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) SUBSECTION (1)(b)
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 ENTITIES, the division shall
provide necessary management support.

(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 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 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 boards, COMMISSIONS, or agencies PROGRAMS to be assigned space in the same office room or suite, if such 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 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 THE DIVISION, a monthly or annual charge for rental, heat, light, telephone, collection, legal, and other state services made available to such 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 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 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.

(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. 12-245-7 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) (I.5) (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 not be subject to article 36 of this title 24.

(H) (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 any portion thereof, of a fee collected by a board or commission regulator 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 in the division of professions and occupations cash fund for the purpose of paying legal expenses incurred by said board, or commission regulator. Upon a determination of the need of a board or commission regulator 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 for legal expenses.

(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 in the division for its activities of regulators for the prior fiscal year are unexpended, said moneys shall be made a part of the appropriation to such board or commission in the division for the next fiscal year, and such amount shall not be raised from fees collected by such board or commission regulator. If a supplemental appropriation is made to a board or commission in the division for its activities of regulators, the fees of such board or commission regulator, when adjusted for the fiscal year next following that fiscal year 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 division 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 regulator.

(3) Repealed.

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
otherwise satisfied the requirements for licensure, certification, or registration by the director or a board or commission until the applicant has paid and the division has received all applicable fees.

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 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 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) (I)(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 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 may be
reinstated 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 THE REGULATOR may impose disciplinary actions against the licensee, registrant, or certificate holder.

(II) If the license, registration, or certificate has BEEN 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 REGULATOR that the person is competent to practice within his or her profession. Pursuant to the authority of the director, The licensing board or commission REGULATOR, 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 REGULATOR that are within the authority of the director, licensing board, or commission REGULATOR to require;

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

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

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

(III) The director, licensing board, or commission REGULATOR 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 REGULATOR 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 THE REGULATOR 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 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., determines that an applicant for licensure, certification, or registration has a criminal record, the licensing entity 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 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, including any document evidencing renewal of a license, certification, or registration.

(b) [Formerly 24-34-102 (11)] Review of examinations and procedures. Notwithstanding any transfer as such 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 prior to the execution of such examination or procedure. After such review, if the executive director has reason to believe the examination or procedure to be unfair to the applicants or unreasonable in content, the executive director shall call on five people licensed, certified, or registered in such occupation or profession to review the examination or procedure jointly with him. The executive director and such license holders, certificate holders, or registrants, acting jointly, may make findings of fact and recommendations to the board or agency concerning any examination or procedure. The findings of fact and recommendations shall be public documents.

(c) [Formerly 24-34-102 (12)] Employment of administrative law judges. Notwithstanding any transfer as such 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 to use an administrative law judge in lieu of a hearing by the board, to conduct hearings on any matter within the jurisdiction of the examining and licensing boards and agencies in the division, 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 (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.

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. 24-34-103:

(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 complaint shall be reduced to writing by the complainant before any formal action is commenced thereon. The receipt of such forms shall be acknowledged on behalf of the executive director. The complainant shall be advised in writing of the final disposition thereof.

(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
(II) Assign it specially for investigation; or may
(III) Take such other action ON THE COMPLAINT as appears to him to be warranted in the circumstances.
(b) Assignments of investigations thereof 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 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 of 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.