission EACH REGULATOR is authorized by law to collect. The budget request and the adjusted fees for each board or commission REGULATOR must reflect direct and indirect costs that are appropriated in the annual general appropriation act.

(b) (I) EXCEPT AS PROVIDED IN SUBSECTION (2)(b)(II) OF THIS SECTION, based upon the appropriation made and subject to the approval of the executive director, each board or commission REGULATOR shall adjust its THE FEES THE REGULATOR IS AUTHORIZED BY LAW TO COLLECT so that the revenue generated from the fees approximates its direct and indirect costs. except that

(II) The costs of the state board of psychologist examiners, the state board of marriage and family therapist examiners, the state board of licensed professional counselor examiners, the state board of social work examiners, the state board of registered psychotherapists, and the state board of addiction counselor examiners shall be considered collectively in the renewal fee-setting process. Subsequent revenue generated by the fees set by the boards plus revenues generated pursuant to section 12-43-702.5, C.R.S. shall be compared to those collective costs to determine recovery of direct and indirect costs.

(III) The fees set PURSUANT TO THIS SUBSECTION (2)(b) remain in effect for the fiscal year for which the budget request applies.

(3) All fees collected by each board and commission A REGULATOR, not including any fees retained by contractors as established pursuant to section 24-34-101 (10), shall be transmitted to the state treasurer, who shall credit the same THEM to the division of professions and occupations cash fund, which fund is hereby created. All moneys MONEY credited to the division of professions and occupations cash fund shall be used as provided in this section and shall not be deposited in or transferred to the general fund of this state or any other fund.

(4) (4) Any fees established pursuant to section 24-34-101 (10) or (11) may be received by a contractor and retained as payment for the costs of examination or other services rendered pursuant to the contract with the executive director. Fees retained by a contractor and not collected by the state or deposited with the state treasurer shall ARE NOT subjected to article 36 of this title 24.

(5) (a) The excise tax collected pursuant to section 24-34-104.4 12-20-104 shall
be credited to the legal defense account, which account is hereby created within the division of professions and occupations cash fund. The excise tax is the sole source of funding for the account, and no other fee or portion of a fee collected by a board or commission and credited to the division of professions and occupations cash fund shall be deposited in or transferred to the account. The account shall be used to supplement revenues received by a board or commission for the purpose of paying legal expenses incurred by said board, or commission. Upon a determination of the need of a board or commission for additional revenues for the payment of legal expenses, the director may authorize the transfer of revenues from the legal defense account to the account of such board or commission in the division of professions and occupations cash fund.

(b) For purposes of this subparagraph (II) SUBSECTION (5), "legal expenses" includes costs relating to the holding of administrative hearings and charges for legal services provided by the department of law, administrative law judge services, investigative services, expert witnesses, and consultants.

(H) and (III) Repealed:

(e) (6) Beginning July 1, 1979, and each July 1, thereafter, whenever moneys appropriated to a board or commission are unexpended, said moneys shall be made a part of the appropriation to such board or commission for the next fiscal year, and such amount shall not be raised from fees collected by such board or commission. If a supplemental appropriation is made to a board or commission, the fees of such board or commission, when adjusted for the fiscal year next following that in which the supplemental appropriation was made, shall be adjusted by an additional amount which is sufficient to compensate for such supplemental appropriation. Funds appropriated to a board or commission in the annual long appropriation bill shall be designated as cash funds and shall not exceed the amount anticipated to be raised from fees collected by such board or commission.

(3) Repealed:

PART 2

GENERAL POWERS AND DUTIES OF DIVISION, BOARDS, AND COMMISSIONS

12-20-201. Payment of fees - condition of licensure, certification, or registration.

The division shall not license, certify, or register a person who has applied and
12-20-202. Licenses, certifications, and registrations - renewal - reinstatement - fees - endorsement - exceptions for military personnel - rules - consideration of criminal convictions - executive director authority. (1) [Formerly 12-5.5-202 (2)]

Renewal. (a) Licenses, CERTIFICATIONS, AND REGISTRATIONS issued pursuant to this A PART OR article OF THIS TITLE 12 expire pursuant to a schedule established by the director and must be renewed or reinstated pursuant to IN ACCORDANCE WITH THIS section. 24-34-102 (8), C.R.S. The director shall establish renewal fees and delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S. 12-20-105. If a person fails to renew his or her THE PERSON'S license, CERTIFICATION, OR REGISTRATION pursuant to the schedule established by the director, the license, CERTIFICATION, OR REGISTRATION expires. A person whose license, CERTIFICATION, OR REGISTRATION has expired is subject to the penalties set forth in this article or in section 24-34-102 (8), C.R.S. AND ANY OTHER PENALTIES AUTHORIZED IN THE APPLICABLE PART OR ARTICLE OF THIS TITLE 12 REGULATING THE PERSON'S PROFESSION OR OCCUPATION.

(b) [Formerly 24-34-102 (8)(a)] Notwithstanding any provision of the law to the contrary, the director may change the renewal date of any license, CERTIFICATION, OR REGISTRATION issued by a licensing board or commission so that approximately the same number of licenses, CERTIFICATIONS, OR REGISTRATIONS are scheduled for renewal in each month of the year. Where any renewal date is so changed, the fee for the license, CERTIFICATION, OR REGISTRATION is proportionately increased or decreased, as the case may be. A license, CERTIFICATION, OR REGISTRATION is valid for a period of no less than one year and no longer than three years, as determined by the director in consultation with the licensing board or commission within the division APPLICABLE REGULATOR. A licensee, CERTIFICATE HOLDER, OR REGISTRANT shall submit an application for renewal to the licensing board or commission APPLICABLE REGULATOR on forms and in the manner prescribed by the director.

(c) [Formerly 24-34-102 (7)] Notwithstanding any provision of the law to the contrary, upon the approval and recommendation of any examining or licensing board or commission in the division A REGULATOR, the executive director may change the period of the validity of any license, CERTIFICATION, OR REGISTRATION issued by the board or commission REGULATOR for a period not to exceed three years. If the executive director changes the period of validity of a license, CERTIFICATION, OR REGISTRATION pursuant to this subsection (7) (1)(c), the director shall proportionately increase or decrease the fee for the license, CERTIFICATION, OR REGISTRATION, as the case may be, but the director shall not
impose a fee increase that would result in hardship to the licensee, CERTIFICATE HOLDER, OR
REGISTRANT.

(d) [Formerly 24-34-102 (8)(b)] The director and any licensing board or
commission A REGULATOR may prescribe renewal requirements, which shall MUST include
compliance with any continuing education OR CONTINUING COMPETENCY requirements
adopted pursuant to the director’s, licensing board’s, or commission’s REGULATOR’S authority.

(e) [Formerly 24-34-102 (8)(c)] The director shall allow for a grace period for
licenses, CERTIFICATIONS, OR REGISTRATIONS from licensing boards or commissions within
the division A REGULATOR. A licensee, CERTIFICATE HOLDER, OR REGISTRANT has a sixty-day
grace period after the expiration of his or her license, CERTIFICATION, OR REGISTRATION to
renew the license, CERTIFICATION, OR REGISTRATION without the imposition of a disciplinary
sanction by the director, licensing board, or commission REGULATOR for such a violation of the
profession for practicing on an expired license, CERTIFICATION, OR REGISTRATION. The licensee,
CERTIFICATE HOLDER, OR REGISTRANT shall satisfy all renewal requirements pursuant to the
applicable practice act and shall pay a delinquency fee in an amount determined pursuant to
sections 24-34-105 12-20-105 and 24-79.5-102.

(2) [Formerly 24-34-102 (8)(d)] Reinstatement. (a) If a licensee, registrant, or
certificate holder who does not renew his or her license, registration, or certificate within the
sixty-day grace period pursuant to paragraph (c) of this subsection (8) shall be SUBSECTION
(1)(e) OF THIS SECTION, THE LICENSE, REGISTRATION, OR CERTIFICATE IS treated as having an
expired license, registration, or certificate, and shall be THE LICENSEE, REGISTRANT, OR
CERTIFICATE HOLDER IS ineligible to practice until such THE LICENSE, registration, or
certificate is reinstated.

(b) The director, licensing board, or commission REGULATOR shall reinstate the
expired license, certificate, or registration of any active military personnel, including any
National Guard member or reservist who is currently on active duty for a minimum of thirty
days and any veteran who has not been dishonorably discharged, if the military personnel
or veteran meets the requirements of this paragraph (d) SUBSECTION (2).

(c) THE REGULATOR, IN ITS DISCRETION AND PURSUANT TO ITS AUTHORITY, MAY
REINSTATE an expired license, registration, or certificate of any other person who is eighty-five
years of age or older at the discretion and pursuant to the authority of the director, licensing board, or
commission OTHER THAN THE ACTIVE MILITARY PERSONNEL SPECIFIED IN SUBSECTION (2)(b)
OF THIS SECTION pursuant to the following requirements:

(I) (A) THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER SUBMITS an application
for reinstatement of the license, registration, or certificate is submitted to the director,
licensing board, or commission REGULATOR sixty days or more after the date of expiration,
and the licensee, registrant, or certificate holder complies with all requirements of the
applicable practice act.
(B) If the licensee, registrant, or certificate holder practiced with an expired license, registration, or certificate, pursuant to the authority of the director, the licensing board or commission may impose disciplinary actions against the licensee, registrant, or certificate holder.

(II) If the license, registration, or certificate has expired for more than two years, the person with the expired license, registration, or certificate shall pay all applicable renewal and reinstatement fees and shall satisfactorily demonstrate to the director, licensing board, or commission that the person is competent to practice within his or her profession. Pursuant to the authority of the director, the licensing board or commission, as it deems appropriate, shall accept one or more of the following as a demonstration of competency to practice:

(A) A license, registration, or certificate from another state that is in good standing for the applicant where the applicant demonstrates active practice;

(B) Practice for a specified time under a restricted license, registration, or certificate;

(C) Successful completion of prescribed remedial courses ordered by the director, licensing board, or commission that are within the authority of the director, licensing board, or commission to require;

(D) Successful completion of any continuing education or competency requirements prescribed by the director, licensing board, or commission that are within the authority of the director, licensing board, or commission to require;

(E) Passage of an examination for licensure, registration, or certification as approved by the director, licensing board, or commission that the director, licensing board, or commission has the authority to require; or

(F) Other professional standards or measures of continued competency as determined by the director, licensing board, or commission.

(III) The director, licensing board, or commission may waive the requirements for reinstatement of an expired license, registration, or certificate by an applicant who demonstrates hardship, so long as the director, or such board, or commission considers the protection of the public in such the hardship petition.

(3) [Formerly 24-34-102 (8)(e)] Endorsement. Unless otherwise prohibited by this title 12, C.R.S., an applicant for certification, registration, or licensure by endorsement may demonstrate competency in a specific occupation or profession as determined by the director in lieu of a requirement that the applicant has worked or practiced in that occupation or profession for a period of time prior to the application for endorsement.

(4) [Formerly 24-34-102 (8.5)] Military personnel. The director and each of the examining and licensing boards shall, upon presentation of satisfactory evidence by an applicant for licensure, certification, or registration, accept
education, training, or service completed by an individual as a member of the armed forces or reserves of the United States, the National Guard of any state, the military reserves of any state, or the naval militia of any state toward the qualifications to receive the license, or certification, OR REGISTRATION. The director and each appropriate examining and licensing board EACH REGULATOR shall promulgate rules to implement this section SUBSECTION (4).

(5) [Formerly 24-34-102 (8.7)] Criminal convictions. Unless there is a specific statutory disqualification that prohibits an applicant from obtaining licensure, CERTIFICATION, OR REGISTRATION based on a criminal conviction, if a licensing entity in title 10 or 12, C.R.S., REGULATOR determines that an applicant for licensure, CERTIFICATION, OR REGISTRATION has a criminal record, the licensing entity REGULATOR is governed by section 24-5-101 for purposes of granting or denying, OR PLACING ANY CONDITIONS ON, licensure, CERTIFICATION, OR REGISTRATION.

(6) Executive director authority. (a) [Formerly 24-34-102 (10)] Form of license, certification, or registration. The executive director, after consultation with the examining or licensing board or commission REGULATOR concerned, shall determine the form and content of any license, CERTIFICATION, OR REGISTRATION issued by any examining or licensing board or commission in the division THE REGULATOR, including any document evidencing renewal of a license, CERTIFICATION, OR REGISTRATION.

(b) [Formerly 24-34-102 (11)] Review of examinations and procedures. Notwithstanding any type 1 transfer as such A transfer is defined by the "Administrative Organization Act of 1968", article 1 of this title 24, the executive director may review any examination or procedure for granting a license, CERTIFICATION, OR REGISTRATION by any board or agency in the division REGULATOR prior to the execution of such THE examination or procedure. After such THE review, if the executive director has reason to believe such THE examination or procedure to be IS unfair to the applicants or unreasonable in content, the executive director shall call on five people licensed, CERTIFIED, OR REGISTERED in such THE occupation or profession to review the examination or procedure jointly with him THE EXECUTIVE DIRECTOR. The executive director and such THE licensees, CERTIFICATE HOLDERS, OR Registrants, acting jointly, may make findings of fact and recommendations to the board or agency REGULATOR concerning any examination or procedure. The findings of fact and recommendations shall be ARE public documents. ⟨Coordinate re: SRC bill⟩

(c) [Formerly 24-34-102 (12)] Employment of administrative law judges. Notwithstanding any type 1 transfer as such A transfer is defined by the "Administrative Organization Act of 1968", article 1 of this title 24, the executive director may employ an administrative law judge, and may require any board in the division REGULATOR to use an administrative law judge in lieu of a hearing by the board REGULATOR, to conduct hearings on any matter within the jurisdiction of the examining and licensing boards and agencies in the division REGULATOR, subject to appropriations made to the department of personnel.
Administrative law judges are appointed pursuant to part 10 of article 30 of this title 24. An administrative law judge employed pursuant to this subsection (12) (6)(c) shall conduct hearings in accordance with section 24-4-105, and the administrative law judge has the authority specified in section 24-4-105. <\{Coordinate re: SRC bill\}>

12-20-203. [Formerly 12-70-101] Inactive license - rights and responsibilities. (1) Persons licensed, (which for purposes of this article shall include persons referred to as certified) CERTIFIED, OR REGISTERED to practice any profession or occupation under this title 12 for which postgraduate study or attendance at educational institutions is required in order to obtain renewal of such licenses THE LICENSE, CERTIFICATION, OR REGISTRATION may have their names transferred to an inactive licensees, CERTIFICATE HOLDERS, OR REGISTRANTS category under this section. THE DIRECTOR AND every board AND COMMISSION authorized under this title 12 to issue licenses, CERTIFICATIONS, OR REGISTRATIONS shall maintain a list of inactive licensees, CERTIFICATE HOLDERS, OR REGISTRANTS, AS APPLICABLE, and upon written notice to such THE DIRECTOR, board, OR COMMISSION, AS APPLICABLE, any such licensee, CERTIFICATE HOLDER, OR REGISTRANT shall not be required to comply with any postgraduate educational requirements so long as such THE licensee, CERTIFICATE HOLDER, OR REGISTRANT, AS APPLICABLE, remains inactive in the profession or occupation. Each such inactive licensee, CERTIFICATE HOLDER, OR REGISTRANT shall continue to meet the normal registration requirements imposed upon his OR HER profession or occupation.

(2) Such The inactive status shall be noted on the face of any license, CERTIFICATION, OR REGISTRATION issued while the licensee, CERTIFICATE HOLDER, OR REGISTRANT remains inactive. Should such If the person wish WISHES to resume the practice of his OR HER profession or occupation after being placed on an inactive list, he THE PERSON shall file a proper application therefor TO REACTIVATE THE LICENSE, CERTIFICATION, OR REGISTRATION; pay the applicable renewal fee; and meet any postgraduate study or in-service requirements which THAT the DIRECTOR OR governing board may determine to be applicable to such resumption of resume the practice.

(3) Engaging in the practice of a profession or occupation while on inactive status pursuant to this article 1 may be grounds for revocation.

(4) This section does not apply to a person practicing a profession or occupation that is regulated by the Division of Real Estate created in Section 12-100-10X OR THE REAL ESTATE COMMISSION created in Section 12-100-10X. <\{Since I'm recommending moving this section to DPO statutes, there is no need to add the language excepting DRE professions and occupations\}>

12-20-204. Regulator's rule-making authority. (1) Except as specified in subsection (2) of this section, in addition to any specific rule-making authority
THAT A REGULATOR HAS PURSUANT TO A PART OR ARTICLE OF THIS TITLE 12, A REGULATOR MAY ADOPT RULES NECESSARY TO ADMINISTER THE PART OR ARTICLE OF THIS TITLE 12 PURSUANT TO WHICH THE REGULATOR HAS REGULATORY AUTHORITY.

(2) Subsection (1) of this section does not apply to the following articles of this title 12:

(a) Article 110 concerning combative sports;
(b) Article 125 concerning fantasy contests;
(c) Article 135 concerning mortuaries and crematories;
(d) Article 140 concerning nontransplant tissue banks; and
(e) Article 265 concerning nursing home administrators.

PART 3
MILITARY PERSONNEL AND SPOUSES

12-20-301. [Formerly 12-71-101] Definitions. As used in this article PART 2, unless the context otherwise requires:

(1) "Agency" means an agency of the state that regulates a profession or occupation under this title 12.
(2) "Authority to practice" or "authorized to practice" means the holding of a currently valid license to practice in a profession or occupation or a currently valid certification or registration necessary to practice in a profession or occupation if the person is licensed, certified, or registered under this title 12 or a substantially similar law in another state.
(3) "Military spouse" means the spouse of a person who is actively serving in the United States armed forces and who is stationed in Colorado in accordance with military orders.

OLLS will engage in outreach to determine current applicability of section 12-71-101 to articles/parts that have been relocated from title 12 to other titles.

12-20-302. [Formerly 12-70-102] Active military personnel - exemptions from licensing requirements. Each board or division except the division of real estate, that regulates persons licensed, certified, or registered pursuant to this title 12 shall exempt licensed, certified, or registered military personnel who have been called to federally funded active duty for more than one hundred twenty days for the purpose of serving in a war, emergency, or contingency from the payment of any professional or occupational license, certification, or registration fees, including renewal fees, and from any continuing education or professional competency requirements pursuant to this title 12 for a renewal cycle that
falls within the period of service or within the six months following the completion of
service in the war, emergency, or contingency.

OLLS will engage in outreach to determine current applicability of section 12-70-102 to
articles/parts that have been relocated from title 12 to other titles.

(1) [Formerly 12-71-102 (1)] Notwithstanding any other article of this title 12, a person
need not obtain authority to practice an occupation or profession under this title 12 during
the person's first year of residence in Colorado if:
(a) The person is a military spouse who is authorized to practice that occupation or
profession in another state;
(b) Other than the person's lack of licensure, registration, or certification in Colorado,
there is no basis to disqualify the person under this title 12; and
(c) The person consents, as a condition of practicing in Colorado, to be subject to the
jurisdiction and disciplinary authority of the appropriate agency.

(2) [Formerly 12-71-102 (2)] This section does not prevent an agency from entering
into a reciprocity agreement with the regulating authority of another state or jurisdiction if
otherwise authorized by law.

(3) [Formerly 12-71-102 (3)] This section does not apply to authority to practice
under article 25, 28, 36, 40, or 61 of this title 12. <{Article 25 re: engineers, et al, is renumbered as article 120; article 28 has been repealed; article 36 re: medical practice, is renumbered as article 240; article 40 re: optometrists, is renumbered as article 275; and article 61 pertains to real estate and is not subject to this article 20 so no longer needs to be specifically excluded here. }>

(4) [Formerly 12-71-103 (1)] If a person who is practicing in Colorado under THIS
section 12-71-102 applies for authority to continue to practice after the first year
under another article of this title 12, the applicant shall notify the agency receiving the
application of the following:
(a) The applicant is currently practicing in Colorado under this article SECTION;
(b) The date the applicant began practicing in Colorado; and
(c) The name and contact information of any person employing the applicant to
practice in Colorado.

(5) [Formerly 12-71-103 (2)] If an agency denies the application for authority to
practice under this title 12, the agency shall notify the employer that the person was denied
authority to continue to practice under this title 12.

12-20-304. [Formerly 12-71-104] Continuing education - regulated service
members - rules. (1) An agency may accept, from a person with authority to practice, continuing education, training, or service completed as a member of the armed forces or reserves of the United States, the National Guard of any state, the military reserves of any state, or the naval militia of any state toward the educational qualifications to renew the person's authority to practice.

(2) An agency may promulgate rules establishing educational standards and procedures necessary to implement this section.

Per Marcia Waters, current section 12-71-104 does not apply to the Division of Real Estate. Ronne Hines will follow up to determine if the section applies to engineers, surveyors, and architects under article 25; physicians, physician assistants, and anesthesiologist assistants under article 36; optometrists under article 40. Also, OLLS will engage in outreach to determine current applicability of section 12-71-104 to articles/parts that have been relocated from title 12 to other titles.

12-20-305, [Formerly 12-71-105] Rules. The director of the division of professions and occupations may promulgate rules reasonably necessary to implement this article.

PART 4
DISCIPLINE, ENFORCEMENT, AND REVIEW

12-20-401. Procedures for complaints concerning licensees, certificate holders, and registrants - executive director authority - rules. (1) [Formerly 24-34-102 (9)] The executive director is responsible for receiving and monitoring the disposition of complaints. The executive director may require an investigation of a complaint concerning a person regulated by a board or agency in the division in accordance with THIS section.

(2) [Formerly 24-34-103 (1)] A REGULATOR SHALL REFER all complaints relating to persons licensed, CERTIFIED, or REGISTERED by any board or agency in the division of professions and occupations shall be referred to the REGULATOR to the executive director of the department of regulatory agencies.

(3) [Formerly 24-34-103 (2)] For the purpose of facilitating the handling of complaints, the executive director shall devise simple, standard complaint forms designed to supply the information necessary to properly conduct an investigation of complaints. THE COMPLAINANT SHALL REDUCE each complaint shall be reduced to writing by the complainant before any formal action is commences thereon. THE forms shall be acknowledged on behalf of the executive director. The complainant
shall be advised in writing of the final disposition thereof of the complaint.

(4) [Formerly 24-34-103 (3)] (a) The executive director may:
   (I) Assign a complaint to the director of professions and occupations or to the appropriate board of registration in the department, or may REGULATOR;
   (II) Assign it a complaint specially for investigation; or may
   (III) Take such other action thereon of the complaint as appears to him the executive director to be warranted in the circumstances.

(b) Assignments of investigations thereof of complaints to others shall be subject to specified time limits set by the executive director for completion of investigations.

(5) [Formerly 24-34-103 (4)] Nothing in this section shall supersede the provisions of supersede sections 24-4-104 to 24-4-106, or the statutory power to issue, suspend, revoke, or renew licenses, certifications, and registrations.

(6) [Formerly 24-34-103 (5)] The executive director may promulgate such rules, pursuant to section 24-4-103 and not inconsistent with the requirements of this part 1 ARTICLE 20, to assist in the efficient performance of the duties imposed by this section. The executive director may also render advice to the general assembly, as well as to the general public, upon the question of the proper role of the state in regulating professions and occupations.

12-20-402. [Formerly 12-36-118 (3)(b)] Immunity. (1) The director, any member of the board OR COMMISSION, any member of the board's REGULATOR's staff, any person acting as a witness or consultant to the board REGULATOR, and any witness testifying in a proceeding authorized under this part 1, and any person who lodges a complaint pursuant to this part 1 shall be immune from liability in any civil action brought against him or her for acts occurring while acting in his or her capacity as DIRECTOR, board OR COMMISSION member, staff, consultant, or witness, respectively, if such the individual:
   (a) Was acting in good faith within the scope of his or her respective capacity;
   (b) Made a reasonable effort to obtain the facts of the matter as to which he or she acted; and
   (c) Acted in the reasonable belief that the action taken by him or her was warranted by the facts.

(2) Any person participating in good faith in the making of or lodging a complaint or report or participating in any investigative or administrative proceeding pursuant to this section shall be immune from any CIVIL OR CRIMINAL liability civil or criminal, that otherwise might result by reason of such from that participation.
(3) This section does not apply to articles 125, 140, 150, and 250 of this title concerning fantasy contests, nontransplant tissue banks, passenger tramways, and naturopathic doctors, respectively.

12-20-403. [Formerly 12-40.5-110 (7)(b) and (7)(c)] Disciplinary procedures - investigations - hearings - oaths - witness statements - subpoenas - appointment of administrative law judge. (1) In accordance with article 4 of title 24 C.R.S., and this article, the director is authorized to:

the part or article of this title 12 governing the particular profession or occupation over which a regulator has regulatory authority, a regulator may investigate, hold hearings, and gather evidence in all matters related to the exercise and performance of the regulator's powers and duties. of the director:

(2) (a) In order to aid the director regulator in any hearing or investigation instituted pursuant to this section, the director regulator or an administrative law judge appointed pursuant to paragraph (c) of this subsection (7) is authorized to:

of this section 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 regulator or an administrative law judge.

(b) (I) 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, certificate holder, or registrant resides or conducts business, upon application by the director regulator with notice to the subpoenaed person, or licensee, certificate holder, or registrant, may issue to the person, or licensee, certificate holder, or registrant an order requiring that person, or licensee, certificate holder, or registrant to:

(A) Appear before the director regulator; to

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

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

(II) If the person, or licensee, certificate holder, or registrant fails to obey the order of the court, the court may hold the person, or licensee, certificate holder, or registrant in contempt of court.

(c) For purposes of the regulation of nontransplant tissue banks under article 140 of this title 12, the authority granted under subsection (2)(a) of this section does not apply with respect to investigations.

(3) The director regulator may appoint an administrative law judge pursuant to part 10 of article 30 of title 24 C.R.S. or, if otherwise specified in a part or article of this title 12, may employ an administrative law judge or hearing officer to
conduct hearings, take evidence, make findings, and report such findings to the director.

12-20-404. [Formerly 12-5.5-302] Disciplinary actions - regulator powers - disposition of fines. (1) General disciplinary authority. If the director determines that an applicant, or licensee, CERTIFICATE HOLDER, OR REGISTRANT has committed any of the acts specified in part 4 of this article, the director, if the director finds an act or engaged in conduct that constitutes grounds for discipline or unprofessional conduct under a part or article of this title 12 governing the particular profession or occupation, the regulator may:
   (a) Issue a letter of admonition in accordance with subsection (4) of this section;
   (b) (I) Place a licensee, CERTIFICATE HOLDER, OR REGISTRANT on probation, except as provided in subsection (1)(b)(II) of this section.
      (II) A REGULATOR IS NOT AUTHORIZED UNDER THIS SUBSECTION (1)(b) TO IMPOSE PROBATION ON A LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT REGULATED UNDER THE FOLLOWING:
         (A) ARTICLE 205 OF THIS TITLE 12 CONCERNING ATHLETIC TRAINERS;
         (B) ARTICLE 215 OF THIS TITLE 12 CONCERNING CHIROPRACTORS;
         (C) ARTICLE 260 OF THIS TITLE 12 CONCERNING NURSE AIDES; OR
         (D) ARTICLE 310 OF THIS TITLE 12 CONCERNING SURGICAL ASSISTANTS AND SURGICAL TECHNOLOGISTS.
   (c) (I) Impose an administrative fine, not to exceed two thousand five hundred dollars for each separate offense; or subject to any limitations or requirements specified in the laws governing a particular profession or occupation and except as provided in subsection (1)(c)(II) of this section.
      (II) A REGULATOR IS NOT AUTHORIZED UNDER THIS SUBSECTION (1)(c) TO IMPOSE A FINE ON A LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT REGULATED UNDER THE FOLLOWING:
         (A) ARTICLE 125 OF THIS TITLE 12 CONCERNING FANTASY CONTESTS;
         (B) ARTICLE 140 OF THIS TITLE 12 CONCERNING NONTRANSPLANT TISSUE BANKS;
         (C) ARTICLE 200 OF THIS TITLE 12 CONCERNING ACUPUNCTURISTS;
         (D) ARTICLE 205 OF THIS TITLE 12 CONCERNING ATHLETIC TRAINERS;
         (E) ARTICLE 260 OF THIS TITLE 12 CONCERNING NURSE AIDES;
         (F) ARTICLE 265 OF THIS TITLE 12 CONCERNING NURSING HOME ADMINISTRATORS;
         (G) ARTICLE 270 OF THIS TITLE 12 CONCERNING OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS;
         (H) ARTICLE 300 OF THIS TITLE 12 CONCERNING RESPIRATORY THERAPISTS; OR
1. (I) Article 310 of this Title 12 concerning surgical assistants and surgical technologists.

2. (d) (I) Deny, refuse to renew, revoke, or suspend the license, certification, or registration of an applicant, or licensee, certificate holder, or registrant, except as provided in subsection (1)(d)(II) of this section.

3. (II) A regulator is not authorized under this subsection (1)(d) to refuse to renew the license, certification, or registration of a licensee, certificate holder, or registrant regulated under the following:

4. (A) Article 105 of this Title 12 concerning barbers and cosmetologists;

5. (B) Article 110 of this Title 12 concerning combative sports;

6. (C) Article 125 of this Title 12 concerning fantasy contests;

7. (D) Article 140 of this Title 12 concerning nontransplant tissue banks;

8. (E) Article 145 of this Title 12 concerning outfitters and guides;

9. (F) Article 160 of this Title 12 concerning private investigators;

10. (G) Article 200 of this Title 12 concerning acupuncturists;

11. (H) Article 225 of this Title 12 concerning direct-entry midwives;

12. (I) Article 240 of this Title 12 concerning medical practice;

13. (J) Article 250 of this Title 12 concerning naturopathic doctors;

14. (K) Article 260 of this Title 12 concerning nurse aides;

15. (L) Article 305 of this Title 12 concerning speech-language pathologists;

16. OR

17. (M) Article 315 of this Title 12 concerning veterinarians.

18. (2) Deferral precluded. (a) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the director, warrants formal action, the complaint regulator shall not be resolved by a deferred settlement, action, judgment, or prosecution.

19. (b) This subsection (2) does not apply to the following:

20. (I) Article 125 of this Title 12 concerning fantasy contests;

21. (II) Article 140 of this Title 12 concerning nontransplant tissue banks;

22. (III) Article 150 of this Title 12 concerning passenger tramways; and

23. (IV) Article 260 of this Title 12 concerning nurse aides.

24. (3) Waiting period after revocation or surrender. (a) (I) Except as provided in subsections (3)(a)(III) and (3)(b) of this section, a person whose license, certification, or registration to practice as a hearing aid provider or apprentice profession or occupation under this article Title 12 is revoked or who surrenders his or her license to avoid discipline, is ineligible to apply for any new license, certification, or registration under this article the part or article of this Title 12 that governs the particular profession or occupation for two years after the date of revocation or
surrender of his or her license, CERTIFICATION, OR REGISTRATION.

(II) THE WAITING PERIOD SPECIFIED IN SUBSECTION (3)(a)(I) OF THIS SECTION APPLIES WHEN A PERSON REGULATED UNDER ANY OF THE FOLLOWING ARTICLES SURRENDERS A LICENSE, CERTIFICATION, OR REGISTRATION TO AVOID DISCIPLINE:

(A) ARTICLE 105 OF THIS TITLE CONCERNING BARBERS AND COSMETOLOGISTS;
(B) ARTICLE 145 OF THIS TITLE CONCERNING OUTFITTERS AND GUIDES;
(C) ARTICLE 160 OF THIS TITLE CONCERNING PRIVATE INVESTIGATORS;
(D) ARTICLE 200 OF THIS TITLE CONCERNING ACUPUNCTURISTS;
(E) ARTICLE 210 OF THIS TITLE CONCERNING AUDIOLOGISTS;
(F) ARTICLE 230 OF THIS TITLE CONCERNING HEARING AID PROVIDERS;
(G) ARTICLE 235 OF THIS TITLE CONCERNING MASSAGE THERAPISTS;
(H) ARTICLE 240 OF THIS TITLE CONCERNING MEDICAL PRACTICE;
(I) ARTICLE 250 OF THIS TITLE CONCERNING NATUROPATHIC DOCTORS;
(J) ARTICLE 255 OF THIS TITLE CONCERNING NURSES;
(K) ARTICLE 270 OF THIS TITLE CONCERNING OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS;
(L) ARTICLE 285 OF THIS TITLE CONCERNING PHYSICAL THERAPISTS AND PHYSICAL THERAPY ASSISTANTS;
(M) ARTICLE 300 OF THIS TITLE CONCERNING RESPIRATORY THERAPISTS; AND
(N) ARTICLE 305 OF THIS TITLE CONCERNING SPEECH-LANGUAGE PATHOLOGISTS.

(III) (A) FOR A PERSON WHOSE LICENSE AS A NURSING HOME ADMINISTRATOR ISSUED UNDER ARTICLE 265 OF THIS TITLE IS REVOKED, OR WHO SURRENDERS THE LICENSE TO AVOID DISCIPLINE, THE PERSON IS INELIGIBLE TO APPLY FOR A NEW NURSING HOME ADMINISTRATOR LICENSE UNDER THAT ARTICLE FOR ONE YEAR AFTER THE DATE OF REVOCATION OR SURRENDER.

(B) FOR A PERSON WHOSE LICENSE, CERTIFICATION, OR REGISTRATION AS A MENTAL HEALTH PROFESSIONAL ISSUED UNDER ARTICLE 245 OF THIS TITLE 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 OR SURRENDER.

(b) THIS SUBSECTION (3) DOES NOT APPLY TO THE FOLLOWING:

(I) ARTICLE 110 OF THIS TITLE CONCERNING COMBATIVE SPORTS;
(II) ARTICLE 125 OF THIS TITLE CONCERNING FANTASY CONTESTS;
(III) ARTICLE 140 OF THIS TITLE CONCERNING NONTRANSPLANT TISSUE BANKS;
(IV) ARTICLE 150 OF THIS TITLE CONCERNING PASSENGER TRAMWAYS;
(V) ARTICLE 205 OF THIS TITLE CONCERNING ATHLETIC TRAINERS;
(VI) ARTICLE 215 OF THIS TITLE CONCERNING CHIROPRACTORS;
(VII) ARTICLE 260 OF THIS TITLE CONCERNING NURSE AIDES;
(VIII) Article 295 of this title 12 concerning psychiatric technicians; and

(IX) Article 310 of this title 12 concerning surgical assistants and surgical technologists.

(4) **Letter of admonition.** (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, certificate holder, or registrant.

(b) (I) When the director sends a letter of admonition to a licensee, certificate holder, or registrant pursuant to paragraph (a) of this subsection (4)(a) of this section, the director shall also advise the licensee, certificate holder, or registrant 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.

(c) This subsection (4) does not apply to the following:

(I) Article 205 of this title 12 concerning athletic trainers; and

(II) Article 310 of this title 12 concerning surgical assistants and surgical technologists.

(5) **Confidential letter of concern.** (a) 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, certificate holder, or registrant that could lead to serious consequences if not corrected, the director may send the licensee, certificate holder, or registrant a confidential letter of concern.

(b) This subsection (5) does not apply to the following:

(I) Article 125 of this title 12 concerning fantasy contests;

(II) Article 140 of this title 12 concerning nontransplant tissue banks;

(III) Article 150 of this title 12 concerning passenger trams;

(IV) Article 205 of this title 12 concerning athletic trainers; and

(V) Article 310 of this title 12 concerning surgical assistants and surgical technologists.

(6) The director shall not enforce any provisions of this article or rules promulgated pursuant to this article that are held unconstitutional, invalid, or inconsistent with federal...
laws or regulations, including rules promulgated by the United States food and drug administration.

(7) (6) Disposition of fines. (a) Except as specified in subsection (6)(b) of this section, a regulator shall transmit all fines collected pursuant to this section shall be transmitted to a part or article of this title 12 to the state treasurer, who shall credit them to the general fund.

(b) The disposition of fines collected by:

(I) The state electrical board is governed by section 12-115-122 (5)(a);

(II) The director for violations of laws governing the activities of outfitters and guides is governed by section 12-145-109 (3); and

(III) The state plumbing board is governed by section 12-155-123 (4)(a).

12-20-405. [Formerly 12-5.5-303] Cease-and-desist orders. (1) (a) If it appears to the director a regulator, based upon credible evidence as presented in a written complaint by any person, that a licensee, certificate holder, or registrant is acting in a manner that is a threat to the health and safety of the public, or a person is acting or has acted without the required license, certification, or registration required to practice a profession or occupation, the director regulator that regulates the particular profession or occupation may issue an order to cease and desist the activity. The order must set forth the statutes and rules alleged to have been violated, the facts alleged to have constituted the violation, the specific harm that threatens the health and safety of the public, and the requirement that all unlawful acts or unlicensed, uncertified, or unregistered practices immediately cease.

(b) Within ten days after service of the order to cease and desist pursuant to paragraph (a) of this subsection (1) of this section, the respondent may request a hearing on the question of whether acts or practices in violation of this article the part or article of this title 12 governing the particular profession or occupation have occurred. The hearing must be conducted pursuant to sections 24-4-104 and 24-4-105. C.R.S.

(2) (a) If it appears to the director regulator, based upon credible evidence as presented in a written complaint by any person, that a person has violated any other portion of this article the part or article of this title 12 governing the particular profession or occupation, then, in addition to any specific powers granted pursuant to this article the part or article of this title 12 governing the particular profession or occupation, the director regulator may issue to the person an order to show cause as to why the director regulator should not issue a final order directing the person to cease and desist from the unlawful act or unlicensed, uncertified, or unregistered practice.

(b) The director regulator shall promptly notify the person of the issuance of the
order and shall include in the notice a copy of the order, the factual and legal basis for the order, and the date set by the director for a hearing on the order. The director may serve the notice by personal service, by first-class United States mail, postage prepaid, or as may be practicable upon any person against whom the order is issued. Personal service or proof of receipt of mailing of an order or document pursuant to this paragraph (b) constitutes notice to the person of the existence and contents of the order or document.

(c) (I) The director shall commence the hearing on an order to show cause no sooner than ten, and no later than forty-five, calendar days after the date of transmission or service of the notification by the director as provided in paragraph (b) of this subsection (2) of this section. The director may continue the hearing by agreement of all parties based upon the complexity of the matter, number of parties to the matter, and legal issues presented in the matter, but in no event may the director commence the hearing later than sixty calendar days after the date of transmission or service of the notification. Sections 24-4-104 and 24-4-105 govern the conduct of the hearing held under this subsection (2)(c).

(II) If a person against whom an order to show cause has been issued pursuant to paragraph (a) of this subsection (2) of this section does not appear at the hearing, the director may present evidence that the notification was properly sent or served upon the person pursuant to paragraph (b) of this subsection (2) of this section and any other evidence related to the matter as the director deems appropriate. The director shall issue the order within ten days after the director's determination related to reasonable attempts to notify the respondent, and the order becomes final as to that person by operation of law. The conduct of the hearing is governed by sections 24-4-104 and 24-4-105, C.R.S.

(III) If the director reasonably finds that the person against whom the order was issued is acting or has acted without the required license, certification, or registration or has or is about to engage in acts or practices constituting violations of this article or rules adopted under this article, the director may issue a final cease-and-desist order directing the person to cease and desist from further unlawful acts or unlicensed, uncertified, or unregistered practices.

(IV) The director shall provide notice, in the manner set forth in paragraph (b) of this subsection (2) of this section, of the final cease-and-desist order within ten calendar days after the hearing conducted pursuant to this paragraph (c) of this subsection (2) of this section.
the final order. The final order issued pursuant to subparagraph (III) of this paragraph (c) SUBSECTION (2)(c)(III) OF THIS SECTION is effective when issued and constitutes a final order for purposes of judicial review.

(3) The director REGULATOR may enter into a stipulation with a person if it appears to the director REGULATOR, based upon credible evidence presented to the director REGULATOR, that the person has engaged in or is about to engage in:

(a) An unlicensed, UNCERTIFIED, OR UNREGISTERED act or practice;

(b) An act or practice constituting a violation of this article, a rule promulgated pursuant to this article, THE LAWS GOVERNING THE PARTICULAR PROFESSION OR OCCUPATION or an order issued pursuant to this article THOSE LAWS; or

(c) An act or practice constituting grounds for administrative sanction pursuant to this article THE PART OR ARTICLE OF THIS TITLE 12 GOVERNING THE PARTICULAR PROFESSION OR OCCUPATION.

(4) If any person fails to comply with a final cease-and-desist order or a stipulation, the director REGULATOR may request the attorney general or the district attorney for the judicial district in which the alleged violation exists to bring, and if so requested the attorney shall bring, suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of the final order.

(5) A person aggrieved by the REGULATOR'S final DETERMINATION WITH REGARD TO A cease-and-desist order may seek judicial review of the director's determination or of the director's final order in a court of competent jurisdiction IN ACCORDANCE WITH SECTION 12-20-409.

(6) A person who practices or offers or attempts to practice as a hearing aid provider or who engages in the practice of dispensing, fitting, or dealing in hearing aids without an active hearing aid provider license issued under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and, for the second or any subsequent offense, the person commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S. THIS SECTION DOES NOT APPLY TO ARTICLES 125, 140, AND 150 OF THIS TITLE 12 CONCERNING FANTASY CONTESTS, NONTRANSPLANT TISSUE BANKS, AND PASSENGER TRAMWAYS, RESPECTIVELY.

12-20-406. [Formerly 12-36-129 (6)] Injunctive relief. (1) (a) EXCEPT AS SPECIFIED IN SUBSECTION (1)(b) OF THIS SECTION:

(I) The board may A REGULATOR, in the name of the people of the state of Colorado and through the attorney general of the state of Colorado, MAY apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act prohibited by this article A PART OR ARTICLE OF THIS TITLE 12.

(b) (II) If the board REGULATOR establishes that the defendant has been or is
committing an act prohibited by this THE PART OR article, the court shall enter a decree
perpetually enjoining the defendant from further committing the act.

(e) (III) An injunctive proceeding may be brought pursuant to this section in addition
to, and not in lieu of, all penalties and other remedies provided in this THE PART OR article.

(b) SUBSECTION (1)(a) OF THIS SECTION DOES NOT APPLY TO THE FOLLOWING:
(I) ARTICLE 100 OF THIS TITLE 12 CONCERNING ACCOUNTANTS;
(II) ARTICLE 125 OF THIS TITLE 12 CONCERNING FANTASY CONTESTS;
(III) ARTICLE 130 OF THIS TITLE 12 CONCERNING LANDSCAPE ARCHITECTS;
(IV) ARTICLE 140 OF THIS TITLE 12 CONCERNING NONTRANSPLANT TISSUE BANKS;
(V) ARTICLE 220 OF THIS TITLE 12 CONCERNING DENTISTS AND DENTAL HYGIENISTS;
(VI) ARTICLE 245 OF THIS TITLE 12 CONCERNING MENTAL HEALTH;
(VII) ARTICLE 250 OF THIS TITLE 12 CONCERNING NATUROPATHIC DOCTORS;
(VIII) ARTICLE 255 OF THIS TITLE 12 CONCERNING NURSES;
(IX) ARTICLE 260 OF THIS TITLE 12 CONCERNING NURSE AIDES;
(X) ARTICLE 265 OF THIS TITLE 12 CONCERNING NURSING HOME ADMINISTRATORS;
(XI) ARTICLE 285 OF THIS TITLE 12 CONCERNING PHYSICAL THERAPISTS AND
PHYSICAL THERAPIST ASSISTANTS;
(XII) ARTICLE 290 OF THIS TITLE 12 CONCERNING PODIATRISTS; AND
(XIII) ARTICLE 295 OF THIS TITLE 12 CONCERNING PSYCHIATRIC TECHNICIANS.

(2) (a) EXCEPT AS SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION, WHEN SEEKING
AN INJUNCTION UNDER SUBSECTION (1)(a) OF THIS SECTION, A REGULATOR IS NOT REQUIRED
TO ALLEGED OR PROVE THE INADEQUACY OF ANY REMEDY AT LAW OR THAT SUBSTANTIAL OR
IRREPARABLE DAMAGE IS LIKELY TO RESULT FROM A CONTINUED VIOLATION.

(b) SUBSECTION (2)(a) OF THIS SECTION DOES NOT APPLY TO THE FOLLOWING:
(I) ARTICLE 105 OF THIS TITLE 12 CONCERNING BARBERS AND COSMETOLOGISTS;
(II) ARTICLE 110 OF THIS TITLE 12 CONCERNING COMBATIVE SPORTS;
(III) PART 4 OF ARTICLE 120 OF THIS TITLE 12 CONCERNING ARCHITECTS;
(IV) ARTICLE 135 OF THIS TITLE 12 CONCERNING MORTUARIES AND CREMATORIES;
(V) ARTICLE 150 OF THIS TITLE 12 CONCERNING PASSENGER TRAMWAYS;
(VI) ARTICLE 210 OF THIS TITLE 12 CONCERNING AUDIOLOGISTS;
(VII) ARTICLE 230 OF THIS TITLE 12 CONCERNING HEARING AID PROVIDERS;
(VIII) ARTICLE 240 OF THIS TITLE 12 CONCERNING MEDICAL PRACTICE;
(IX) ARTICLE 275 OF THIS TITLE 12 CONCERNING OPTOMETRISTS;
(X) ARTICLE 280 OF THIS TITLE 12 CONCERNING PHARMACISTS, PHARMACY
BUSINESSES, AND PHARMACEUTICALS; AND
(XI) ARTICLE 315 OF THIS TITLE 12 CONCERNING VETERINARIANS.
12-20-407. Unauthorized practice of profession or occupation - penalties - exclusions. (1) (a) [Formerly 12-23-119 (2)] Any person who practices or offers or attempts to practice the profession of an electrician without an active license issued under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501 C.R.S., for the first offense, and, for the second or any subsequent offense, the person commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S. If the person:

(I) Violates section 12-100-112 or 12-100-116 (6)(a); [<Accountancy>]

(II) Engages in or offers or attempts to engage in the conduct, promotion, or performance of live boxing matches without an active license or permit issued under article 110 of this title 12;

(III) Engages or offers or attempts to engage in activities as an outfitter without an active registration issued under article 145 of this title 12;

(IV) Engages in or works at or offers or attempts to engage in or work at the business, trade, or calling of a residential, journeyman, master, or apprentice plumber; a water conditioning contractor; a water conditioning installer; or a water conditioning principal without an active license, permit, or registration issued under article 160 of this title 12; or

(V) Practices or offers or attempts to practice any of the following professions or occupations without an active license, certification, or registration issued under the part or article of this title 12 governing the regulation of the particular profession or occupation:

(A) Barbering, hairstyling, esthetics, manicuring, or cosmetology, as regulated under article 105 of this title 12;

(B) The profession of an electrician, as regulated under article 115 of this title 12;

(C) Professional engineering, as regulated under parts 1 and 2 of article 120 of this title 12;

(D) Professional land surveying, as regulated under parts 1 and 3 of article 120 of this title 12;

(E) Architecture, as regulated under parts 1 and 4 of article 120 of this title 12;

(F) Landscape architecture, as regulated under article 130 of this title 12;

(G) Acupuncture, as regulated under article 200 of this title 12;

(H) Audiology, as regulated under article 210 of this title 12;

(I) Chiropractic, as regulated under article 215 of this title 12;

(J) Dentistry or dental hygiene, as regulated under article 220 of this
(K) DIRECT-ENTRY MIDWIFERY, AS REGULATED UNDER ARTICLE 225 OF THIS TITLE 12;

(L) PRACTICE AS A HEARING AID PROVIDER OR ENGAGES IN THE PRACTICE OF DISPENSING, FITTING, OR DEALING IN HEARING AIDS, AS REGULATED UNDER ARTICLE 230 OF THIS TITLE 12;

(M) MEDICINE, PRACTICE AS A PHYSICIAN ASSISTANT, OR PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT, AS REGULATED UNDER ARTICLE 240 OF THIS TITLE 12;

(N) PRACTICE AS A PSYCHOLOGIST, AS REGULATED UNDER PART 3 OF ARTICLE 245 OF THIS TITLE 12;

(O) PRACTICE AS A SOCIAL WORKER, AS REGULATED UNDER PART 4 OF ARTICLE 245 OF THIS TITLE 12;

(P) PRACTICE AS A MARRIAGE AND FAMILY THERAPIST, AS REGULATED UNDER PART 5 OF ARTICLE 245 OF THIS TITLE 12;

(Q) PRACTICE AS A LICENSED PROFESSIONAL COUNSELOR, AS REGULATED UNDER PART 6 OF ARTICLE 245 OF THIS TITLE 12;

(R) PRACTICE AS A PSYCHOTHERAPIST, AS REGULATED UNDER PART 7 OF ARTICLE 245 OF THIS TITLE 12;

(S) PRACTICE AS AN ADDICTION COUNSELOR, AS REGULATED UNDER PART 8 OF ARTICLE 245 OF THIS TITLE 12;

(T) PRACTICAL OR PROFESSIONAL NURSING, AS REGULATED UNDER ARTICLE 255 OF THIS TITLE 12;

(U) NURSING HOME ADMINISTRATION, AS REGULATED UNDER ARTICLE 265 OF THIS TITLE 12;

(V) OPTOMETRY, AS REGULATED UNDER ARTICLE 275 OF THIS TITLE 12;

(W) PHARMACY, AS REGULATED UNDER ARTICLE 280 OF THIS TITLE 12;

(X) PHYSICAL THERAPY, AS REGULATED UNDER ARTICLE 285 OF THIS TITLE 12;

(Y) PODIATRY, AS REGULATED UNDER ARTICLE 290 OF THIS TITLE 12;

(Z) PRACTICE AS A PSYCHIATRIC TECHNICIAN, AS REGULATED UNDER ARTICLE 295 OF THIS TITLE 12;

( AA ) RESPIRATORY THERAPY, AS REGULATED UNDER ARTICLE 300 OF THIS TITLE 12;

OR

(bb) [Formerly 12-58.5-104 (2)] Any A person who conducts private investigations or presents himself or herself as or uses the title "private investigator", "private detective", "licensed private detective", or "licensed private investigator" without an active license issued under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501 C.R.S., for the first offense and, for the second or any subsequent
offense, commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S. If the person engages in any of the following activities:

(I) Conducts private investigations or presents himself or herself as a or uses the title "private investigator", "private detective", "licensed private detective", or "licensed private investigator" without an active license issued under article 165 of this title 12;

(II) Practices or offers or attempts to practice athletic training without an active registration issued under article 205 of this title 12;

(III) Practices or offers or attempts to practice massage therapy without an active license issued under article 235 of this title 12 or knowingly aids or abets the unlicensed practice of massage therapy;

(IV) Practices or offers or attempts to practice occupational therapy without an active license as required by and issued under article 270 of this title 12 for occupational therapists or occupational therapy assistants;

(V) Practices or offers or attempts to practice speech-language pathology without an active certification issued under article 305 of this title 12; or

(VI) Performs the duties of a surgical assistant or surgical technologist without being registered under article 310 of this title 12.

(c) [Formerly 12-37.3-113] A person who practices or offers or attempts to practice as a naturopathic doctor without an active registration issued under this article 250 of this title 12 commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

(d) [Formerly 12-41-216] Any person who violates section 12-41-202 or 12-41-203 without an active certification issued under this part 2 of article 285 of this title 12 to practice as a physical therapy assistant commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

(2) The penalties for:

(a) Engaging in unauthorized activities regarding mortuaries and crematories are governed by section 12-135-108;

(b) Violating article 140 concerning nontransplant tissue banks are governed by section 12-140-108.

(c) Engaging in unauthorized activities regarding passenger tramways are governed by section 12-150-108 (4).

(d) Engaging in unauthorized activities regarding nurse aide practice are governed by section 12-260-118 (2).

12-20-408, [Formerly 12-42.5-125] Judicial review. (1) Except as specified in
SUBSECTION (2) OF THIS SECTION, the court of appeals has initial jurisdiction to review all
final actions and orders of a regulator that are subject to judicial review of the board and
shall conduct the judicial review proceedings in accordance with section 24-4-106 (11).
C.R.S.:

(2) (a) A district court of competent jurisdiction has initial jurisdiction to
review all final actions and orders of a regulator that are subject to judicial
review and shall conduct the judicial review proceedings in accordance with section 24-4-106 (11).

(2) (b) With regard only to cease-and-desist orders, a district court of
competent jurisdiction has initial jurisdiction to review a final action of a
regulator that is subject to judicial review and shall conduct the judicial
review proceedings in accordance with section 24-4-106 (3) for the following:

(I) Article 125 of this title 12 concerning fantasy contests;
(II) Article 130 of this title 12 concerning landscape architects;
(III) Article 135 of this title 12 concerning mortuaries and crematories;
(IV) Article 140 of this title 12 concerning nontransplant tissue banks;
(V) Article 200 of this title 12 concerning acupuncturists;
(VI) Article 210 of this title 12 concerning audiolists; and
(VII) Article 230 of this title 12 concerning hearing aid providers.

ARTICLE 30
Provisions Applicable to Health Care Professions and Occupations

PART 1
MISCELLANEOUS PROVISIONS APPLICABLE TO
HEALTH CARE PROFESSIONS AND OCCUPATIONS

12-30-101. [Formerly 24-34-110] Medical transparency act of 2010 - disclosure
of information about health care licensees - fines - rules - short title - legislative
declaration - repeal. (1) THE SHORT TITLE OF this section shall be known and may be cited as IS the "Michael Skolnik Medical Transparency Act of 2010".

(2) (a) The general assembly hereby finds and determines that:

(I) The people of Colorado need to be fully informed about the past practices of persons practicing a health care profession in this state in order to make informed decisions when choosing a health care provider and determining whether to proceed with a particular regimen of care recommended by a health care provider;

(II) The purpose of this section is to provide transparency to the public regarding the competency of persons engaged in the practice of certain health care professions in this state to assist citizens in making informed health care decisions.

(b) The general assembly further finds and declares that it is important to make information about persons engaged in the practice of a health care profession available to the public in a manner that is efficient, cost-effective, and maintains the integrity of the information, and to that end, the general assembly encourages persons to file the required information with the division of professions and occupations electronically, to the extent possible.

(3) (a) As used in this section, "applicant" means a person applying for a new, active license, certification, or registration or to renew, reinstate, or reactivate an active license, certification, or registration to practice:

(I) Audiology pursuant to article 29-9 210 of THIS title 12; C.R.S.;

(II) As a licensed hearing aid provider pursuant to part 2 of article 5.5 230 of THIS title 12; C.R.S.;

(III) Acupuncture pursuant to article 29.5 200 of THIS title 12; C.R.S.;

(IV) Podiatry pursuant to article 32 290 of THIS title 12; C.R.S.;

(V) Chiropractic pursuant to article 33 215 of THIS title 12; C.R.S.;

(VI) Dentistry pursuant to article 35 220 of THIS title 12; C.R.S.;

(VII) Dental hygiene pursuant to article 35 220 of THIS title 12; C.R.S.;

(VIII) Medicine pursuant to article 36 240 of THIS title 12 C.R.S., or part 36 of article 60 of this title 24;

(IX) As a physician assistant or an anesthesiologist assistant pursuant to article 36 240 of THIS title 12; C.R.S.;

(X) Direct-entry midwifery pursuant to article 37 225 of THIS title 12; C.R.S.;

(XI) Practical nursing, professional nursing, or advanced practice nursing pursuant to article 38 255 of THIS title 12; C.R.S.;

(XII) Optometry pursuant to article 40 275 of THIS title 12; C.R.S.;

(XIII) Physical therapy pursuant to article 41 285 of THIS title 12;

(XIV) Psychology pursuant to part 3 of article 43 245 of THIS title 12; C.R.S.;

(XV) Social work pursuant to part 4 of article 43 245 of THIS title 12; C.R.S.;
(XVI) Marriage and family therapy pursuant to part 5 of article 43.245 of this title 12; C.R.S.;
(XVII) Professional counseling pursuant to part 6 of article 43.245 of this title 12; C.R.S.;
(XVIII) Psychotherapy pursuant to part 7 of article 43.245 of this title 12; C.R.S.;
(XIX) Addiction counseling pursuant to part 8 of article 43.245 of this title 12; C.R.S.;
(XX) Speech-language pathology pursuant to article 43.7.305 of this title 12; C.R.S.;
(XXI) Athletic training pursuant to article 29.7.205 of this title 12; C.R.S.;
(XXII) Massage therapy pursuant to article 35.5.235 of this title 12; C.R.S.;
(XXIII) As a certified nurse aide pursuant to part 1 of article 38.1.260 of this title 12; C.R.S.;
(XXIV) Occupational therapy pursuant to article 40.5.270 of this title 12; C.R.S.;
(XXV) Respiratory therapy pursuant to article 41.5.300 of this title 12; C.R.S.;
(XXVI) Pharmacy pursuant to article 42.5.280 of this title 12; C.R.S.;
(XXVII) As a psychiatric technician pursuant to article 42.2.295 of this title 12; C.R.S.;
(XXVIII) As a surgical assistant or surgical technologist pursuant to article 43.2.310 of this title 12; C.R.S.; and
(XXIX) Naturopathic medicine pursuant to article 37.3.250 of this title 12. C.R.S.;
(b) A person who is an applicant under this subsection (3) is not, by virtue of inclusion in this section, a health care provider for purposes of any other provision of Colorado law.
(4) When applying for a new license, certification, or registration or to renew, reinstate, or reactivate a license, certification, or registration in this state, each applicant shall provide the following information to the director, of the division of professions and occupations, in a form and manner determined by the director, as applicable to each profession:
(a) (I) The applicant's full name, including any known aliases;
(II) The applicant's current address of record and telephone number;
(III) The applicant's location of practice, if different than the address of record;
(IV) The applicant's education and training related to his or her the applicant's profession;
(V) Information pertaining to any license, certification, or registration to practice in the profession for which the applicant seeks licensure, certification, or registration, issued or held during the immediately preceding ten years, including the license, certification, or registration status and year of issuance;
(VI) Any board certifications and specialties, if applicable;
(VII) Any affiliations with or clinical privileges held in hospitals or health care facilities;
(VIII) Any health-care-related business ownership interests;
(IX) Information pertaining to the applicant's employer, if any, including name, current address, and telephone number; and
(X) Information pertaining to any health-care-related employment contracts or contracts establishing an independent contractor relationship with any entities if the annual aggregate value of the contracts exceeds five thousand dollars, as adjusted by the director during each license, certification, or registration renewal cycle to reflect changes in the United States department of labor, bureau of labor statistics, consumer price index for Denver-Aurora-Lakewood for all items and all urban consumers, or its applicable predecessor or successor index. Nothing in this subsection (4)(a)(X) requires an applicant to report such information regarding contracts with insurance carriers for reimbursement of health care services provided to patients.

(b) Any public disciplinary action taken against the applicant by the director, the applicable state board that regulates the applicant's profession, or the board or licensing agency of any other state or country. The applicant shall provide a copy of the action to the director at the time the application is made.

(c) Any agreement or stipulation entered into between the applicant and the director, the applicable state board that regulates the applicant's profession, or the board or licensing agency of any other state or country whereby the applicant agrees to temporarily cease or restrict his or her practice, or any director or board order restricting or suspending the applicant's license, certification, or registration. The applicant shall provide a copy of the agreement, stipulation, or order to the director at the time the application is made.

(d) (I) Any final action that results in an involuntary limitation or probationary status on, or a reduction, nonrenewal, denial, revocation, or suspension of, the applicant's medical staff membership or clinical privileges at any hospital or health care facility occurring on or after September 1, 1990. The applicant shall not be required to report a precautionary or administrative suspension of medical staff membership or clinical privileges while the precautionary or administrative suspension is pending. To report the information required by this paragraph (d) SUBSECTION (4)(d), the applicant shall complete a form developed by the director that requires the applicant to report only the following information regarding the action:
   (A) The name of the facility or entity that took the action;
   (B) The date the action was taken;
   (C) The type of action taken, including any terms and conditions of the action;
(D) The duration of the action; and
(E) Whether the applicant has fulfilled the terms or conditions of the action, if applicable.

(II) Notwithstanding part 2 of this article 36.5 of title 12, article 3 of title 25, C.R.S., and any provision of law to the contrary, the form completed by the applicant pursuant to this paragraph (d) subsection (4)(d) is a public record and is not confidential. Compliance with this paragraph (d) subsection (4)(d) does not constitute a waiver of any privilege or confidentiality conferred by any applicable state or federal law.

(e) Any final action of an employer that results in the applicant's loss of employment where the grounds for termination constitute a violation of the laws governing the applicant's practice. To report the information required by this paragraph (e) subsection (4)(e), the applicant shall complete a form developed by the director that requires the applicant to report only the following information regarding the action:

(I) The name of the employer that terminated the employment; and
(II) The date the termination occurred or became effective.

(f) Any involuntary surrender of the applicant's United States drug enforcement administration registration. The applicant shall provide a copy of the order requiring the surrender of such THE registration to the director at the time the application is made.

(g) Any final criminal conviction or plea arrangement resulting from the commission or alleged commission of a felony or crime of moral turpitude in any jurisdiction at any time after the person APPLICANT has been issued a license, certification, or registration to practice his or her THE APPLICANT'S health care profession in any state or country. The applicant shall provide a copy of the final conviction or plea arrangement to the director at the time the application is made.

(h) Any final judgment against, settlement entered into by, or arbitration award paid on behalf of the applicant on or after September 1, 1990, for malpractice. To report the information required by this paragraph (h) subsection (4)(h), the applicant shall complete a form developed by the director that requires the applicant to report only the following information regarding the malpractice action:

(I) Whether the action was resolved by a final judgment against, settlement entered into by, or arbitration award paid on behalf of the applicant;
(II) The date of the judgment, settlement, or arbitration award;
(III) The location or jurisdiction in which the action occurred or was resolved; and
(IV) The court in which the final judgment was ordered, the mediator that aided in the settlement, if applicable, or the arbitrator that granted the arbitration award.

(i) Any refusal by an issuer of professional liability insurance to issue a policy to the applicant due to past claims experience. The applicant shall provide a copy of the refusal to the director at the time the application is made.
(5) In addition to the information required by subsection (4) of this section, an applicant may submit information regarding awards and recognitions he or she has received or charity care he or she has provided. The director may remove information regarding awards and recognitions that the director finds to be unrelated to the applicant's profession or offensive or inappropriate.

(6) The director shall make the information specified in subsections (4) and (5) of this section that is submitted by an applicant readily available to the public in a manner that allows the public to search the information by name, license number, board certification or specialty area, if applicable, or city of the applicant's address of record. The director may satisfy this requirement by posting and allowing the ability to search the information on the director's website or on the website for the state regulatory board that oversees the applicant's practice. If the information is made available on either website, the director shall ensure that the website is updated at least monthly and that the date on which the update occurs is indicated on the website. If the information made available pursuant to this subsection (6) is the same or substantially similar to information the director must make available pursuant to section 12-43.2-102 (3), C.R.S. 12-310-____, the director may elect to use this database as the exclusive means for making the information required by section 12-43.2-102 (3), C.R.S.; 12-310-____ publicly available.

(7) When disclosing information regarding an applicant to the public, the director or applicable state board that regulates the applicant's profession shall include the following statement or a similar statement that communicates the same meaning:

Some studies have shown that there is no significant correlation between malpractice history and a [insert applicable type of health care provider]'s competence. At the same time, the [director or board of ________, as applicable] believes that consumers should have access to malpractice information. To make the best health care decisions, you should view this information in perspective. You could miss an opportunity for high quality care by selecting a health care provider based solely on malpractice history. When considering malpractice data, please keep in mind:

Malpractice histories tend to vary by profession and, as applicable, by specialty. Some professions or specialties are more likely than others to be the subject of litigation.

You should take into account how long the health care provider has been in practice when considering malpractice averages.

The incident causing the malpractice claim may have happened years before a malpractice action is finally resolved. Sometimes, it takes a long time for a malpractice lawsuit to move through the legal system.

Some health care providers work primarily with high-risk patients. These
health care providers may have malpractice histories that are higher than average because they specialize in cases or patients who are at very high risk for problems.

Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the health care provider. A payment in settlement of a malpractice action or claim should not be construed as creating a presumption that malpractice has occurred.

You may wish to discuss information provided by the [director or board of __________, as applicable], and malpractice generally, with your health care provider.

The information posted on the [director's or board of __________'s, as applicable] website was provided by applicants for a license and applicants for renewal, reinstatement, or reactivation of a license.

(8) (a) Except as specified in paragraph (b) of this subsection (8) SUBSECTION (8)(b) OF THIS SECTION, an applicant, licensee, certificate holder, or registrant shall ensure that the information required by subsection (4) of this section is current and shall report any updated information and provide copies of the required documentation to the director within thirty days after the date of the action described in said subsection (4) or as otherwise provided in the article of THIS title 12 C.R.S., that regulates the applicant's, licensee's, certificate holder's, or registrant's profession to ensure that the information provided to the public is as accurate as possible.

(b) An applicant shall report updated information regarding the applicant's employer, any health-care-related business ownership interests, and any health-care-related employment contracts or contracts establishing an independent contractor relationship, as required by paragraph (a) of subsection (4) SUBSECTION (4)(a) of this section, within one year after a change in that information.

(9) (a) The director may impose an administrative fine not to exceed five thousand dollars against an applicant, licensee, certificate holder, or registrant who fails to comply with this section. The director shall notify the applicable state board that regulates the profession when the director imposes a fine pursuant to this subsection (9). Any fine imposed pursuant to this subsection (9) shall be deposited in the general fund.

(b) The imposition of an administrative fine pursuant to this subsection (9) shall not constitute a disciplinary action pursuant to the laws governing the applicant's, licensee's, certificate holder's, or registrant's practice area and shall not preclude the state regulatory board that oversees the applicant's, licensee's, certificate holder's, or registrant's practice area from taking disciplinary action against an applicant, licensee, certificate holder, or registrant for failure to comply with this section. A license, certification, or registration shall not be issued, renewed, reinstated, or reactivated if the applicant has failed to pay a fine imposed
pursuant to this subsection (9).

(c) Failure of an applicant, licensee, certificate holder, or registrant to comply with this section constitutes unprofessional conduct or grounds for discipline under the specific article of this title 12 C.R.S., that regulates the applicant's, licensee's, certificate holder's, or registrant's profession.

(10) Nothing in this section relieves an applicant, licensee, certificate holder, or registrant from his or her obligation to report adverse actions to the director or applicable state board that regulates the applicant's, licensee's, certificate holder's or registrant's profession, as required by the applicable laws in this title 12 C.R.S., regulating that profession.

(11) The director may adopt rules, as necessary, to implement this section.

(12) This section is repealed, effective September 1, 2021. Prior to the repeal, the department of regulatory agencies shall review the functions of the program under this section as provided in section 24-34-104.

12-30-102. [Formerly 12-29.1-102] Solicitation of accident victims - waiting period - definitions. (1) Except as permitted by subsection (2) of this section, neither a health care practitioner licensed under articles 29.5 to 43 of this title nor an agent of a health care practitioner shall engage in solicitation for professional employment concerning a personal injury unless the incident for which employment is sought occurred more than thirty days prior to the solicitation.

(2) This section does not apply to any person providing emergency health care at the time of the incident or follow-up referrals to physicians from the emergency health care providers.

(3) As used in this section, “solicitation” means an initial contact initiated in person, through any form of electronic or written communication, or by telephone, telegraph, or facsimile, any of which is directed to a specific individual, unless said contact is requested by the individual, a member of the individual's family, or the individual's authorized representative. “Solicitation” does not include radio, television, newspaper, or yellow pages advertisements.

(4) Any agreement made in violation of this section is voidable at the option of the individual suffering the personal injury or the individual's authorized representative.

(a) "Health care practitioner" means:

(I) An acupuncturist licensed under article 200 of this title 12;

(II) An audiologist licensed under article 210 of this title 12;

(III) A chiropractor licensed under article 215 of this title 12;
(IV) A dentist or dental hygienist licensed under Article 220 of this title;
(V) A massage therapist licensed under Article 235 of this title;
(VI) A physician, physician assistant, or anesthesiologist assistant licensed under Article 240 of this title;
(VII) A psychologist, social worker, marriage and family therapist, professional counselor, or addiction counselor licensed under Part 3, 4, 5, 6, or 8 of Article 245 of this title;
(VIII) A practical or professional nurse licensed under Article 255 of this title;
(IX) A nursing home administrator licensed under Article 265 of this title;
(X) An occupational therapist or occupational therapy assistant licensed under Article 270 of this title;
(XI) An optometrist licensed under Article 275 of this title;
(XII) A pharmacist licensed under Article 280 of this title;
(XIII) A physical therapist or physical therapist assistant licensed under Article 285 of this title;
(XIV) A podiatrist licensed under Article 290 of this title;
(XV) A psychiatric technician licensed under Article 295 of this title;
(XVI) A respiratory therapist licensed under Article 300 of this title;

(b) "Solicitation" means an initial contact initiated in person, through any form of electronic or written communication, or by telephone, telegraph, or facsimile, any of which is directed to a specific individual, unless the contact is requested by the individual, a member of the individual’s family, or the individual’s authorized representative. "Solicitation" does not include radio, television, newspaper, or yellow pages advertisements.
(b) "Licensee" means an individual who is licensed or otherwise regulated by a board.

(2) Except as specified in subsection (4) of this section, notwithstanding any other provision of law in this title 24 or this title 12, each health care prescriber board shall:

(a) Within fifteen days after receipt of a complaint, provide the complainant with a written notice providing contact information for the board and a summary of the regulatory and statutory procedures, timelines, and complainant and respondent rights that apply to the processing and resolution of complaints, including, if the complainant is the patient of the licensee who is the subject of the complaint, a notice of the patient's right to receive from the licensee a copy of his or her patient records pursuant to sections 25-1-801 and 25-1-802;

(b) If an investigation was initiated by a complaint and the board took public formal action regarding the alleged misconduct, provide the complainant, within thirty days after the action, with written notice of the action taken by the board;

(c) If a complaint is still pending after six months, notify the complainant that the complaint remains pending, subject to applicable restrictions in the board's governing law; and

(d) Update its website within thirty days after suspending or revoking a license to separately list each licensee subject to the suspension or revocation.

(3) If patient records are potentially relevant to resolution of a complaint against a licensee and the licensee is the custodian of the records, the licensee shall provide the board with the patient records within thirty days after the board requests the records.

(4) If any provision of article 4 of this title 24 or article 32, 35, 36, 38, 40, or 64 of this title 12 is more protective of complainants' rights or results in a more expeditious resolution of disciplinary proceedings than a corresponding provision of this section, that provision applies rather than the corresponding provision of this section.

(5) Repealed.

12-30-104. [Formerly 24-34-109] Nurse-physician advisory task force for Colorado health care - creation - duties - definition - repeal. (1) There is hereby created, within the division of professions and occupations in the department of regulatory agencies, the nurse-physician advisory task force for Colorado health care, referred to in this section as "NPATCH". The purpose of the NPATCH is to promote public safety and improve health care in Colorado by supporting collaboration and communication between the practices of nursing and medicine. The NPATCH shall:

(a) Promote patient safety and quality care;
(b) Address issues of mutual concern at the interface of the practices of nursing and medicine;
(c) Inform public policy-making; and
(d) Make consensus recommendations to policy-making and rule-making entities, including:
   (I) Recommendations to the state board of nursing created in section 12-38-104, C.R.S.,
   12-255-1 and the Colorado medical board created in section 12-36-103, C.R.S.,
   12-240-1 regarding the transition to the articulated plan model and harmonizing
   language for articulated plans; and
   (II) Recommendations to the executive director of the department of regulatory
   agencies;
(2) (a) The NPATCH shall consist of twelve members appointed as follows:
   (I) One member of the state board of nursing, appointed by the president of the board;
   (II) One member of the Colorado medical board, appointed by the president of the board;
   (III) Ten members appointed by the governor as follows:
         (A) Three members recommended by and representing a statewide professional
             nursing organization;
         (B) Three members recommended by and representing a statewide physicians' organization;
         (C) One member representing the nursing community who may or may not be a member of a statewide professional nursing organization;
         (D) One member representing the physician community who may or may not be a member of a statewide physicians' organization; and
         (E) Two members representing consumers.
   (b) The members of the NPATCH shall serve on a voluntary basis without compensation and shall serve three-year terms; except that, in order to ensure staggered terms of office, four of the initial appointees shall serve initial one-year terms and four of the initial appointees shall serve initial two-year terms.
(3) (a) Except as provided in paragraph (b) of this subsection of this section, the NPATCH may develop its own bylaws and procedures to govern its operations.
   (b) A recommendation of the NPATCH requires the consensus of the members of the task force. For purposes of this section, "consensus" means an agreement, decision, or recommendation that all members of the task force can actively support and that no member actively opposes.
(4) The division of professions and occupations shall staff the NPATCH. The division's costs for administering and staffing the NPATCH shall be funded by an increase in fees for professional and advanced practice nursing and medical license renewal fees, as authorized in sections 12-38-108 (1)(b)(I) and 12-36-123, C.R.S. **12-240-1** AND **12-255-1**, with fifty percent of the funding derived from the physician license renewal fees and fifty percent derived from the professional and advanced practice nursing fees.

(5) The NPATCH shall prioritize consideration of and make recommendations on the following topics:

(a) Facilitating a smooth transition to the articulated plan model, as described in sections 12-38-111.6 (4.5) and 12-36-106.4, C.R.S. **12-240-1** AND **12-255-1**;

(b) The framework for articulated plans, including creation of sample plans;

(c) Quality assurance mechanisms for all medication prescribers;

(d) Evidence-based guidelines;

(e) Decision support tools;

(f) Safe prescribing metrics for all medication prescribers;

(g) Methods to foster effective communication between health professions;

(h) Health care delivery system integration and related improvements;

(i) Physician standards, process, and metrics to ensure appropriate consultation, collaboration, and referral regarding advanced practice nurse prescriptive authority; and

(j) Prescribing issues regarding providers other than physicians and advanced practice nurses.

(6) The NPATCH shall make recommendations pursuant to this section to the executive director of the department of regulatory agencies.

(7) This section is repealed, effective September 1, 2020. Prior to the repeal, the department of regulatory agencies shall review the functions of the NPATCH as provided in are scheduled for review in accordance with section 2-3-1203. C.R.S.

12-30-105. [Formerly 24-34-110.5] Health care work force data collection - repeal. (1) On or before July 1, 2013, the director of the division of professions and occupations in the department of regulatory agencies shall implement a system to collect health care work force data from health care professionals who are eligible for the Colorado health service corps pursuant to part 5 of article 1.5 of title 25, C.R.S., from practical and professional nurses licensed pursuant to article 38 of this title, C.R.S., and from pharmacists who are licensed pursuant to article 22 of this title, C.R.S., collectively referred to in this section as "health care professionals". Each health care professional shall submit the data as part of the initial licensure process and upon the renewal of his or her the health care professional's license. No NEITHER AN executive
department or NOR A board IN AN EXECUTIVE DEPARTMENT is responsible for verifying the
data or disciplining a health care professional for noncompliance with this section.

(2) The director of the division of professions and occupations shall request each
health care professional to provide data recommended by the director of the primary care
office IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, in consultation with the
advisory group formed pursuant to subsection (3) of this section. The director of the division
of professions and occupations has final approval authority regarding the form and manner
of the data collected. The data collected concerns:

(a) Each practice address of the health care professional;
(b) The number of hours the health care professional provides direct patient care at
each practice location;
(c) Any specialties of the health care professional, if applicable;
(d) Information about each practice setting type;
(e) The health care professional’s education and training related to his or her THE
HEALTH CARE PROFESSIONAL'S profession; and
(f) The year of birth of the health care professional.

(3) (a) (I) The director of the primary care office created in section 25-1.5-403 C.R.S.
shall designate an advisory group composed COMPRISED of:

(A) A representative of the department of regulatory agencies as determined by the
executive director;
(B) The director of the division of professions and occupations in the department of
regulatory agencies, or his or her THE DIRECTOR'S designee;
(C) Representatives of the affected health care professions; and
(D) Individuals with expertise in health care work force research, analysis, and
planning.

(II) THE ADVISORY GROUPS IS to be convened by a nonprofit statewide membership
organization that provides programs and services to enhance rural health care in Colorado.

(III) The members of the advisory group shall serve without compensation or
reimbursement for actual or necessary expenses incurred in the performance of their duties.

(IV) The advisory group shall recommend the structure of the data elements in
subsection (2) of this section. The advisory group shall consider, but is not limited to using,
the division of professions and occupations' existing data fields as a possible structure for
the data elements recommended in this section. The director of the division of professions
and occupations has final approval authority regarding the structure of the data elements.

(b) The director of the division of professions and occupations shall ensure that the
data provided by health care professionals is available to the primary care office in electronic
format for analysis. A member of the public may request, in writing, unanalyzed data from
the primary care office. Data available to the public must be limited to unique records that
do not include names or other identifying information.

(c) The advisory group is repealed, effective September 1, 2022. Before the repeal, the department of regulatory agencies shall review the advisory group pursuant to SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 2-3-1203. C.R.S.

(4) (a) The director of the division of professions and occupations is authorized to seek and accept gifts, grants, or donations from private or public sources for the purposes of this section; except that the director may not accept a gift, grant, or donation that is subject to conditions that are inconsistent with this section or any other law of the state. The director shall transmit all private and public moneys received through gifts, grants, or donations to the state treasurer, who shall credit the same to the division of professions and occupations cash fund created in section 24-34-105. The moneys in the fund are subject to annual appropriation by the general assembly to the director for the direct and indirect costs associated with implementing this section.

(b) Repealed.

12-30-106. [Formerly 12-1.5-201] Mammography report - dense breast tissue - required notice. (1) Each person who is required by 42 U.S.C. sec. 263b to provide a patient, the patient's physician, or a medical institution with a mammography report and who has determined that the patient has dense breast tissue, as determined by the interpreting physician based on breast imaging reporting and data system standards promulgated by the American College of Radiology, shall include the following notice with the mammography report:

Your mammogram shows that your breast tissue is dense. Dense breast tissue is common and is not abnormal. However, dense breast tissue can make it harder to evaluate the results of your mammogram and may also be associated with an increased risk of breast cancer. This information about the results of your mammogram is given to you to raise your awareness and to inform your conversations with your doctor. Together, you can decide which screening options are right for you. A report of your results was sent to your physician.

(2) Notwithstanding any other law, this section does not create a cause of action or create a standard of care, obligation, or duty that provides a basis for a cause of action.

12-30-107. [Formerly 12-43-221.5] Confidential agreement to limit practice - violation grounds for discipline. (1) (a) If a licensee, registrant, or certificate holder has a physical illness; a physical condition; or a behavioral or mental health disorder that renders the person unable to practice his or her mental THE APPLICABLE health CARE profession OR OCCUPATION with reasonable skill and with safety to PATIENTS OR clients, the licensee,
registrant, or certificate holder shall notify the board REGULATOR that regulates his or her THE PERSON'S profession OR OCCUPATION of the physical illness; the physical condition; or the behavioral or mental health disorder in a manner and within a period determined by his or her oversight board THE REGULATOR.

(b) The applicable board REGULATOR may require the licensee, registrant, or certificate holder to submit to an examination or refer the licensee, registrant, or certificate holder to a peer health assistance program, if such program ONE exists, to evaluate the extent of the physical illness; the physical condition; or the behavioral or mental health disorder and its impact on the licensee's, registrant's, or certificate holder's ability to practice with reasonable skill and with safety to PATIENTS OR clients.

(2) (a) Upon determining that a licensee, registrant, or certificate holder with a physical illness; a physical condition; or a behavioral or mental health disorder is able to render limited services with reasonable skill and with safety to PATIENTS OR clients, the applicable board REGULATOR may enter into a confidential agreement with the licensee, registrant, or certificate holder in which the licensee, registrant, or certificate holder agrees to limit his or her THE PERSON'S practice based on the restrictions imposed by the physical illness; the physical condition; or the behavioral or mental health disorder, as determined by the applicable board REGULATOR.

(b) As part of the agreement, the licensee, registrant, or certificate holder is subject to periodic reevaluations or monitoring as determined appropriate by the applicable board REGULATOR. The board REGULATOR may refer the licensee, registrant, or certificate holder to a peer assistance health program, if one exists, for reevaluation or monitoring.

(c) The parties may modify or dissolve the agreement as necessary based on the results of a reevaluation or of monitoring.

(3) By entering into an agreement with the applicable board REGULATOR pursuant to this section, to limit his or her practice, the licensee, registrant, or certificate holder is not engaging in activities prohibited pursuant to section 12-43-222 THAT CONSTITUTE GROUNDS FOR DISCIPLINE. The agreement does not constitute a restriction or discipline by the applicable board REGULATOR. However, if the licensee, registrant, or certificate holder fails to comply with the terms of an agreement entered into pursuant to this section, the failure constitutes a prohibited activity pursuant to section 12-43-222 (1)(f) GROUNDS FOR DISCIPLINE, and the licensee, registrant, or certificate holder is subject to discipline in accordance with section 12-43-223 12-20-405.

(4) (a) This section does not apply to:

(I) THE FOLLOWING HEALTH CARE PROFESSIONALS:

(A) CHIROPRACTORS REGULATED PURSUANT TO ARTICLE 215 OF THIS TITLE 12;

(B) HEARING AID PROVIDERS REGULATED PURSUANT TO ARTICLE 230 OF THIS TITLE 12;
(B) NURSES REGULATED PURSUANT TO ARTICLE 255 OF THIS TITLE 12;
(C) NURSE AIDES REGULATED PURSUANT TO ARTICLE 260 OF THIS TITLE 12;
(D) NURSING HOME ADMINISTRATORS REGULATED PURSUANT TO ARTICLE 265 OF
THIS TITLE 12;
(E) PODIATRISTS REGULATED PURSUANT TO ARTICLE 290 OF THIS TITLE 12;
(F) PSYCHIATRIC TECHNICIANS REGULATED PURSUANT TO ARTICLE 295 OF THIS TITLE
12; OR
(G) SURGICAL ASSISTANTS AND SURGICAL TECHNOLOGISTS REGULATED PURSUANT
TO ARTICLE 310 OF THIS TITLE 12; OR
(II) A licensee, registrant, or certificate holder subject to discipline for prohibited
activities as described in section 12-43-222 (1) (e) HABITUAL OR EXCESSIVE USE OR ABUSE
OF ALCOHOL BEVERAGES, A HABIT-FORMING DRUG, OR A CONTROLLED SUBSTANCE AS
DEFINED IN SECTION 18-18-102 (5).
(b) Subsection (1) (a) of this section regarding notification for
CONFIDENTIAL AGREEMENTS DOES NOT APPLY TO:
(I) ARTICLE 275 OF THIS TITLE 12 CONCERNING OPTOMETRISTS;
(II) ARTICLE 315 OF THIS TITLE 12 CONCERNING VETERINARIANS.

12-30-108. [Formerly 12-38-116.5 (8)] Mental and physical examinations.
{The mental and physical examinations section is still under consideration and will be
inserted once finalized.}

PART 2
PROFESSIONAL REVIEW OF HEALTH CARE PROVIDERS

12-30-201. [Formerly 12-36.5-101] Legislative declaration. (1) The general
assembly hereby finds, determines, and declares that the Colorado medical board created in
article 36.40 of this title 12 and the state board of nursing created in article 38.255 of this
title 12 act for the state in their sovereign capacity to govern licensure, discipline, and
professional review of persons licensed to practice medicine, PERSONS licensed as physician
assistants, and licensed to practice nursing and granted authority as advanced practice
nurses, respectively, in this state. The general assembly further finds, determines, and
declares that:
(a) The authority to provide health care in this state is a privilege granted by the
legislative authority of the state; and
(b) It is necessary for the health, safety, and welfare of the people of this state that
the appropriate regulatory boards exercise their authority to protect the people of this state
from unauthorized practice and unprofessional conduct by persons licensed to provide health
care under articles 36 240 and 38 255 of this title 12.

(2) The general assembly recognizes that:

(a) Many patients of persons licensed to provide health care in this state have
restricted choices of health care providers under a variety of circumstances and conditions;
(b) Many patients lack the knowledge, experience, or education to properly evaluate
the quality of medical or nursing practice or the professional conduct of those PERSONS
licensed to practice medicine, PERSONS licensed to act as physician assistants, and licensed
to practice nursing and granted authority as advanced practice nurses; and
(c) It is necessary and proper that the respective regulatory boards exercise their
regulatory authority to protect the health, safety, and welfare of the people of this state.

(3) The general assembly recognizes that, in the proper exercise of their authority and
responsibilities under this article PART 2, the Colorado medical board and the state board of
nursing must, to some extent, replace competition with regulation, and that the replacement
of competition by regulation, particularly with regard to persons licensed under article 36
240 of this title 12 or licensed under article 38 of this title and granted authority as TO
advanced practice nurses, is related to a legitimate state interest in the protection of the
health, safety, and welfare of the people of this state.

12-30-202. [Formerly 12-36.5-102] Definitions. As used in this article PART 2,
unless the context otherwise requires:

(1) "ADVANCED PRACTICE NURSE" HAS THE SAME MEANING AS SET FORTH IN SECTION
{12-38-103 (1.5)} 12-255-104 (1).
(2) "Authorized entity" means a corporation, organization, or entity that is
authorized to establish a professional review committee under section 12-36.5-104 (4) or (5)
12-30-204 (5) or (6) or under rules of the medical board or nursing board adopted pursuant
to section 12-36.5-104 (5) 12-30-204 (6).
(3) "CMS" means the federal centers for medicare and medicaid services.
(4) "Division" means the division of professions and occupations in the department
of regulatory agencies.
(5) "Governing board" means a board, board of trustees, governing board, or
other body, or duly authorized subcommittee thereof, of an authorized entity, which board
or body has final authority pursuant to the entity's written bylaws, policies, or procedures to
take final action regarding the recommendations of a professional review committee.
(6) "Joint commission" means the joint commission or its successor entity.
(7) "Medical board" means the Colorado medical board created in section
12-36-103 (1) 12-240-1__ (1).
(8) "Professional review committee" means any committee authorized under this
article PART 2 to review and evaluate the competence, professional conduct of, or the quality
and appropriateness of patient care provided by, any person licensed under article 36 of this title or licensed under article 38 of this title and granted authority as an advanced practice nurse. "Professional review committee" includes a governing board, a hearing panel appointed by a governing board to conduct a hearing under section 12-36.5-104 (7)(a) 12-30-204 (8)(a), and an independent third party designated by a governing board under section 12-36.5-104 (8)(b) 12-30-204 (9)(b).

(7) (8) (a) "Records" means any and all written, electronic, or oral communications by any person arising from any activities of a professional review committee, including a governing board, established by an authorized entity under this article PART 2 or by the agent or staff thereof, including any:

(I) Letters of reference;

(II) Complaint, response, or correspondence related to the complaint or response;

(III) Interviews or statements, reports, memoranda, assessments, and progress reports developed to assist in professional review activities;

(IV) Assessments and progress reports to assist in professional review activities, including reports and assessments developed by independent consultants in connection with professional review activities; and

(V) Recordings or transcripts of proceedings, minutes, formal recommendations, decisions, exhibits, and other similar items or documents related to professional review activities or the committee on anticompetitive conduct and typically constituting the records of administrative proceedings.

(b) "Records" does not include any written, electronic, or oral communications by any person that are otherwise available from a source outside the scope of professional review activities, including medical records and other health information.

(8) (9) "State board of nursing" or "nursing board" means the state board of nursing created in section 12-38-104 12-255-1__.

12-30-203. [Formerly 12-36.5-103] Use of professional review committees.

(1) (a) The general assembly recognizes that:

(I) The medical board and the nursing board, while assuming and retaining ultimate authority for licensure and discipline in accordance with articles 36 240 and 38 255 of this title 12, respectively, and in accordance with this article PART 2, cannot practically and economically assume responsibility over every single allegation or instance of purported deviation from the standards of quality for the practice of medicine or nursing, from the standards of professional conduct, or from the standards of appropriate care; and

(II) An attempt to exercise such oversight would result in extraordinary delays in the determination of the legitimacy of the allegations and would result in the inappropriate and unequal exercise of their authority to license and discipline persons licensed under article
of this title 12 or licensed under article 38 of this title and granted authority as advanced practice nurses.

(b) It is therefore the intent of the general assembly that the medical board and the nursing board utilize and allow professional review committees and governing boards to assist them in meeting their responsibilities under articles 36 240 and 38 255 of this title 12, respectively, and under this article PART 2.

(2) All persons licensed under article 36 240 of this title or licensed under article 38 of this title and granted authority as 12 AND advanced practice nurses are encouraged to serve upon professional review committees when called to do so and to study and review in an objectively reasonable manner the professional conduct of persons licensed under article 36 240 of this title 12 or licensed under article 38 of this title and granted authority as advanced practice nurses, including the competence, professional conduct of, or the quality and appropriateness of patient care provided by, those persons.

(3) (a) The use of professional review committees is an extension of the authority of the medical board and nursing board. However, except as otherwise provided in this article PART 2, nothing in this article PART 2 limits the authority of professional review committees properly constituted under this article PART 2.

(b) Professional review committees, the members who constitute the committees, governing boards, authorized entities, and persons who participate directly or indirectly in professional review activities are granted certain immunities from liability arising from actions that are within the scope of their activities as provided in section 12-36.5-105 12-30-207. These grants of immunity from liability are necessary to ensure that professional review committees and governing boards can exercise their professional knowledge and judgment.

12-30-204. [Formerly 12-36.5-104] Establishment of professional review committees - function - rules. (1) A professional review committee may be established pursuant to this section to review and evaluate the competence of, the quality and appropriateness of patient care provided by, or the professional conduct of, any person licensed under article 36 240 of this title 12 or licensed under article 38 of this title and granted authority as an ANY advanced practice nurse.

(2) Licensed physicians who are actively engaged in the practice of medicine in this state must constitute a majority of the voting members of any professional review committee established pursuant to this section for physicians and physician assistants; except that physicians need not constitute the majority of the voting members of a governing board authorized by paragraph (g) of subsection (4) SUBSECTION (5)(i) of this section or an independent third party designated by a governing board under paragraph (b) of subsection (8) SUBSECTION (9)(b) of this section.
(2.5) (3) A professional review committee that is reviewing the competence of, the quality and appropriateness of patient care provided by, or the professional conduct of, a person licensed under article 38 of this title and granted authority as an advanced practice nurse must either:

(a) Have, as a voting member, at least one person licensed under article 38 of this title and granted authority as an advanced practice nurse with a scope of practice similar to that of the person who is the subject of the review; or

(b) Engage, to perform an independent review as appropriate, an independent person licensed under article 38 of this title and granted authority as WHO IS an advanced practice nurse with a scope of practice similar to that of the person who is the subject of the review. The person conducting the independent review must be a person who was not previously involved in the review.

(3) (4) A utilization and quality control peer review organization, as defined pursuant to 42 U.S.C. sec. 1320c-1, or any other organization performing similar review services under federal or state law is an approved professional review committee under this article PART 2.

(4) (5) A professional review committee established by any of the following authorized entities is an approved professional review committee under this article PART 2 if it operates in compliance with written bylaws, policies, or procedures that are in compliance with this article PART 2 and that have been approved by the authorized entity's governing board and if it is registered with the division in accordance with section 12-36.5-104.6 12-30-206:

(a) The medical staff of a hospital licensed pursuant to part 1 of article 3 of title 25 C.R.S.; or certified pursuant to section 25-1.5-103 (1)(a)(II); C.R.S.;

(b) The medical staff of a hospital-related corporation. For the purposes of this paragraph (b) SUBSECTION (5)(b), an entity is a "hospital-related corporation" if the licensed or certified hospital or holding company of the licensed or certified hospital has ownership or control of the entity.

(c) A society or association of physicians whose membership includes not less than one-third of the doctors of medicine or doctors of osteopathy licensed to practice and residing in this state, if the physician whose services are the subject of the review is a member of the society or association;

(c.5) (d) A society or association of advanced practice nurses licensed and registered pursuant to article 38 of this title and residing WHO RESIDE in this state, if the advanced practice nurse whose services are the subject of the review is a member of the society or association;

(d) (e) A society or association of physicians licensed to practice and residing in this state and specializing in a specific discipline of medicine, whose society or association has
been designated by the medical board as a specialty society or association representative of
physicians practicing the specific discipline of medicine, if the physician whose services are
the subject of the review is a member of the specialty society or association;

(d) (f) A society or association of advanced practice nurses licensed and registered
pursuant to article 38 of this title and practicing WHO PRACTICE in a specified nursing role
and population focus, as defined by the nursing board, which society or association has been
designated by the nursing board as the specific nursing society or association representative
of those advanced practice nurses practicing in that nursing role and population focus, if the
advanced practice nurse whose services are the subject of the review is a member of the
designated nursing society or association;

(e) (g) An individual practice association or a preferred provider organization
consisting of persons licensed under article 36 240 of this title 12 or licensed under article
38 of this title and granted authority as OF advanced practice nurses, or a medical group that
predominantly serves members of a health maintenance organization licensed pursuant to
parts 1 and 4 of article 16 of title 10. C.R.S. A professional review committee established
pursuant to this paragraph (e) SUBSECTION (5)(g) has jurisdiction to review only persons
licensed under article 36 240 of this title 12 or licensed under article 38 of this title and
granted authority as advanced practice nurses who IF THE PERSONS LICENSED UNDER SAID
ARTICLE OR THE ADVANCED PRACTICE NURSES are members of the association or
organization creating and authorizing that committee; except that the professional review
committee may review the care provided to a particular patient referred by a member of the
association or organization to another person WHO IS NOT A MEMBER OF THE ASSOCIATION
OR ORGANIZATION AND IS licensed under article 36 240 of this title 12 or licensed under
article 38 of this title and granted authority as IS an advanced practice nurse, who is not a
member of the association or organization.

(f) (h) A corporation authorized PURSUANT TO ARTICLE 3 OF TITLE 10 to insure
persons licensed under article 36 240 of this title 12 or licensed under article 38 of this title
and granted authority as advanced practice nurses pursuant to article 3 of title 10, C.R.S.,
or any other organization authorized to insure such persons in this state when designated by
the medical board or nursing board under subsection (5) (6) of this section;

(g) (i) The governing board of any authorized entity that has a professional review
committee established pursuant to article 36 240 or article 38 255 of this title 12;

(h) (j) Any professional review committee established or created by a combination
or pooling of any authorized entities;

(i) (k) (I) A nonprofit corporation or association consisting of representatives from
a statewide professional society and a statewide hospital association. The association must
consist of persons licensed under article 36 240 of this title 12 or licensed under article 38
of this title and granted authority as advanced practice nurses, hospital administrators, and
hospital trustees, with a majority of the representatives being persons licensed under article 36 240 of this title 12 when the subject of the investigation is a person licensed under article 36 240 of this title 12, and at least one of the representatives being a person licensed under article 38 of this title and granted authority as an advanced practice nurse when the subject of the investigation is a person licensed under article 38 of this title and granted authority as an advanced practice nurse. The association may establish, or contract for, one or more professional review committees to review the care by hospital staff personnel who are licensed under article 36 240 of this title 12 or licensed under article 38 of this title and granted authority as advanced practice nurses, with priority given to small rural hospital staffs. These professional review services must be available statewide on a fee-for-service basis to licensed or certified hospitals at the joint request of the governing board and the medical or nursing staff of the hospital or at the sole request of the governing board of the hospital. If a member being reviewed specializes in a generally recognized specialty of medicine or nursing, at least one of the health care providers on the professional review committee must be a person who is licensed under article 36 240 of this title 12 or licensed under article 38 of this title and granted authority as an advanced practice nurse and who practices such specialty.

(II) For purposes of the introductory portion to this subsection (4)(5) and this paragraph (i) SUBSECTION (5)(k), the bylaws, policies, or procedures must be in compliance with this article PART 2 and approved by the nonprofit corporation or association.

(j) (l) The medical or nursing staff of an ambulatory surgical center licensed pursuant to part 1 of article 3 of title 25; C.R.S.;

(k) (m) A professional services entity organized pursuant to section 12-36-134 12-240-1___;

(1) (n) A provider network that is ORGANIZED PURSUANT TO PART 3 OF ARTICLE 18 OF TITLE 6 AND includes persons licensed under article 36 240 of this title 12 or licensed under article 38 of this title and granted authority as advanced practice nurses; and is organized pursuant to part 3 of article 18 of title 6, C.R.S.;

(m) (o) A health system that includes two or more authorized entities with a common governing board;

(n) (p) A trust organization established under article 70 of title 11; C.R.S.;

(o) (q) An entity licensed pursuant to parts 1 and 4 of article 16 of title 10; C.R.S.;

(p) (r) An accountable care organization established under the federal "Patient Protection and Affordable Care Act", Pub.L. 111-148, AS AMENDED, or other organization with a similar function;

(q) (s) A hospital licensed pursuant to part 1 of article 3 of title 25 C.R.S.; or certified pursuant to section 25-1.5-103 (1)(a)(II); C.R.S.; and

(r) (t) An ambulatory surgical center licensed pursuant to part 1 of article 3 of title
25. C.R.S.

(5) (6) The medical board and the nursing board, with respect to the licensees subject to their jurisdiction, may establish by rule procedures necessary to authorize other health care or physician organizations or professional societies as authorized entities that may establish professional review committees.

(6) (7) (a) A professional review committee acting pursuant to this part ± 2 may investigate or cause to be investigated:

(I) The qualifications and competence of any person licensed under article 36 of this title or licensed under article 38 of this title and granted authority as an advanced practice nurse who seeks to subject himself or herself to the authority of any authorized entity; or

(II) The quality or appropriateness of patient care rendered by, or the professional conduct of, any person licensed under article 36 of this title or licensed under article 38 of this title and granted authority as an advanced practice nurse who is subject to the authority of the authorized entity.

(b) The professional review committee shall conduct the investigation in conformity with written bylaws, policies, or procedures adopted by the authorized entity's governing board.

(7) (8) The written bylaws, policies, or procedures of any professional review committee for persons licensed under article 36 of this title or licensed under article 38 of this title and granted authority as advanced practice nurses must provide for at least the following:

(a) (I) Except as provided in subparagraph (II) of this paragraph, if the findings of any investigation indicate that a person licensed under article 36 of this title or licensed under article 38 of this title and granted authority as an advanced practice nurse who is the subject of the investigation is lacking in qualifications or competency, has provided substandard or inappropriate patient care, or has exhibited inappropriate professional conduct and the professional review committee takes or recommends an action to adversely affect the person's membership, affiliation, or privileges with the authorized entity, the professional review committee shall hold a hearing to consider the findings and recommendations unless the person waives, in writing, the right to a hearing or is given notice of a hearing and fails to appear.

(II) If the professional review committee is submitting its findings and recommendations to another professional review committee for review, only one hearing is necessary prior to any appeal before the governing board.

(b) A person who has participated in the course of an investigation is disqualified as a member of the professional review committee that conducts a hearing pursuant to paragraph (a) of this subsection, but the person may
participate as a witness in the hearing.

(c) The authorized entity shall give to the subject of any investigation under this subsection (7) (8) reasonable notice of the hearing and of any finding or recommendation that would adversely affect the person's membership, affiliation, or privileges with the authorized entity, and the subject of the investigation has a right to be present, to be represented by legal counsel at the hearing, and to offer evidence in his or her own behalf.

(d) After the hearing, the professional review committee that conducted the hearing shall make any recommendations it deems necessary to the governing board, unless otherwise provided by federal law or regulation.

(e) The professional review committee shall give a copy of the recommendations to the subject of the investigation, who then has the right to appeal to the governing board to which the recommendations are made with regard to any finding or recommendation that would adversely affect his or her membership, affiliation, or privileges with the authorized entity.

(f) The professional review committee shall forward a copy of any recommendations made pursuant to paragraph (d) of this subsection (7) SUBSECTION (8)(d) OF THIS SECTION promptly to the medical board if the subject of the investigation is licensed under article 36 240 of this title 12, or to the nursing board if the subject of the investigation is licensed under article 38 of this title and granted authority as an advanced practice nurse.

(8) (9) (a) All governing boards shall adopt written bylaws, policies, or procedures under which a person WHO IS licensed under article 36 240 of this title 12 or licensed under article 38 of this title and granted authority as an advanced practice nurse AND who is the subject of an adverse recommendation by a professional review committee may appeal to the governing board following a hearing in accordance with subsection (7) (8) of this section. The bylaws, policies, or procedures must provide that the person be given reasonable notice of his or her right to appeal and, unless waived by the person, has the right to appear before the governing board, to be represented by legal counsel, and to offer the argument on the record as he or she deems appropriate.

(b) The bylaws may provide that a committee of not fewer than three members of the governing board may hear the appeal. Also, the bylaws may allow for an appeal to be heard by an independent third party designated by a governing board under this paragraph (b) SUBSECTION (9)(b).

(9) (10) All governing boards that are required to report their final actions to the medical board or the nursing board, as appropriate, are not otherwise relieved of their obligations by virtue of this article PART 2.

(10) (11) (a) Except as specified in paragraph (b) of this subsection (10) SUBSECTION (11)(b) OF THIS SECTION, the records of an authorized entity, its professional review
committee, and its governing board are not subject to subpoena or discovery and are not admissible in any civil suit.

(b) Subject to subsection (13)(14) of this section, the records are subject to subpoena and available for use:

(I) Repealed.

(II) (I) By either party in an appeal or de novo proceeding brought pursuant to this part 2;

(III) (II) By a person licensed under article 36 240 of this title 12 or licensed under article 38 of this title and granted authority as an advanced practice nurse in a suit seeking judicial review of an action by the governing board;

(IV) (III) By the Colorado department of public health and environment in accordance with its authority to issue or continue a health facility license or certification for an authorized entity;

(V) (IV) By CMS in accordance with its authority over federal health care program participation by an authorized entity;

(VI) (V) By an authorized entity or governing board seeking judicial review;

(VII) (VI) By the medical board within the scope of its authority over licensed physicians and physician assistants; and

(VIII) (VII) By the nursing board within the scope of its authority over advanced practice nurses.

(12) (a) Except as provided in paragraph (b) of this subsection (12)(b) OF THIS SECTION, the records of an authorized entity or its professional review committee may be disclosed to:

(I) The medical board, as requested by the medical board acting within the scope of its authority or as required or appropriate under this article PART 2 or article 36 240 of this title 12;

(II) The nursing board, as requested by the nursing board acting within the scope of its authority or as required or appropriate under this article PART 2 or article 38 255 of this title 12;

(III) The Colorado department of public health and environment acting within the scope of its health facility licensing authority or as the agent of CMS;

(IV) CMS, in connection with the survey and certification processes for federal health care program participation by an authorized entity; and

(V) The joint commission or other entity granted deeming authority by CMS, in connection with a survey or review for accreditation.

(b) The medical board, nursing board, and Colorado department of public health and environment shall not make further disclosures of any records disclosed by an authorized entity or its professional review committee under this section.
(12) (13) The records of an authorized entity or its professional review committee or governing board may be shared by and among authorized entities and their professional review committees and governing boards concerning the competence, professional conduct of, or the quality and appropriateness of patient care provided by, a health care provider who seeks to subject himself or herself to, or is currently subject to, the authority of the authorized entity.

(13) (14) Responding to a subpoena or disclosing or sharing of otherwise privileged records and information pursuant to subsection (10), (11), or (12) of this section does not constitute a waiver of the privilege specified in paragraph (a) of subsection (11)(a) of this section or a violation of the confidentiality requirements of subsection (15) of this section. Records provided to any governmental agency, including the department of public health and environment, the committee on anticompetitive conduct, the medical board, and the nursing board pursuant to subsection (10) or (11) of this section are not public records subject to the "Colorado Open Records Act", part 2 of article 72 of title 24. C.R.S. A person providing the records to an authorized entity or its professional review committee or governing board, the department of public health and environment, the committee on anticompetitive conduct, the medical board, the nursing board, CMS, the joint commission, or other governmental agency is entitled to the same immunity from liability as provided under section 12-36.5-105 for the disclosure of the records.

(14) (15) Investigations, examinations, hearings, meetings, and other proceedings of a professional review committee or governing board conducted pursuant to this part are exempt from any law requiring that proceedings be conducted publicly or that the records, including any minutes, be open to public inspection.

(15) (16) Except as otherwise provided in subsection (10), (11), or (12) of this section, all proceedings, recommendations, records, and reports involving professional review committees or governing boards are confidential.

(16) (17) A professional review committee or governing board that is constituted and conducts its reviews and activities in accordance with this part is not an unlawful conspiracy in violation of section 6-4-104 or 6-4-105. C.R.S.

12-30-205. [Formerly 12-36.5-104.4] Hospital professional review committees.

(1) The quality and appropriateness of patient care rendered by persons licensed under article 36 of this title, licensed under article 38 of this title and granted authority as advanced practice nurses, and other licensed health care professionals so influence the total quality of patient care that a review of care provided in a hospital is ineffective without concomitantly reviewing the overall competence, professional conduct of, or the quality and appropriateness of care rendered by, such persons.
(2) (a) (I) Whenever a professional review committee created pursuant to section 12-36.5-104 reasonably believes that the quality or appropriateness of care provided by other licensed health care professionals may have adversely affected the outcome of patient care, the professional review committee shall:

(A) Refer the matter to a hospital QUALITY MANAGEMENT PROGRAM created pursuant to section 25-3-109; C.R.S.; or

(B) Consult with a representative of the other licensed health care professional's profession.

(II) A professional review committee established pursuant to this article PART 2 may meet and act in collaboration with a committee established pursuant to section 25-3-109. C.R.S.

(b) All matters considered in collaboration with or referred to a committee pursuant to this subsection (2) and all records and proceedings related thereto shall remain confidential, and the committee members, governing board, witnesses, and complainants shall be subject to the immunities and privileges as set forth in this article PART 2.

(3) Nothing in this section shall be deemed to extend the authority or jurisdiction of the medical board to any individual not otherwise subject to the jurisdiction of the board.

12-30-206. [Formerly 12-36.5-104.6] Governing boards to register with division - annual reports - aggregation and publication of data - definition - rules. (1) As used in this section, "adversely affecting" has the same meaning as set forth in 45 CFR 60.3; except that it does not include a precautionary suspension or any professional review action affecting, FOR A PERIOD OF THIRTY OR FEWER DAYS, a person licensed under article 240 of this title or licensed under article 38 of this title and granted authority as an advanced practice nurse, for a period of thirty days or less.

(2) Each governing board that establishes or uses one or more professional review committees to review the practice of persons licensed under article 240 of this title or licensed under article 38 of this title and granted authority as advanced practice nurses shall:

(a) Register with the division in a form satisfactory to the division on or before July 1, 2013, if the governing board has one or more existing professional review committees, or, if the governing board first establishes a professional review committee on or after July 1, 2013, within thirty days after approving the written bylaws, policies, or procedures for the professional review committee;

(b) In addition to any other state or federal reporting requirements:

(I) Report annually to the medical board, in a form satisfactory to the medical board, the number of final professional review actions in each of the following categories relating to individuals licensed under article 240 of this title:
(A) Adversely affecting the individual;
(B) In which an authorized entity accepted the individual's surrender of clinical privileges, membership, or affiliation while the individual was under investigation;
(C) In which an authorized entity accepted the individual's surrender of clinical privileges, membership, or affiliation in return for not conducting an investigation; and
(D) In which the professional review committee made recommendations regarding the individual following a hearing pursuant to section 12-36.5-104(7)(d).

(II) Report annually to the nursing board, in a form satisfactory to the nursing board, the number of final professional review actions in each of the following categories relating to individuals licensed under article 38 of this title and granted authority as advanced practice nurses:
(A) Adversely affecting the individual;
(B) In which an authorized entity accepted the individual's surrender of clinical privileges, membership, or affiliation while the individual was under investigation;
(C) In which an authorized entity accepted the individual's surrender of clinical privileges, membership, or affiliation in return for not conducting an investigation; and
(D) In which the professional review committee made recommendations regarding the individual following a hearing pursuant to section 12-36.5-104(7)(d).

(c) (I) Report to the division, in a de-identified manner, on its professional review activities during the immediately preceding calendar year in a form satisfactory to the division. These reports must include aggregate data, which is limited to the following:
(A) The number of investigations completed during the year;
(B) The number of investigations that resulted in no action;
(C) The number of investigations that resulted in written involuntary requirements for improvement sent to the subject of the investigation by the authorized entity; and
(D) The number of investigations that resulted in written agreements for improvement between the subject of the investigation and the authorized entity.

(II) (A) The medical board and the nursing board shall forward the reports received pursuant to sub-subparagraphs (I) and (II) subsections (2)(b)(I) and (2)(b)(II) of this section, respectively, of paragraph (b) of this subsection (2) to the division in a de-identified manner.

(B) The division shall not publish any information identifying the governing board or authorized entity making a report under paragraph (b) of this subsection (2) or this paragraph (c) subsection (2)(b) of this section or this subsection (2)(c), and such the reports and information are not public records under the "Colorado Open Records Act", part 2 of article 72 of title 24, C.R.S.

(III) Reports submitted pursuant to this paragraph (c) subsection (2)(c) must include only investigations in which no final action adversely affecting the subject of the
investigation was taken or recommended.

(3) (a) The division shall publish the data provided pursuant to paragraphs (b) and (c) of subsection (2) of this section in aggregate form and without individually identifiable information concerning the governing board, the authorized entity, or any person who was subject to review and is licensed under article 36 or article 38 of this title who was subject to review.

(b) The division shall maintain and shall publish online, through its website, a current list of all governing boards that are registered in accordance with this section and that otherwise are in compliance with this article part 2.

(4) The division shall adopt rules to implement this section and may collect a reasonable registration fee to recover its direct and indirect costs of administering the registration and publication systems required by this section.

(5) For purposes of this section, an investigation occurs when the authorized entity or its professional review committee notifies the subject of the investigation in writing that an investigation has commenced.

(6) The medical board and the nursing board shall not initiate an investigation or issue a subpoena based solely on the data reported pursuant to paragraph (c) of subsection (2) of this section.

(7) (a) A governing board that fails to register with the division pursuant to paragraph (a) of subsection (2) of this section is not entitled to any immunity afforded under this article part 2 until the date that the governing board so registers. A governing board's failure to register does not affect any immunity, confidentiality, or privilege afforded to an individual participating in professional review activities.

(b) A governing board's failure to report as required by this section does not affect any immunity, confidentiality, or privilege afforded to the governing board under this article part 2.

12-30-207. [Formerly 12-36.5-105] Immunity from liability. (1) A member of a professional review committee, a governing board or any committee or third party designated by the governing board under section 12-36.5-104 (8)(b) and any person serving on the staff of that committee, board, panel, or third party, a witness or consultant before a professional review committee, and any person who files a complaint or otherwise participates in the professional review process, is immune from suit and liability for damages in any civil or criminal action, including antitrust actions, brought by a person licensed under article 36 of this title or an advanced practice nurse who is the subject of the review by such professional review committee unless, in connection with the professional review process, the person
provided false information and knew that the information was false.

(2) The governing board and the authorized entity that has established a professional review committee pursuant to section 12-36.5-104 is immune from suit and liability for damages in any civil or criminal action, including antitrust actions, brought by a person licensed under article 36 of this title or licensed under article 38 of this title.

AN ADVANCED PRACTICE NURSE who is the subject of the review by such professional review committee if the professional review action was taken within the scope of the professional review process and was taken:

(a) In the objectively reasonable belief that the action was in the furtherance of quality health care;
(b) After an objectively reasonable effort to obtain the facts of the matter;
(c) In the objectively reasonable belief that the action taken was warranted by the facts; and
(d) In accordance with procedures that, under the circumstances, were fair to the person licensed under article 36 or licensed under article 38 of this title and granted authority as an advanced practice nurse.

12-30-208. Conformance with federal law and regulation - legislative declaration - rules - limitations on liability - definition. (1) [Formerly 12-36.5-201] The general assembly hereby finds, determines, and declares that the enactment of this part 2 is necessary in order for the state to comply with the provisions of the federal "Health Care Quality Improvement Act of 1986", as amended, 42 U.S.C. secs. 11101 to 11152. It is the intent of the general assembly that the provisions of this part 2 are to be interpreted as being complementary to the other provisions of part 1 of this article. The provisions of this part 2 are intended to be responsive to specific requirements of the federal "Health Care Quality Improvement Act of 1986", as amended. If the provisions of this part 2 conflict with the other provisions of part 1 of this article, other than with respect to the specific requirements of the federal "Health Care Quality Improvement Act of 1986", as amended, the other provisions of part 1 of this article shall prevail.

(2) [Formerly 12-36.5-202] The medical board and nursing board may promulgate rules to comply with the reporting requirements of the federal "Health Care Quality Improvement Act of 1986", as amended, 42 U.S.C. secs. 11101 through 11152, and may participate in the federal data bank.

(3) [Formerly 12-36.5-203] (a) The following persons are immune from suit and not liable for damages in any civil action with respect to their participation in, assistance to, or reporting of information to a professional review committee in connection with a professional review action in this state, and such persons are not liable for damages in a civil
action with respect to their participation in, assistance to, or reporting of information to a
professional review committee that meets the standards of and is in conformity with the
through 11152:

(a) (I) An authorized entity, professional review committee, or governing board;
(b) (II) Any person acting as a member of or staff to the authorized entity,
professional review committee, or governing board;
(c) (III) A witness, consultant, or other person who provided information to the
authorized entity, professional review committee, or governing board; and
(d) (IV) Any person who participates with or assists the professional review
committee or governing board with respect to the professional review activities.

(2) (a) (I) Notwithstanding subsection (1) (a) of this section, nothing in this
article SECTION relieves an authorized entity that is a health care facility licensed or certified
pursuant to part 1 of article 3 of title 25 C.R.S., or certified pursuant to section 25-1.5-103
C.R.S., (I)(a)(II) of liability to an injured person or wrongful death claimant for the facility's
independent negligence in the credentialing or privileging process for a person licensed
under article 36 240 of this title 12 or licensed under article 38 of this title and granted
authority as an advanced practice nurse who provided health care services for the injured or
deceased person at the facility. For purposes of this section SUBSECTION (3), the facility's
participation in the credentialing process or the privileging process does not constitute the
corporate practice of medicine.

(b) (II) Nothing in this section SUBSECTION (3) affects the confidentiality or privilege
of any records subject to section 12-36.5-104 (10) 12-30-204 (11) or of information obtained
and maintained in accordance with a quality management program as described in section
25-3-109. C.R.S: The exceptions to confidentiality or privilege as set forth in sections
25-3-109 (4), C.R.S., and 12-36.5-104 (10) 12-30-204 (11) apply.

c) (III) This subsection (2) (3)(b), as amended, applies to actions filed on or after
July 1, 2012.

(3) (c) For the purposes of this section SUBSECTION (3), unless the context otherwise
requires,

(a) "professional review action" means an action or recommendation of a
professional review committee that is taken or made in the conduct of professional review
activity and that is based on the quality and appropriateness of patient care provided by, or
the competence or professional conduct of, an individual person licensed under article 36
240 of this title 12 or licensed under article 38 of this title and granted authority as an
advanced practice nurse, which action affects or may affect adversely the person's clinical
privileges of or membership in an authorized entity. "Professional review action" includes
a formal decision by the professional review committee not to take an action or make a
recommendation as provided in this paragraph (a) SUBSECTION (3)(c) and also includes professional review activities relating to a professional review action. An action is not based upon the competence or professional conduct of a person if the action is primarily based on:

(I) The person's association or lack of association with a professional society or association;

(II) The person's fees or other advertising or engaging in other competitive acts intended to solicit or retain business;

(III) The person's association with, supervision of, delegation of authority to, support for, training of, or participation in a private group practice with a member or members of a particular class of health care practitioners or professionals;

(IV) The person's participation in prepaid group health plans, salaried employment, or any other manner of delivering health services whether on a fee-for-service basis or other basis;

(V) Any other matter that does not relate to the quality and appropriateness of patient care provided by, or the competence or professional conduct of, a person licensed under article 36 of this title or licensed under article 38 of this title and granted authority as an advanced practice nurse.

(b) (Deleted by amendment, L. 2012.)

12-30-209. [Formerly 12-36.5-107] Repeal of part. This article PART 2 is repealed, effective September 1, 2019. Prior to such its repeal, the department of regulatory agencies shall review the functions of professional review committees and the committee on anticompetitive conduct ARE SCHEDULED FOR REVIEW in accordance with section 24-34-104. C.R.S.

BUSINESS PROFESSIONS AND OCCUPATIONS

ARTICLE 100

Accountants

12-100-101. [Formerly 12-2-101] Legislative declaration. (1) It is declared to be in the interest of the citizens of the state of Colorado and a proper exercise of the police power of the state of Colorado to provide for the licensing and registration of certified public accountants, to ensure that persons who hold themselves out as possessing professional qualifications as certified public accountants are, in fact, qualified to render accounting services of a professional nature, and to provide for regulation of certified public accountants employed, serving clients, or doing business in Colorado and the maintenance of high standards of professional conduct by those so licensed and registered as certified
public accountants. Because of the customary reliance by the public upon audited financial
statements and upon financial information presented with the opinion or certificate of
persons purporting to possess expert knowledge in accounting or auditing, it is further
declared to be in the interest of such THE citizens to limit and restrict, under the
circumstances set forth in this article 100, the issuance of opinions or certificates relating to
accounting or financial statements which THAT utilize or contain wording indicating that the
author has expert knowledge in accounting or auditing or which THAT purport to express an
independent auditor's opinion as to financial position, financial results of operations,
changes in financial position, reliability of financial information, or compliance with
conditions established by law or contract to persons so licensed or registered UNDER THIS
ARTICLE 100.

(2) It is declared that the state board of accountancy may invoke discipline
proactively with regard to certified public accountants employed, serving clients, or doing
business in Colorado when required for the protection of the public health, safety, and
welfare of the citizens of this state.

12-100-102. Applicability of common provisions. ARTICLES 1 AND 20 OF THIS
TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 100.

12-100-103. [Formerly 12-2-102] Definitions. As used in this article 100, unless the
context otherwise requires:

(1) "Accredited college or university" means either:
(a) A college or university which THAT is accredited by one of the following regional
accrediting agencies:
(I) The Middle States Association of Colleges and Schools;
(II) The North Central Association of Colleges and Schools;
(III) The New England Association of Schools and Colleges;
(IV) The Northwest Association of Schools and Colleges;
(V) The Southern Association of Colleges and Schools;
(VI) The Western Association of Schools and Colleges;
(b) A college or university which THAT meets academic standards substantially
equivalent to the standards of the agencies specified in paragraph (a) of this subsection (1)
SUBSECTION (1)(a) OF THIS SECTION. The board shall establish by rule what constitutes
substantially equivalent academic standards.

(1.5) (2) "Board" means the state board of accountancy.

(2) "Foreign corporation" means a corporation organized under the laws of
another state, which meets the requirements of section 12-2-117 (7) 12-100-114 (11).

(2.5) "Foreign limited liability company" means a limited liability company
organized under the laws of another state, which meets the requirements of section 12-2-117

(7) 12-100-114 (11).

(2-7) (5) "Limited liability company" means a limited liability company organized
for the sole purpose of providing professional services to the public customarily performed
by certified public accountants and includes foreign limited liability companies.

(2-9) (6) "Peer review" means a study, appraisal, or review by an independent
certified public accountant of one or more aspects of the professional work of another
certified public accountant or of a registered partnership, corporation, or limited liability
company that issues attest or compilation reports.

(3) (7) "Person" includes individuals, partnerships, professional corporations, and
limited liability companies.

(4) (8) "Professional corporation" means a corporation organized for the sole purpose
of providing professional services to the public customarily performed by certified public
accountants and includes foreign corporations.

(5) (9) "State" means any state, territory, or insular possession of the United States
and the District of Columbia.

12-100-104. [Formerly 12-2-103] State board of accountancy - subject to
termination. (1) The state board of accountancy shall consist of seven members appointed
by the governor. Each member of the board shall be a citizen of the United States and a
resident of this state. Five members of the board shall be holders of valid certified public
accountant certificates issued under the laws of this state, a majority of whom are engaged
in active practice as certified public accountants. Two members of the board shall be
members of the public who do not hold a certified public accountant certificate. Members
shall be appointed for terms of four years each. Any vacancy occurring during a term shall
be filled by appointment by the governor for the unexpired term. Upon the expiration of a
member's term of office, such the member shall continue to serve until a successor is
appointed. In no event shall a member of the board serve more than two consecutive terms.
The governor shall remove from the board any member whose certificate has become void
or has been revoked or suspended and may remove any member of the board for neglect of
duty, misconduct, or incompetence.

(2) A majority of the board shall constitute a quorum for the transaction of business.

(3) In any proceeding in court, civil or criminal, arising out of or founded upon any
provision of this article 100, a copy of the records of the board certified as correct by the
board shall be admissible in evidence as being the records of the board.

(4) Repealed.

(5) (4) The provisions of section 24-34-104 C.R.S., concerning the termination
schedule for regulatory bodies of the state unless extended as provided in that section, are
applicable to the state board of accountancy created by this section.

(6) (a) Any member of the board, any member of the board's staff, any person acting as a witness or consultant to the board, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article shall be immune from liability in any civil action brought against him or her for acts occurring while acting in his or her capacity as board member, staff, consultant, or witness, respectively, if such individual was acting in good faith within the scope of his or her respective capacity; made a reasonable effort to obtain the facts of the matter as to which he or she acted; and acted in the reasonable belief that the action taken by him or her was warranted by the facts. Any person participating in good faith in lodging a complaint or participating in any investigative or administrative proceeding pursuant to this article shall be immune from any civil or criminal liability that may result from such participation.

(b) (5) The disclosure of reports or working papers subpoenaed by the board or any person or group authorized by the board to conduct an investigation into audit or review attest activities of a certified public accountant or certified public accounting firm pursuant to section 13-90-107 (1)(f)(III) or (1)(f)(IV) C.R.S., which IS NOT in good faith shall subject the member of the board, person, or group to civil liability for damages to be determined by a court of competent jurisdiction.

12-100-105. [Formerly 12-2-104] Powers and duties of board. (1) The board has the power and duty to:

(a) Elect annually from among its members a chair and prescribe the duties of such office;

(b) Make such rules and regulations, not inconsistent with the laws of this state, as may be necessary for the orderly conduct of its affairs and for the administration of this article, pursuant to the provisions of article 4 of title 24, C.R.S.;

(c) Make appropriate rules of professional conduct in order to establish and maintain a high standard of integrity in the profession of public accounting. Any rule of professional conduct applies with equal force to all persons holding certificates under this article 100. No rule of professional conduct shall be promulgated which WORKS to the disadvantage of one group and in favor of another. Every person practicing as a certified public accountant in the state shall be governed and controlled by such THE rules. All rules of professional conduct shall be promulgated pursuant to the provisions of article 4 of title 24. C.R.S.

(d) to (f) Repealed.

(g) (c) Prescribe forms for and receive applications for certificates and grant certificates, including contracting with people to receive and review the applications as the agent of the board;
(d) Give examinations to applicants and, as necessary, contract for assistance in administering the examination;

(e) Deny the issuance or renewal of, suspend for a specified period, or revoke a certificate; issue a letter of admonition to or place on probation or fine any person who, while holding a certificate, violates this article; issue confidential letters of concern; issue cease-and-desist orders; TAKE DISCIPLINARY OR OTHER ACTIONS AS AUTHORIZED IN SECTION 12-20-404 OR 12-20-405 or impose other conditions and limitations;

(f) Keep a record of all certificates, suspensions, and revocations and of its own proceedings;

(g) Administer this article and exercise and perform any other powers and duties granted or directed by the general assembly;

(h) Collect all fees prescribed by this article.

(m) Repealed:

(2) Publications of the board circulated in quantity outside the executive branch shall be issued in accordance with the provisions of section 24-1-136. 

12-100-106. [Formerly 12-2-106] Fees. (1) A fee authorized to be established pursuant to section 24-34-105 C.R.S.; 12-20-105 shall be paid for each application made to the board, whether it is an application for examination or reexamination or for issuance, renewal, reactivation, or reinstatement of a certificate of certified public accountant, an application for registration with the board as a public accounting firm, or any other application requiring formal action or consideration by the board. The fee required shall not be returnable irrespective of the action taken by the board.

(2) A fee authorized to be established pursuant to section 24-34-105 C.R.S.; 12-20-105 shall be paid for each examination in which the candidate is examined in the subjects prescribed by the board.

(3) Any person making application for a certificate of certified public accountant under section 12-2-113 shall pay a fee authorized to be established pursuant to section 24-34-105 C.R.S.; 12-20-105 in addition to the fee required in subsection (1) of this section.

(4) (Deleted by amendment, L. 2010, (HB 10-1236), ch. 146, p. 502, § 17, effective July 1, 2010.)

(5) Nothing in this section shall be construed to authorize the board to impose any notice, fee, or other submission requirement on a certified public accountant or registered public accountant from another state or a foreign partnership, corporation, limited partnership, limited liability limited partnership, or limited liability company, that is practicing accountancy in this state pursuant to section 12-2-121. (2) 12-100-117 (2).
12-100-107. [Formerly 12-2-108] Certificate of certified public accountant - issuance - renewal - reinstatement - rules. (1) The board shall grant a certificate of certified public accountant to any applicant who:
(a) Meets the requirements of section 12-2-113 12-100-111;
(b) Satisfies the board of the applicant's continued competence; or
(c) (I) Passes a written examination pursuant to section 12-2-109 12-100-109; and
(II) Meets the requirements of section 12-2-109 12-100-108.
(2) Repealed.
(3) (2) All certificates shall expire pursuant to, a schedule established by the director of the division of professions and occupations within the department of regulatory agencies and shall be renewed or reinstated pursuant to section 24-34-102 (8). C.R.S. The director of the division of professions and occupations within the department of regulatory agencies may establish renewal fees and delinquency fees for reinstatement pursuant to section 24-34-105. C.R.S. If a person fails to renew his or her certification pursuant to the schedule established by the director of the division of professions and occupations, such certificate shall expire AND ARE SUBJECT TO THE RENEWAL, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN, SECTION 12-20-202 (1) AND (2). Any person whose certificate has expired shall be subject to the penalties provided in this article 100 or section 24-34-102 (8) C.R.S. 12-20-202 (1).
(4) and (5) (Deleted by amendment, L. 2004, p. 1793, § 2, effective August 4, 2004.)
(6) (3) Any person who practices certified public accounting after the expiration of his or her certificate shall be practicing in violation of this article 100. The board may refuse to reactivate or reinstate any expired certificate for conduct that constitutes a violation of this article 100.
(7) (4) Effective on the first renewal period established by the board after May 31, 2011, the board shall not renew the certificate of a holder who issues attest or compilation reports unless the certificate holder performs public accounting within a partnership, professional corporation, or limited liability company or the certificate holder has undergone a peer review conducted according to rules promulgated by the board that meet the standards for performing and reporting on a peer review of the American institute of certified public accountants or an equivalent standard.

(1) Repealed.
(2) (1) On and after July 1, 2015, a person meets the educational and experience requirements necessary to be issued a certificate of certified public accountant if the applicant:
(a) (I) Has a baccalaureate or higher degree conferred by an accredited college or university with an accounting program approved by the board or has a baccalaureate with a nonaccounting concentration supplemented by what the board determines to be the equivalent of an accounting concentration, including related courses in other areas of business administration; and

(II) Has completed at least one hundred fifty semester hours of college education approved by the board;

(b) Has successfully completed a course of study concerning the subject of professional ethics approved by the board and passed a written examination concerning such subject prepared and given by educational institutions or professional organizations deemed qualified by the board to administer the examination; and

(c) Has one year's experience that:

(I) Meets the requirements set by the board by rule;

(II) Is in any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills, which may be gained through employment in government, industry, academia, or public practice; and

(III) Is verified by an actively licensed certified public accountant who meets the requirements set by the board by rule.

(3) Repealed.

12-100-109. [Formerly 12-2-111] Examinations - reexaminations - rules. (1) The board shall provide licensure examinations as often as necessary to provide candidates a reasonable opportunity to take the examination. Examinations shall adequately test a candidate's knowledge of accounting, auditing, and any other related subject the board deems relevant and necessary. Any additional examination subject shall be designated by the board by rule. The board shall set the passing score for an examination at a level to adequately reflect the minimum level of competency necessary for the practice of accountancy.

(2) The board shall establish by rule the standards for granting conditional examination credit for candidates who pass one or more but not all of the sections of the examination.

(3) The board may use the standard examinations and advisory grading service promulgated by the American institute of certified public accountants, which examination shall be deemed prima facie to meet the requirements of this section.

(4) A candidate for a certificate of certified public accountant who meets the educational requirements set by the board by rule is entitled to take an examination.

(5) Any candidate who has passed any or all sections of an examination in another state shall be credited for passing such sections if the sections passed are determined by
the board to be equivalent to sections of the examination offered in this state and if the

testing requirements in the other state are substantially the same as in this state.

(6) If a candidate fails an examination or fails to pass in all subjects as provided in

subsection (5) of this section, the board may require the candidate to take additional study

before taking another examination.

(7) Repealed.

(8) (Deleted by amendment, L. 93, p. 349, § 1, effective April 12, 1993.)

12-100-110. [Formerly 12-2-112] Approval of schools. (1) The board shall approve

the accounting program of the schools that meet the following requirements:

(a) The school has a curriculum designed to give the candidate proficiency in those

subjects in which the candidate must pass an examination to be licensed.

(b) Such the school shall have adequate equipment and resources, including suitable

facilities for practical instruction and shall maintain an adequate professional library. It shall

provide a sufficient number of full-time salaried instructors with satisfactory professional

training. It shall provide a satisfactory major in accountancy and allied subjects. It shall

require for admission the satisfactory completion of an approved four-year secondary school

course of study or the equivalent.

(2) If any applicant is a graduate from a school which that has not at the time of the

filing of the application been approved by the board, the board may make an investigation

to determine whether or not the school did, at the time of said the applicant's attendance,

meet the requirements set forth in subsection (1) of this section. If the board finds that such

the school did, at that time, meet the requirements set forth in said that subsection, (1), the

board may approve said the school as of the time of the applicant's graduation therefrom

FROM THE SCHOOL.

(3) The board may, after a hearing, withdraw its approval of any school which that

fails to meet the requirements of the law and the standards of the board. The board shall give

notice to the school complained against and shall hold a hearing on the complaint within a

reasonable time after notice is given.

(4) Before disapproving any school for which approval is sought, the board shall

give notice to the school of its contemplated action and shall hold a hearing within a

reasonable time after notice is given, affording such the school an opportunity to be heard.

12-100-111. [Formerly 12-2-113] Issuance of certificate by reciprocity or by

passing examination of another state. (1) The board, in its discretion, may waive the

examination of persons qualified under this subsection (1) and may issue a certificate of

certified public accountant to:

(a) Any person who is the holder of a certificate of certified public accountant issued
after examination under the laws of another state and who possesses the qualifications prescribed in section 12-2-108 12-100-107 for an applicant applying for a certificate as of the time of the issuance of the certificate by such THE other state or possesses substantially equivalent qualifications;

(b) A person who has passed an examination under the laws of another state and who possesses the qualifications prescribed in section 12-2-108 12-100-107 at the time the person applies for a certificate in this state or possesses substantially equivalent qualifications; or

(c) Any person who is the holder of a certificate, license, or degree in a foreign country which THAT constitutes a recognized qualification for the practice of public accounting in such THE country, which is comparable to that of a certified public accountant in this state, and which is in full force and effect.

12-100-112. [Formerly 12-2-115] Use of the title "certified public accountant".

(1) (a) A person who has received from the board and holds an active certificate of certified public accountant shall be styled and known as a certified public accountant and may also use the abbreviation "C.P.A."

(b) A partnership, professional corporation, or limited liability company of certified public accountants that is registered under this article 100 may use the words "certified public accountants" or the abbreviation "C.P.A.s" in connection with its partnership, professional corporation, or limited liability company name.

(2) A person authorized to use the title "certified public accountant" or the abbreviation "C.P.A." shall provide to any client residing in or headquartered in Colorado, during the course of an engagement, an address and telephone number for the certified public accountant's firm or, in the case of a sole practitioner, the address and telephone number of the sole practitioner.

(3) (a) Except as authorized in subsection (4) of this section, a person shall not assume or use the title or designation "certified public accountant", the abbreviation "C.P.A.", or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such THE person is a certified public accountant unless the person holds a certificate as a certified public accountant issued under this article 100 or under the laws of any other state. A person who is inactive pursuant to section 12-2-122.5 12-100-119 may use the title "inactive certified public accountant" or "inactive C.P.A."

(b) Except as authorized by subsection (1) or (4) of this section, an individual, partnership, professional corporation, or limited liability company shall not assume or use any title or designation using the word "certified", "registered", "chartered", "enrolled", "licensed", "independent", or "approved" in conjunction with the word accountant or auditor or any abbreviation thereof or any title, designation, or abbreviation likely to be confused with "certified public accountant" or the abbreviation "C.P.A.", including the terms
"chartered accountant" and "certified accountant" and the abbreviation "C.A."

(c) Except as authorized in subsection (4) of this section, a partnership, professional corporation, or limited liability company shall not assume or use the title or designation "certified public accountants", the abbreviation "C.P.A.s", or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such THE partnership, professional corporation, or limited liability company is composed of certified public accountants unless such THE partnership, professional corporation, or limited liability company is registered as a partnership, professional corporation, or limited liability company of certified public accountants under this article 100 or the laws of any other state.

(4) (a) A certified public accountant from another state or jurisdiction of the United States who is practicing in this state pursuant to section 1-2-121 12-100-117 may use the title "certified public accountant", the abbreviation "C.P.A.", or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant.

(b) A foreign partnership, corporation, limited partnership, limited liability limited partnership, or limited liability company that is practicing in this state pursuant to section 1-2-121 12-100-117 may use the title or designation "certified public accountants", the abbreviation "C.P.A.s", or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the partnership, corporation, or limited liability company is composed of certified public accountants.

12-100-113. [Formerly 12-2-115.5] Retired certified public accountant. (1) Any person who has received from the board and holds a certificate of certified public accountant, including an expired certificate of certified public accountant that remains subject to renewal, reactivation, or reinstatement, may apply to the board for retired status. The board may grant such RETIRED status by issuing a retired status certificate of certified public accountant to any person who meets established conditions prescribed by the board.

(2) Any person issued a retired status certificate of certified public accountant may be styled and known as a "retired certified public accountant" or "retired C.P.A."

(3) During such THE time as a certified public accountant remains in a retired status, such THE person shall not perform those acts set forth in section 1-2-120 (6)(a) 12-100-116 (1)(a) and (6)(b) (1)(b). The board shall retain jurisdiction over retired status certified public accountants.

12-100-114. [Formerly 12-2-117] Partnerships, professional corporations, and limited liability companies composed of certified public accountants - registration - rules - definitions. (1) Except as provided in section 1-2-121 (2) 12-100-117 (2), a partnership, professional corporation, or limited liability company engaged in this state in
the practice of public accounting as certified public accountants shall register with the board as a partnership, professional corporation, or limited liability company of certified public accountants and must meet the following requirements; and, as used in this article 100, "partnership" includes a registered limited partnership, limited liability partnership, limited liability limited partnership, foreign limited partnership, foreign limited liability partnership, and foreign limited liability limited partnership:

(a) At least one partner, shareholder, or member who shall also be a director or manager thereof must be a certified public accountant or registered firm of this state in good standing.

(b) A simple majority of the ownership of a certified public accounting firm doing business as a public accounting firm in Colorado, in terms of financial interests and voting rights of all partners, officers, shareholders, members, or managers, shall be licensed certified public accountants in good standing in this state or another state.

(II) (Deleted by amendment, L. 2005, p. 240, § 1, effective July 1, 2005.)

(c) Any other partner, shareholder, or member thereof may, but need not, be a certified public accountant of some state, in good standing, or registered firm in this state who at all times owns such the person's partnership interest, corporate share, or membership interest in such the person's own right.

(d) Repealed.

(e) Each resident manager in charge of an office of the partnership, professional corporation, or limited liability company in this state must be a certified public accountant of this state in good standing.

(f) (Deleted by amendment, L. 94, p. 1082, § 1, effective May 4, 1994.)

(2) (a) Application for such registration shall be made upon the affidavit of a partner of such the partnership, of a shareholder of such the professional corporation, or of a member of such the limited liability company who is a certified public accountant of this state in good standing and shall provide:

(A) The names and addresses of the persons who are practicing public accounting for the partnership, professional corporation, or limited liability company;

(B) The names and addresses of the persons who are not certified public accountants, but who are partners of a partnership, shareholders of a professional corporation, or members of a limited liability company;

(C) Disclosure of all of the states in which the partnership, professional corporation, or limited liability company is licensed, registered, or permitted to practice. The application shall also disclose all of the states in which licensure, registration, or permission to practice has been denied, suspended, or revoked.

(D) Any other information the board may reasonably request; and

(E) A registration fee, the amount of which shall be set by the board, to cover the
board's administrative costs.

(II) Each member of the partnership, professional corporation, or limited liability company may receive a copy of the application.

(III) The partner, shareholder, or member designated by the firm shall notify the board in writing within thirty days after any change in the partnership, professional corporation, or limited liability company, including:

(A) Identities and numbers of partners, shareholders, members, managers, or officers; and

(B) Location of places of business of the partnership, professional corporation, or limited liability company.

(IV) The board may suspend or revoke registration of or impose any other discipline the board sees fit to administer to a partnership, professional corporation, or limited liability company that fails to notify the board of any changes outlined in subparagraph (III) of this paragraph (a)

(b) The board shall in each case determine whether the applicant is eligible for registration.

(2.2) (3) Each firm registration expires pursuant to, a schedule established by the director of the division of professions and occupations within the department of regulatory agencies. The registrant shall renew or reinstate the registration. The director of the division of professions and occupations within the department of regulatory agencies may establish renewal fees and delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S. If a firm fails to renew its registration pursuant to the schedule established by the director of the division of professions and occupations, the registration shall expire

AND IS SUBJECT TO THE RENEWAL, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN, SECTION 12-20-202 (1) AND (2). A firm whose registration has expired shall be subject to the penalties provided in this article 100 or section 24-34-102 (8), C.R.S. 12-20-202 (1).

(2.5) (4) As used in subsections (3) and (3.5) SUBSECTION (5) of this section, "employee" includes a member of a limited liability company and a partner in a limited partnership, limited liability partnership, or limited liability limited partnership or foreign limited partnership, limited liability partnership, or limited liability limited partnership.

(3) (5) The corporation must be in compliance with the "Colorado Business Corporation Act", articles 101 to 117 of title 7, C.R.S., and, to the extent applicable under section 7-117-103, C.R.S., with the "Colorado Corporation Code", articles 1 to 10 of title 7, C.R.S., as said THOSE articles existed prior to their repeal on July 1, 1994. The limited liability company must be in compliance with the "Colorado Limited Liability Company Act", article 80 of title 7, C.R.S. The organizing documents of any partnership, the articles of incorporation of any such corporation, or the articles of organization of any such limited liability company shall contain provisions complying with the following requirements:
(a) The partnership, corporation, or limited liability company shall be organized solely for the purpose of practicing accountancy and such other activities as may from time to time be specifically found by the board to be activities suitable and proper to be performed by certified public accountants only through or under the supervision of at least one person who holds a certificate to practice public accounting as a certified public accountant.

(b) Each partner who is personally engaged within this state in the practice of public accounting shall be a certified public accountant of this state in good standing, and each partner not personally engaged within this state in the practice of public accounting may, but need not, be a certified public accountant of some state in good standing. The president of any such corporation shall be a shareholder and a director, and one or more of such the directors shall be certified public accountants of this state in good standing. The manager or managers of any such limited liability company shall be a member or members and one or more of such the managers shall be certified public accountants of this state in good standing. Lay directors and officers and managers shall not exercise any authority whatsoever over professional matters.

(c) All partners, shareholders of the corporation, or members of the limited liability company shall be jointly and severally liable for all acts, errors, and omissions of the employees of the partnership, corporation, or limited liability company except during periods of time when the partnership, corporation, or limited liability company maintains in good standing professional liability insurance, or designated or segregated moneys in lieu of such the professional liability insurance, which that meets the standards set forth in subparagraphs (I) to (V) of this paragraph (c) subsections (5)(c)(I) to (5)(c)(V) of this section:

(I) The insurance shall insure the partnership, corporation, or limited liability company against liability imposed upon the partnership, corporation, or limited liability company by law for damages resulting from any claim made against the partnership, corporation, or limited liability company arising out of acts, errors, and omissions committed in the performance of professional services for others by those employees of the partnership, corporation, or limited liability company who hold certificates to practice public accounting as certified public accountants.

(II) Such The policies shall insure the partnership, corporation, or limited liability company against liability imposed upon it by law for damages arising out of the acts, errors, and omissions of all other employees.

(III) The insurance shall be in an amount for each claim of at least fifty thousand dollars multiplied by the number of certified public accountants employed by or members of the partnership, corporation, or limited liability company within this state, and the policy may provide for an aggregate top limit of liability per year for all claims of one hundred fifty
thousand dollars also multiplied by the number of certified public accountants employed by
or members of the partnership, corporation, or limited liability company within this state;
except that no firm shall be required to carry insurance in excess of three hundred thousand
dollars for each claim with an aggregate top limit of liability for all claims during the year
of one million dollars and except that the board, in the public interest, may adopt regulations
increasing the minimum amounts of insurance coverage required by this subsection
(3) (5). A policy of insurance obtained in accordance with this subparagraph (III)
SUBSECTION (5)(c)(III) may be issued on a claims-made or occurrence basis.

(IV) (A) The policy may provide that it does not apply to: Any dishonest, fraudulent,
criminal, or malicious act or omission of the insured partnership, corporation, or limited
liability company or any partner, stockholder, member, or employee thereof; the conduct of
any business enterprise in which the insured partnership, corporation, or limited liability
company under this article 100 is not permitted to engage but which nevertheless may be
owned by the insured partnership, corporation, or limited liability company or in which the
insured partnership, corporation, or limited liability company may be a partner or which may
be controlled, operated, or managed by the insured partnership, corporation, or limited
liability company in its own or in a fiduciary capacity including the ownership, maintenance,
or use of any property in connection therewith; and bodily injury to, or sickness, disease, or
death of, any person, or to injury to or destruction of any tangible property, including the
loss of use thereof.

(B) The policy may be of a type reasonably available in the commercial insurance
market and may contain reasonable provisions with respect to policy periods, territory,
claims, conditions, exclusions, and other usual matters.

(C) The policy may provide for a deductible, or self-insured retained amount, and
may provide for the payment of defense or other costs out of the stated limits of the policy,
in either or both cases, all partners, shareholders of the corporation, or members of the
limited liability company shall be jointly and severally liable for all acts, errors, and
omissions of the employees of the partnership, corporation, or limited liability company to
the extent of the amount of such the deductible or retained self-insurance, and the amount,
if any, by which the payment of defense costs reduces the insurance remaining available for
the payment of claims below the minimum limit of insurance required by this paragraph (e)
SUBSECTION (5)(c).

(V) A partnership, corporation, or limited liability company may maintain, in lieu of
the insurance specified in subparagraph (III) of this paragraph (e), money SUBSECTION
(5)(c)(III) OF THIS SECTION, MONEY specifically designated and segregated as security for the
payment of liabilities imposed by law against the partnership, corporation, or limited liability
company, or its partners, shareholders, or members, arising out of claims of the type
specified in subparagraphs (I) and (II) of this paragraph (e) SUBSECTIONS (5)(c)(I) AND

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(5)(c)(II) OF THIS SECTION, in the amount of at least fifty thousand dollars multiplied by the number of certified public accountants employed by or members of the partnership, corporation, or limited liability company within this state; except that such THE amount is not required to exceed one million dollars and except that the board, in the public interest, may adopt rules increasing the minimum amount of designated and segregated money required by this paragraph (V) SUBSECTION (5)(c)(V). The partnership, corporation, or limited liability company remains in compliance with this section notwithstanding amounts paid from the designated or segregated money in any one calendar year in settling or discharging such THE claims, so long as the amount of the designated and segregated money is increased to at least the minimum required amount as of the first business day of the next calendar year. A partnership, corporation, or limited liability company in compliance with this paragraph (V) SUBSECTION (5)(c)(V) if it maintains money in the required amount in trust or in bank escrow in the form of cash, bank certificates of deposit, or United States treasury obligations, or maintains in effect bank unconditional, irrevocable letters of credit in the required amount or insurance or surety company bonds in the required amount. Such money or equivalency shall be maintained in or issued by a qualified United States financial institution as defined by section 10-1-102 (17). C.R.S.

(d) A partnership name shall be ended by words or abbreviations permitted pursuant to the law under which the partnership is organized. The corporate name shall be ended by the word "Corporation" or "Incorporated" or by the words "Professional Corporation" or by the abbreviations "Corp.", "Inc.", or "P.C.". The name of any limited liability company shall be ended by the words "Limited Liability Company" or the abbreviation "LLC" or the word limited may be abbreviated as "Ltd.", and the word company may be abbreviated as "Co.". An assumed or trade name may be used if it is not misleading and clearly indicates that the firm is engaged in providing accounting services.

(3.5) (6) No limited liability company, limited liability partnership, limited partnership, or limited liability limited partnership, or foreign limited partnership, limited liability partnership, or limited liability limited partnership engaged in the practice of public accounting in this state and in one or more other jurisdictions shall be required to include a provision in its articles of organization or organizing documents as otherwise required by subsection (3) (5) of this section, but shall be subject, with respect to the practice of public accounting within this state, to the requirements of paragraphs (a), (b), (c), and (d) of subsection (3) SUBSECTIONS (5)(a) TO (5)(d) of this section.

(3.7) (7) Effective on the first renewal period established by the board after May 31, 2011, The board shall not renew the registration of a firm that issues attest or compilation reports unless the registered partnership, professional corporation, or limited liability company has undergone a peer review conducted according to rules promulgated by the
board that meet the standards for performing and reporting on a peer review of the American
institute of certified public accountants or an equivalent standard.

(4) (8) The partnership, corporation, or limited liability company may exercise the
powers and privileges conferred upon partnerships, corporations, and limited liability
companies by the laws of Colorado in furtherance of and subject to its partnership,
corporate, or limited liability company purposes and may invest its funds in a manner not
incompatible with the practice of public accounting as certified public accountants. Any
stock purchased by the corporation, or membership interest purchased by the limited liability
company or partnership interest purchased by the partnership, may be made out of capital
as well as surplus without regard to the impairment of the partnership capital, corporation
capital, or limited liability company capital.

(5) (9) The partnership, corporation, or limited liability company shall do nothing in
this state which THAT, if done by a person who holds a certificate as a certified public
accountant within this state and employed by it, would violate the provisions of this article
100. Any violation by the partnership, corporation, or limited liability company of this article
100 shall be grounds for the board to deny, revoke, suspend, or refuse to renew its
registration, or the board may fine, issue a confidential letter of concern to, issue a letter of
admonition to, or place on probation the registrant.

(6) (10) Nothing in this section shall diminish or change the obligation of each
person who holds a certificate of certified public accountant employed by the partnership,
corporation, or limited liability company within this state to conduct such THE person's
practice in accordance with the provisions of this article 100. Any person who holds a
certificate to practice public accounting as a certified public accountant who, by act or
omission, causes the partnership, corporation, or limited liability company to act or fail to
act in a way which THAT violates this article 100 is personally responsible for such THE act
or omission and subject to discipline therefor.

(7) (11) Foreign partnerships, corporations, limited partnerships, limited liability
limited partnerships, or limited liability companies may engage in the practice of public
accounting in this state as certified public accountants so long as their organizing
documents, articles of incorporation, or articles of organization provide that such THE partnership, corporation, limited partnership, limited liability limited partnership, or limited
liability company is organized solely for the purpose of practicing accountancy and such
other activities as may from time to time be specifically found by the board to be activities
suitable and proper to be performed by certified public accountants and comply with and
meet the requirements of subsection (3) (5) of this section.

(8) (12) Except as provided in this section, partnerships, professional corporations,
and limited liability companies shall not practice public accounting as certified public
accountants.
Nothing in this section shall modify the accountant-client privilege specified in section 13-90-107 (1)(f). C.R.S.

When any law of this state or any rule or regulation of any agency or other authority established under the constitution or laws of this state requires or authorizes any audit, financial report, or statement to be made, approved, or certified by a certified public accountant, such the audit, report, or statement may be made, approved, or certified by a partnership, professional corporation, or limited liability company registered in this state.


(1) to (4) Repealed.

(5) (1) As a condition of renewing, reactivating, or reinstating a certificate of certified public accountant, every applicant shall comply with continuing education requirements adopted by the board.

(6) (2) The board shall promulgate rules and regulations governing the following:

(a) The basic requirements for continuing education; except that the board shall not require continuing education of more than eighty hours every two years;

(b) A delineation of qualifying programs;

(c) A system of control and reporting.

(7) (3) In exercising its power under subsection (6)(2) of this section, the board shall, as a basis for a high standard of practice by certified public accountants, establish requirements which will assure reasonable currency of knowledge. The requirements shall assure that a variety of alternative means of compliance with continuing education requirements are available to certificate holders and shall take cognizance of specialized areas of practice.

(8) (4) The board shall make exceptions from continuing education requirements for holders of certificates who are not engaged in public practice or who cannot continue their education for reasons of health, military service, or other good cause. If the holders of certificates return to the practice of public accounting, the holders of certificates shall meet the continuing education requirements as the board may determine.

(9) (5) The board shall determine in each case whether a holder of certificate of certified public accountant has complied with continuing education requirements adopted by the board.


(1) and (2) (Deleted by amendment, L. 2010, (HB 10-1236), ch. 146, p. 500, § 12, effective July 1, 2010.)

(3) and (4) Repealed.

(5) (Deleted by amendment, L. 2010, (HB 10-1236), ch. 146, p. 500, § 12, effective
July 1, 2010.

(6) (1) (a) (I) No person, partnership, professional corporation, or limited liability company shall issue, author, or publish any opinion or certificate relating to any accounting or financial statement if such opinion or certificate utilizes any title or designation, the use of which is prohibited by law.

   (II) No person, partnership, professional corporation, or limited liability company shall, without an active certificate of certified public accountant or a valid registration:

   (A) As an independent auditor, make or conduct an investigation, examination, or audit of the financial statements or supporting records of any person, organization, or corporation, to determine the accuracy or fairness with which they present the financial position, changes in financial position, or financial results of operations of such person, organization, or corporation;

   (B) Attest or express an opinion, as an independent auditor, as to the financial position, changes in financial position, or financial results of the operation of any person, organization, or corporation, or as to the accuracy or reliability of any financial information contained in any such accounting or financial statement.

   (III) The requirement in subparagraph (II) of this paragraph (a) of this section that a person, partnership, professional corporation, or limited liability company have an active certificate of certified public accountant or a valid registration issued by the board shall not apply to a certified public accountant from another state or a foreign partnership, professional corporation, or limited liability company practicing accountancy in this state pursuant to section 12-2-121 (2) of this section.

   (b) The provisions of paragraph (a) of this subsection (6) of this section shall not prohibit any act of a public official or public employee in the performance of his or her duties as such or affect the qualifications of any person to testify as a witness before any court or administrative agency of the state of Colorado who is determined to be qualified by such court or agency.

   (c) The term "independent auditor" as used in this section shall mean any person or corporation engaged or employed to make or conduct an audit of the financial statements or supporting records of any person, organization, or corporation, to determine, on the basis
of such THE audit, the accuracy or fairness with which they present the financial position, changes in financial position, or financial results of operations of such THE person, organization, or corporation, other than an officer, employee, or partner of the person, organization, or corporation under audit.

(e) The provisions of paragraph (a) of this subsection (6) of this section shall not prohibit the performance, by persons other than certified public accountants, of other services involving the use of accounting skills, including the preparation of tax returns and the preparation of financial statements without the expression of opinions or assurances thereon.

(7) and (8) Repealed.

(9) (2) Nothing in this section shall be construed to prohibit any person from preparing or assisting in the preparation of any report or tax return to any agency of the federal, state, or local government or other political subdivision if such THE preparation or assistance is otherwise permissible under law or under the regulations of such THE agency or from affixing the signature of the person or firm so preparing or assisting in the preparation of any such THE report or return.

(10) and (11) Repealed.


(1) Nothing in this article 100 shall prohibit any person WHO IS not a certified public accountant from serving as an employee of or an assistant to a certified public accountant holding an active certificate or serving as an employee or assistant of a validly registered partnership, professional corporation, or limited liability company composed of certified public accountants. Such THE employee or assistant shall not issue any accounting or financial statement over his OR HER name.

(2) (a) Nothing in this article 100 shall prohibit a certified public accountant whose principal place of business is located in another state or jurisdiction of the United States from practicing in this state on professional business, as defined by rules promulgated by the board. Such THE practice shall be conducted in conformity with rules promulgated by the board. Notwithstanding the requirements of section 12-2-117 12-100-114, a foreign partnership, corporation, limited partnership, limited liability limited partnership, or limited liability company may engage in the practice of accountancy in this state without registering with the board.

(b) Nothing in this article 100 shall prohibit an accountant who holds a certificate, degree, or license in a foreign country, constituting a recognized qualification for the practice of public accounting in such THE country, from practicing in this state on professional business incident to his or her regular practice outside this state, as defined by the board. Such THE practice shall be conducted in
conformity with rules promulgated by the board.

(II) and (III) Repealed.

(c) A certified public accountant from another state or jurisdiction of the United States who is practicing in this state pursuant to this subsection (2) and the firm that employs the certified public accountant simultaneously consent, as a condition of practicing in this state:

(I) To be subject to the jurisdiction of and disciplinary authority of the board;
(II) To comply with the requirements of this subsection (2) and rules promulgated by the board pursuant to this subsection (2);
(III) That, if the certified public accountant's certificate, license, or registration issued by the state in which the certified public accountant's principal place of business is located is no longer valid, the certified public accountant will cease to offer or render professional services in this state, either individually or on behalf of a firm; and
(IV) To appoint the state board or entity that issued a certificate, license, or registration to the certified public accountant as the agent for service of process in any action or proceeding brought by the board against the certified public accountant.

(d) The board may recover its reasonable costs incurred as part of its investigative, administrative, and disciplinary proceedings against a certified public accountant from another state or jurisdiction of the United States or from a foreign country if the board:

(I) Enters a final order against the certified public accountant, finding that the certified public accountant violated a provision of this article 100, a rule adopted by the board, or an order of the board with which the certified public accountant is obligated to comply and the board has the authority to enforce; or

(II) Enters into a consent or settlement agreement in which the board finds, or the certified public accountant admits or does not contest, that he or she violated a provision of this article 100, a rule adopted by the board, or an order of the board with which the certified public accountant is obligated to comply and the board has the authority to enforce.

12-100-118. [Formerly 12-2-122] Single act evidence of practice. Any person who displays, utters, or causes to be displayed or uttered a card, sign, advertisement, or other printed, engraved, or written instrument or device bearing such person's name in conjunction with the words "certified public accountant", the abbreviation "C.P.A.", or any title, designation, or abbreviation prohibited by section 12-2-115 12-100-112 may be presumed in any action brought under section 12-2-126 12-100-124 to have held himself or herself out to be a certified public accountant holding an active certificate of certified public accountant pursuant to section 12-2-108 12-100-107. In any legal action brought under this article 100, evidence of the commission of a single act prohibited by this article 100 is sufficient to justify an injunction.
12-100-119. [Formerly 12-2-122.5] Inactive certificant. (1) The holder of a certificate of certified public accountant, upon written notice by first-class mail to the board, shall have his or her name transferred to an inactive list and shall not be required to comply with the continuing education requirements for certificate renewal pursuant to section 12-2-119 so long as he or she remains inactive. Each inactive certificant shall register in the same manner as active certificate holders and pay a fee pursuant to section 12-2-108 (3) 12-20-202 (1). At such time as an inactive certificant wishes to resume the practice of public accounting as a certified public accountant, he or she shall file an application therefor, meet any education requirements imposed by the board, and pay a fee as established by the director of the division of professions and occupations within the department of regulatory agencies.

(2) During such time as a certified public accountant remains in an inactive status, the certified public accountant shall not perform those acts restricted to active certified public accountants pursuant to section 12-2-120 (6)(a) 12-100-116 (1)(a). The board shall retain jurisdiction over inactive certified public accountants for the purposes of disciplinary action pursuant to section 12-2-123 12-100-120.

12-100-120. [Formerly 12-2-123] Grounds for disciplinary action - administrative penalties. (1) After notice and hearing as provided in section 12-2-125 12-100-123, the board may deny the issuance of, refuse to renew, revoke, or suspend any certificate of a certified public accountant issued under this article 2 or any prior law of this state or may fine, issue a letter of admonition to, or place on probation the holder of any certificate TAKE DISCIPLINARY OR OTHER ACTION AS AUTHORIZED IN SECTION 12-20-404 and impose other conditions or limitations for any of the following causes:

(a) Fraud or deceit in obtaining or in attempting to obtain a certificate as a certified public accountant or in obtaining registration under this article 100;

(b) Fraud or negligence in the practice of public accounting in Colorado or any other state or in the filing of or failure to file the certified public accountant's own income tax returns;

(c) Violation of any provision of this article 100, of any final rule or regulation promulgated by the board, or of any valid agency order;

(d) Violation of a rule of professional conduct promulgated by the board under the authority granted by this article 100;

(e) Conviction of a felony OR OF A CRIME, AN ELEMENT OF WHICH IS DISHONESTY OR FRAUD, under the laws of any state or of the United States. and. For the purposes of this paragraph (e) SUBSECTION (1)(e), a plea of guilty or a plea of nolo contendere accepted by the court shall be considered as a conviction.

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(f) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States, and, for the purposes of this paragraph (f), a plea of guilty or a plea of nolo contendere accepted by the court shall be considered as a conviction:

(g) Discipline taken against the person's authority to practice as a certified public accountant or a public accountant in any jurisdiction;

(h) Discipline taken against the person's right to practice before any state or federal agency or agency outside the United States or the public company accounting oversight board, created by the federal "Sarbanes-Oxley Act of 2002", 15 U.S.C. sec. 7201 et seq., for improper conduct or willful violation of the rules or regulations of such state or federal agency or the public company accounting oversight board;

(i) Repealed:

(j) Providing public accounting services to the public for a fee without an active certificate of certified public accountant or a valid registration or acting as a member, partner, or shareholder of a partnership or professional corporation registered pursuant to section 12-2-117 12-100-114;

(k) and (l) Repealed:

(m) (i) Failure to comply with the requirements for continuing education as prescribed by the board;

(n) (j) An act or omission which fails to meet generally accepted accounting principles or generally accepted auditing standards in the profession;

(o) (k) Use of false, misleading, or deceptive advertising;

(p) (l) An alcohol use disorder, as defined in section 27-81-102, or a substance use disorder, as defined in section 27-82-102, or an excessive use of a habit-forming drug, controlled substance, as defined in section 18-18-102 (5), or alcoholic beverage that renders the certified public accountant unfit to practice public accounting;

(q) (m) Failure to retain records of the work performed for each client for a period of five years;

(r) (n) Failure of a partnership, professional corporation, or limited liability company to register with the board pursuant to section 12-2-117 12-100-114 and to renew the registration as prescribed by the board.

(2) In considering the conviction of crimes, as provided in paragraphs (e) and (f) of subsection (1) SUBSECTIONS (1)(e) of this section, the board shall be governed by the provisions of sections 12-20-202 (5) AND 24-5-101. C.R.S.

(3) (Deleted by amendment, L. 2010, (HB 10-1236), ch. 146, p. 497, § 9, effective July 1, 2010.)

(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:
(5) (a) In addition to any other penalty that may be imposed pursuant to this section, any person violating this article 100 or any rules promulgated pursuant to this article 100 may be fined upon a finding of misconduct by the board as follows, either:
(1) (a) In a proceeding against a certificant, a fine not in excess of five thousand dollars per violation; or
(2) (b) In a proceeding against a registrant, a fine not in excess of ten thousand dollars per violation.

(b) All fines collected pursuant to this subsection (5) (4) shall be transferred to the state treasurer, who shall credit such moneys to the general fund.

12-100-121. [Formerly 12-2-123.5] Response to board communication. A certificant shall, at the request of the board, respond to communications from the board within thirty days after the mailing of any communication.

12-100-122. [Formerly 12-2-124] Revocation or suspension of partnership, professional corporation, or limited liability company registration. (1) After notice and hearing as provided in section 12-2-125 12-100-123, the board shall revoke the registration of a partnership, professional corporation, or limited liability company if, at the time of such hearing, the partnership, professional corporation, or limited liability company does not have all the qualifications prescribed by the section of this article 100 under which it qualified for registration.

(2) After notice and hearing as provided in section 12-2-125 12-100-123, the board may deny, revoke, suspend, or refuse to renew the registration of a partnership, professional corporation, or limited liability company or the board may fine, issue a letter of admonition to, or place on probation TAKE DISCIPLINARY OR OTHER ACTION AGAINST a registrant AS AUTHORIZED BY SECTION 12-20-404 for any of the causes enumerated in section 12-2-123 12-100-120 or for the following additional causes:

(a) The revocation, suspension, or refusal to renew the certificate of any partner, shareholder, or member;
(b) The cancellation, revocation, suspension, or refusal to renew the authority of the partnership or any partner thereof to practice public accounting in any other jurisdiction;
(c) The cancellation, revocation, suspension, or refusal to renew the authority of the professional corporation, limited liability company, or foreign corporation or limited liability company or any shareholder or member thereof to practice public accounting by any other state or federal jurisdiction, or jurisdiction outside the United States or the public company accounting oversight board, created by the federal "Sarbanes-Oxley Act of 2002", 15 U.S.C. sec. 7201 et seq.
12-100-123. [Formerly 12-2-125] Hearings before board - notice - procedure - review. (1) (a) The board may initiate proceedings under this article 100, either on its own motion or on the complaint of any person.

(b) The board, through the department, of regulatory agencies, may employ administrative law judges on a full-time or part-time basis to conduct hearings as provided by this article 100 or on any matter within the board’s jurisdiction upon such conditions and terms as the board may determine.

(2) Except as otherwise provided in this article 100, all proceedings before the board with respect to the denial, suspension, or revocation of certificates or registrations issued under this article 100 shall be conducted pursuant to the provisions of sections 12-20-403, 24-4-104, and 24-4-105. C.R.S.

(3) If, after having been served with the notice of hearing as provided for in this section, the accused fails to appear at the hearing and defend, the board may proceed to hear evidence against the accused and may enter such order as is justified by the evidence, which order shall be final unless the accused petitions for a review thereof as provided in this section. Within thirty days after the date of any order, upon a showing of good cause for failing to appear and defend, the board may reopen the proceedings and may permit the accused to submit evidence in his or her behalf.

(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.

(5) (4) At all hearings, the attorney general of this state or one of the attorney general’s designated assistants shall appear and represent the board.

(6) (5) The decision of the board shall be by majority vote thereof.

12-100-124. [Formerly 12-2-126] Investigations - findings - board actions - confidentiality of complaints. (1) (a) 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. ACTIONS UNDER THIS SECTION ARE GOVERNED BY SECTION
12-20-403.

(H) 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.

(b) (I) Complaints of record that are dismissed by the board and the results of
investigation of such complaints shall be closed to public inspection.

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

(A) The complaint is without merit and no further action need be taken.

(B) There is no reasonable cause to warrant further action.

(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 IN ACCORDANCE WITH SECTION 12-20-404
(5) to the licensee or registrant.

(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 IN ACCORDANCE WITH SECTION 12-20-404 (4) to the licensee
or registrant by certified mail.

(E) The investigation discloses facts that warrant further proceedings by formal
complaint. If this finding is made, the board shall refer the complaint to the attorney general
for preparation and filing of a formal complaint.

(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.

(IV) (III) The board shall conduct all proceedings pursuant to this subsection (1) expeditiously and informally so that no licensee or registrant is subjected to unfair and unjust charges and that no complainant is deprived of the right to a timely, fair, and proper investigation of a complaint.

(c) Complaints of record that are not dismissed by the board and are the results of investigations of such complaints shall be closed to public inspection and any meeting concerning such complaints shall be closed to the public during the investigatory period and until a stipulated agreement is reached between the applicant or certificate holder and the board or until notice of hearing and charges are filed and served on an applicant or certificate holder. Except for confidential books of account, financial records, advice, reports, or working papers provided by the client, the certified public accountant, or the certified public accounting firm, the board's records and papers shall be subject to the provisions of sections 24-72-203 and 24-72-204 C.R.S., regarding public records and confidentiality.

(2) (a) If it appears to the board, based upon credible evidence as presented in a written complaint by any person, that a certificate holder or registered firm is acting in a manner that is an imminent threat to the health, safety, and welfare of the public or a person is acting or has acted without the required certificate or registration, the board may issue an order to cease and desist such activity. The order shall set forth the statutes and rules alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts or uncertified or unregistered practices immediately cease.

(b) Within ten days after service of the order to cease and desist pursuant to paragraph (a) of this subsection (2), the respondent may request a hearing on the question of whether acts or practices in violation of this article have occurred. Such hearing shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S.

(3) (a) If it appears to the board, based upon credible evidence as presented in a written complaint by any person, that a person has violated any other portion of this article, then, in addition to any specific powers granted pursuant to this article, the board may issue to such person an order to show cause as to why the board should not issue a final order directing such person to cease and desist from the unlawful act or uncertified practice.

(b) A person against whom an order to show cause has been issued pursuant to paragraph (a) of this subsection (3) shall be promptly notified by the board of the issuance of the order, along with a copy of the order, the factual and legal basis for the order, and the date set by the board for a hearing on the order. Such notice may be served by personal
service, by first-class United States mail, postage prepaid, or as may be practicable upon any
person against whom such order is issued. Personal service or mailing of an order or
document pursuant to this subsection (3) shall constitute notice thereof to the person:

(c) (I) The hearing on an order to show cause shall be commenced no sooner than
ten and no later than forty-five calendar days after the date of transmission or service of the
notification by the board as provided in paragraph (b) of this subsection (3). The hearing
may be continued by agreement of all parties based upon the complexity of the matter;
number of parties to the matter, and legal issues presented in the matter, but in no event shall
the hearing commence later than sixty calendar days after the date of transmission or service
of the notification:

(II) If a person against whom an order to show cause has been issued pursuant to
paragraph (a) of this subsection (3) does not appear at the hearing, the board may present
evidence that notification was properly sent or served upon such person pursuant to
paragraph (b) of this subsection (3) and such other evidence related to the matter as the
board deems appropriate. The board shall issue the order within ten days after the board’s
determination related to reasonable attempts to notify the respondent, and the order shall
become final as to that person by operation of law. Such hearing shall be conducted pursuant
to sections 24-4-104 and 24-4-105, C.R.S.

(III) If the board reasonably finds that the person against whom the order to show
cause was issued is acting or has acted without the required certificate or has or is about to
engage in acts or practices constituting violations of this article, a final cease-and-desist
order may be issued directing such person to cease and desist from further unlawful acts or
uncertified practices:

(IV) The board shall provide notice, in the manner set forth in paragraph (b) of this
subsection (3), of the final cease-and-desist order within ten calendar days after the hearing
conducted pursuant to this paragraph (c) to each person against whom the final order has
been issued. The final order issued pursuant to subparagraph (III) of this paragraph (c) shall
be effective when issued and shall be a final order for purposes of judicial review.

(4) If it appears to the board, based upon credible evidence presented to the board,
that a person has engaged in or is about to engage in any uncertified act or practice, any act
or practice constituting a violation of this article, any rule promulgated pursuant to this
article, any order issued pursuant to this article, or any act or practice constituting grounds
for administrative sanction pursuant to this article, the board may enter into a stipulation
with such person.

(5) If any person fails to comply with a final cease-and-desist order or a stipulation,
the board may request the attorney general or the district attorney for the judicial district in
which the alleged violation exists to bring, and if so requested such attorney shall bring, suit
for a temporary restraining order and for injunctive relief to prevent any further or continued
violation of the final order.

(6) A person aggrieved by the final cease-and-desist order may seek judicial review of the board's determination or of the board's final order as provided in section 12-2-127.

(2) THE BOARD MAY ISSUE CEASE-AND-DESIST ORDERS UNDER THE CIRCUMSTANCES DESCRIBED IN AND IN ACCORDANCE WITH SECTION 12-20-405.

(7) (3) 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 SECTION 12-20-404 (2) APPLIES.

12-100-125. [Formerly 12-2-127] Judicial review. (1) Any person aggrieved by any SECTION 12-20-408 GOVERNS JUDICIAL REVIEW OF A final action or order of the board and affected thereby is entitled to a review thereof by the court of appeals by appropriate proceedings under section 24-4-106 (11), C.R.S:

(2) For the purposes of review, the residence of the board shall be the city and county of Denver. <{(Consider repealing? )}>

12-100-126. [Formerly 12-2-128] Reconsideration and review of action of board. The board, on its own motion or upon application, at any time after the imposition of any discipline as provided in section 12-2-123 (4) 12-100-120 (1), may reconsider its prior action and reinstate or restore such the license or terminate probation or reduce the severity of its prior disciplinary action. The taking of any such further action, or the holding of a hearing with respect thereto, shall rest in the sole discretion of the board.

12-100-127. [Formerly 12-2-129] Unauthorized practice - penalties. Any person who violates section 12-2-115 12-100-112 or 12-2-120 (6)(a) 12-100-116 (6)(a) commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and, for the second or any subsequent offense, the person commits a class 6 felony and shall be punished as provided in section 18-1.3-401., C.R.S. IS SUBJECT TO PENALTIES PURSUANT TO SECTION 12-20-407 (1)(a).

12-100-128. [Formerly 12-2-130] Ownership of accountant's working papers. All statements, records, schedules, working papers, and memoranda made by a certified public accountant incident to or in the course of professional service to a client by the certified public accountant, except financial statements submitted by a certified public accountant to a client and books and records prepared for the use of the client, shall be and remain the property of the certified public accountant in the absence of an express agreement to the contrary between the certified public accountant and the client.
12-100-129. [Formerly 12-2-130.5] Ownership of state auditor's working papers. Except for reports submitted to the legislative audit committee and books and records prepared for use by such committee, all statements, records, schedules, working papers, and memoranda prepared by a certified public accountant in the employ of the state auditor's office, in the course of professional service to the legislative audit committee, shall be and remain the property of the state auditor's office and shall be kept confidential unless a majority of the members of the legislative audit committee vote to open such documents.

12-100-130. [Formerly 12-2-132] Repeal of article. (1) This article 100 is repealed, effective July 1, 2019.

(2) Prior to such repeal, the state board of accountancy shall be reviewed as provided in this article. 100 is scheduled for review in accordance with section 24-34-104. C.R.S.

ARTICLE 105
Barbers and Cosmetologists

12-105-101. [Formerly 12-8-101] Short title. The short title of this article shall be known and may be cited as 105 is the "Barber and Cosmetologist Act".

12-8-102. [Formerly 12-8-102] Legislative declaration. The purpose of this article 105 is to protect the public's health, safety, and welfare with respect to the professional practice of barbers, hairstylists, cosmetologists, estheticians, and nail technicians, and, therefore, testing procedures and disciplinary actions are of the highest priority. Access of qualified professionals to these professions shall not be unduly restricted. The director of the division of professions and occupations in the department of regulatory agencies is hereby directed to enforce this article 105 to accomplish the purposes set forth in this section.

12-105-103. Applicability of common provisions. Articles 1 and 20 of this title 12 apply, according to their terms, to this article 105.

12-8-104. [Formerly 12-58-103] Definitions. As used in this article 8 105, unless the context otherwise requires:
(1) "Barber" means a person who engages in any of the practices of barbering.
(2) "Barbering" means any one or combination of the following practices when done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or when done without payment for the public generally: Shaving or trimming the
beard; cutting the hair; giving facial or scalp massage or treatment with oils, creams, or lotions, or other chemical preparations, either by hand or with mechanical appliances; dyeing the hair or applying hair tonic; applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp, face, neck, or shoulders.

(3) "Barber school" means an establishment operated by a person for the purpose of teaching barbering that is certified by the private occupational school division or the Colorado community college system, or is an accredited technical school that teaches barbering.

(4) "Barbershop" or "beauty salon" means a fixed establishment, temporary location, or place in which one or more persons engage in the practice of barbering or cosmetology. The term "temporary location" includes a motor home as defined in section 42-1-102 (57).

C.R.S.

(5) "Beauty school" means an establishment operated by a person for the purpose of teaching cosmetologists, estheticians, hairstylists, and nail technicians that is certified by the private occupational school division or the Colorado community college system, or is an accredited technical school that teaches cosmetology.

(6) Repealed.

(7) (Deleted by amendment, L. 2005, p. 560, § 2, effective July 1, 2005.)

(8) (6) "Cosmetologist" means a person who engages in any of the practices of cosmetology.

(9) (7) "Cosmetology" means any one act or practice, or any combination of acts or practices, not for the treatment of disease, physical illness, or a behavioral, mental health, or substance use disorder, when done for payment either directly or indirectly or when done without payment for the public generally, usually performed by and included in or known as the profession of beauty culturists, beauty operators, beauticians, estheticians, cosmetologists, or hairdressers or of any other person, partnership, corporation, or other legal entity holding itself out as practicing cosmetology by whatever designation and within the meaning of this article § 105. In particular, "cosmetology" includes, but is not limited to, any one or a combination of the following acts or practices: Arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work upon the hair of a person by any means and, with hands or a mechanical or electrical apparatus or appliance or by the use of cosmetic or chemical preparations; manicuring or pedicuring the nails of a person; giving facials, applying makeup, giving skin care, or applying eyelashes involving physical contact with a person; beautifying the face, neck, arms, bust, or torso of the human body by use of cosmetic preparations, antiseptics, tonics, lotions, or creams; massaging, cleaning, or stimulating the face, neck, arms, bust, or torso of the human body with the use of antiseptics, tonics, lotions, or creams; removing superfluous hair from the body of a person by the use of depilatories or waxing or by the use of tweezers; and the trimming of
the beard.

(9.3) "Director" means the director of the division of professions and occupations in
the department of regulatory agencies.

(9.4) (8) "Esthetician" means any person who engages in any one or more of the
following practices not for the treatment of disease or physical ailments:
(a) Giving facials, applying makeup, giving skin care, or applying eyelashes,
involving physical contact, to any person;
(b) Beautifying the face, neck, arms, bust, or torso of the human body by the use of
cosmetic preparations, antiseptics, tonics, lotions, or creams;
(c) Massaging, cleaning, or stimulating the face, neck, arms, bust, or torso of the
human body by means of the hands, devices, apparatus, or appliances with the use of
cosmetic preparations, antiseptics, tonics, lotions, or creams;
(d) Removing superfluous hair from the body of any person by the use of depilatories
or waxing or by the use of tweezers.

(9.5) Repealed.

(9.7) (9) "Hairstyling" means providing one or more of the following hair care
services not for the treatment of disease or physical or mental ailments upon the upper part
of the human body for cosmetic purposes for payment either directly or indirectly, or when
done without payment for the public generally:
(a) Cleansing, massaging, or stimulating the scalp with oils, creams, lotions, or other
cosmetic or chemical preparations, using the hands or with manual, mechanical, or electrical
implements or appliances;
(b) Applying cosmetic or chemical preparations, antiseptics, powders, oils, clays, or
lotions to the scalp;
(c) Cutting, arranging, applying hair extensions to, or styling the hair by any means
using the hands or with manual, mechanical, or electrical implements or appliances;
(d) Cleansing, coloring, lightening, waving, or straightening the hair with cosmetic
or chemical preparations, using manual, mechanical, or electrical implements or appliances;
(e) Trimming the beard.

(9.8) (10) "Hairstylist" means a person who engages in any of the practices of
hairstyling.

(10) Repealed.

(10.5) (11) "Manicuring" means any one act or practice, or combination of acts or
practices, not for the treatment of disease or physical or mental ailments, when done for
direct or indirect payment or when done without payment for the public generally.
"Manicuring" includes, but is not limited to, the filing, buffing, polishing, cleansing,
extending, protecting, wrapping, covering, building, pushing, or trimming of nails or any
other similar work upon the nails of a person by any means, including the softening of the
hands, arms, ankles, or feet of a person by use of hands, a mechanical or electrical apparatus
or appliance, cosmetic or chemical preparations, antiseptics, lotions, or creams or by
massaging, cleansing, stimulating, manipulating, or exercising the arms, hands, feet, or
ankles of a person. Manicuring also includes waxing or the use of depilatories on the leg up
to the knee and the waxing or the use of depilatories on the arm up to the elbow.

(12) "Nail technician" means a person who engages in the limited practices of
cosmetology known as manicuring. Unless otherwise licensed under this article 105, a nail
technician shall not engage in the practice of cosmetology, except manicuring.

(12.5) "Natural hair braiding" means a service that results in tension on hair
strands or roots by twisting, wrapping, weaving, extending, locking, or braiding by hand or
with a mechanical device, as long as the service does not include hair cutting or the
application of dyes, reactive chemicals, or other preparations to alter the color of the hair or
to straighten, curl, or alter the structure of the hair.

(13) "Owner" includes any person who has a financial interest in a barbershop
or beauty salon or any other place of business entitling such the person to participate in the
promotion, management, or proceeds thereof. It does not include a person whose connection
with the barbershop, beauty salon, or other place of business entitles such the person only
to reasonable salary or wages for services actually rendered. The owner of a place of
business is the person responsible for registering such the place of business with the
director.

(13.5) "Place of business" means a fixed establishment, temporary location, or
place, including any mobile barber shop or beauty salon, in which one or more persons
engage in the practice of barbering, hairstyling, or cosmetology or practice as a nail
technician or an esthetician. The term "temporary location" includes a motor home as
defined in section 42-1-102 (57). C.R.S.

(1) The director shall keep a record of proceedings. The director shall keep a register of
applicants for licenses showing the name and address of each applicant and whether such
applicant was granted or refused a license. The director shall keep a register of places of
business showing each owner's name and the address of each such place of business. The
books and records of the director shall be prima facie evidence of matters contained therein
and shall constitute public records.

(2) Repealed.

(3) (2) Publications of the director circulated in quantity outside the executive branch
shall be issued in accordance with the provisions of section 24-1-136. C.R.S.

12-105-106. [Formerly 12-8-108] Powers and duties of the director - advisory
committee. (1) The director has the following powers and duties:

(a) To promulgate, in accordance with article 4 of title 24, C.R.S., such rules and regulations as are necessary for the administration of this article 105;

(b) To revoke or suspend a license or registration pursuant to section 12-8-114.5, or to deny, fine, place on probation, take disciplinary or other action as authorized in section 12-20-404 or limit the scope of practice of an applicant, licensee, or registrant, upon proof of a violation of this article 105 or the rules promulgated pursuant to this article 105;

(c) To prescribe, with the approval of the department of public health and environment, such safety and sanitary rules as the director may deem necessary to protect the health and safety of the public;

(d) To supervise and regulate the industries of barbering, hairstyling, and cosmetology and the practices of estheticians and nail technicians of this state in accordance with this article 105, but nothing contained in this article 105 shall be construed to abrogate the status, force, or operation of any provisions of any public health law of this state or any local health ordinance or regulation;

(e) To establish criteria for applicant eligibility for examination and to establish procedures for the registration of places of business;

(f) To investigate upon his or her own initiative or upon receiving a complaint all suspected or alleged violations of this article 105, 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. SECTION 12-20-403 APPLIES FOR PURPOSES OF INVESTIGATIONS UNDER THIS SUBSECTION (1)(e).

(H) 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.
(f) By and through the attorney general of this state, to apply, PURSUANT TO SECTION 12-20-406, to a court of competent jurisdiction for an order enjoining any act or practice which constitutes a violation of this article 105. Upon a showing to the satisfaction of the court that a person is engaging or intends to engage in any such act or practice, an injunction, temporary restraining order, or other appropriate order shall be granted by such court, regardless of the existence of another remedy therefor. The requirements for notice, hearing, duration of any injunction or temporary restraining order issued pursuant to this paragraph (g) SUBSECTION (1)(f), or other similar matter shall be in accordance with the Colorado rules of civil procedure.

(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.

(i) (g) To issue cease-and-desist orders pursuant to section 12-8-127.5 12-20-405.

(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.

(2) (a) The director shall appoint a six-member advisory committee to assist in the performance of the director's duties. The advisory committee consists of at least three licensees who have expertise in the area under review; one owner or operator of a school that provides training for licensees in the industry and is licensed by the private occupational school division; a representative from a Colorado licensed school that provides training for licensees in the industry; and a member of the public. Members of the advisory committee shall not be compensated for their services but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties under this article 105. The advisory committee shall meet at least once per year and prior to the adoption of rules, and at the request of the director.

(b) (Deleted by amendment, L. 2015.)
12-105-107. [Formerly 12-8-110] Examinations. (1) For the benefit of applicants, the director shall hold examinations as often as necessary, subject to appropriation constraints.

(2) The respective examinations of applicants for licenses to practice barbering, hairstyling, or cosmetology under this article 105 shall be conducted under rules prescribed by the director and shall include practical demonstrations, written tests in reference to the practices to which a license is applied, and such related studies or subjects as the director may determine necessary for the proper and efficient performance of such practices, and such examinations shall not be confined to any specific system or method. The practical demonstrations shall be conducted under conditions that are as similar to actual operating conditions as possible. The director is authorized to rent adequate facilities in which to hold such examinations.

(3) The examinations must be consistent with the practical and theoretical requirements of the practices of barbering, hairstyling, or cosmetology or providing nail technician or esthetician services as provided by this article 105, and the director shall review, revise, and update the examinations periodically on a reasonable basis in consultation with the advisory committee created pursuant to section 12-8-108. Examinations must be graded promptly, and the results of the examinations must be made available to the applicants promptly. The examination must emphasize health and safety issues.

(4) The director shall offer a separate and complete testing station and facility for each applicant, and no oral examination shall be given in connection with practical demonstrations.

(5) No person is permitted to examine applicants in any of the practical portions for barbers, hairstylists, cosmetologists, estheticians, or nail technicians in which the person has not had practical experience and received a license as provided in this article 105.

(6) Repealed.

12-105-108. [Formerly 12-8-111] Application - form. (1) Each applicant for examination shall file with the director or the director's designee, a written application in such form as the director may require to set forth the qualifications of the applicant and shall submit satisfactory proof of the required age and education.

(2) Each applicant for registration shall file with the director or the director's designee, a written application in such form as the director may require pursuant to section 12-8-114.5.

(3) Repealed.

(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.

12-105-109. [Formerly 12-8-112] Results of examinations. The results of examinations and the qualifications of applicants for admission to such THE examinations or for licenses shall be determined by the director or by such person as the director shall designate.

12-105-110. [Formerly 12-8-113] When the director admits applicant. If the director finds that the applicant meets the qualifications of sections 12-8-111 and 12-8-114 and has submitted any other credentials required by the director for admission to the examination and has paid the required fee, the director shall admit such THE applicant to examination.

12-105-111. [Formerly 12-8-114] Qualifications of applicants - requirements - rules. (1) An applicant for any license provided in this article 105 or for examination shall be at least sixteen years of age.

(2) An applicant for examination shall furnish proof of graduation from a barber school or beauty school approved by the private occupational school division pursuant to article 64 of title 23; approved by the state board for community colleges and occupational education pursuant to article 60 of title 23; or, if the school is located in another state or country, approved by the governmental agency responsible for approving such THE schools in that state or country. The applicant shall also furnish proof that the applicant has successfully completed educational requirements equal to those set by the director. If the applicant has graduated from a school located outside Colorado, the applicant shall furnish proof that the applicant has successfully completed educational requirements substantially equal to those set by the director.

(3) The director shall promulgate rules to implement this section, but shall not require an applicant for examination to furnish proof of training of more than the number of hours of course completion in the subject area in which the applicant seeks licensure as follows:

(a) FOR A COSMETOLOGIST:
   (I) Fifty credits, as defined by:
      (A) Institutional accreditation requirements;
      (B) The Colorado commission on higher education full-time equivalent clock-to-credit hour requirements; or
      (C) The department of education accreditation requirements; or
   (II) One thousand five hundred contact hours; for a cosmetologist;

(b) FOR A BARBER:
(I) Fifty credits, as defined by:
(A) Institutional accreditation requirements;
(B) The Colorado commission on higher education full-time equivalent clock-to-credit hour requirements; or
(C) The department of education accreditation requirements; or
(II) One thousand five hundred contact hours; for a barber;
(c) Six hundred contact hours for an esthetician;
(d) Six hundred contact hours for a nail technician;
(e) One thousand two hundred contact hours for a hairstylist.
(4) Every person desiring to obtain a license to practice the occupation of a barber, cosmetologist, esthetician, hairstylist, or nail technician in this state shall apply and pay to the director an examination fee. The director shall issue a license to applicants who successfully pass the examination and who qualify upon the payment of the required fee.
(5) Notwithstanding any law to the contrary, no examinations for a hairstylist license and no hairstylist licenses shall be issued until on or after January 15, 2001.

12-105-112. [Formerly 12-8-114.5] Registration for places of business. (1) Each owner of a place of business shall register with the director. The director shall maintain a registry of the places of business. The director is authorized to establish and collect a fee that is based on the director's actual costs associated with the maintenance of the registry.
(2) If an applicant for registration has paid the required fee and complied with the requirements of this article 105, the director shall issue the registration. The registration must be conspicuously displayed in the place of business.
(3) It is unlawful for a place of business to offer barbering, cosmetology, hairstyling, or esthetician or nail technician services in this state unless the place of business is registered with the director.

12-105-113. [Formerly 12-8-115] Renewal and reinstatement of license. All licenses shall expire pursuant to, a schedule established by the director and shall be renewed or reinstated pursuant to section 24-34-102(8), C.R.S. The director may establish renewal fees and delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S. If a person fails to renew his or her license pursuant to the schedule established by the director of the division of professions and occupations, such license shall expire AND ARE SUBJECT TO THE RENEWAL, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS OF, SECTION 12-20-202 (1) AND (2). Any person whose license has expired shall be subject to the penalties provided in this article 105 or section 24-34-102(8), C.R.S. 12-20-202.

12-105-114. [Formerly 12-8-116] Fees. (†) Fees shall be as established pursuant to
section 24-34-105, C.R.S. 12-20-105 AND SHALL NOT BE REFUNDED.

(2) No fees shall be refunded.

(3) The executive director of the department of regulatory agencies shall determine the length of time for licensing periods and for license renewal periods, not to exceed three years:

(4) All fees for examinations, registrations, and licenses must be paid in advance, except as otherwise provided in this article.

(5) The director shall collect all fees and transmit the fees to the state treasurer, who shall credit the moneys pursuant to section 24-34-105, C.R.S. The general assembly shall make annual appropriations pursuant to section 24-34-105, C.R.S., for expenditures of the director incurred in the performance of his or her duties pursuant to this article, which expenditures must be made by vouchers and warrants drawn pursuant to law.

12-105-115. [Formerly 12-8-118] Licensure by endorsement - rules. (1) The director shall issue a license by endorsement to engage in the practice of barbering, cosmetology, hairstyling, manicuring, or esthetician services in this state to an individual who possesses an active license in good standing to practice in that profession in another state or territory of the United States or in a foreign country if the applicant presents proof that is satisfactory to the director, that the applicant:

(a) Possesses a valid license from another state or jurisdiction that is substantially equivalent to the requirements in Colorado for licensure and meets all other requirements for licensure pursuant to this article. The director may specify by rule what shall constitute substantially equivalent licensure and qualifications; and

(b) Has paid the prescribed licensure fees.

12-105-116. [Formerly 12-8-119] Issuance of license - display. If an applicant for examination to practice barbering, hairstyling, or cosmetology or to provide esthetician or nail technician services passes the examination and has paid the required fee and complies with the requirements of this article, the director shall issue a license to that effect. The license is evidence that the person to whom it is issued is entitled to engage in the practices, occupation, or occupations stipulated in the license. The license must be conspicuously displayed in the licensee's principal office or place of business or employment.

12-105-117. [Formerly 12-8-120] License required. It is unlawful for any person to engage in, or attempt to engage in, the occupation of barbering, hairstyling, or cosmetology or to provide esthetician or nail technician services in this state unless the person first obtains a license as provided in this article.
12-105-118. [Formerly 12-8-121] Exemptions. (1) Nothing in this article 105
prohibits services by:
   (a) A person who is acting within the scope of practice for which he or she is
       licensed, registered, or certified;
   (b) Licensed or unlicensed volunteers in the performance of charitable services
       for washing and setting the hair of:
       (I) Patients confined to hospitals or nursing, convalescent, or boarding homes;
       (II) Persons confined to their homes by reason of age, physical or mental
            infirmity, or physical disability;
   (c) A student of a barbering, hairstyling, or cosmetology school or of esthetician or
       nail technician services who has received more than twenty percent of the hours of
       instruction required in section 12-8-114 (3) 12-105-111 (3) and who is rendering
       services at the school under supervision of a licensee within the school setting;
   (d) A person who provides the service of natural hair braiding.

   (2) and (3) Repealed.

   (4) Lectures and demonstrations on beauty culture, hairdressing, and the use of
       beauty preparations performed without compensation do not constitute the practice of
       cosmetology, and nothing in this article 105 prevents the giving of lectures to and
       demonstrations on any person. The application of beauty products for the exclusive purpose
       of recommending, demonstrating, or selling the products does not constitute the practice of
       cosmetology.

12-105-119. [Formerly 12-8-122] Director may employ aid - compensation. The
director may employ any person licensed pursuant to this article 105 for the purpose of
conducting examinations. The person must not be connected with any school teaching
barbering, hairstyling, or cosmetology or esthetician or nail technician students. Any person
employed by the director may receive compensation for services for each day employed in
the actual discharge of the person's official duties and actual and necessary expenses
incurred, to be set by the director upon the approval of the executive director of the
department of regulatory agencies.

12-105-120. [Formerly 12-8-123] Inspections. Upon written complaint, inspections
under section 12-8-108 (1)(f) 12-105-106 (1)(e) of barbershops, beauty salons, places of
business, and booths rented therein operated by independent licensees may be conducted by
the director, or the director may contract for such the inspections. The director shall
maintain detailed records of all complaints and responses to such the complaints.

12-105-121. [Formerly 12-8-127] Unauthorized practice - penalties - fines.
(1) Any person who practices or offers or attempts to practice barbering, hairstyling, esthetics, manicuring, or cosmetology without an active license issued under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and, for the second or any subsequent offense, the person commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

105 IS SUBJECT TO PENALTIES PURSUANT TO SECTION 12-20-407 (1)(a).

(2) In addition to any other penalty, any person who violates the provisions of this article 105 or the rules and regulations of the director promulgated under this article 105 may be penalized FINED by the director upon a finding of a violation, pursuant to article 4 of title 24, C.R.S., as follows:

(a) In the first administrative proceeding against any person, a fine of not less than one hundred dollars but not more than five hundred dollars per day per violation;

(b) In any subsequent administrative proceeding against any person for transactions occurring after a final agency action determining that a violation of this article 105 has occurred, a fine of not less than one thousand dollars but not more than two thousand dollars per day per violation.

(3) Repealed.

(4) All fines collected pursuant to this article shall be transferred to the state treasurer, who shall credit such moneys to the general fund.

12-105-122. [Formerly 12-8-128] Enforcement. It is the duty of the district attorneys of each judicial district of this state and the attorney general of this state to prosecute all persons charged with the violation of any of the provisions of this article 105. It is the duty of the director to aid said THE attorneys in the enforcement of this article 105.

12-105-123. [Formerly 12-8-129] Investigations. The practice and procedure of the director with respect to any investigation by the director authorized by this article 105 shall be in accordance with rules and regulations promulgated by the director, which rules and regulations shall provide for, but need not be limited to, investigation powers, including the right to enter the premises of any place of business registered or subject to registration under this article 105 at any time said THE business is open or has members of the public present on the premises.

12-8-129.1 Immunity. The director, the director's staff, any person acting as a witness or consultant to the director, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article shall be immune from liability in any civil action brought against him or her for acts occurring while acting in his or her capacity as director, staff, consultant, or witness, respectively, if such individual
was acting in good faith within the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in the reasonable belief that the action taken by him or her was warranted by the facts. Any person participating in good faith in lodging a complaint or participating in any investigative or administrative proceeding pursuant to this article shall be immune from any civil or criminal liability that may result from such participation.

12-105-124. [Formerly 12-8-131] Disciplinary proceedings - administrative law judges - judicial review. (1) The director may, through the department, of regulatory agencies, employ administrative law judges to conduct hearings as provided by this section or on any matter within the director's jurisdiction upon such conditions and terms as the director may determine.

(2) A proceeding for discipline of a licensee or registrant shall be commenced when the director has reasonable grounds to believe that a licensee or registrant has committed acts that may violate the provisions of this article 105. The grounds may be established by an investigation begun by the director on the director's own motion or by an investigation pursuant to a written complaint. SECTION 12-20-403 AND ARTICLE 4 OF TITLE 24 GOVERN PROCEEDINGS UNDER THIS SECTION.

(3) Notice of the commencement of disciplinary proceedings pursuant to this section shall be given to the licensee, registrant, or applicant in the manner prescribed by section 24-4-105, C.R.S.

(4) Any hearing on the revocation or suspension of a license, or on the denial of an application for a new license, or for renewal of a previously issued license shall be conducted by an administrative law judge, and such administrative law judge shall be vested with all powers and authority prescribed by article 4 of title 24, C.R.S.

(5) The administrative law judge shall make an initial decision, which shall include a statement of findings and conclusions upon all the material issues of fact and law presented by the record and the appropriate order, sanction, or relief. In the absence of an appeal to the director or a review upon motion of the director within thirty days after service of the initial decision of the administrative law judge, the initial decision shall become the decision of the director.

(6) Review by the director of the initial decision of the administrative law judge upon appeal or upon the director's own motion shall be conducted in accordance with section 24-4-105, C.R.S. The findings of fact made by the administrative law judge shall not be set aside by the director on review unless such findings are contrary to the weight of the evidence. The director may remand the matter to the administrative law judge for such further proceedings as the director may direct, or the director may affirm, set aside, or modify the order, sanction, or relief entered, in conformity with the facts and the law. Each
decision shall be served as prescribed by section 24-4-105, C.R.S.

(7) (3) Final action by the director may be judicially reviewed. The court of appeals shall have initial jurisdiction to review all final actions and orders that are subject to judicial review. Such proceedings shall be conducted in accordance with section 24-4-106 (11), C.R.S. IN ACCORDANCE WITH SECTION 12-20-408.

(8) (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 SECTION 12-20-404 (2) APPLIES.

12-105-125. [Formerly 12-8-132] Grounds for discipline. (1) The director may deny, revoke, suspend, or make probationary any license or registration issued under the director's authority pursuant to this article. TAKE DISCIPLINARY OR OTHER ACTION AS AUTHORIZED IN SECTION 12-20-404 upon proof that the licensee:

(a) Has been convicted of or has entered a plea of nolo contendere to a felony. In considering the conviction of or such the plea to any such crime, the director shall be governed by the provisions of section 24-5-101, C.R.S.

(b) Made any misstatement on his or her application for licensure to practice as a barber, hairstylist, cosmetologist, esthetician, or nail technician or attempted to obtain a license to practice by fraud, deception, or misrepresentation;

(c) Committed an act or failed to perform an act necessary to meet the generally accepted standards to practice a profession licensed under this article 105, which shall include performing services outside of the person's area of training, experience, or competence;

(d) Excessively or habitually uses or abuses alcohol or controlled substances;

(e) Has violated any of the provisions of this article 105 or any valid order of the director;

(f) Is guilty of unprofessional or dishonest conduct;

(g) Advertises by means of false or deceptive statement;

(h) Fails to display the license as provided in section 12-8-119 12-105-116;

(i) Fails to comply with the rules promulgated by the director as provided in PURSUANT TO THIS ARTICLE 105 AND section 12-8-108 (1)(a) 12-20-204;

(j) Is guilty of willful misrepresentation;

(k) Fails to disclose to the director within forty-five days a conviction for a felony or any crime that is related to the practice as a barber, cosmetologist, esthetician, hairstylist, or nail technician;

(l) Aids or abets the unlicensed practice of barbering, hairstyling, or cosmetology or the unlicensed provision of esthetician or nail technician services; or
(m) Fails to timely respond to a complaint sent by the director pursuant to section 12-105-124.

12-105-126. [Formerly 12-8-133] Repeal of article. This article is repealed, effective September 1, 2026. Prior to such repeal, the functions of the director are scheduled for review in accordance with section 24-34-104, and the advisory committee created in section 12-8-108 shall be reviewed as provided for 12-105-106 is scheduled for review in accordance with section 24-34-104 C.R.S. 2-3-1203.

ARTICLE 110
Combative Sports

12-110-101. [Formerly 12-10-101] Short title. The short title of this article shall be known and may be cited as 110 is the "Colorado Professional Boxing Safety Act".

12-110-102. [Formerly 12-10-102] Legislative declaration. (1) The general assembly hereby finds, determines, and declares that the federal "Professional Boxing Safety Act of 1996" requires the state of Colorado to establish a state boxing commission. Because there is no state boxing commission, any professional boxing match held in Colorado has to be supervised by another state's boxing commission, using safety guidelines and procedures implemented by that state.

(2) The general assembly further finds and declares that it is in the best interests of the residents of Colorado, professional boxing participants, and the future of the sport of boxing in Colorado that the conduct of the sport be subject to an effective and efficient system of strict control designed by the general assembly. Such system shall, at a minimum:

(a) Protect the safety of the participants; and
(b) Promote the public trust and confidence in the conduct of professional boxing.

(3) To further public confidence and trust, this article and rules promulgated pursuant to this article shall regulate all persons, practices, and associations that relate to the operation of live professional boxing events, performances, or contests held in Colorado.

12-110-103. Applicability of common provisions. Articles 1 and 20 of this...
TITLE APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 110.

12-110-104. [Formerly 12-10-103] Definitions. As used in this article unless the context otherwise requires:

(1) "Boxer" means an individual who participates in a boxing match.
(2) "Boxing" means fighting, striking, forcing an opponent to submit, or disabling an opponent, including the disciplines of kickboxing, mixed martial arts, and martial arts.
(3) "Commission" means the Colorado combative sports commission created in section 12-10-105 12-110-106.
(4) "Contest" means a match in which the participants strive earnestly to win.
(5) "Department" means the department of regulatory agencies.
(6) "Director", "director of the division", or "director of the division of professions and occupations" means the director of the division of professions and occupations within the department or his or her designee.
(6.5) "Division" means the division of professions and occupations within the department.
(7) "Exhibition" means a match in which participants display their boxing skills and techniques without striving earnestly to win.
(8) (Deleted by amendment, L. 2010, (HB 10-1245), ch. 131, p. 432, § 5, effective July 1, 2010.)
(9) "Kickboxing" means engaging in martial arts fighting techniques using the hands and feet, the object of which is to win by a decision, knockout, or technical knockout.
(9.5) "Martial arts" means any of several arts of combat or self-defense that are widely practiced as sport.
(10) "Match" means a professional boxing contest or exhibition, the object of which is to win by a decision, knockout, or technical knockout, and includes an event, engagement, sparring or practice session, show, or program where the public is admitted and there is intended to be physical contact. "Match" does not include a training or practice session when no admission is charged.
(10.5) "Mixed martial arts" means the combined techniques of boxing and martial arts disciplines such as grappling, kicking, and striking, including the use of full, unrestrained physical force.
(11) "Office" means the office of combative sports created in section 12-10-104 12-110-105.
(11.5) "Office director" means the director of the office of combative sports.
created in section 12-10-104.

(12) "Participant" means a person who engages in a match as a boxing contestant.

(13) "Physician" means an individual licensed to practice medicine pursuant to article
36 240 of this title 12.

(14) "Place of training" means a facility where alcohol beverages are not permitted, an admission fee is not charged for nonstudents, instructors of particular disciplines train students in the art of boxing, and students pay a fee to be enrolled in classes and receive instruction.

(15) "Professional" means a participant who has received or competed for a purse or any other thing of value for participating in a match.

(16) "Toughperson fighting" means:

(I) A physical contest, match, tournament, exhibition, or bout, or any activity that involves physical contact between two or more individuals engaging in combative skills using the hands, feet, or body, whether or not prizes or purses are awarded at the event or promised in future events or spectator admission fees are charged or received; and

(II) A contest, match, tournament, exhibition, bout, or activity, as described in subsection (15)(a)(I) of this section, that is not recognized by and not sanctioned by any state, regional, or national boxing sanctioning authority that is recognized by the director.

(b) "Toughperson fighting" does not mean:

(I) Activities occurring under a martial arts instructor at a place of training or other types of instructor-student or student-student contact occurring under the supervision of an instructor at a place of training; or

(II) A sanctioned boxing event approved by the commission.

12-110-105. [Formerly 12-10-104] Office of combative sports - creation. There is hereby created, within the division, of professions and occupations in the department of regulatory agencies, the office of combative sports. The office of combative sports and the Colorado combative sports commission, created in section 12-10-105, shall exercise their respective powers and perform their respective duties and functions as specified in this article under the department of regulatory agencies as if the powers, duties, and functions were transferred to the department by a type 2 transfer ENTITY, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, section 24-1-105. <This provision may be further amended based on the SRC Administrative Organization Act bill.>
12-110-106. [Formerly 12-10-105] Colorado combative sports commission -
creation. (1) There is hereby created, within the office of combative sports, the Colorado
combative sports commission. The commission shall regulate matches in Colorado.

(2) (a) The commission consists of five voting members and two nonvoting advisory
members. All members must be residents of Colorado, be of good character, and not have
been convicted of any felony or match-related offense, notwithstanding section 24-5-101, and be appointed as follows:

(I) The governor shall appoint three voting members.

(II) The president of the senate shall appoint one voting member.

(III) The speaker of the house of representatives shall appoint one voting member.

(IV) (A) Two nonvoting advisory members who are licensed physicians shall be
appointed, one by the speaker of the house of representatives and one by the president of the
senate.

(B) The two nonvoting advisory members shall advise the commission on matters
concerning the health and physical condition of boxers and health issues relating to the
conduct of matches. The nonvoting members may prepare and submit to the commission for
its consideration and approval any rules that in their judgment will safeguard the physical
welfare of the participants engaged in boxing.

(b) Members' terms are four years.

(c) The commission shall designate by majority vote which member is to serve as
chair. Any member may be removed from office by the person making the appointment for
misfeasance, malfeasance, willful neglect of duty, or other cause.

(d) Members shall serve until their successors are appointed and have been qualified.
Any vacancy in the membership of the commission shall be filled in the same manner as the
original appointment. A vacancy in the membership of the commission other than by
expiration of term shall be filled for the remainder of the unexpired term only.

(3) Meetings of the commission shall be held at least annually and shall be called by
the chair or by any two members of the commission and shall be open to the public. Any
three voting members shall constitute a quorum at any meeting. Action may be taken and
motions and resolutions may be adopted at any meeting at which a quorum exists by the
affirmative vote of a majority of the voting members present. Members may participate in
a regular or special meeting by, or conduct the meeting through the use of, any means of
communication by which all members participating may simultaneously hear one another
at all times during the meeting. A member participating in a meeting by this means is
deemed to be present in person at the meeting.
12-110-107. [Formerly 12-10-106] General powers and duties of the commission
- rules. (1) In addition to any other powers specifically granted to the commission in this
article ¶ 110, the commission shall issue rules as necessary for the regulation of the
conduct, promotion, and performance of live boxing matches in this state. The rules must
be consistent with this article ¶ 110, the federal "Professional Boxing Safety Act of 1996",
15 U.S.C. sec. 6301 et seq., and any other applicable federal law. The commission's rules
must include:
(a) Requirements for issuance of licenses and permits for boxers, seconds, inspectors,
promoters, judges, and referees;
(b) Regulation of ticket sales;
(c) Physical requirements for participants, including classification by weight and
skill;
(d) Provisions for supervision of contests and exhibitions by referees and licensed
physicians;
(e) Requirements for insurance covering participants and bonding of promoters;
(f) Guidelines for compensation of licensees;
(g) Guidelines for contracts and financial arrangements between promoters and
participants;
(h) Prohibition of dishonest, unethical, and injurious practices;
(i) Guidelines for reports of fraud;
(j) Responsibilities of participants;
(k) Regulation of facilities; and
(l) Procedures to:
(I) Allow the director to deny or suspend a participant license for a nondisciplinary
reason, such as a medical or administrative reason, including the following reasons listed in
(A) A recent knockout or series of consecutive losses;
(B) An injury;
(C) A required medical procedure; or
(D) A physician's denial of certification;
(II) Authorize the director to lift a license denial or suspension imposed for a
nondisciplinary reason if the participant or a representative of the participant sufficiently
demonstrates:
(A) That the participant's medical or physical condition has improved to a degree that
the nondisciplinary license denial or suspension is no longer warranted; or

(B) That the nondisciplinary license denial or suspension was never warranted; and

(III) Allow the director to report a nondisciplinary participant license suspension to a national record keeper approved by the director.

(2) No member shall receive compensation for serving on the commission; however, a member may be reimbursed for expenses incurred in the performance of such services.

(3) to (5) (Deleted by amendment, L. 2010, (HB 10-1245), ch. 131, p. 434, § 7, effective July 1, 2010.)

12-110-108. [Formerly 12-10-106.3] License required. No person shall participate, officiate, judge, referee, promote, or second a professional boxing arts contest unless the person is licensed pursuant to this article 110.

12-110-109. [Formerly 12-10-106.5] Renewal and reinstatement of licenses. All licenses shall expire pursuant to, a schedule established by the director of the division of professions and occupations within the department of regulatory agencies and shall be renewed or reinstated pursuant to section 24-34-102 (8), C.R.S. The director of the division of professions and occupations within the department of regulatory agencies may establish renewal fees and delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S. If a person fails to renew his or her license pursuant to the schedule established by the director, of the division of professions and occupations, such license shall expire AND ARE SUBJECT TO THE RENEWAL, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS OF, SECTION 12-20-202 (1) AND (2). Any person whose license has expired shall be subject to the penalties provided in this article 110 or section 24-34-102 (8), C.R.S. 12-20-202 (1).

12-110-110. [Formerly 12-10-107] Office director - appointment - qualification - powers and duties - director of division's powers and duties. (1) The office director is appointed by, and serves under the supervision of, the director of the division:

(2) The office director must:

(a) Be of good character and not have been convicted of any felony or match-related offense, notwithstanding section 24-5-101; and

(b) Not be engaged in any other profession or occupation that could present a conflict of interest with the duties of office director.

(3) (a) In addition to the duties imposed upon the office director elsewhere in this article 110, the office director shall, in accordance with this article 110 and the rules of the commission:

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(I) Direct and supervise the administrative and technical activities of the commission; (II) Supervise and administer the operation of matches; and (III) As deemed necessary by the director of the division, advise and make recommendations to the director of the division with regard to the director of the division’s functions.

(b) In addition to the duties imposed upon the director of the division elsewhere in this article 110, the director of the division shall:

(I) Attend meetings of the commission or appoint a designee to attend in the director’s place;

(II) Advise and recommend to the commission rules and other procedures as the director deems necessary and advisable to improve the conduct of boxing;

(III) Furnish any documents of the commission that may be required by the state auditor in the performance of audits performed in conformance with part 1 of article 3 of title 2; and

(IV) Enforce this article 110 and investigate allegations of activity that might violate this article 110.

12-110-111. [Formerly 12-10-107.1] Grounds for discipline. (1) The director may deny, suspend, revoke, place on probation, or issue a letter of admonition against a license or an application for a license if the applicant or licensee:

(a) Violates any order of the commission or the director or any provision of this article 110 or the rules established under this article 110;

(b) Fails to meet the requirements of this article 110 or the rules of the commission;

(c) Is convicted of or has entered a plea of nolo contendere or guilty to a felony; except that the director shall be governed by the provisions of section 24-5-101 C.R.S., in considering such conviction or plea;

(d) Has an alcohol use disorder, as defined in section 27-81-102, or a substance use disorder, as defined in section 27-82-102, or is an excessive or a habitual user or abuser of alcohol or habit-forming drugs or is a habitual user of a controlled substance, as defined in section 18-18-102 (5), if the use, disorder, or dependency is a danger to other licensees;

(e) Has incurred disciplinary action related to professional boxing in another jurisdiction. Evidence of disciplinary action is prima facie evidence for denial of a license or other disciplinary action if the violation would be grounds for disciplinary action in this state.
(f) Provides false information in any application or attempts to obtain a license by fraud, deception, misrepresentation, or concealment;

(g) Is guilty of conduct, or is incompetent or negligent in a manner, that:

(I) Is detrimental to a contest or exhibition of boxing, including unsportsmanlike conduct engaged in before, during, or after a contest or exhibition of boxing; or

(II) Results in injury, or creates an unreasonable risk of harm, to a person; or

(h) Fails to comply with a limitation, restriction, or condition that the director or any other state or national regulatory authority responsible for regulating boxing places on the licensee or applicant.

(2) (a) Any proceeding to deny, suspend, revoke, or place on probation a license shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S.

(b) (a) Upon completing an investigation IN ACCORDANCE WITH SECTION 12-20-403, the director shall make one of the following findings:

(I) The complaint is without merit and no further action need be taken.

(II) There is no reasonable cause to warrant further action.

(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 IN ACCORDANCE WITH SECTION 12-20-404 (5) to the licensee.

(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 IN ACCORDANCE WITH SECTION 12-20-404 (4) by certified mail.

(V) The investigation discloses facts that warrant further proceedings by formal complaint. If this finding is made, the director shall refer the complaint to the attorney general for preparation and filing of a formal complaint.

(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.

(d) (Deleted by amendment, L. 2010, (HB 10-1245), ch. 131, p. 435, § 10, effective July 1, 2010.)
(e) (b) The director shall conduct all proceedings pursuant to this subsection (2) expeditiously and informally so that no licensee is subjected to unfair and unjust charges and that no complainant is deprived of the right to a timely, fair, and proper investigation of a complaint.

(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.

(3) SECTION 12-20-403 GOVERS PROCEEDINGS UNDER THIS SECTION.

(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 SECTION 12-20-404 (2) APPLIES.

(5)(a) If it appears to the director, based upon credible evidence as presented in a written complaint by any person, that a licensee is acting in a manner that is an imminent threat to the health and safety of the public or a person is acting or has acted without the required license, the director may issue an order to cease and desist such activity. The order shall set forth the statutes and rules alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts or unlicensed practices immediately cease.

(b) Within ten days after service of the order to cease and desist pursuant to paragraph (a) of this subsection (5), the respondent may request a hearing on the question of whether acts or practices in violation of this article have occurred. Such hearing shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S.

(6)(a) If it appears to the director, based upon credible evidence as presented in a written complaint by any person, that a person has violated any other portion of this article,
then, in addition to any specific powers granted pursuant to this article, the director may issue to such person an order to show cause as to why the director should not issue a final order directing such person to cease and desist from the unlawful act or unlicensed practice.

(b) A person against whom an order to show cause has been issued pursuant to paragraph (a) of this subsection (6) shall be promptly notified by the director of the issuance of the order, along with a copy of the order, the factual and legal basis for the order, and the date set by the director for a hearing on the order. Such notice may be served by personal service, by first-class United States mail, postage prepaid, or as may be practicable upon any person against whom such order is issued. Personal service or mailing of an order or document pursuant to this subsection (6) shall constitute notice thereof to the person.

(c) (I) The hearing on an order to show cause shall be commenced no sooner than ten and no later than forty-five calendar days after the date of transmission or service of the notification by the director as provided in paragraph (b) of this subsection (6). The hearing may be continued by agreement of all parties based upon the complexity of the matter, number of parties to the matter, and legal issues presented in the matter, but in no event shall the hearing commence later than sixty calendar days after the date of transmission or service of the notification.

(II) If a person against whom an order to show cause has been issued pursuant to paragraph (a) of this subsection (6) does not appear at the hearing, the director may present evidence that notification was properly sent or served upon such person pursuant to paragraph (b) of this subsection (6) and such other evidence related to the matter as the director deems appropriate. The director shall issue the order within ten days after the director's determination related to reasonable attempts to notify the respondent, and the order shall become final as to that person by operation of law. Such hearing shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S.

(III) If the director reasonably finds that the person against whom the order to show cause was issued is acting or has acted without the required license or has or is about to engage in acts or practices constituting violations of this article, a final cease-and-desist order may be issued directing such person to cease and desist from further unlawful acts or unlicensed practices.

(IV) The director shall provide notice, in the manner set forth in paragraph (b) of this subsection (6), of the final cease-and-desist order within ten calendar days after the hearing conducted pursuant to this paragraph (c) to each person against whom the final order has been issued. The final order issued pursuant to subparagraph (III) of this paragraph (c) shall be effective when issued and shall be a final order for purposes of judicial review.
(7) If it appears to the director, based upon credible evidence presented to the
director, that a person has engaged in or is about to engage in any unlicensed act or practice;
any act or practice constituting a violation of this article, any rule promulgated pursuant to
this article, any order issued pursuant to this article, or any act or practice constituting
grounds for administrative sanction pursuant to this article, the director may enter into a
stipulation with such person.

(8) If any person fails to comply with a final cease-and-desist order or a stipulation;
the director may request the attorney general or the district attorney for the judicial district
in which the alleged violation exists to bring, and if so requested such attorney shall bring,
suit for a temporary restraining order and for injunctive relief to prevent any further or
continued violation of the final order.

(5) The director may issue cease-and-desist orders under the
circumstances described in and in accordance with section 12-20-405.

(1) Toughperson fighting is prohibited in the state of Colorado. No person or entity shall
promote, advertise, conduct, or compete or participate in toughperson fighting. No license
or permit shall be issued for toughperson fighting or for any contests or exhibitions of a
similar nature.

(2) Any violation of this section is a class 1 misdemeanor and shall be punished as
provided in section 18-1.3-501. C.R.S.

12-110-113. [Formerly 12-10-108] Immunity. Any member of the commission; the
director; in addition to the persons specified in section 12-20-402, the office director;
the commission's staff; the director's staff; the office director's staff; AND any person acting
as a witness or consultant to the commission, director, or office director; any witness
testifying in a proceeding authorized under this article 10; and any person who lodges a
complaint pursuant to this article 10 is immune from liability in any civil action brought
against him or her for acts occurring while acting in his or her capacity as commission
member, director, office director, staff, consultant, or witness, respectively, if the individual
was acting in good faith within the scope of his or her respective capacity, made a
reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in
the reasonable belief that the action taken by him or her was warranted by the facts. Any
person participating in good faith in lodging a complaint or participating in any investigative
or administrative proceeding pursuant to this article 10 is immune from any civil or criminal

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liability that may result from such participation. OFFICE DIRECTOR ARE GRANTED THE SAME IMMUNITY, AND SUBJECT TO THE SAME CONDITIONS, AS SPECIFIED IN SECTION 12-20-402.

Question for editor - I changed "is" to "are" but am not sure that is correct. Thoughts?

12-110-114. [Formerly 12-10-109] Fees. (1) The director of the division shall establish and collect nonrefundable license fees and may establish and collect surcharges and other moneys as the director deems necessary; except that such fees and surcharges shall not exceed the amount necessary to implement this article 110.

(2) Moneys collected under this article other than civil penalties shall be transmitted to the state treasurer, who shall credit the same to the division of professions and occupations cash fund created in section 24-34-105, C.R.S., and the general assembly shall make annual appropriations pursuant to said section for expenditures of the office incurred in the performance of its duties under this article. Such expenditures shall be made from such appropriations upon vouchers and warrants drawn pursuant to law. Civil penalties collected under this article shall be transferred to the state treasurer and credited to the general fund.

12-110-115. [Formerly 12-10-110] Violations. (1) Civil penalties. The director may issue an order against any person who willfully violates this article 110, after providing prior notice and an opportunity for a hearing pursuant to section 24-4-105, C.R.S. The director may impose a civil penalty in an amount up to five thousand dollars for a single violation or twenty-five thousand dollars for multiple violations in a proceeding or a series of related proceedings.

(2) Criminal penalties. Any person who engages in or offers or attempts to engage in the conduct, promotion, or performance of live boxing matches without an active license or permit issued under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and, for the second or any subsequent offense, the person commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S. 110 IS SUBJECT TO PENALTIES PURSUANT TO SECTION 12-20-407(1)(a).

(3) Injunction. Whenever it appears to the director that a person has engaged or is about to engage in an act or practice that violates this article 110 or a rule or order issued under this article 110, the director may bring an action to enjoin the acts or practices and to enforce compliance with this article 110 or any rule or order.

(4) Enforcement. The commission and director may assist local law enforcement
agencies in their investigations of violations of this article 110 and may initiate and carry out such investigations in coordination with local law enforcement agencies.

(5) Judicial review. SECTION 12-20-408 GOVERNS final director actions and orders appropriate for judicial review. may be judicially reviewed in the court of appeals in accordance with section 24-4-106 (11), C.R.S.

12-110-116. [Formerly 12-10-111] Repeal of article. This article 110 is repealed, effective September 1, 2026. Before its repeal, the department of regulatory agencies shall review the office and the commission ARE SCHEDULE FOR REVIEW in accordance with section 24-34-104.

ARTICLE 115
Electricians

ARTICLE 120
Engineers, Surveyors, and Architects

ARTICLE 125
Fantasy Contests

12-125-101. [Formerly 12-15.5-101] Short title. The short title of this article 125 is the "Fantasy Contests Act".

12-125-102. Applicability of common provisions. ARTICLES 1 AND 20 OF THIS TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 125.

12-125-103. [Formerly 12-15.5-102] Definitions. As used in this article 125, unless the context otherwise requires:

(1) "Confidential information" means information related to the play of a fantasy contest by fantasy contest players obtained as a result of or by virtue of a person's employment.
(2) "Director" means the director of the division of professions and occupations within the department of regulatory agencies or his or her designee.

(3) "Entry fee" means cash or cash equivalents that are required to be paid by a fantasy contest player to a fantasy contest operator in order to participate in a fantasy contest.

(4) "Fantasy contest" means a fantasy or simulated game or contest in which:
   (a) The value of all prizes and awards offered to winning participants is established and made known to the participants in advance of the contest;
   (b) All winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of athletes in fully completed sporting events; except that a sporting event that has been called or suspended due to weather or any other natural or unforseen event is considered fully completed; and
   (c) Winning outcomes are not based on randomized or historical events or on the score, point spread, or any performance of any single actual sports team or combination of such teams or solely on any single performance of an individual athlete in any single actual sporting event.

(5) "Fantasy contest operator" means a person or entity that offers fantasy contests with an entry fee for a cash prize to members of the public.

(6) "Fantasy contest player" means a person who participates in a fantasy contest with an entry fee offered by a fantasy contest operator.

(7) "Small fantasy contest operator" means a fantasy contest operator that has no more than seven thousand five hundred fantasy contest players in Colorado with active accounts who participate in fantasy contests with an entry fee.


(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 125. 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.

12-125-105. [Formerly 12-15.5-104] Registration. (1) On and after July 1, 2017,
an entity shall not operate as a small fantasy contest operator unless the entity is registered
with the director. On and after July 1, 2017, an individual who is not operating through an
entity shall not operate as a small fantasy contest operator unless the individual is registered
with the director.

(2) A small fantasy contest operator is subject to all of the provisions of this article
125; except that:

(a) A small fantasy contest operator need only be registered, not licensed, in order to
offer fantasy contests for a fee; a small fantasy contest operator is not subject to the
requirements of section 12-15.5-106 (2) 12-125-107 (2) regarding an annual audit; and a
small fantasy operator is subject to section 12-15.5-105 (3) 12-125-106 (3); and

(b) The director shall:
   (I) Establish a registration process for small fantasy contest operators; and
   (II) Not initiate an investigation of a potential violation of this article 125 by a small
fantasy contest operator except upon the filing of a complaint with the director that the
director reasonably believes warrants investigation.

12-125-106. [Formerly 12-15.5-105] Licensing. (1) (a) On and after July 1, 2017,
an entity shall not operate as a fantasy contest operator unless the entity is licensed by the
director. On and after July 1, 2017, an individual who is not operating through an entity shall
not operate as a fantasy contest operator unless the individual is licensed as a fantasy contest
operator by the director.

(b) An applicant for licensure must pay license, renewal, and reinstatement fees
established by the director consistent with section 24-34-105, C.R.S.; 12-20-105 and other
authorities. The fees must be sufficient to cover the division’s direct and indirect costs in
administering this article. A licensee must renew the license in accordance with a schedule
established by the director pursuant to section 24-34-102 (8), C.R.S.. If a licensee fails to
renew the license pursuant to the schedule established by the director, the license expires and
the entity shall not practice under this article until the reinstatement fees are paid and the
director reinstates the license SECTION 12-20-202 (1) AND (2) GOVERN RENEWAL AND
REINSTATEMENT OF LICENSES UNDER THIS ARTICLE 125. A person that continues to practice
once a license has expired is subject to the penalties provided in this article 125 and section
24-34-102 (8), C.R.S. 12-20-202 (1).

(2) Applications for licensure as a fantasy contest operator must:

(a) Be verified by the oath or affirmation of such THE person or persons as the
director may prescribe;

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(b) Be made to the director on forms prepared and furnished by the director; and

c) Set forth such information as the director may require to enable the director to
determine whether an applicant meets the requirements for licensure under this article 125.
The information must include:

(I) The name and address of the applicant;

(II) If a partnership, the names and addresses of all of the partners, and if a
corporation, association, or other organization, the names and addresses of the president, vice
president, secretary, and managing officer, together with all other information deemed
necessary by the director; and

(III) A designation of the responsible party who is the agent for the licensee for all
communications with the director.

3) (a) An applicant may not be eligible for licensure or registration as a fantasy
contest operator or licensure renewal if the applicant or any of its officers, directors, or
general partners has been convicted of or has entered a plea of nolo contendere or guilty to
a felony.

(b) The director is governed by section 24-5-101 C.R.S., in considering the conviction
or plea of nolo contendere to a felony for any individual subject to a criminal history record
check pursuant to subsection (4) of this section.

4) With the submission of an application for a license granted pursuant to this
section, each applicant and its officers, directors, and general partners shall submit a
complete set of his or her fingerprints to the Colorado bureau of investigation for the purpose
of conducting fingerprint-based criminal history record checks. The Colorado bureau of
investigation shall forward the fingerprints to the federal bureau of investigation for the
purpose of conducting fingerprint-based criminal history record checks. The director may
acquire a name-based criminal history record check for a person who has twice submitted to
a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.
A person who has previously submitted fingerprints for state or local licensing purposes may
request the use of the fingerprints on file. The director shall use the information resulting
from the fingerprint-based criminal history record check to investigate and determine
whether an applicant is qualified to hold a license pursuant to this section. The director may
verify the information an applicant is required to submit. The applicant shall pay the costs
associated with the fingerprint-based criminal history record check to the Colorado bureau
of investigation.

5) A fantasy contest operator shall not conduct, operate, or offer a fantasy contest
that:
(a) Utilizes:
(I) Video or mechanical reels or symbols or any other depictions of slot machines, poker, blackjack, craps, or roulette; or
(II) Any device that qualifies as or replicates games that constitute limited gaming under section 9 of article XVIII of the Colorado constitution; or
(b) Includes a university, college, high school, or youth sporting event.

12-125-107. [Formerly 12-15.5-106] Consumer protections. (1) A fantasy contest operator, including a small fantasy contest operator, shall implement commercially reasonable procedures for fantasy contests with an entry fee, which procedures are designed to:
(a) Prevent employees of the fantasy contest operator, including a small fantasy contest operator, and relatives living in the same household as such employees, from competing in any fantasy contests offered by any fantasy contest operator in which the operator offers a cash prize;
(b) Prevent sharing of confidential information that could affect the fantasy contest play with third parties until the information is made publicly available;
(c) Verify that a fantasy contest player in such a fantasy contest is eighteen years of age or older;
(d) Ensure that individuals who participate or officiate in a game or contest that is the subject of such a fantasy contest will be restricted from entering such a fantasy contest that is determined, in whole or in part, on the accumulated statistical results of a team of individuals in the game or contest in which they are a player or official;
(e) Allow individuals to restrict themselves from entering such a fantasy contest upon request and provide reasonable steps to prevent the person from entering such fantasy contests offered by the fantasy contest operator, including a small fantasy contest operator;
(f) Disclose the number of entries that a fantasy contest player may submit to each such fantasy contest, provide reasonable steps to prevent players from submitting more than the allowable number, and, in any contest involving at least one hundred one entries, not allow a player to submit more than the lesser of three percent of all entries or one hundred fifty entries;
(g) Segregate fantasy contest player funds from operational funds and maintain a reserve in the form of cash, cash equivalents, an irrevocable letter of credit, a bond, or a combination thereof, in the amount of the deposits made to the accounts of fantasy contest players for the benefit and protection of the funds held in such accounts;
(h) Distinguish highly experienced players and beginner players and ensure that highly experienced players are conspicuously identified as such to all players;

(i) Prohibit the use of scripts in fantasy contests that give a player an unfair advantage over other players and make all authorized scripts readily available to all fantasy contest players;

(j) Clearly and conspicuously disclose all rules that govern its contests, including the material terms of each promotional offer at the time the offer is advertised; and

(k) Use technologically reasonable measures to limit each fantasy contest player to one active account with that operator.

(2) A fantasy contest operator offering fantasy contests in this state shall:

(a) Contract with a third party to annually perform an independent audit, consistent with the standards established by the public company accounting oversight board, to ensure compliance with this article 125; and

(b) Submit the results of the audit to the director.

12-125-108. [Formerly 12-15.5-107] Duty to maintain records. Each fantasy contest operator shall keep daily records of its operations and shall maintain the records for at least three years. The records must sufficiently detail all financial transactions to determine compliance with the requirements of this article 125 and must be available for audit and inspection by the director during the fantasy contest operator's regular business hours.


(1) Fantasy contests are authorized and may be conducted by a fantasy contest operator at a licensed gaming establishment, as that term is defined in section 44-30-103 (18). A gaming retailer, as that term is defined in section 44-30-103 (27), may conduct fantasy contests if the gaming retailer is licensed as a fantasy contest operator.

(2) Fantasy contests are authorized and may be conducted by a fantasy contest operator at a licensed facility at which pari-mutuel wagering, as that term is defined in section 44-32-102 (18), may occur. An operator of a class B track, as that term is defined in section 44-32-102 (3), may conduct fantasy contests if the operator is licensed as a fantasy contest operator.

(3) A fantasy contest conducted in compliance with this article 125 does not violate article 10 or 10.5 of title 18, C.R.S.

deny, suspend, or revoke a license or registration or place on probation or issue a letter of admonition to TAKE DISCIPLINARY ACTION AS AUTHORIZED IN SECTION 12-20-404 AGAINST a licensee or registrant if the fantasy contest operator, including a small fantasy contest operator:

(a) Violates any order of the director or any provision of this article 125 or the rules established under this article 125;
(b) Fails to meet the requirements for licensure under this article 125; or
(c) Uses fraud, misrepresentation, or deceit in applying for or attempting to apply for licensure or registration or otherwise in operating or offering to operate a fantasy contest.

(2) If it appears to the director, based upon credible evidence as presented in a written complaint, that a person is operating or offering to operate a fantasy contest without having obtained a registration or license, the director may issue an order to cease and desist the activity. The director shall set forth in the order the statutes and rules alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unauthorized practices immediately cease. Within ten days after service of the order to cease and desist pursuant to this subsection (2), the person may request a hearing on the question of whether acts or practices in violation of this article 125 have occurred. The hearing shall be conducted pursuant to section 24-4-105. C.R.S.

12-125-111. [Formerly 12-15.5-110] Civil fines. In addition to any other remedy provided by law, a fantasy contest operator, or an employee or agent thereof, who violates this article 125 is subject to a civil fine of not more than one thousand dollars for each such violation, which the state treasurer shall credit to the general fund. The director may file a civil action to collect the fine.

12-125-112. [Formerly 12-15.5-111] Applicability. This article 125 applies to conduct occurring on or after July 1, 2017.

12-125-113. [Formerly 12-15.5-112] Repeal of article. This article 125 is repealed, effective September 1, 2020. Before its repeal, this article 125 is scheduled for review in accordance with section 24-34-104. C.R.S.

ARTICLE 130
Landscape Architects
ARTICLE 135
Mortuaries and Crematories

PART 1
MORTUARY SCIENCE CODE

12-135-101. [Formerly 12-54-101] Short title. The short title of this article shall be known and may be cited as 135 IS the "Mortuary Science Code".

12-135-102. Applicability of common provisions. Articles 1 and 20 of this Title 12 apply, according to their terms, to this Article 135.

12-135-103. [Formerly 12-54-102] Definitions. As used in this article 135, unless the context otherwise requires:

(1) "Alternative container" means a nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, that is designed for the encasement of human remains and is made of fiberboard, pressed wood, composition materials, or other similar materials.

(2) "Casket" means a rigid container that is designed for the encasement of human remains and is ornamented and lined with fabric.

(3) "Cremated remains" or "cremains" means all human remains recovered after cremation, including pulverization, that leaves only bone fragments that have been reduced to unidentifiable dimensions.

(4) "Cremation" or "cremate" means the reduction of human remains to essential elements, the processing of the remains, and the placement of the processed remains in a cremated remains container.

(4.3) (5) "Cremation chamber" means the enclosed space inside of which human remains are cremated.

(4.5) (6) "Cremation container" means a container in which the human remains are transported to the crematory and intended to be placed in the cremation chamber.

(4.7) (7) "Cremationist" means a person who cremates or prepares for cremation human remains.
(5) (8) "Crematory" means a building, facility, establishment, or structure where human remains are cremated.

(5.3) (9) "Custodian" means the person with possession and control of human remains.

(5.5) (10) "Designee" means an individual designated by a funeral establishment registered in accordance with section 12-54-110 or 12-135-110 or 12-54-303 or 12-135-303.

(5.7) "Director" means the director of the division of professions and occupations or the director's designee.

(6) "Division" means the division of professions and occupations created in section 24-34-102, C.R.S.

(7) (11) "Embalm" or "embalming" means the disinfection and temporary preservation of human remains by chemically treating the body to reduce the presence and growth of organisms, to retard organic decomposition, or to attempt restoration of the physical appearance.

(8) (12) "Embalmers" means any person who embalms, or prepares for embalming, human remains for compensation.

(9) (13) "Final disposition" means the disposition of human remains by entombment, burial, cremation, or removal from the state.

(10) (14) "Funeral", "funeral service", or "funeral ceremony" means a service or rite commemorating the deceased and at which service or rite the body of the deceased is present.

(11) (15) "Funeral director" means a person who, for compensation:

(a) Arranges, directs, or supervises funerals, memorial services, or graveside services; or

(b) Prepares human remains for final disposition by means other than embalming.

(12) (16) "Funeral establishment", "funeral home", or "mortuary" means:

(a) An establishment that holds, cares for, or prepares human remains prior to final disposition, including a crematory or embalming room; except that this paragraph (a) does not apply to establishments in which individuals regularly die;

(b) An establishment that holds itself out to the general public as providing funeral goods and services;

(c) Facilities used to hold, care for, or prepare human remains prior to final disposition; except that this paragraph (c) does not apply to facilities in which individuals regularly die; or

(d) An establishment that provides funeral or memorial services to the public for
compensation.

(13) "Funeral goods" means goods that are sold or offered for sale directly to
the public for use in connection with funeral or cremation services.

(14) "Funeral services" means:

(a) Preparation of human remains for final disposition; except that this paragraph (a)
SUBSECTION (18)(a) does not apply to cremation;
(b) Arrangement, supervision, or conduct of the funeral ceremony or the final
disposition of human remains; or
(c) Transportation of human remains to or from a funeral establishment.

(15) "Human remains" means the physical remains of a dead human.
(16) "Implanted device" means a mechanical device that may explode or cause
damage to crematory equipment.

(17) "Memorial service" means a service or rite commemorating the deceased
and at which service or rite the body of the deceased is not present.

(18) "Mortuary science practitioner" means a person who, for compensation,
does the following or offers to do the following:
(a) Embalms or cremates human remains;
(b) Arranges, directs, or supervises funerals, memorial services, or graveside
services; or
(c) Prepares human remains for final disposition.

(19) "Next of kin" means a family member or members of the deceased who,
under Colorado law, have legal authority over the disposition of human remains.

(20) "Ossuary" means a receptacle used for the communal placement of
cremated remains, without using an urn or other container, in which cremated remains are
commingled with other cremated remains.

(21) "Preneed contract" means a preneed contract as defined in section
10-15-102 (13). C.R.S.

(22) "Preparation of the body" means embalming, washing, disinfecting,
shaving, dressing, restoring, casketing, positioning, caring for the hair of or applying
cosmetics to human remains.

(23) "Processing" means the removal of foreign objects from cremated remains
and the reduction of such THE remains by mechanical means to granules appropriate for final
disposition.

12-135-104. [Formerly 12-54-103] Funeral establishment. (1) A funeral
establishment shall have the appropriate equipment and personnel to adequately provide the
funeral services it contracts to provide and shall provide written notice to the consumer
specifying any subcontractors or agents routinely handling or caring for human remains. To
comply, the notice must be given when the consumer inquires about the goods or services
the funeral establishment provides and must include the names and addresses of the
subcontractors, agents, or other providers; except that, if the inquiry is over the telephone,
the written notice must be provided when the customer finalizes the arrangements for goods
or services with the funeral establishment.

(2) A funeral establishment shall retain all documents and records concerning the
final disposition of human remains for at least seven years after the disposition.

12-135-105. [Formerly 12-54-104] Unlawful acts. (1) It is unlawful:
(a) To disinfect or preserve or to make final disposition of human remains with
knowledge sufficient to arouse a reasonable suspicion of a crime in connection with the
cause of death of the deceased until the permission of the coroner, deputy coroner, or district
attorney, if there is no coroner, has been first obtained;
(b) To discriminate because of race, creed, color, religion, disability, sex, sexual
orientation, marital status, national origin, or ancestry in the provision of funeral services;
(c) For any public officer or employee or any other person having a professional
relationship with the decedent to approve or cause the final disposition of human remains
in violation of this article 135;
(d) For a person in the business of paying for or providing death benefits, funerals,
funeral ceremonies, final dispositions, or preneed contracts to pay or provide benefits in a
manner that deprives the next of kin or legal representative of the right to use those
payments or benefits at a funeral establishment of his or her choice;
(e) For a funeral director, mortuary science practitioner, embalmer, funeral
establishment, or facility in which people regularly die or such THE person's or facility's
agent to engage in a business practice that interferes with the freedom of choice of the
general public to choose a funeral director, mortuary science practitioner, embalmer, or
funeral establishment;
(f) For a county coroner to violate section 30-10-619; C.R.S.;
(g) To transport or otherwise transfer by common carrier human remains unless:
(I) A funeral director, mortuary science practitioner, or embalmer has embalmed or
hermetically sealed the body for transportation and complies with applicable common carrier
law; or
(II) The transport or transfer is to a funeral establishment, funeral director, or embalmer within the state of Colorado;

(h) To advertise as holding a degree, a certificate of registration, a professional license, or a professional certification issued by a state, political subdivision, or agency unless the person holds such the degree, registration, license, or certification and it is current and valid at the time of advertisement;

(i) For a funeral director, mortuary science practitioner, or embalmer to admit or permit any person to visit the embalming, cremation, or preparation room during the time a body is being embalmed, cremated, or prepared for final disposition, unless the person:

(I) Is a funeral director, mortuary science practitioner, cremationist, or embalmer;

(II) Is an authorized employee of a funeral establishment;

(III) Has the written consent of the next of kin of such the deceased person or of a person having legal authority to give such permission in the absence of any next of kin;

(IV) Enters by order of a court of competent jurisdiction or is a peace officer level I, Ia, II, III, or IIIa as described in Article 2.5 of Title 16;

(V) Is a student enrolled in a mortuary science program;

(VI) Is a registered or licensed nurse with a medical reason to be present;

(VII) Is a licensed physician or surgeon with a medical reason to be present;

(VIII) Is a technician representing a procurement organization as defined in section 15-19-202 for purposes of an anatomical gift; or

(IX) Is the director or the director’s designee;

(j) To refuse to properly and promptly release human remains or cremated remains to the custody of the person who has the legal right to effect such the release whether or not any costs have been paid;

(k) To tell a person that a casket is required when the expressed wish is for immediate cremation;

(l) To embalm or cremate human remains without obtaining permission from the person with the right of final disposition unless otherwise required by section 12-54-105 12-135-106;

(m) To prohibit, hinder, or restrict or to attempt to prohibit, hinder, or restrict the following:

(I) The offering or advertising of immediate cremation, advance funeral arrangements, or low-cost funerals;

(II) Arrangements between memorial societies and funeral industry members; or

(III) A funeral service industry member from disclosing accurate information to the public.

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concerning funeral merchandise and services;

(n) To engage in willfully dishonest conduct or commit negligence in the practice of embalming, funeral directing, or providing for final disposition that defrauds or causes injury or is likely to defraud or cause injury;

(o) To fail to include in a contract for funeral services the following statement: "INQUIRIES REGARDING YOUR FUNERAL AGREEMENT MAY BE DIRECTED TO THE DEPARTMENT OF REGULATORY AGENCIES", along with the current address or telephone number of the department of regulatory agencies;

(p) For a person owning an indirect interest with more than ten-percent ownership in a funeral establishment or for a person owning a direct interest in a funeral establishment to own an indirect interest with more than ten-percent ownership in a nontransplant tissue bank, as defined in section 12-54.5-101 (5) 12-140-102 (3), or to own a direct interest in a nontransplant tissue bank.

(2) For purposes of this section only, "next of kin" shall not include any person who is arrested on suspicion of having committed, is charged with, or has been convicted of, any felony offense specified in part 1 of article 3 of title 18 C.R.S., involving the death of the deceased person. If charges are not brought, charges are brought but dismissed, or the person charged is acquitted of the alleged crime before final disposition of the deceased person's body, this subsection (2) shall not apply.

12-135-106. [Formerly 12-54-105] Care of bodies required - public health. A funeral establishment shall embalm, refrigerate, cremate, bury, or entomb human remains within twenty-four hours after taking custody of the remains.

12-135-107. [Formerly 12-54-106] Consumer protection. (1) A funeral establishment whose services are purchased shall make every reasonable attempt to fulfill the expressed needs and desires of the person with the right of final disposition, and shall make a full disclosure of all its available services and merchandise to the arrangers prior to selection of the casket.

(2) Before a person selects the funeral, the funeral establishment shall provide a written itemized list of the prices of all available merchandise and individual services at that funeral establishment. Full disclosure shall also be made in the case of a memorial service and as to use of funeral merchandise and facilities. In no event shall the person be required to purchase services or products contained on the itemized list that are not desired for the funeral unless such services or goods are required by law.
(3) Any statements of legal or practical requirements shall be complete and accurate, including the conditions under which embalming is required or advisable. Representations as to the use or necessity of a casket or alternative container in connection with a funeral or alternatives for final disposition shall be truthful and shall disclose all pertinent information.

(4) When quoting funeral prices, either orally, by use of a disclosure statement, or by a final bill, the funeral establishment shall only list those items as cash advances or accommodation items that are paid for or could be paid for by the next of kin in the same amount that is paid by the funeral home.

12-135-108. [Formerly 12-54-107] Violations and penalties. Any person who violates this part 1 or part 3 of this article is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than twenty-four months or by both such fine and imprisonment.

12-135-109. [Formerly 12-54-108] Exceptions - safe harbor. (1) This part 1 shall not apply to, or in any way interfere with, the duties of the following persons:
(a) An officer of a public institution;
(b) An officer of a medical college, county medical society, anatomical association, or college of embalming; or
(c) A person acting under the authority of part 2 of article 34 of this title.

(2) (a) This part 1 shall not apply to, nor in any way interfere with, any custom or rite of any religious sect in the burial of its dead, and the members and followers of the religious sect may continue to provide memorial services for, care for, prepare, and bury the bodies of deceased members of the religious sect, free from any term or condition, or any provision of this part 1, and are not subject to this part 1, so long as the human remains are refrigerated, frozen, embalmed, interred, or cremated within seven days after death.
(b) If human remains are refrigerated or embalmed pursuant to paragraph (a) of this subsection (2), the body must be interred, frozen, or cremated within thirty days after death unless the coroner authorizes otherwise in writing. The coroner shall not permit an exception to this paragraph (b) unless the applicant can demonstrate a legitimate delay caused by unforeseen uncontrollable circumstances or by a criminal investigation.
(c) Notwithstanding this subsection (2), upon the receipt of evidence that the human remains are refrigerated, frozen, embalmed, interred, or cremated within seven days after death, the coroner shall not require the body to be interred, frozen, or cremated within thirty days after death unless the coroner authorizes otherwise in writing.
remains likely contained a serious contagious disease, the state department of public health
and environment, the state board of health, or a local department of health may issue an
order overruling this subsection (2).

(3) A person who sells or offers to sell caskets, urns, or other funeral goods, but does
not provide funeral services, shall not be subject to this article 135.

(4) If a funeral director, mortuary science practitioner, or embalmer has acted in good
faith, the funeral director, mortuary science practitioner, or embalmer may rely on a signed
statement from a person with the right of final disposition under section 15-19-106 C.R.S.,
that:

(a) The person knows of no document expressing the deceased's wishes for final
disposition that qualifies to direct the final disposition under section 15-19-104 C.R.S.;
(b) The person has made a reasonable effort under section 15-19-106 C.R.S., to
contact each person with the right of final disposition and to learn his or her wishes; and
(c) The person knows of no objections to the final disposition.

(5) (a) (I) A funeral establishment, funeral director, or mortuary science practitioner
may dispose of cremated remains at the expense of the person with the right of final
disposition one hundred eighty days after cremation if the person was given clear prior
notice of this paragraph (a) SUBSECTION (5)(a) and a reasonable opportunity to collect the
cremated remains, the exact location of the final disposition and the costs associated with
the final disposition are recorded, and the recovery of the cremated remains is possible.
Recovery of costs is limited to a reasonable amount of the costs actually expended by the
funeral establishment, funeral director, or mortuary science practitioner.

(II) A funeral establishment, funeral director, or mortuary science practitioner may
comply with this paragraph (a) SUBSECTION (5)(a) by transferring the cremated remains and
the records showing the funeral establishment and the deceased's name, date of birth, and
next of kin for final disposition to a facility or place normally used for final disposition if
the new custodian can comply with this paragraph (a) SUBSECTION (5)(a).

(III) If cremated remains are not claimed by the person with the right of final
disposition within three years after cremation, a funeral establishment, funeral director, or
mortuary science practitioner may dispose of the remains in an unrecoverable manner by
placing the remains in an ossuary or by scattering the remains in a dedicated cemetery,
scattering garden, or consecrated ground used exclusively for these purposes.

(IV) The custodian is not liable for the loss or destruction of records required to be
kept by this paragraph (a) SUBSECTION (5)(a) if the loss or destruction was not caused by the
custodian's negligence.
(b) If the person was cremated prior to July 1, 2003, and the funeral director or mortuary science practitioner reasonably attempts to notify the person with the right of final disposition of the provisions of this subsection (5), the cremated remains may be disposed of in accordance with this subsection (5) notwithstanding a failure to provide the notice of the provisions of this subsection (5) to the person with the right of final disposition prior to disposing of the remains.

**12-135-110. [Formerly 12-54-110] Registration required.** (1) Unless practicing at a registered funeral establishment pursuant to this section, a person shall not practice as, or offer the services of, a mortuary science practitioner, funeral director, or embalmer, nor shall the funeral establishment sell or offer to sell funeral goods and services to the public. (2) (a) Each funeral establishment shall register with the director using forms as determined by the director. The registration shall include the following: (I) The specific location of the funeral establishment; (II) The full name and address of the designee appointed pursuant to subsection (3) of this section; (III) The date the funeral establishment began doing business; and (IV) A list of each of the following services provided at each funeral establishment location: (A) Refrigerating or holding human remains; (B) Embalming human remains; (C) Transporting human remains to or from the funeral establishment or the place of final disposition; (D) Providing funeral goods or services to the public; and (E) Selling preneed contracts. (b) Each funeral establishment registration shall be renewed, according to a schedule established by the director IN ACCORDANCE WITH SECTION 12-20-202 (1), in a form as determined by the director. (c) If, after initial registration, the funeral establishment provides a service listed in subparagraph (IV) of paragraph (a) of this subsection (2) SUBSECTION (2)(a)(IV) OF THIS SECTION that was not included in the initial registration, the funeral establishment shall submit an amended registration within thirty days after beginning to provide the new service. (d) If, after initial registration, the funeral establishment appoints a new designee, the funeral establishment shall submit an amended registration within thirty days after appointing the designee.
(e) The director may establish registration fees, renewal fees, and delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S. If a funeral establishment fails to renew the registration in accordance with the schedule established by the director, the registration shall expire. Sections 12-20-105 and 12-20-202 (1) and (2) govern fees for, and renewal, expiration, and reinstatement of, registrations under this part 1.

(3) Each funeral establishment shall appoint an individual as the designee of the funeral establishment. A designee shall:

(a) Be at least eighteen years of age;

(b) Have at least two years' experience working for a funeral establishment;

(c) Be employed by the registered funeral establishment that the designee represents;

(d) Have the authority within the funeral establishment's organization to require that personnel comply with this article 135; and

(e) Not be designated for more than one funeral establishment unless the additional establishment is operated under common ownership and management and no funeral establishment is more than sixty miles from another establishment held under the same ownership conditions.

(4) The designee shall require each person employed at the funeral establishment to demonstrate evidence of compliance with section 12-54-111 12-135-111. The designee shall retain the records of such evidence of compliance so long as the person is employed at the funeral establishment.

(5) This section shall not require the registration of a nonprofit organization that only provides education or support to an individual who intends to provide for final disposition of human remains.

12-135-111. [Formerly 12-54-111] Title protection. (1) A person shall not advertise, represent, or hold oneself out as or use the title of a mortuary science practitioner unless the person:

(a) Has at least two thousand hours practicing or interning as a mortuary science practitioner, including, without limitation, experience in cremation and embalming;

(b) Has graduated with a certificate, diploma, or degree in mortuary science from:

(I) A program accredited by the American Board of Funeral Service Education or its successor, if the successor is approved by the director, and the program is part of a school of higher education; or

(II) A school of higher education accredited by the American Board of Funeral Service Education or its successor, if the successor is approved by the director; and
(c) Has taken the mortuary science test, known as the national board examination, administered by the international conference of funeral service examining boards or its successor, if the successor is approved by the director, and received a passing score.

(2) A person shall not advertise, represent, or hold oneself out as or use the title of a funeral director unless the applicant:

(a) Has at least two thousand hours practicing or interning as a funeral director; and

(b) Has directed at least fifty funerals or graveside services.

(3) A person shall not advertise, represent, or hold oneself out as or use the title of an embalmer unless the applicant:

(a) Has at least four thousand hours practicing or interning as an embalmer; and

(b) Has embalmed at least fifty human remains.

(4) For purposes of this section, intern or practice hours from Colorado or any other state shall meet the standards set by this section.

12-135-112. [Formerly 12-54-112] Standards of practice - embalming - transporting. (1) A funeral establishment that performs embalming shall:

(a) Maintain a sanitary preparation room with sanitary flooring, drainage, and ventilation;

(b) Employ universal biological hazard precautions;

(c) Employ reasonable care to minimize the risk of transmitting communicable diseases from human remains;

(d) Be equipped with instruments and supplies necessary to protect the health and safety of the public and employees of the funeral establishment; and

(e) Transport human remains in a safe and sanitary manner.

(2) A funeral establishment that transports human remains shall:

(a) Use a motor vehicle that is appropriate for the transportation of human remains; and

(b) Transport human remains in a safe and sanitary manner.

(3) A funeral establishment shall remove any implanted device in human remains before transporting the body to a crematory.

12-135-113. [Formerly 12-54-113] Custody and responsibility - rules. (1) A funeral establishment shall not, through its managers, employees, contractors, or agents, take custody of human remains without an attestation of positive identification on a form promulgated by the director by rule by:
(a) The next of kin;
(b) The county coroner or the county coroner's designee; or
(c) An authorized person at the care facility where the deceased died.

(2) A funeral establishment is responsible for identifying and tracking human
remains from the time it takes custody of human remains until the:
(a) Final disposition has occurred or the remains are returned to the person who has
the right of final disposition;
(b) Human remains are released in accordance with the instructions given by the
person who has the right of final disposition; or
(c) Remains are released to another funeral establishment, crematory, repository, or
entity as authorized by the person who has the right of final disposition.

(3) The director shall adopt rules implementing this section that:
(a) Establish what constitutes custody;
(b) Define "care facility", "repository", and "entity";
(c) Establish who is authorized to identify human remains at a care facility for a
funeral establishment; and
(d) Prescribe the minimum standards for the positive identification and chain of
custody of human remains. A funeral establishment may use the establishment's own
procedures if the procedures meet or exceed the minimum standards of the rule promulgated
by the director.

**PART 2**
**ASSESSMENT OF MORTUARIES**

12-135-201. [Formerly 12-54-201] Mortuaries in cemeteries not exempt. No
person, firm, association, partnership, or corporation engaged in the ownership, operation,
or management of a cemetery or mausoleum in this state which THAT is exempt from
payment of general property taxes, shall, either directly or indirectly, own, manage, conduct,
or operate a funeral home or mortuary in such THE cemetery or mausoleum, or adjacent
thereto and in connection therewith, unless said THE cemetery or mausoleum and funeral
home or mortuary is listed for assessment purposes. The attorney general, county attorney,
or any interested party may maintain injunction proceedings to prevent any violation of this
section.

**PART 3**

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CREMATION

12-135-301. [Formerly 12-54-301] Unlawful acts. (1) It is unlawful for a crematory:
   (a) To discriminate because of race, creed, color, religion, sex, marital status, sexual orientation, or national origin in the provision of funeral services;
   (b) To approve or cause the final disposition of human remains in violation of this article 135;
   (c) To engage in a business practice that interferes with the freedom of choice of the general public to choose a funeral director, mortuary science practitioner, cremationist, embalmer, or funeral establishment;
   (d) To advertise as holding a degree, a certificate of registration, a professional license, or a professional certification issued by a state, political subdivision, or agency unless the person holds such the degree, registration, license, or certification and it is current and valid at the time of advertisement;
   (e) To admit or permit any person to visit the crematory or preparation room during the time a body is being cremated or prepared for final disposition unless the person:
      (I) Is a funeral director, mortuary science practitioner, or cremationist;
      (II) Is an authorized employee of a crematory;
      (III) Has the written consent of the next of kin of the deceased person or of a person having legal authority to give consent in the absence of any next of kin;
      (IV) Enters by order of a court of competent jurisdiction or is a peace officer level I, Ia, II, III, or IIIa as described in article 2.5 of title 16;
      (V) Is a student or intern enrolled in a mortuary science program;
      (VI) Is a registered or licensed nurse with a medical reason to be present;
      (VII) Is a licensed physician or surgeon with a medical reason to be present;
      (VIII) Is a technician representing a procurement organization as defined in section 15-19-202 for purposes of an anatomical gift; or
      (IX) Is the director or the director’s designee;
   (f) To refuse to properly and promptly release human remains to the custody of the person who has the legal right to effect the release, whether or not any costs have been paid, unless there is a good-faith dispute over who controls the right of final disposition;
   (g) To cremate human remains without obtaining permission from the person with the right of final disposition;
   (h) To prohibit, hinder, or restrict, or attempt to prohibit, hinder, or restrict, the
following:

(I) The offering or advertising of immediate cremation, advance funeral arrangements, low-cost funerals, or low-cost cremations;

(II) Arrangements between memorial societies and funeral industry members; or

(III) A funeral service industry member from disclosing accurate information concerning funeral merchandise and services;

(i) To cremate human remains in a facility unless the facility is registered pursuant to section 12-54-303 12-135-303;

(j) To refuse to accept human remains that are not in a casket or to require human remains to be placed in a casket at any time;

(k) To allow a crematory operator to perform services beyond an operator's competency, training, or education;

(l) To engage in willfully dishonest conduct or commit negligence in the practice of cremation or providing for final disposition that defrauds or causes injury or is likely to defraud or cause injury.

(2) For purposes of this section only, "next of kin" shall not include any person who is arrested on suspicion of having committed, is charged with, or has been convicted of, any felony offense specified in part 1 of article 3 of title 18 C.R.S.; involving the death of the deceased person. This subsection (2) shall not apply if charges are not brought, charges are brought but dismissed, or the person charged is acquitted of the alleged crime before final disposition of the deceased person's body.

(3) It is unlawful for a person owning an indirect interest with more than ten-percent ownership in a crematory or for a person owning a direct interest in a crematory to own an indirect interest with more than ten-percent ownership in a nontransplant tissue bank, as defined in section 12-54.5-101 (5) 12-140-102 (3), or to own a direct interest in a nontransplant tissue bank.

12-135-302. [Formerly 12-54-302] Exceptions - safe harbor. (1) If a crematory has acted in good faith, the crematory may rely on a signed statement from a person with the right of final disposition under section 15-19-106 C.R.S., that:

(a) The person knows of no document expressing the deceased person's wishes for final disposition that qualifies to direct the final disposition under section 15-19-104; C.R.S.;

(b) The person has made a reasonable effort under section 15-19-106 C.R.S., to contact each person with the right of final disposition and to learn his or her wishes; and

(c) The person knows of no objections to the final disposition.
(2) (a) (I) A crematory may dispose of cremains at the expense of the person with the right of final disposition one hundred eighty days after cremation if the person was given clear prior notice of this paragraph (a) SUBSECTION (2)(a) and a reasonable opportunity to collect the cremains; the exact location of the final disposition and the costs associated with the final disposition are recorded; and the recovery of the cremains is possible. Recovery of costs is limited to a reasonable amount of the costs actually expended by the crematory.

(II) A crematory may comply with this paragraph (a) SUBSECTION (2)(a) by transferring the cremated remains and the records showing the funeral establishment and the deceased's name, date of birth, and next of kin for final disposition to a facility or place normally used for final disposition if the new custodian can comply with this paragraph (a) SUBSECTION (2)(a).

(III) If cremated remains are not claimed by the person with the right of final disposition within three years after cremation, a crematory may dispose of the remains in an unrecoverable manner by placing the remains in an ossuary or by scattering the remains in a dedicated cemetery, scattering garden, or consecrated ground used exclusively for these purposes.

(IV) The custodian is not liable for the loss or destruction of records required to be kept by this paragraph (a) SUBSECTION (2)(a) if the loss or destruction was not caused by the custodian's negligence.

(b) If the deceased was cremated prior to July 1, 2003, and the crematory reasonably attempts to notify the person with the right of final disposition of the provisions of this subsection (2), the remains may be disposed of in accordance with this subsection (2), notwithstanding a failure to provide the notice of the provisions of this subsection (2) to the person with the right of final disposition prior to disposing of the remains.

(3) (a) This part 3 shall not apply to, nor interfere with, any custom or rite of a religious sect in the final disposition of its dead, and the members and followers of the religious sect may continue to provide memorial services for, care for, prepare, and cremate the bodies of deceased members of the religious sect if the human remains are refrigerated, frozen, or cremated within seven days after death.

(b) If human remains are refrigerated pursuant to paragraph (a) of this subsection (3) SUBSECTION (3)(a) OF THIS SECTION, the body must be cremated within thirty days after death unless the coroner authorizes otherwise in writing. The coroner shall not permit an exception to this paragraph (b) SUBSECTION (3)(b) unless the applicant can demonstrate a legitimate delay caused by unforeseen, uncontrollable circumstances or by a criminal investigation.
Registration required. (1) Unless practicing at a registered crematory under this section and except as provided in section 12-54.5-104 (3), a person shall not practice as, or offer the services of, a cremationist, nor shall the crematory sell or offer to sell funeral goods and services to the public.

(2) (a) Each crematory shall register with the director using forms as determined by the director. The registration shall include the following:

(I) The specific location of the crematory;

(II) The full name and address of the designee appointed pursuant to subsection (3) of this section;

(III) The date the crematory began doing business; and

(IV) A list of each of the following services provided at each crematory location:

(A) Refrigerating or holding human remains;

(B) Transporting human remains to or from the crematory or the place of final disposition;

(C) Providing funeral goods or services to the public;

(D) Cremating human remains; and

(E) Selling preneed contracts.

(b) Each crematory registration shall be renewed, according to a schedule established by the director, in a form as determined by the director.

(c) If, after initial registration, the crematory provides a service listed in subparagraph (IV) of paragraph (a) of this subsection (2) of this section that was not included in the initial registration, the crematory shall submit an amended registration within thirty days after beginning to provide the new service.

(d) If, after initial registration, the crematory appoints a new designee, the crematory shall submit an amended registration within thirty days after appointing the designee.

(e) The director may establish registration fees, renewal fees, and delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S. If a crematory fails to renew the registration in accordance with the schedule established by the director, the registration shall expire sections 12-20-105 and 12-20-202 (1) and (2) govern fees for, and renewal, expiration, and reinstatement of, registrations under this part 1.

(3) Each crematory shall appoint an individual as the designee of the crematory. A designee shall:

(a) Be at least eighteen years of age;

(b) Have at least two years' experience working for a crematory;

(c) Be employed by the registered crematory that the designee represents;
(d) Have the authority within the crematory's organization to require that personnel comply with this article 135; and

(e) Not be designated for more than one crematory unless the additional establishment is operated under common ownership and management and no crematory is more than sixty miles from another establishment held under the same ownership conditions.

(4) The designee shall require each person employed at the crematory to demonstrate evidence of compliance with section 12-54-304 12-135-304. The designee shall retain the records of such evidence of compliance so long as the person is employed at the crematory.

(5) This section shall not require the registration of a nonprofit organization that only provides education or support to an individual who intends to provide for final disposition of human remains.

12-135-304. [Formerly 12-54-304] Title protection. A person shall not advertise, represent, or hold oneself out as or use the title of a cremationist unless the applicant has at least five hundred hours practicing or interning as a cremationist and has cremated at least fifty human remains.

12-135-305. [Formerly 12-54-305] Records and receipts. (1) The crematory shall furnish to a person who delivers human remains to the crematory a receipt, which shall be signed by both the crematory's representative and the person who delivers the human remains. The crematory shall retain a copy of the receipt in its records pursuant to subsection (3) of this section. The receipt shall include the following:

(a) The date and time of the delivery;
(b) The type of casket or alternative container that was delivered;
(c) The name of the person who delivered the human remains;
(d) The name of any business with which the person delivering the human remains is affiliated;
(e) The name of the person who received the human remains on behalf of the crematory; and
(f) The name of the decedent.

(2) Upon release of cremains, the crematory shall furnish to the person who receives the cremains a receipt, signed by both the crematory's representative and the person who receives the cremains. The crematory shall retain a copy of the receipt in its records pursuant to subsection (1) of this section. The receipt shall include the following:
(a) The date and time of the release;
(b) The name of the person to whom the cremains were released;
(c) The name of the person who released the cremains on behalf of the crematory;
and
(d) The name of the decedent.

(3) A crematory shall maintain, for at least five years and available at the registered location, a permanent record of each cremation occurring at the facility and copies of the receipts required by this section.

12-135-306. [Formerly 12-54-306] Limited liability. A crematory shall not be liable for any valuables delivered to the crematory if the crematory exercised reasonable care in handling and protecting the valuables.

(a) Maintain a retort or crematory chamber that is operated at all times in a safe and sanitary manner;
(b) Employ reasonable care to minimize the risk of transmitting communicable diseases from human remains;
(c) Be equipped with instruments and supplies necessary to protect the health and safety of the public and employees of the crematory; and
(d) Transport human remains in a safe and sanitary manner.
(2) (a) A crematory shall not cremate human remains unless the crematory has obtained a statement containing the following from a funeral establishment, funeral director, mortuary science practitioner, or the person with the right of final disposition:
(I) The identity of the decedent;
(II) The date of death;
(III) Authorization to cremate the human remains;
(IV) The name of the person authorizing cremation and an affidavit or other document in compliance with article 19 of title 15 C.R.S. that the authorization complies with article 19 of title 15; C.R.S.:
(V) A statement that the human remains do not contain an implanted device;
(VI) The name of the person authorized to receive the cremains;
(VII) A list of items delivered to the crematory along with the human remains;
(VIII) A statement as to whether the next of kin has made arrangements for a
viewing or service before cremation and the date and time of any viewing or service;

   (IX) A copy of the disposition permit; and

   (X) A signature of a representative of any funeral establishment or the next of kin
   making arrangements for cremation that the representative has no actual knowledge that
   contradicts any information required by this paragraph (a) of this subsection (2)(a).

(b) A person who signs the statement required by paragraph (a) of this subsection (2)
SUBSECTION (2)(a) OF THIS SECTION shall warrant the truthfulness of the facts contained
therein. A person who signs the statement with actual knowledge to the contrary shall be

civilly liable.

(3) (a) The crematory shall hold human remains in a cremation container and shall
not remove the remains.

(b) The crematory shall cremate the human remains in a cremation container.

(c) A cremation container must:

   (I) Be composed of materials suitable for cremation;

   (II) Be able to be closed in order to provide a complete covering for the human
   remains;

   (III) Be resistant to leaking or spilling;

   (IV) Be rigid enough to handle with ease;

   (V) Provide reasonable protection for the health and safety of crematory employees;

   and

   (VI) Be used exclusively for the cremation of human remains.

(4) A crematory shall not cremate the human remains of more than one person within
the same cremation chamber or otherwise commingle the cremains of multiple human
remains unless the next of kin has signed a written authorization. No crematory is civilly
liable for commingling the cremains of human remains if the next of kin has signed the
written authorization.

(5) (a) A crematory shall use a tag to identify human remains and cremains. The tag
must be verified, removed, and placed near the cremation chamber control panel prior to
cremation. The tag must remain next to the cremation chamber until the cremation is
complete.

(b) After cremation is complete, all of the cremains and reasonable recoverable
residue shall be removed from the cremation chamber and processed as necessary. Anything
other than the cremains shall be disposed of unless the next of kin authorizes otherwise.

(c) The processed cremains shall be placed in a temporary container or urn. Any
cremains that do not fit within THE enclosure shall be placed in a separate temporary
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container or urn. Each container shall be marked with the decedent's identity and the name of the crematory. If a temporary container is used, the crematory shall disclose that the temporary container should not be used for permanent storage.

(d) If cremated remains are shipped, the crematory shall use a method that employs an internal tracking system and obtains a signed receipt from the person accepting delivery.

(6) Cremains shall not be commingled with other cremains in final disposition or scattering without written authorization from the next of kin unless the disposition or scattering occurs within a dedicated cemetery or consecrated grounds used exclusively for such THOSE purposes.

(7) (a) A crematory shall not cremate human remains containing an implanted device. If the funeral establishment that had control of the human remains failed to ensure that a device was removed, the funeral establishment is responsible for removing the device.

(b) If the person authorizing cremation fails to inform the crematory of the presence of an implanted device, the person shall be solely liable for any resulting damage to the crematory.

12-135-308. [Formerly 12-54-308] Custody and responsibility - rules. (1) A crematory shall not, through its managers, employees, contractors, or agents, take custody of human remains without an attestation of positive identification on a form promulgated by the director by rule by:

(a) The next of kin;

(b) The county coroner or the county coroner's designee; or

(c) An authorized person at the care facility where the deceased died.

(2) A crematory is responsible for identifying and tracking human remains from the time it takes custody of human remains until the:

(a) Final disposition has occurred or the remains are returned to the person who has the right of final disposition;

(b) Human remains are released in accordance with the instructions given by the person who has the right of final disposition; or

(c) Remains are released to a funeral establishment, another crematory, repository, or entity as authorized by the person who has the right of final disposition.

(3) The director shall adopt rules implementing this section that:

(a) Establish what constitutes custody;

(b) Define "care facility", "repository", and "entity";

(c) Establish who is authorized to identify human remains at a care facility for a
funeral establishment; and

(d) Prescribe the minimum standards for the positive identification and chain of custody of human remains. A crematory may use the crematory’s own procedures if the procedures meet or exceed the minimum standards of the rule promulgated by the director.

PART 4
ADMINISTRATION


(1) The director may deny, suspend, refuse to renew, issue a letter of admonition or confidential letter of concern to, revoke, place on probation, TAKE DISCIPLINARY OR OTHER ACTION AS AUTHORIZED IN SECTION 12-20-404 or limit the scope of practice of the registration of a funeral establishment or crematory under this article 135 that has:

(a) Filed an application with the director containing material misstatements of fact or has omitted any disclosure required by this article 135;

(b) Had a registration issued by Colorado, or an equivalent license, registration, or certification issued by another state, to practice mortuary science or to embalm or cremate human remains revoked; or

(c) Violated this article 135 or any rule of the director adopted under this article 135.

(2) (a) The director may deny or revoke a registration if the funeral establishment, crematory, or the designee thereof has been convicted of a felony related to another activity regulated under this article 135 or a felony of moral turpitude. The director shall promptly notify the funeral establishment or crematory of such THE revocation.

(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 IS SUBJECT TO THE WAITING PERIOD SPECIFIED IN SECTION 12-20-404 (3).

(3) The director may investigate the activities of a funeral establishment or crematory upon his or her own initiative or upon receipt of a complaint or a suspected or alleged violation of this article 135. SECTION 12-20-403 APPLIES TO INVESTIGATIONS, HEARINGS, AND OTHER PROCEEDINGS UNDER THIS SECTION.

(4) The director or an administrative law judge appointed pursuant to part 10 of article 30 of title 24 C.R.S., shall conduct disciplinary hearings concerning a registration issued under this article. Such hearings shall conform to article 4 of title 24, C.R.S.

(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.

(6) The director shall keep records of registrations and disciplinary proceedings.
The records kept by the director shall be open to public inspection in a reasonable time and
manner determined by the director.

(7) When the director or administrative law judge deems it appropriate and
useful, the director or administrative law judge may consult with or obtain a written opinion
from an appropriate professional organization or association of businesses who offer
services requiring registration under this article 135 for the purpose of investigating possible
violations or weighing the appropriate standard of care to be applied to specific events or
the facts in a hearing being held under this article 135.

(8) (a) The director may promulgate reasonable rules necessary to implement this
section, sections 12-54-110, 12-54-111, 12-54-303, and 12-54-304, and this part 4.
(b) Before promulgating rules, the director shall seek input and advice from a person,
or any state professional organization of persons, offering services that require registration
pursuant to this article 135.
(c) Before promulgating rules, the director may seek input and advice from a
consumer representative who advocates for consumers affected by this article 135.

12-135-402. [Formerly 12-54-402] Fees. (1) The director shall establish and collect
the fees for a registration issued under this article 135 pursuant to section 24-34-105, C.R.S.
12-20-105.

(2) All fees collected by the director shall be transmitted to the state treasurer, who
shall credit the same pursuant to section 24-34-105, C.R.S., and the general assembly shall
make annual appropriations for expenditures of the director required to perform his or her
duties under this article, which expenditures shall be made from such appropriations upon
vouchers and warrants drawn pursuant to law. The division shall employ, subject to section
13 of article XII of the state constitution, such clerical or other assistants as are necessary
for the proper performance of its work.
12-135-403. [Formerly 12-54-406] Cease-and-desist orders - procedure. (1) (a) If it appears to the director, based upon credible evidence as presented in a written complaint, that a person is acting in a manner that creates an imminent threat to the health and safety of the public, or a person is acting or has acted without the required registration, the director may issue an order to cease and desist such activity. The order shall set forth the statutes and rules alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts or unauthorized practices immediately cease.

(b) Within ten days after service of the order to cease and desist pursuant to paragraph (a) of this subsection (1), the respondent may request a hearing on the question of whether the alleged acts or practices have occurred. Such hearing shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S.

(2) (a) If it appears to the director, based upon credible evidence as presented in a written complaint, that a person has violated this article or rules promulgated under this article, then, in addition to any specific powers granted pursuant to this article, the director may issue to such person an order to show cause as to why the director should not issue a final order directing such person to cease and desist from such violations.

(b) A person against whom an order to show cause has been issued pursuant to paragraph (a) of this subsection (2) shall be promptly notified by the director of the issuance of the order, along with a copy of the order, the factual and legal basis for the order, and the date set by the director for a hearing on the order. Such notice may be served by personal service, by first-class United States mail, postage prepaid, or as may be practicable upon any person against whom such order is issued. Personal service or mailing of an order or document pursuant to this subsection (2) shall constitute notice thereof to the person.

(c) (I) The hearing on an order to show cause shall be commenced no sooner than ten and no later than forty-five calendar days after the date of transmission or service of the notification by the director as provided in paragraph (b) of this subsection (2). The hearing may be continued by agreement of all parties based upon the complexity of the matter, number of parties to the matter, and legal issues presented in the matter, but in no event shall the hearing commence later than sixty calendar days after the date of transmission or service of the notification.

(II) If a person against whom an order to show cause has been issued pursuant to paragraph (a) of this subsection (2) does not appear at the hearing, the director may present evidence that notification was properly sent or served upon such person pursuant to paragraph (b) of this subsection (2) and such other evidence related to the matter as the director deems appropriate. The director shall issue the order within ten days after the
director's determination related to reasonable attempts to notify the respondent, and the order shall become final as to that person by operation of law. Such hearing shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S. 

(III) If the director reasonably finds that the person against whom the order to show cause was issued is acting or has acted without the required registration or has engaged in acts or practices constituting violations of this article or rules promulgated under this article, a final cease-and-desist order may be issued, directing such person to cease and desist from further violations:

(IV) The director shall provide notice, in the manner set forth in paragraph (b) of this subsection (2), of the final cease-and-desist order within ten calendar days after the hearing conducted pursuant to this paragraph (c) to each person against whom the final order has been issued. The final order shall be effective when issued and shall be a final order for purposes of judicial review:

(3) If it appears to the director, based upon credible evidence presented to the director, that a person has engaged in an act or practice constituting a violation of this article, a rule promulgated pursuant to this article, an order issued pursuant to this article, or an act or practice constituting grounds for administrative sanction pursuant to this article, the director may enter into a stipulation with the person:

(4) If a person fails to comply with a final cease-and-desist order or a stipulation, the director may request the attorney general or the district attorney for the judicial district in which the alleged violation exists to bring, and if so requested such attorney shall bring, suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of the final order:

(5) A person aggrieved by the final cease-and-desist order may seek judicial review of the director's determination or of the director's final order:

THE DIRECTOR MAY ISSUE CEASE-AND-DESIST ORDERS UNDER THE CIRCUMSTANCES AND IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-20-405.

12-135-404. [Formerly 12-54-407] Civil penalty - fines. (1) On motion of the director, the court may impose a civil penalty of not more than one thousand dollars for a violation of this article 135 or a rule promulgated under this article 135. The penalty shall be transmitted to the state treasurer and credited to the general fund:

(2) In addition to any other penalty that may be imposed pursuant to this section, a funeral establishment or crematory violating this article 135 or a rule promulgated pursuant to this article 135 may be fined no less than one hundred dollars and no more than five
1 thousand dollars for each violation proven by the director. All fines collected pursuant to this subsection (2) shall be transferred to the state treasurer, who shall credit such moneys to the general fund:

12-135-405. [Formerly 12-54-408] Enforcement - injunctions. (1) The director may forward to a district attorney or a state or federal law enforcement agency any information concerning possible violations of statute or rule under this article committed by any person or complaints filed against a funeral director, mortuary science practitioner, cremationist, or embalmer.

(2) The director may request that an action be brought in the name of the people of the state of Colorado by the attorney general or the district attorney of the district in which the violation is alleged to have occurred to enjoin a person from engaging in or continuing the violation or from doing any act that furthers the violation. In such an action, an order or judgment may be entered awarding such preliminary or final injunction as is deemed proper by the court. SEEK INJUNCTIVE RELIEF IN ACCORDANCE WITH SECTION 12-20-406. The notice, hearing, or duration of an injunction or restraining order shall be made in accordance with the Colorado rules of civil procedure.

12-135-406. [Formerly 12-54-410] Repeal. Sections 12-54-110, 12-54-111, 12-54-303, and 12-54-304 are repealed, effective July 1, 2024. Prior to such repeal, the regulation of persons registered to practice cremation and mortuary science shall be reviewed pursuant to IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. C.R.S.

ARTICLE 140
Nontransplant Tissue Banks

<<Insert nontissue transplant banks practice act.>>

ARTICLE 145
Outfitters and Guides

12-145-101. [Formerly 12-55.5-101] Legislative declaration. It is the intent of the general assembly to promote and encourage residents and nonresidents alike to participate in the enjoyment and use of the mountains, rivers, and streams of Colorado and the state's fish and game and, to that end, in the exercise of the police power of this state for the
purpose of safeguarding the health, safety, welfare, and freedom from injury or danger of
such residents and nonresidents, to register and regulate those persons who, for
compensation, provide equipment or personal services to such residents and
nonresidents for the purpose of hunting and fishing. It is neither the intent of the general
assembly to interfere in any way with the business of livestock operations or to prevent
livestock owners from loaning or leasing buildings or animals to persons, nor is it intended
to prevent said owner from accompanying a person or persons on land that such owner owns, nor is it the intent of the general assembly to interfere in any way with the
general public's ability to enjoy the recreational value of Colorado's mountains, rivers, and
streams when the services of commercial outfitters are not utilized nor to interfere with the
right of the United States to manage the public lands under its control.

12-100-102. Applicability of common provisions. Articles 1 and 20 of this
title 12 apply, according to their terms, to this article 145.

12-145-103. [Formerly 12-55.5-102] Definitions. As used in this article 145, unless
the context otherwise requires:

(1) "Compensation" means making, or attempting to make, a profit, salary, or
increase in business or financial standing, or supporting any part of other programs or
activities, to include receiving fees, charges, dues, service swaps, or something which
is not strictly a sharing of actual expenses incurred from amounts received from or for
outfitting services rendered or to be rendered.

(1.5) (2) "Consultant" means a person who is hired by the director to assist in any
investigation initiated under this article 145 or any member of an advisory committee
appointed pursuant to section 12-55.5-111 12-145-113.

(2) "Director" means the director of the division of professions and occupations in
the department of regulatory agencies.

(3) "Division" means the division of professions and occupations in the department
of regulatory agencies.

(3.5) (3) "Entity" means an entity authorized by Colorado law to conduct business,
including, but not limited to, a corporation, partnership, limited liability partnership, or
limited liability company.

(4) "Guide" means any individual who:

(a) Accompanies an outfitter's client to assist the client in the taking or attempted
taking of wildlife; and
(b) Either:
(I) Is employed for compensation by an outfitter; or
(II) Has independently contracted with an outfitter.

(5) "Outfitter" means a person soliciting to provide or providing, for compensation, outfitting services for the purpose of hunting or fishing on land that the person does not own.

(5.5) (6) "Outfitting services" means providing transportation of individuals, equipment, supplies, or wildlife by means of vehicle, vessel, or pack animal, facilities including but not limited to tents, cabins, camp gear, food, or similar supplies, equipment, or accommodations, and guiding, leading, packing, protecting, supervising, instructing, or training persons or groups of persons in the take or attempted take of wildlife.

(6) (7) "Peace officer" means a peace officer as described in section 16-2.5-10. C.R.S.

(7) (Deleted by amendment, L. 2004, p. 340, § 14, effective July 1, 2004.)

(8) "Person" means an individual or entity.

12-145-104. [Formerly 12-55.5-102.5] Applicability. (1) This article does not apply to a person who only authorizes a person to hunt, fish, or take wildlife on property the person owns, rents, or leases, including providing the authorization for compensation.

(2) This article does not require a person to register as an outfitter if the person only rents motor vehicles, livestock, or equipment.

12-145-105. [Formerly 12-55.5-103] Registration required - fees. (1) A person shall not engage in activities as an outfitter, advertise in any publication as an outfitter, or represent himself, herself, or itself as an outfitter unless the person first obtains a registration from the division and unless the registration is in full force and effect and in the person's immediate possession. A person shall not continue to act as an outfitter if the person's registration has been suspended or revoked or has expired.

(2) An applicant for registration as an outfitter shall follow the procedures provided in section 12-55.5-105 and any other procedures required by the director. All applicants shall pay a nonrefundable registration fee to be determined by the director which fee shall be adequate to cover the direct and indirect expenses incurred for implementation of the provisions of this article. Such registration shall be renewable pursuant to the provisions of this article and upon payment of said fee IN ACCORDANCE WITH SECTION 12-20-105 (2).
12-145-106. [Formerly 12-55.5-103.5] Guide qualifications. (1) An individual who works as a guide must be eighteen years of age or older and hold either a valid first aid or first aid instructor's card issued by the American red cross or evidence of equivalent training as approved by the director. An individual who violates this subsection (1) is guilty of a misdemeanor and shall be punished by a fine of one hundred dollars.

(2) It is a violation of this article 145 for an individual whose outfitter registration has been revoked or suspended to work as a guide.


(1) Except as otherwise provided in this article 145, the director shall issue an initial or renewed registration as an outfitter to an individual who pays the required fee and furnishes evidence satisfactory to the director that the individual:

(a) Is eighteen years of age or older;

(b) Holds a valid first aid card or first aid instructor's card issued by the American Red Cross or evidence of equivalent training;

(c) Possesses minimum liability insurance coverage in the amount of fifty thousand dollars for bodily injury to one individual in a single accident and one hundred thousand dollars for bodily injury to all individuals in a single accident;

(d) Has submitted to the director a surety bond in the minimum sum of ten thousand dollars, executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety. The bond must be conditioned upon compliance with this article 145 and with the rules promulgated under this article 145.

(e) Repealed.

(f) Has, or will have before providing outfitting services, all the required permits or written permission on the land where the outfitter provides outfitting services.

(2) and (3) (Deleted by amendment, L. 93, p. 1490, § 3, effective July 1, 1993.)

(4) (2) An individual or entity may register as an outfitter. An application for registration of an entity shall include the names of all officers, directors, members, partners, owners of at least ten percent of the entity, and other persons who have managing or controlling authority in the entity. The entity shall designate on the application for outfitter registration one of its officers, directors, members, partners, or other controlling or managing individuals to be the responsible party and agent for the entity for all communications with the division. If the entity changes its responsible party and agent, it shall notify the division within ten working days after the name change and provide contact information for the new responsible party and agent. If THE responsible party and agent does not provide guide
services, he or she shall not be required to comply with paragraph (b) of subsection (1) SUBSECTION (1)(b) of this section.

(5) (3) (a) SECTION 12-20-202 (1) AND (2) GOVERN RENEWAL AND DELINQUENCY FEES AND renewals, EXPIRATION, and reinstatement of a registration are made under a schedule established by the director, and registrations must be renewed or reinstated in accordance with section 24-34-102 (8), C.R.S. REGISTRATIONS UNDER THIS ARTICLE 145.

(b) The director may establish renewal fees and delinquency fees for reinstatement in accordance with section 24-34-105, C.R.S.

(c) If a person fails to renew a registration in accordance with the schedule established by the director, the registration expires.

(d) (b) A person whose registration has expired and who offers or provides outfitter services is subject to the penalties provided in this article 145 or section 24-34-102 (8), C.R.S. 12-20-202.

12-145-108. [Formerly 12-55.5-106] Disciplinary actions - grounds for discipline. (1) The director may deny, suspend, revoke, or place on probation an outfitter’s registration or issue a letter of admonition to an applicant for or holder of an outfitter’s registration TAKE DISCIPLINARY OR OTHER ACTION AS AUTHORIZED IN SECTION 12-20-404 if the applicant or holder:

(a) Violates any order of the division or the director or any provision of this article 145 or the rules established under this article 145;

(b) Fails to meet the requirements of section 12-55.5-105 12-145-107 or uses fraud, misrepresentation, or deceit in applying for or attempting to apply for registration;

(c) Violates any local, state, or federal law or regulation concerning public land management, wildlife, health, or cruelty to animals, including, but not limited to, section 33-6-113; C.R.S.;

(d) Is convicted of or has entered a plea of nolo contendere or guilty to a felony; except that the director shall be governed by the provisions of section 24-5-101 C.R.S.; in considering such THE conviction or plea;

(e) Uses false, deceptive, or misleading advertising;

(f) Misrepresents his OR HER services, facilities, or equipment to a client or prospective client;

(g) Uses alcohol or any controlled substance as defined in section 18-18-102 (5) C.R.S., to the extent that the use places the user or other persons at risk while providing outfitting services or is a habitual user of alcohol or a controlled substance as defined in
section 18-18-102 (5), C.R.S., to the extent that the use places the user or other persons at risk while providing outfitting services;

(h) Has incurred disciplinary action related to the practice of outfitting in another jurisdiction. Evidence of such disciplinary action shall be prima facie evidence for denial of registration or other disciplinary action if the violation would be grounds for such disciplinary action in this state.

(i) Has been convicted of second or third degree criminal trespass pursuant to section 18-4-503 or 18-4-504, C.R.S.; except that the director shall be governed by the provisions of section 24-5-101 C.R.S., in considering such THE conviction;

(j) Hires an individual as a guide who fails to meet the requirements of section 12-55.5-103.5 12-145-106, unless such THE hiring is a result of an emergency situation, as defined by rules promulgated by the director, in which case the outfitter may hire a guide who does not possess a valid first-aid card or first aid instructor's card;

(k) Serves or consumes alcohol while engaged in the activities of an outfitter, if the applicant or holder is under twenty-one years of age;

(l) Violates section 18-4-503 or 18-4-504, C.R.S., resulting in two or more second or third degree criminal trespass convictions within any three- to five-year period while acting as an outfitter or guide; or

(m) Fails to respond to a complaint against the registered outfitter.

(2) To be valid, a proceeding to deny, suspend, revoke, or place on probation a registration must be conducted in accordance with sections 24-4-104 and 24-4-105, C.R.S. The director may use an administrative law judge employed by the office of administrative courts in the department of personnel to conduct hearings. 

(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.

(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:

(4) (2) Notwithstanding any other provision of this article 145, the director may deny
an initial application for registration if:

(a) The applicant is an individual who was previously listed as participating in an
entity pursuant to section 12-55.5-105 (4) 12-145-107 (2), and such THE entity was subjected
to discipline under this article 145;

(b) The applicant is an entity, the entity lists an individual as participating in the
entity pursuant to section 12-55.5-105 (4) 12-145-107 (2), and that individual was
previously listed as a participating person in an entity that was subjected to discipline under
this article 145; or

(c) The applicant is an entity, the entity lists an individual as a participating person
pursuant to section 12-55.5-105 (4) 12-145-107 (2), and that individual was previously
subjected to discipline under this article 145.

(4.5) (3) The director may discipline an applicant or registrant under this section for
the acts of a person who:

(a) Is acting on behalf of the applicant or registrant; and

(b) (I) Is an officer, director, member, or partner of, or owner of at least a ten-percent
interest in, the applicant or registrant;

(II) Has managing or controlling authority of the applicant or registrant; or

(III) Is an employee, contractor, or authorized booking agent of the applicant or
registrant.

(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.

(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.

(4) SECTION 12-20-403 GOVERNS PROCEEDINGS UNDER THIS SECTION.

12-145-109. [Formerly 12-55.5-107] Penalties - distribution of fines. (1) IN
ADDITION TO THE DISCIPLINARY OR OTHER ACTIONS AUTHORIZED UNDER SECTIONS
12-145-108 AND 12-20-404, THE DIRECTOR MAY IMPOSE AN ADMINISTRATIVE FINE ON ANY
person who violates the provisions of this article 145 or the rules of the director promulgated
under this article 145, may be penalized by the director upon a finding of a violation subject
to article 4 of title 24, C.R.S., as follows:
   (a) In the first administrative proceeding against any person, a fine of not less than
one hundred dollars but not more than five hundred dollars per violation;
   (b) In any subsequent administrative proceeding against any person for transactions
occurring after a final agency action determining that a violation of this article 145 has
occurred, a fine of not less than one thousand dollars but not more than two thousand dollars
per violation;
   (c) In an administrative proceeding against a person for a violation of section
12-55.5-103 (1) 12-145-105 (1), a fine of not less than one thousand dollars but not more
than five thousand dollars per violation.
   (1.5) Repealed.
   (2) In addition to the penalties provided in subsection (1) of this section, the director,
upon a finding of a violation, may deny, suspend, revoke, or place on probation an outfitter's
registration or take other disciplinary action as provided in section 12-55.5-106 (3).
   (3) (2) A person who engages in activities as an outfitter shall maintain all applicable
documents, records, and other items, for the current year and the preceding four years at the
address listed on the registration, required to be maintained by this article 145 or by the rules
of the director when requested to do so by the director or a peace officer. A registrant who
refuses to permit the inspection of documents, records, or items is guilty of a misdemeanor
and shall be punished by a fine of one hundred dollars.
   (4) (Deleted by amendment, L. 93, p. 1491, § 5, effective July 1, 1993.)
   (5) (3) All fines collected pursuant to this article 145 shall be distributed as follows:
   (a) Fifty percent divided by the court between any federal, state, or local law
enforcement agency assisting with an investigation;
   (b) Fifty percent to the division for the cost of administering this article 145.

practice - penalties. (1) (a) If it appears to the director, based upon credible evidence as
presented in a written complaint by any person, that a registrant is acting in a manner that
is an imminent threat to the health and safety of the public, or a person is acting or has acted
without the required registration, the director may issue an order to cease and desist such
activity. The order shall set forth the statutes and rules alleged to have been violated, the
facts alleged to have constituted the violation, and the requirement that all unlawful acts or
unregistered practices immediately cease.

(b) Within ten days after service of the order to cease and desist pursuant to paragraph (a) of this subsection (1), the respondent may request a hearing on the question of whether acts or practices in violation of this article have occurred. Such hearing shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S.

(2) (a) If it appears to the director, based upon credible evidence as presented in a written complaint by any person, that a person has violated any other portion of this article; then, in addition to any specific powers granted pursuant to this article, the director may issue to such person an order to show cause as to why the director should not issue a final order directing such person to cease and desist from the unlawful act or unregistered practice.

(b) A person against whom an order to show cause has been issued pursuant to paragraph (a) of this subsection (2) shall be promptly notified by the director of the issuance of the order, along with a copy of the order, the factual and legal basis for the order, and the date set by the director for a hearing on the order. Such notice may be served by personal service, by first-class United States mail, postage prepaid, or as may be practicable upon any person against whom such order is issued. Personal service or mailing of an order or document pursuant to this subsection (2) shall constitute notice thereof to the person.

(c) (I) The hearing on an order to show cause shall be commenced no sooner than ten and no later than forty-five calendar days after the date of transmission or service of the notification by the director as provided in paragraph (b) of this subsection (2). The hearing may be continued by agreement of all parties based upon the complexity of the matter, number of parties to the matter, and legal issues presented in the matter, but in no event shall the hearing commence later than sixty calendar days after the date of transmission or service of the notification.

(II) If a person against whom an order to show cause has been issued pursuant to paragraph (a) of this subsection (2) does not appear at the hearing, the director may present evidence that notification was properly sent or served upon such person pursuant to paragraph (b) of this subsection (2) and such other evidence related to the matter as the director deems appropriate. The director shall issue the order within ten days after the director’s determination related to reasonable attempts to notify the respondent, and the order shall become final as to that person by operation of law. Such hearing shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S.

(III) If the director reasonably finds that the person against whom the order to show cause was issued is acting or has acted without the required registration, or has or is about
to engage in acts or practices constituting violations of this article, a final cease-and-desist
order may be issued, directing such person to cease and desist from further unlawful acts or
unregistered practices.

(IV) The director shall provide notice, in the manner set forth in paragraph (b) of this
subsection (2), of the final cease-and-desist order within ten calendar days after the hearing
conducted pursuant to this paragraph (c) to each person against whom such order has been
issued. The final order issued pursuant to subparagraph (III) of this paragraph (c) shall be
effective when issued and shall be a final order for purposes of judicial review.

(3) If it appears to the director, based upon credible evidence presented to the
director, that a person has engaged in or is about to engage in any unregistered act or
practice, any act or practice constituting a violation of this article, any rule promulgated
pursuant to this article, any order issued pursuant to this article, or any act or practice
constituting grounds for administrative sanction pursuant to this article, the director may
enter into a stipulation with such person.

(4) If any person fails to comply with a final cease-and-desist order or a stipulation,
the director may request the attorney general or the district attorney for the judicial district
in which the alleged violation exists to bring, and if so requested such attorney shall bring,
suit for a temporary restraining order and for injunctive relief to prevent any further or
continued violation of the final order.

(5) A person aggrieved by the final cease-and-desist order may seek judicial review
of the director's determination or of the director's final order as provided in section
12-55.5-115.

(1) The director may issue cease-and-desist orders under the
circumstances and in accordance with the procedures specified in section
12-20-405.

(6) (2) Any person who engages or offers or attempts to engage in activities as an
outfitter without an active registration issued under this article commits a class 2
misdemeanor and shall be punished as provided in section 18-1.3-501 C.R.S., for the first
offense, and for the second or any subsequent offense, the person commits a class 6 felony
and shall be punished as provided in section 18-1.3-401. C.R.S. 145 is subject to
penalties pursuant to subsection 12-20-407 (1)(a).

12-145-111. [Formerly 12-55.5-109] Contracts for outfitting services - writing
required. (1) Prior to engaging in any activity as an outfitter, an outfitter shall provide a
written contract to the client signed by both the outfitter and the client, stating at least the

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proposals\Bill Draft_Common provisions_article 1&DPO articles.wpd
following terms:
   (a) Type of services to be provided;
   (b) Dates of service;
   (c) Transportation arrangements;
   (d) Costs of the services;
   (e) Ratio of clients to guides; and
   (f) The outfitter’s policy regarding cancellation of the contract and refund of any
deposit.

(2) No action may be maintained by an outfitter for breach of a contract or agreement
to provide outfitting services or for the recovery of compensation for services rendered
under such the contract or agreement if the outfitter has failed to comply with the provisions
of this article 145.

(3) Any written contract provided in accordance with this section must also contain
a written statement that pursuant to section 12-55.5-105 (1)(c) and (1)(d) 12-145-107 (1)(c)
AND (1)(d), outfitters are bonded and required to possess the minimum level of liability
insurance and that the activities of outfitters are regulated by the director.

12-145-112. [Formerly 12-55.5-110] Other remedies - contracts void - public
nuisance - seizure of equipment. (1) Every agreement or contract for the services of an
outfitter shall be void and unenforceable by the outfitter unless such the outfitter is duly
registered with the division under the provisions of this article 145 when such the services
are contracted for and performed.

(2) Every motor vehicle, trailer, vessel, firearm, weapon, trap, equipment, livestock,
or other personal property used in outfitting services in violation of the provisions of this
article 145 is declared to be a class 2 public nuisance. Unless in conflict with the specific
provisions of this section, the provisions of article 13 of title 16 C.R.S., shall apply to any
action taken pursuant to this section.

(3) (a) Any personal property subject to seizure under this section which that is
seized as a part of or incident to a criminal proceeding for violation of this article 145 and
for which disposition is not provided by another statute of this state shall be disposed of as
provided in this section.

   (b) The court may order the property sold in the manner provided for sales on
execution.

   (c) The proceeds of such the sale shall be applied as follows:
   (I) To the fees and costs of removal and sale;
(II) To the payment of any costs the state has incurred from such action; and
(III) The balance, if any, to the office of the district attorney who has brought such action.

12-145-113. [Formerly 12-55.5-111] Advisory committee. The director shall appoint an advisory committee to make recommendations concerning outfitters, which committee shall serve at the request and pleasure of the director. The members of the advisory committee shall receive no compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties under this article 145.

12-145-114. [Formerly 12-55.5-113] Enforcement. Every peace officer as defined in section 12-55.5-102 (6), is hereby authorized to assist the director in the enforcement of the provisions of this article 145 and the rules and regulations prescribed by the director.

12-145-115. [Formerly 12-55.5-115] Judicial review. The court of appeals shall have initial jurisdiction to review all final actions and orders that are subject to judicial review. Such proceedings shall be conducted in accordance with section 24-4-106 (11), C.R.S.

12-145-116. [Formerly 12-55.5-116] Notice - hunting and fishing license. The division and the division of parks and wildlife shall develop a system to provide a written notice with each hunting or fishing license, at the time of issuance, stating that it is illegal to provide outfitting services in Colorado without registering with the division.

12-145-117. [Formerly 12-55.5-117] Repeal of article - review of functions. Unless continued by the general assembly, This article 145 is repealed, effective September 1, 2025. and those powers, duties, and functions of the division specified in BEFORE ITS REPEAL, this article is abolished. The provisions of 145 IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. (2) to (8), C.R.S., concerning a wind-up period, an analysis and evaluation, public hearings, and claims by or against an agency apply to the powers, duties, and functions of the division specified in this article. <{Section updated to conform with current sunset language.}>

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ARTICLE 150
Passenger Tramways

<{{ Insert passenger tramways practice act. }}>

ARTICLE 155
Plumbers

<{{ Insert plumbers practice act. }}>

ARTICLE 160
Private Investigators

<{{ Insert PIs practice act. }}>

HEALTH CARE PROFESSIONS AND OCCUPATIONS

ARTICLE 200
Acupuncturists

<{{ Insert acupuncturists practice act. }}>

ARTICLE 205
Athletic Trainers

<{{ Insert athletic trainers practice act. }}>

ARTICLE 210
Audiologists

<{{ Insert audiologists practice act. }}>

ARTICLE 215
Chiropractors

<{{ Insert chiros practice act. }}>

ARTICLE 220
Dentists and Dental Hygienists

<{{ Insert dentists & hygienists practice act. }}>

ARTICLE 225
Direct-entry Midwives
ARTICLE 230
Hearing Aid Providers

ARTICLE 235
Massage Therapists

ARTICLE 240
Medical Practice

ARTICLE 245
Mental Health

ARTICLE 250
Naturopathic Doctors

ARTICLE 255
Nurses

ARTICLE 260
Nurse Aides

ARTICLE 265
Nursing Home Administrators

ARTICLE 270
Occupational Therapists and Occupational Therapy Assistants

<{Insert OTs & OTAs practice act.}>

ARTICLE 275
Optometrists

<{Insert optometrists practice act.}>

ARTICLE 280
Pharmacists, Pharmacy Businesses, and Pharmaceuticals

<{Insert pharmacy practice act.}>

ARTICLE 285
Physical Therapists and Physical Therapist Assistants

<{Insert PTs & PTAs practice act.}>

ARTICLE 290
Podiatrists

<{Insert podiatrists practice act.}>

ARTICLE 295
Psychiatric Technicians

<{Insert psych techs practice act.}>

ARTICLE 300
Respiratory Therapists

<{Insert respiratory therapists practice act.}>

ARTICLE 305
Speech-language Pathologists

<{Insert SLP practice act.}>

ARTICLE 310
Surgical Assistants and Surgical Technologists

<{Insert surgical assts/technologists practice act.}>

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ARTICLE 315
Veterinarians

<\{Insert vets practice act.\}>
Add to Title 24, article 1:

24-1-138. [Formerly 12-1.5-101] Mandatory donation of services prohibited.  
(1) No regulatory agency or other department, division, agency, branch, instrumentality, or political subdivision of state government shall NOT require:  
   (a) any person practicing a regulated profession or occupation to donate such person's professional services without compensation to any other person as a condition of admission to or continued licensure, in such or other authorization to practice the profession or occupation; nor shall or  
   (b) Payment of money in lieu of such uncompensated service. be required.  
(2) This section shall not be construed to prohibit the crediting of required hours of continuing education in exchange for hours of donated services by a person in a regulated profession or occupation.  

OLLS will engage in outreach to determine current applicability of section 12-1.5-101 to professions and occupations regulated by other divisions within DORA and by other state departments. Ronne Hines will check with Division of Insurance and Division of Securities in DORA.