

FINAL PROPOSAL
Relocate § 24-34-102, 24-34-103, 24-34-104.4, & 24-34-105 to Title 12

1 **12-20-103. Division of professions and occupations - creation - duties of division**
2 **and department head - office space - per diem for board or commission members -**
3 **review of functions. (1) [Formerly 24-34-102 (1)] Division created. (a) As used in this**
4 **part 1, unless the context otherwise requires:**

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

6 ~~(H) "Director" means the director of the division of professions and occupations or~~
7 ~~the director's designee.~~

8 ~~(HH) "Division" means the division of professions and occupations created in the~~
9 ~~department pursuant to this section.~~

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

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

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

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

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

24 ~~(2) [Formerly 24-34-102 (2)] Supervision and support. The division has~~
25 ~~supervision and control of the **type 2** examining and licensing boards and agencies~~
26 ~~transferred to ENTITIES WITHIN the department by PURSUANT TO the "Administrative~~
27 ~~Organization Act of 1968". For **type 1** boards or commissions ENTITIES, the division shall~~
28 ~~provide necessary management support.~~

29 ~~(3) [Formerly 24-34-102 (3)] Approval of rules. The supervision and control of,~~
30 ~~and the management support for, examining and licensing boards, COMMISSIONS, and~~
31 ~~agencies PROGRAMS by the department and the division also includes the approval or~~
32 ~~disapproval of rules of the boards, COMMISSIONS, and agencies DIRECTOR relating to the~~
33 ~~examination and licensure, CERTIFICATION, OR REGISTRATION of applicants to ensure that the~~
34 ~~rules are fair and impartial. The division shall not license a person who has applied to, and~~
35 ~~otherwise satisfied the requirements for, licensure by a board or agency until the applicant~~
36 ~~has paid and the division has received all applicable fees.~~

37 ~~(4) [Formerly 24-34-102 (4)] Staff. Subject to subsection (1) of this section, each~~
38 ~~of the examining and licensing boards BOARD, COMMISSION, or agencies PROGRAM may~~

1 employ and pay out of ~~moneys~~ MONEY appropriated to it by the general assembly only that
2 number of employees and subordinate officers as are certified by it and approved by the
3 executive director of the department of regulatory agencies to be necessary. ~~and the necessity~~
4 ~~for the employment of whom has been approved in writing by the governor.~~ All salaries to
5 be paid ~~such~~ TO THE employees and subordinate officers shall be within the appropriation
6 made therefor by the general assembly.

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

17 (b) ~~[Formerly 24-34-102 (6)]~~ Each of the ~~examining and licensing boards or~~
18 ~~agencies~~ BOARD, COMMISSION, OR PROGRAM to which office space is provided shall pay into
19 the general ~~revenue~~ fund of the state, out of the ~~moneys appropriated~~ MONEY THE GENERAL
20 ASSEMBLY APPROPRIATES to it by the general assembly THE DIVISION, a monthly or annual
21 charge for rental, heat, light, telephone, collection, legal, and other state services made
22 available to ~~such~~ THE board, ~~or agency as may be fixed by~~ COMMISSION, OR PROGRAM. The
23 executive director of the department of personnel, with the approval of the executive director
24 of the department of regulatory agencies, ~~such~~ MAY FIX THE AMOUNT OF THE charges, ~~to be~~
25 WHICH MUST not BE more than twenty-five percent of the ~~moneys~~ MONEY appropriated ~~to~~
26 it by the general assembly TO THE DIVISION FOR USE BY A BOARD, COMMISSION, OR PROGRAM.

27 (6) ~~[Formerly 24-34-102 (13)]~~ **Per diem.** Notwithstanding any law to the contrary,
28 each member of a board or commission ~~within the division~~ is entitled to receive a per diem
29 allowance of fifty dollars for each day spent in attendance at board OR COMMISSION
30 meetings, hearings, or examinations and to be reimbursed for actual and necessary expenses
31 incurred in the discharge of ~~such~~ THE MEMBER'S official duties. The per diem compensation
32 for board or commission members must not exceed that sum in any fiscal year that the state
33 personnel board approves for employees not under the state personnel system. The general
34 assembly shall annually appropriate ~~moneys~~ MONEY from the division of professions and
35 occupations cash fund for the payment of per diem compensation and expenses. A state
36 employee shall not receive per diem compensation for services performed during normal
37 working hours, when on paid administrative leave, or when otherwise prohibited by fiscal

1 rules adopted by the state controller.

2 (7) **[Formerly 24-34-102 (15)] Periodic evaluation of division functions.** The
3 department shall analyze and evaluate the division and its functions as set forth in this part
4 ~~1 and in~~ title 12. ~~C.R.S.~~ The department shall conduct the analysis and evaluation in
5 accordance with section 24-34-104 (5) and shall submit its report and recommendations for
6 legislation, if any, in accordance with that section. The department shall initially analyze and
7 evaluate the division and submit its report by October 15, 2015, and shall analyze and
8 evaluate the division every ten years thereafter. This section does not require the repeal of
9 the division or its functions as specified in this ~~part 1 and in~~ title 12. ~~C.R.S.~~

10
11 **12-20-104. [Formerly 24-34-104.4] Excise tax on renewal fees - report to joint**
12 **budget committee - definition.** (1) Notwithstanding any provision of law to the contrary,
13 there is imposed, and the executive director ~~of the department of regulatory agencies~~ shall
14 collect, an excise tax OF ONE DOLLAR PER EACH YEAR OF THE RENEWAL PERIOD upon the
15 payment of ~~the following fees:~~

16 (a) and (b) ~~(Deleted by amendment, L. 97, p. 1613, § 1, effective July 1, 1997.)~~

17 (c) ~~Repealed.~~

18 (d) ~~(Deleted by amendment, L. 97, p. 1613, § 1, effective July 1, 1997.)~~

19 (e) ~~Within the division of professions and occupations,~~ renewal fees that are required
20 to be paid by individuals for the renewal of a license, registration, or certificate granting the
21 individual authority or permission from the state to continue the practice of a profession or
22 occupation; except that ~~such~~ THE excise tax shall not be imposed on the renewal fee paid by
23 nurse aides pursuant to section 12-38.1-109, C.R.S. ~~The amount of the excise tax to be~~
24 ~~collected shall be one dollar for each year of the renewal period~~ **12-460-109.**

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

32 (2.5) ~~Repealed.~~

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

36 (4) (a) ~~(Deleted by amendment, L. 97, p. 1613, § 1, effective July 1, 1997.)~~

37 (b) On October 1 of each year, the executive director ~~of the department of regulatory~~

1 agencies shall report to the joint budget committee the amount of money credited to the legal
2 defense account created within the division of professions and occupations cash fund
3 pursuant to subsection ~~(1)~~ (3) of this section for the preceding fiscal year.
4

5 **12-20-105. [Formerly 24-34-105] Fee adjustments - division of professions and**
6 **occupations cash fund created - legal defense account - definition.** (1) This section
7 applies to all activities of the ~~boards and commissions in the division in the department~~ AND
8 ALL REGULATORS.

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

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

19 (II) The costs of the state board of psychologist examiners, the state board of
20 marriage and family therapist examiners, the state board of licensed professional counselor
21 examiners, the state board of social work examiners, the state board of registered
22 psychotherapists, and the state board of addiction counselor examiners shall be considered
23 collectively in the renewal fee-setting process. Subsequent revenue generated by the fees set
24 by the boards plus revenues generated pursuant to section ~~12-43-702.5, C.R.S.~~ **12-245-7**
25 shall be compared to those collective costs to determine recovery of direct and indirect costs.

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

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

35 ~~(1.5)~~ (4) Any fees established pursuant to section 24-34-101 (10) or (11) may be
36 received by a contractor and retained as payment for the costs of examination or other
37 services rendered pursuant to the contract with the executive director. Fees retained by a

1 contractor and not collected by the state or deposited with the state treasurer ~~shall~~ ARE not
2 be subject to article 36 of this title 24.

3 ~~(H)~~ (5) (a) The excise tax collected pursuant to section ~~24-34-104.4~~ **12-20-104** shall
4 be credited to the legal defense account, which account is hereby created within the division
5 of professions and occupations cash fund. The excise tax is the sole source of funding for
6 the account, and no other fee or ~~any portion thereof~~; OF A FEE collected by a ~~board or~~
7 ~~commission~~ REGULATOR and credited to the division of professions and occupations cash
8 fund shall be deposited in or transferred to the account. The account shall be used to
9 supplement revenues received by a ~~board or commission~~ THE DIVISION but shall only be used
10 for the purpose of paying legal expenses incurred by ~~said board, or commission~~ A
11 REGULATOR. Upon a determination of the need of a ~~board or commission~~ REGULATOR for
12 additional revenues for the payment of legal expenses, the director may authorize the ~~transfer~~
13 ALLOCATION of revenues from the legal defense account to ~~the account of such board or~~
14 ~~commission in the division of professions and occupations cash fund~~ A REGULATOR FOR
15 LEGAL EXPENSES.

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

20 ~~(H) and (HH) Repealed.~~

21 (c) (6) ~~Beginning July 1, 1979, and~~ Each July 1, thereafter, whenever ~~moneys~~ MONEY
22 appropriated to a ~~board or commission~~ THE DIVISION for its THE activities OF REGULATORS
23 for the prior fiscal year ~~are~~ IS unexpended, ~~said moneys~~ THE MONEY shall be made a part of
24 the appropriation to ~~such board or commission~~ THE DIVISION for the next fiscal year, and
25 ~~such~~ THE amount shall not be raised from fees collected by ~~such board or commission~~ A
26 REGULATOR. If a supplemental appropriation is made to a ~~board or commission~~ THE DIVISION
27 for its THE activities OF REGULATORS, the fees of ~~such board or commission~~ THE
28 REGULATOR, when adjusted for the fiscal year ~~next~~ following ~~that~~ THE FISCAL YEAR in which
29 the supplemental appropriation was made, shall be adjusted by an additional amount ~~which~~
30 THAT is sufficient to compensate for ~~such~~ THE supplemental appropriation. ~~Funds~~ MONEY
31 appropriated to a ~~board or commission~~ THE DIVISION in the annual long appropriation bill
32 shall be designated as cash funds and shall not exceed the amount anticipated to be raised
33 from fees collected by ~~such board or commission~~ THE REGULATORS.

34 ~~(3) Repealed.~~

35
36 **12-20-201. Payment of fees - condition of licensure, certification, or registration.**
37 THE DIVISION SHALL NOT LICENSE, CERTIFY, OR REGISTER A PERSON WHO HAS APPLIED AND

1 OTHERWISE SATISFIED THE REQUIREMENTS FOR LICENSURE, CERTIFICATION, OR REGISTRATION
2 BY THE DIRECTOR OR A BOARD OR COMMISSION UNTIL THE APPLICANT HAS PAID AND THE
3 DIVISION HAS RECEIVED ALL APPLICABLE FEES.
4

5 **12-20-202. Licenses, certifications, and registrations - renewal - reinstatement**
6 **- fees - endorsement - exceptions for military personnel - rules - consideration of**
7 **criminal convictions - executive director authority. (1) [Formerly 12-5.5-202 (2)]**

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

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

31 (c) **[Formerly 24-34-102 (7)]** Notwithstanding any provision of the law to the
32 contrary, upon the approval and recommendation of ~~any examining or licensing board or~~
33 ~~commission in the division~~ A REGULATOR, the executive director may change the period of
34 the validity of any license, CERTIFICATION, OR REGISTRATION issued by the ~~board or~~
35 ~~commission~~ REGULATOR for a period not to exceed three years. If the executive director
36 changes the period of validity of a license, CERTIFICATION, OR REGISTRATION pursuant to this
37 subsection ~~(7)~~ **(1)(c)**, the director shall proportionately increase or decrease the fee for the

1 license, CERTIFICATION, OR REGISTRATION, as the case may be, but the director shall not
2 impose a fee increase that would result in hardship to the licensee, CERTIFICATE HOLDER, OR
3 REGISTRANT.

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

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

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

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

30 (c) THE REGULATOR, IN ITS DISCRETION AND PURSUANT TO ITS AUTHORITY, MAY
31 REINSTATE an expired license, registration, or certificate of any ~~other person may be~~
32 ~~reinstated at the discretion and pursuant to the authority of the director, licensing board, or~~
33 ~~commission~~ OTHER THAN THE ACTIVE MILITARY PERSONNEL SPECIFIED IN SUBSECTION (2)(b)
34 OF THIS SECTION pursuant to the following requirements:

35 (I) (A) THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER SUBMITS an application
36 for reinstatement of the license, registration, or certificate ~~is submitted~~ to the ~~director,~~
37 ~~licensing board, or commission~~ REGULATOR sixty days OR MORE after the date of expiration,

1 and the licensee, registrant, or certificate holder complies with all requirements of the
2 applicable practice act.

3 (B) If the licensee, registrant, or certificate holder practiced with an expired license,
4 registration, or certificate, ~~pursuant to the authority of the director, the licensing board or~~
5 ~~commission~~ THE REGULATOR may impose disciplinary actions against the licensee, registrant,
6 or certificate holder.

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

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

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

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

20 (D) Successful completion of any continuing education OR CONTINUING
21 COMPETENCY requirements prescribed by the ~~director, licensing board, or commission~~
22 REGULATOR that are within the authority of the ~~director, licensing board, or commission~~
23 REGULATOR to require;

24 (E) Passage of an examination for licensure, registration, or certification as approved
25 by the ~~director, licensing board, or commission~~ REGULATOR that the ~~director, licensing~~
26 ~~board, or commission~~ REGULATOR has the authority to ~~acquire~~ REQUIRE; or

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

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

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

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

9 (5) **[Formerly 24-34-102 (8.7)] Criminal convictions.** Unless there is a specific
10 statutory disqualification that prohibits an applicant from obtaining licensure,
11 CERTIFICATION, OR REGISTRATION based on a criminal conviction, if a ~~licensing entity in title~~
12 ~~10 or 12, C.R.S.~~, REGULATOR determines that an applicant for licensure, CERTIFICATION, OR
13 REGISTRATION has a criminal record, the ~~licensing entity~~ REGULATOR is governed by section
14 24-5-101 for purposes of granting or denying, OR PLACING ANY CONDITIONS ON, licensure,
15 ~~or placing any conditions on licensure~~ CERTIFICATION, OR REGISTRATION.

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

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

35 (c) **[Formerly 24-34-102 (12)] Employment of administrative law judges.**
36 Notwithstanding any **type 1** transfer as such A transfer is defined by the "Administrative
37 Organization Act of 1968", article 1 of ~~this~~ title 24, the executive director may employ an

1 administrative law judge, and may require any ~~board in the division~~ REGULATOR to use an
2 administrative law judge in lieu of a hearing by the ~~board~~ REGULATOR, to conduct hearings
3 on any matter within the jurisdiction of the ~~examining and licensing boards and agencies in~~
4 ~~the division~~ REGULATOR, subject to appropriations made to the department of personnel.
5 Administrative law judges are appointed pursuant to part 10 of article 30 of ~~this~~ title 24. An
6 administrative law judge employed pursuant to this subsection ~~(12)~~ **(6)(c)** shall conduct
7 hearings in accordance with section 24-4-105, and the administrative law judge has the
8 authority specified in section 24-4-105.

9
10 **12-20-401. Procedures for complaints concerning licensees, certificate holders,**
11 **and registrants - executive director authority - rules.** (1) **[Formerly 24-34-102 (9)]** The
12 executive director is responsible for receiving and monitoring the disposition of complaints.
13 The executive director may require an investigation of a complaint concerning a person
14 regulated by a ~~board or agency in the division~~ REGULATOR in accordance with THIS section.
15 ~~24-34-103.~~

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

20 (3) **[Formerly 24-34-103 (2)]** For the purpose of facilitating the handling of
21 complaints, the executive director shall devise simple, standard complaint forms designed
22 to supply the information necessary to properly conduct an investigation of complaints. THE
23 COMPLAINANT SHALL REDUCE each complaint ~~shall be reduced~~ to writing ~~by the complainant~~
24 before any formal action is ~~commenced thereon~~ BEGUN ON THE COMPLAINT. The receipt of
25 ~~such~~ THE forms shall be acknowledged on behalf of the executive director. The complainant
26 shall be advised in writing of the final disposition ~~thereof~~ OF THE COMPLAINT.

27 (4) **[Formerly 24-34-103 (3)]** (a) The executive director may:

28 (I) Assign a complaint to ~~the director of professions and occupations or to the~~
29 appropriate ~~board of registration in the department, or may~~ REGULATOR;

30 (II) Assign it A COMPLAINT specially for investigation; or ~~may~~

31 (III) Take such other action ~~thereon~~ ON THE COMPLAINT as appears to ~~him~~ THE
32 EXECUTIVE DIRECTOR to be warranted in the circumstances.

33 (b) Assignments of investigations ~~thereof~~ OF COMPLAINTS to others ~~shall be~~ IS
34 subject to specified time limits set by the executive director for completion of investigations.

35 (5) **[Formerly 24-34-103 (4)]** Nothing in this section ~~shall supersede the provisions~~
36 ~~of SUPERSEDES~~ sections 24-4-104 to 24-4-106, or the statutory power to issue, suspend,
37 revoke, or renew licenses, CERTIFICATIONS, AND REGISTRATIONS.

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

