

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

SB19-133 be amended as follows:

1 Amend printed bill, page 24, strike lines 6 through 15 and substitute:

2 "SECTION 5. In Colorado Revised Statutes, **add to title 12 as**
3 **repealed and reenacted by House Bill 19-1172** article 228 as follows:

4 **ARTICLE 228**

5 **Genetic Counselor Licensure Act**

6 **12-228-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 228 IS
7 THE "GENETIC COUNSELOR LICENSURE ACT".

8 **12-228-102. Legislative declaration.** (1) THE GENERAL
9 ASSEMBLY HEREBY:

10 (a) FINDS THAT THERE IS A PUBLIC NEED FOR RELIABLE AND
11 AFFORDABLE GENETIC COUNSELING SERVICES PROVIDED BY READILY
12 IDENTIFIABLE AND COMPETENT PRACTITIONERS;

13 (b) DETERMINES THAT A LICENSURE REQUIREMENT IS NECESSARY
14 TO MEET THIS PUBLIC NEED, INCLUDING A DEFINED SCOPE OF PRACTICE
15 AND TITLE PROTECTION FOR LICENSED GENETIC COUNSELORS TO ASSURE
16 CONSUMERS THE RIGHT TO CHOOSE THOSE FROM WHOM THEY RECEIVE
17 INFORMATION AND ADVICE; AND

18 (c) DECLARES THAT:

19 (I) ITS INTENT IN ENACTING THIS ARTICLE 228 IS TO ESTABLISH
20 MINIMUM STANDARDS OF EDUCATION, EXPERIENCE, AND EXAMINATION
21 FOR PROFESSIONAL GENETIC COUNSELORS SO THAT THE PUBLIC CAN
22 READILY IDENTIFY THOSE WHO MEET THESE MINIMUM STANDARDS; AND

23 (II) ENACTMENT OF THIS ARTICLE 228 WILL PROTECT THE HEALTH
24 OF THE PUBLIC BY BROADENING AFFORDABLE ACCESS TO APPROPRIATE
25 AND RELIABLE GENETIC COUNSELING.

26 **12-228-103. Applicability of common provisions.** ARTICLES 1,
27 20, AND 30 OF THIS TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS
28 ARTICLE 228.

29 **12-228-104. Definitions.** AS USED IN THIS ARTICLE 228, UNLESS
30 THE CONTEXT OTHERWISE REQUIRES:

31 (1) "ABGC" MEANS THE AMERICAN BOARD OF GENETIC
32 COUNSELING OR AN ORGANIZATION THAT THE DIRECTOR RECOGNIZES AS
33 BEING EQUIVALENT TO, OR A PREDECESSOR OR SUCCESSOR OF, THE ABGC.

34 (2) "ABMGG" MEANS THE AMERICAN BOARD OF MEDICAL
35 GENETICS AND GENOMICS OR AN ORGANIZATION THAT THE DIRECTOR
36 RECOGNIZES AS BEING EQUIVALENT TO, OR A PREDECESSOR OR SUCCESSOR
37 OF, THE ABMGG.

38 (3) "ACGC" MEANS THE ACCREDITATION COUNCIL FOR GENETIC
39 COUNSELING OR AN ORGANIZATION THAT THE DIRECTOR RECOGNIZES AS

1 BEING EQUIVALENT TO, OR A PREDECESSOR OR SUCCESSOR OF, THE ACGC.
2 (4) "ACTIVE CANDIDATE STATUS" OR "ACS" MEANS THAT A
3 PERSON IN AN ACS-ELIGIBLE APPLICANT CATEGORY HAS SUPPLIED THE
4 ABGC WITH ALL DOCUMENTATION REQUIRED TO TAKE THE ABGC'S
5 CERTIFICATION EXAMINATION AND HAS BEEN APPROVED BY THE ABGC TO
6 TAKE THE EXAMINATION IN A SPECIFIC CYCLE.
7 (5) "GENETIC COUNSELING" INCLUDES THE FOLLOWING ACTIVITIES:
8 (a) OBTAINING AND INTERPRETING INDIVIDUAL, FAMILY, MEDICAL,
9 AND DEVELOPMENT HISTORIES;
10 (b) DETERMINING THE MODE OF INHERITANCE AND RISK OF
11 TRANSMISSION OF GENETIC CONDITIONS;
12 (c) DISCUSSING THE INHERITANCE, FEATURES, NATURAL HISTORY,
13 AND MEANS OF DIAGNOSIS OF GENETIC CONDITIONS;
14 (d) IDENTIFYING, COORDINATING, ORDERING, AND EXPLAINING
15 GENETIC LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES;
16 (e) ASSESSING PSYCHOSOCIAL FACTORS AND RECOGNIZING SOCIAL,
17 EDUCATIONAL, AND CULTURAL ISSUES;
18 (f) EVALUATING THE CLIENT'S OR THE CLIENT'S FAMILY'S
19 RESPONSES TO THE GENETIC CONDITION OR RISK OF RECURRENCE OF A
20 GENETIC CONDITION AND PROVIDING CLIENT-CENTERED COUNSELING AND
21 ANTICIPATORY GUIDANCE;
22 (g) COMMUNICATING GENETIC INFORMATION TO CLIENTS;
23 (h) FACILITATING INFORMED DECISION-MAKING ABOUT TESTING
24 AND MANAGEMENT ALTERNATIVES;
25 (i) IDENTIFYING AND UTILIZING COMMUNITY RESOURCES THAT
26 PROVIDE MEDICAL, EDUCATIONAL, FINANCIAL, AND PSYCHOSOCIAL
27 SUPPORT AND ADVOCACY; AND
28 (j) PROVIDING ACCURATE WRITTEN DOCUMENTATION OF MEDICAL,
29 GENETIC, AND COUNSELING INFORMATION FOR CLIENTS, THEIR FAMILIES,
30 AND HEALTH CARE PROFESSIONALS.
31 (6) "GENETIC COUNSELOR" OR "LICENSEE" MEANS AN INDIVIDUAL
32 WHO IS LICENSED PURSUANT TO THIS ARTICLE 228 TO PRACTICE GENETIC
33 COUNSELING.
34 (7) "NSGC" MEANS THE NATIONAL SOCIETY OF GENETIC
35 COUNSELORS OR AN ORGANIZATION THAT THE DIRECTOR RECOGNIZES AS
36 BEING EQUIVALENT TO, OR A PREDECESSOR OR SUCCESSOR OF, THE NSGC.
37 **12-228-105. Use of titles restricted.** ON AND AFTER JUNE 1, 2020,
38 ONLY A PERSON LICENSED AS A GENETIC COUNSELOR UNDER THIS ARTICLE
39 228 MAY USE THE TITLE OR ABBREVIATION "GENETIC COUNSELOR",
40 "LICENSED GENETIC COUNSELOR", "L.G.C.", "GENE COUNSELOR",
41 "GENETIC CONSULTANT", "GENETIC ASSOCIATE", OR ANY COMBINATION OF
42 THESE TERMS OR ABBREVIATIONS OR ANY OTHER GENERALLY ACCEPTED
43 TERMS, LETTERS, OR FIGURES THAT INDICATE THAT THE PERSON IS A

1 GENETIC COUNSELOR.

2 **12-228-106. License required.** ON AND AFTER JUNE 1, 2020,
3 EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE 228, A PERSON SHALL
4 NOT ENGAGE IN THE PRACTICE OF GENETIC COUNSELING OR REPRESENT
5 THAT THE PERSON IS ABLE TO PRACTICE GENETIC COUNSELING IN THIS
6 STATE WITHOUT POSSESSING A VALID LICENSE ISSUED BY THE DIRECTOR
7 IN ACCORDANCE WITH THIS ARTICLE 228 AND RULES ADOPTED PURSUANT
8 TO THIS ARTICLE 228.

9 **12-228-107. Licensure of genetic counselors - application -**
10 **qualifications - renewal - continuing education - fees - rules.**

11 **(1) Educational and experiential requirements.** (a) EVERY APPLICANT
12 FOR A LICENSE AS A GENETIC COUNSELOR MUST:

13 (I) EXCEPT AS SPECIFIED IN SUBSECTION (1)(b) OF THIS SECTION,
14 PROVIDE SATISFACTORY EVIDENCE TO THE DIRECTOR OF CERTIFICATION AS
15 A GENETIC COUNSELOR BY THE ABGC OR ABMGG; AND

16 (II) SUBMIT AN APPLICATION AS SPECIFIED IN SUBSECTION (2) OF
17 THIS SECTION.

18 (b) THE DIRECTOR SHALL ESTABLISH, BY RULE, REQUIREMENTS FOR
19 ISSUING A PROVISIONAL LICENSE TO PRACTICE GENETIC COUNSELING TO A
20 CANDIDATE FOR LICENSURE WHO HAS BEEN GRANTED ACTIVE CANDIDATE
21 STATUS BY THE ABGC. THE RULES MUST ADDRESS AT LEAST THE
22 FOLLOWING:

23 (I) THE TERMS OF, RENEWAL OF, AND FEES FOR PROVISIONAL
24 LICENSES;

25 (II) WHETHER A GENETIC COUNSELOR WORKING PURSUANT TO A
26 PROVISIONAL LICENSE MUST BE UNDER THE GENERAL SUPERVISION OF A
27 LICENSED HEALTH CARE PROVIDER AND, IF SO, BY WHOM AND UNDER
28 WHAT CONDITIONS; AND

29 (III) THE AUTOMATIC EXPIRATION OF A PROVISIONAL LICENSE
30 UPON A SECOND FAILURE TO PASS A CERTIFICATION EXAMINATION.

31 **(2) Application.** (a) IF AN APPLICANT HAS FULFILLED THE
32 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, THE APPLICANT MAY
33 APPLY FOR LICENSURE UPON PAYMENT OF A LICENSE APPLICATION FEE IN
34 AN AMOUNT DETERMINED BY THE DIRECTOR.

35 (b) THE APPLICATION MUST BE IN THE FORM AND MANNER
36 DESIGNATED BY THE DIRECTOR.

37 **(3) Licensure.** IF AN APPLICANT HAS FULFILLED THE
38 REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION, THE
39 DIRECTOR SHALL ISSUE A LICENSE OR, AS APPROPRIATE, A PROVISIONAL
40 LICENSE TO THE APPLICANT; EXCEPT THAT THE DIRECTOR MAY DENY A
41 LICENSE IF THE APPLICANT HAS COMMITTED ANY ACT THAT WOULD BE
42 GROUNDS FOR DISCIPLINARY ACTION PURSUANT TO SECTION 12-228-109.

43 **(4) License renewal - continuing education.** (a) THE GENETIC

1 COUNSELOR MUST SUBMIT AN APPLICATION IN THE FORM AND MANNER
2 DESIGNATED BY THE DIRECTOR AND MUST PAY A RENEWAL FEE IN AN
3 AMOUNT DETERMINED BY THE DIRECTOR.

4 (b) ALL LICENSES ISSUED PURSUANT TO THIS ARTICLE 228 ARE
5 SUBJECT TO THE RENEWAL, EXPIRATION, REINSTATEMENT, AND
6 DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202 (1) AND
7 (2). IF A GENETIC COUNSELOR FAILS TO RENEW THE GENETIC COUNSELOR'S
8 LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR,
9 THE LICENSE EXPIRES. A PERSON WHOSE LICENSE EXPIRES IS SUBJECT TO
10 THE PENALTIES PROVIDED IN THIS ARTICLE 228 OR SECTION 12-20-202 (1).

11 (c) APPLICANTS FOR LICENSE RENEWAL MUST SUBMIT PROOF OF
12 HAVING COMPLETED THIRTY HOURS OF NSGC-APPROVED CONTINUING
13 EDUCATION WITHIN THE PREVIOUS LICENSING PERIOD.

14 (5) **Fees.** ALL FEES COLLECTED PURSUANT TO THIS ARTICLE 228
15 SHALL BE DETERMINED, COLLECTED, AND APPROPRIATED IN THE MANNER
16 SET FORTH IN SECTION 12-20-105.

17 **12-228-108. Scope of article - exclusions.** (1) THIS ARTICLE 228
18 DOES NOT PREVENT OR RESTRICT THE PRACTICE, SERVICES, OR ACTIVITIES
19 OF:

20 (a) A PERSON LICENSED OR OTHERWISE REGULATED IN THIS STATE
21 BY ANY OTHER LAW FROM ENGAGING IN THE PERSON'S PROFESSION OR
22 OCCUPATION AS DEFINED IN THE LAW PURSUANT TO WHICH THE PERSON IS
23 LICENSED OR OTHERWISE REGULATED, SPECIFICALLY INCLUDING PERSONS
24 LICENSED PURSUANT TO THE "COLORADO MEDICAL PRACTICE ACT",
25 ARTICLE 240 OF THIS TITLE 12, AND ACTING AS NECESSARY, IN THE
26 PERSON'S JUDGMENT, TO ENGAGE IN THE PRACTICE OF MEDICINE AS
27 DEFINED IN SECTION 12-240-107 (1);

28 (b) A PERSON PURSUING A COURSE OF STUDY LEADING TO A
29 DEGREE IN GENETIC COUNSELING OR AN EQUIVALENT DEGREE, AS
30 AUTHORIZED BY THE DIRECTOR, FROM AN ACGC-ACCREDITED SCHOOL OR
31 PROGRAM, IF:

32 (I) THE ACTIVITIES AND SERVICES CONSTITUTE A PART OF A
33 SUPERVISED COURSE OF STUDY;

34 (II) THE PERSON IS DESIGNATED BY A TITLE THAT CLEARLY
35 INDICATES THE PERSON'S STATUS AS A STUDENT;

36 (III) THE PERIOD OF SUPERVISED PRACTICE DOES NOT EXCEED TWO
37 YEARS, UNLESS THE DIRECTOR PROVIDES WRITTEN APPROVAL; AND

38 (IV) THE PERSON IS SUPERVISED BY A GENETIC COUNSELOR OR A
39 PHYSICIAN LICENSED PURSUANT TO ARTICLE 240 OF THIS TITLE 12;

40 (c) A PERSON WHO IS EMPLOYED BY THE UNITED STATES OR A
41 STATE GOVERNMENT OR ANY OF ITS BUREAUS, DIVISIONS, OR AGENCIES
42 WHILE IN THE DISCHARGE OF THE PERSON'S OFFICIAL DUTIES; OR

43 (d) AN INDIVIDUAL FROM ANOTHER STATE OR COUNTRY WHO IS

1 CERTIFIED BY THE ABGC OR ABMGG AND IS NOT A LICENSED GENETIC
2 COUNSELOR IN THIS STATE WHEN ENGAGING IN GENETIC COUNSELING ON
3 BEHALF OF A TEMPORARILY ABSENT GENETIC COUNSELOR, IF THE
4 UNLICENSED INDIVIDUAL IS ACTING IN ACCORDANCE WITH RULES
5 ESTABLISHED BY THE DIRECTOR. THE UNLICENSED PRACTICE MUST NOT BE
6 OF MORE THAN FOUR WEEKS' DURATION, AND A PERSON SHALL NOT
7 UNDERTAKE UNLICENSED PRACTICE MORE THAN ONCE IN ANY
8 TWELVE-MONTH PERIOD.

9 (2) (a) NOTHING IN THIS ARTICLE 228 AUTHORIZES A GENETIC
10 COUNSELOR TO ENGAGE IN THE PRACTICE OF MEDICINE, AS DEFINED IN
11 SECTION 12-240-107 (1), OR ANY OTHER FORM OF HEALING OR
12 COUNSELING EXCEPT AS AUTHORIZED BY THIS ARTICLE 228.

13 (b) IF, IN THE COURSE OF PROVIDING GENETIC COUNSELING TO A
14 CLIENT, A GENETIC COUNSELOR FINDS ANY INDICATION OF A DISEASE OR
15 CONDITION THAT REQUIRES MEDICAL ASSESSMENT, THE GENETIC
16 COUNSELOR SHALL REFER THE CLIENT TO A PHYSICIAN LICENSED TO
17 PRACTICE MEDICINE PURSUANT TO ARTICLE 240 OF THIS TITLE 12.

18 **12-228-109. Grounds for discipline - disciplinary proceedings**
19 **- cease-and-desist orders - definitions.** (1) THE DIRECTOR MAY TAKE
20 DISCIPLINARY OR OTHER ACTION AGAINST A PERSON AS AUTHORIZED BY
21 SECTION 12-20-404 IF THE DIRECTOR FINDS THAT THE PERSON HAS
22 REPRESENTED THAT THE PERSON IS A GENETIC COUNSELOR AFTER THE
23 EXPIRATION, SUSPENSION, OR REVOCATION OF THE PERSON'S LICENSE.

24 (2) THE DIRECTOR MAY TAKE DISCIPLINARY OR OTHER ACTION
25 AUTHORIZED BY SECTION 12-20-404 AGAINST A LICENSEE UPON PROOF
26 THAT THE LICENSEE:

27 (a) HAS ENGAGED IN A SEXUAL ACT WITH AN INDIVIDUAL
28 RECEIVING SERVICES WHILE A THERAPEUTIC RELATIONSHIP EXISTED OR
29 WITHIN SIX MONTHS IMMEDIATELY FOLLOWING TERMINATION OF THE
30 THERAPEUTIC RELATIONSHIP. FOR THE PURPOSES OF THIS SUBSECTION
31 (2)(a):

32 (I) "SEXUAL ACT" MEANS SEXUAL CONTACT, SEXUAL INTRUSION,
33 OR SEXUAL PENETRATION, AS DEFINED IN SECTION 18-3-401.

34 (II) "THERAPEUTIC RELATIONSHIP" MEANS THE PERIOD BEGINNING
35 WITH THE INITIAL EVALUATION AND ENDING UPON THE WRITTEN
36 TERMINATION OF TREATMENT.

37 (b) HAS FALSIFIED INFORMATION IN AN APPLICATION OR HAS
38 ATTEMPTED TO OBTAIN OR HAS OBTAINED A LICENSE BY FRAUD,
39 DECEPTION, OR MISREPRESENTATION;

40 (c) IS AN EXCESSIVE OR HABITUAL USER OR ABUSER OF ALCOHOL
41 OR HABIT-FORMING DRUGS OR IS A HABITUAL USER OF A CONTROLLED
42 SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), OR OTHER DRUGS
43 HAVING SIMILAR EFFECTS;

1 (d) (I) HAS FAILED TO NOTIFY THE DIRECTOR OF A PHYSICAL
2 ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL OR MENTAL HEALTH
3 DISORDER THAT IMPAIRS THE LICENSEE'S ABILITY TO PROVIDE GENETIC
4 COUNSELING WITH REASONABLE SKILL AND SAFETY OR THAT MIGHT
5 ENDANGER THE HEALTH OR SAFETY OF INDIVIDUALS RECEIVING THE
6 COUNSELING;

7 (II) HAS FAILED TO ACT WITHIN THE LIMITATIONS CREATED BY A
8 PHYSICAL ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL OR MENTAL
9 HEALTH DISORDER THAT RENDERS THE PERSON UNABLE TO PRACTICE
10 GENETIC COUNSELING WITH REASONABLE SKILL AND SAFETY OR THAT
11 MIGHT ENDANGER THE HEALTH OR SAFETY OF PERSONS UNDER THE
12 LICENSEE'S CARE; OR

13 (III) HAS FAILED TO COMPLY WITH THE LIMITATIONS AGREED TO
14 UNDER A CONFIDENTIAL AGREEMENT ENTERED INTO PURSUANT TO
15 SECTIONS 12-228-111 AND 12-30-108;

16 (e) HAS VIOLATED, OR AIDED OR ABETTED OR KNOWINGLY
17 PERMITTED ANY PERSON TO VIOLATE, THIS ARTICLE 228, AN APPLICABLE
18 PROVISION OF ARTICLE 20 OR 30 OF THIS TITLE 12, A RULE ADOPTED
19 PURSUANT TO THIS ARTICLE 228, OR A LAWFUL ORDER OF THE DIRECTOR;

20 (f) HAS HAD A LICENSE, CERTIFICATION, OR REGISTRATION
21 SUSPENDED OR REVOKED IN ANOTHER JURISDICTION FOR ACTIONS THAT
22 WOULD VIOLATE THIS ARTICLE 228 OR WOULD CONSTITUTE GROUNDS FOR
23 DISCIPLINE UNDER THIS SECTION IF COMMITTED IN COLORADO;

24 (g) HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO
25 CONTENDERE TO A FELONY. A CERTIFIED COPY OF THE JUDGMENT OF A
26 COURT OF COMPETENT JURISDICTION OF THE CONVICTION OR PLEA IS
27 CONCLUSIVE EVIDENCE OF THE CONVICTION OR PLEA. IN CONSIDERING THE
28 DISCIPLINARY ACTION, THE DIRECTOR IS GOVERNED BY SECTIONS
29 12-20-202 (5) AND 24-5-101.

30 (h) HAS FRAUDULENTLY OBTAINED, FURNISHED, OR SOLD ANY
31 GENETIC COUNSELING DIPLOMA, CERTIFICATE, LICENSE, OR RENEWAL OF
32 A LICENSE OR OTHER PROFESSIONAL CREDENTIAL;

33 (i) HAS FAILED TO NOTIFY THE DIRECTOR OF THE SUSPENSION OR
34 REVOCATION OF THE PERSON'S PAST OR CURRENTLY HELD LICENSE,
35 CERTIFICATE, OR REGISTRATION REQUIRED TO PRACTICE GENETIC
36 COUNSELING IN THIS OR ANY OTHER JURISDICTION;

37 (j) HAS REFUSED TO SUBMIT TO A MENTAL OR PHYSICAL
38 EXAMINATION IF ORDERED BY THE DIRECTOR PURSUANT TO SECTION
39 12-228-110;

40 (k) HAS ENGAGED IN ANY OF THE FOLLOWING ACTIVITIES AND
41 PRACTICES:

42 (I) ORDERING, WITHOUT CLINICAL JUSTIFICATION, DEMONSTRABLY
43 UNNECESSARY LABORATORY TESTS OR STUDIES; OR

1 (II) AN ACT OR OMISSION THAT IS CONTRARY TO GENERALLY
2 ACCEPTED STANDARDS OF GENETIC COUNSELING; OR

3 (1) HAS FAILED TO PROVIDE ADEQUATE OR PROPER SUPERVISION OF
4 A PROVISIONALLY LICENSED GENETIC COUNSELOR OR ANY UNLICENSED
5 PERSON IN THE PRACTICE OF GENETIC COUNSELING, IF REQUIRED BY RULE
6 PURSUANT TO SECTION 12-228-107 (1)(b).

7 (3) THE DIRECTOR NEED NOT FIND THAT THE ACTIONS THAT ARE
8 GROUNDS FOR DISCIPLINE PURSUANT TO SUBSECTION (2) OF THIS SECTION
9 WERE WILLFUL BUT MAY CONSIDER WHETHER THE ACTIONS WERE WILLFUL
10 WHEN DETERMINING THE NATURE OF DISCIPLINARY SANCTIONS TO BE
11 IMPOSED.

12 (4) (a) THE DIRECTOR MAY COMMENCE A PROCEEDING TO
13 DISCIPLINE A LICENSEE IF THE DIRECTOR HAS REASONABLE GROUNDS TO
14 BELIEVE THAT THE LICENSEE HAS COMMITTED AN ACT ENUMERATED IN
15 THIS SECTION.

16 (b) IN ANY PROCEEDING PURSUANT TO THIS SECTION, THE
17 DIRECTOR MAY ACCEPT AS EVIDENCE OF GROUNDS FOR DISCIPLINARY
18 ACTION AGAINST A LICENSEE ANY DISCIPLINARY ACTION TAKEN AGAINST
19 THE LICENSEE IN ANOTHER JURISDICTION IF THE VIOLATION THAT
20 PROMPTED THE DISCIPLINARY ACTION IN THE OTHER JURISDICTION WOULD
21 BE GROUNDS FOR DISCIPLINARY ACTION PURSUANT TO THIS ARTICLE 228.

22 (5) ACTIONS UNDER THIS SECTION ARE GOVERNED BY SECTION
23 12-20-403. DISCIPLINARY PROCEEDINGS SHALL BE CONDUCTED IN
24 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, AND THE HEARING AND
25 OPPORTUNITY FOR REVIEW SHALL BE CONDUCTED PURSUANT TO THAT
26 ARTICLE BY THE DIRECTOR OR BY AN ADMINISTRATIVE LAW JUDGE, AT THE
27 DIRECTOR'S DISCRETION. THE DIRECTOR HAS THE AUTHORITY TO EXERCISE
28 ALL POWERS AND DUTIES CONFERRED BY THIS ARTICLE 228 DURING THE
29 DISCIPLINARY PROCEEDINGS.

30 (6) THE DIRECTOR MAY:

31 (a) ISSUE A LETTER OF ADMONITION UNDER THE CIRCUMSTANCES
32 SPECIFIED IN AND IN ACCORDANCE WITH SECTION 12-20-404 (4);

33 (b) SEND A LICENSEE A CONFIDENTIAL LETTER OF CONCERN UNDER
34 THE CIRCUMSTANCES SPECIFIED IN SECTION 12-20-404 (5).

35 (7) THE DIRECTOR MAY ISSUE CEASE-AND-DESIST ORDERS UNDER
36 THE CIRCUMSTANCES AND IN ACCORDANCE WITH THE PROCEDURES
37 SPECIFIED IN SECTION 12-20-405.

38 (8) A FINAL ACTION OF THE DIRECTOR IS SUBJECT TO JUDICIAL
39 REVIEW IN ACCORDANCE WITH SECTION 12-20-408.

40 **12-228-110. Mental and physical examination of licensees.**

41 (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A
42 LICENSEE IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY,
43 THE DIRECTOR MAY ORDER THE LICENSEE TO TAKE A MENTAL OR PHYSICAL

1 EXAMINATION ADMINISTERED BY A HEALTH CARE PROVIDER DESIGNATED
2 BY THE DIRECTOR. EXCEPT WHERE DUE TO CIRCUMSTANCES BEYOND THE
3 LICENSEE'S CONTROL, IF THE LICENSEE FAILS OR REFUSES TO UNDERGO A
4 MENTAL OR PHYSICAL EXAMINATION, THE DIRECTOR MAY SUSPEND THE
5 GENETIC COUNSELOR'S LICENSE UNTIL THE DIRECTOR HAS MADE A
6 DETERMINATION OF THE LICENSEE'S FITNESS TO PRACTICE. THE DIRECTOR
7 SHALL PROCEED WITH AN ORDER FOR EXAMINATION AND SHALL MAKE A
8 DETERMINATION IN A TIMELY MANNER.

9 (2) IN AN ORDER REQUIRING A LICENSEE TO UNDERGO A MENTAL
10 OR PHYSICAL EXAMINATION, THE DIRECTOR SHALL STATE THE BASIS OF
11 THE DIRECTOR'S REASONABLE CAUSE TO BELIEVE THAT THE LICENSEE IS
12 UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY. FOR
13 PURPOSES OF A DISCIPLINARY PROCEEDING AUTHORIZED PURSUANT TO
14 THIS ARTICLE 228, THE LICENSEE IS DEEMED TO HAVE WAIVED ALL
15 OBJECTIONS TO THE ADMISSIBILITY OF THE EXAMINING HEALTH CARE
16 PROVIDER'S TESTIMONY OR EXAMINATION REPORTS ON THE GROUNDS
17 THAT THEY ARE PRIVILEGED COMMUNICATIONS.

18 (3) THE LICENSEE MAY SUBMIT TO THE DIRECTOR TESTIMONY OR
19 EXAMINATION REPORTS FROM A HEALTH CARE PROFESSIONAL CHOSEN BY
20 THE LICENSEE AND PERTAINING TO ANY CONDITION THAT THE DIRECTOR
21 HAS ALLEGED MAY PRECLUDE THE LICENSEE FROM PRACTICING WITH
22 REASONABLE SKILL AND SAFETY. THE DIRECTOR MAY CONSIDER THE
23 TESTIMONY AND REPORTS SUBMITTED BY THE LICENSEE IN CONJUNCTION
24 WITH, BUT NOT IN LIEU OF, TESTIMONY AND EXAMINATION REPORTS OF THE
25 HEALTH CARE PROVIDER DESIGNATED BY THE DIRECTOR.

26 (4) THE RESULTS OF A MENTAL OR PHYSICAL EXAMINATION
27 ORDERED BY THE DIRECTOR SHALL NOT BE USED AS EVIDENCE IN ANY
28 PROCEEDING OTHER THAN ONE BEFORE THE DIRECTOR, ARE NOT A PUBLIC
29 RECORD, AND SHALL NOT BE MADE AVAILABLE TO THE PUBLIC.

30 **12-228-111. Confidential agreement to limit practice.**

31 (1) EXCEPT AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION, SECTION
32 12-30-108 CONCERNING CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE
33 APPLIES TO THIS ARTICLE 228.

34 (2) THIS SECTION AND SECTION 12-30-108 DO NOT APPLY TO A
35 LICENSEE SUBJECT TO DISCIPLINE FOR PROHIBITED ACTIVITIES AS
36 DESCRIBED IN SECTION 12-228-109 (2)(c).

37 **12-228-112. Professional liability insurance required - rules.**

38 (1) A PERSON SHALL NOT PRACTICE GENETIC COUNSELING UNLESS THE
39 PERSON PURCHASES AND MAINTAINS, OR IS COVERED BY, PROFESSIONAL
40 LIABILITY INSURANCE IN AN AMOUNT DETERMINED BY THE DIRECTOR BY
41 RULE THAT COVERS ALL ACTS WITHIN THE SCOPE OF PRACTICE OF THE
42 GENETIC COUNSELOR.

43 (2) THIS SECTION DOES NOT APPLY TO A GENETIC COUNSELOR WHO

1 IS A PUBLIC EMPLOYEE ACTING WITHIN THE COURSE AND SCOPE OF THE
2 PUBLIC EMPLOYEE'S DUTIES AND WHO IS GRANTED IMMUNITY PURSUANT
3 TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF
4 TITLE 24.

5 **12-228-113. Unauthorized practice.** A PERSON WHO PRACTICES
6 OR OFFERS OR ATTEMPTS TO PRACTICE GENETIC COUNSELING WITHOUT AN
7 ACTIVE LICENSE ISSUED PURSUANT TO THIS ARTICLE 228 IS SUBJECT TO
8 PENALTIES PURSUANT TO SECTION 12-20-407 (1)(b).

9 **12-228-114. Rule-making authority.** THE DIRECTOR SHALL
10 PROMULGATE RULES PURSUANT TO SECTION 12-20-204.

11 **12-228-115. Repeal of article - review of functions.** THIS
12 ARTICLE 228 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2026. BEFORE THE
13 REPEAL, THE DIRECTOR'S POWERS, DUTIES, AND FUNCTIONS PURSUANT TO
14 THIS ARTICLE 228 ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH
15 SECTION 24-34-104.

16 **SECTION 6.** In Colorado Revised Statutes, 12-20-404, **add as**
17 **relocated by House Bill 19-1172** (1)(c)(II)(D.5) as follows:

18 **12-20-404. Disciplinary actions - regulator powers -**
19 **disposition of fines.** (1) **General disciplinary authority.** If a regulator
20 determines that an applicant, licensee, certificate holder, or registrant has
21 committed an act or engaged in conduct that constitutes grounds for
22 discipline or unprofessional conduct under a part or article of this title 12
23 governing the particular profession or occupation, the regulator may:

24 (c) (II) A regulator is not authorized under this subsection (1)(c)
25 to impose a fine on a licensee, certificate holder, or registrant regulated
26 under the following:

27 (D.5) ARTICLE 228 OF THIS TITLE 12 CONCERNING GENETIC
28 COUNSELORS;

29 **SECTION 7.** In Colorado Revised Statutes, 12-20-407, **add as**
30 **relocated by House Bill 19-1172** (1)(b)(II.5) as follows:

31 **12-20-407. Unauthorized practice of profession or occupation**
32 **- penalties - exclusions.** (1) (b) A person commits a class 2 misdemeanor
33 and shall be punished as provided in section 18-1.3-501 for the first
34 offense and, for the second or any subsequent offense, commits a class 1
35 misdemeanor and shall be punished as provided in section 18-1.3-501, if
36 the person engages in any of the following activities:

37 (II.5) PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE GENETIC
38 COUNSELING WITHOUT AN ACTIVE LICENSE ISSUED PURSUANT TO ARTICLE
39 228 OF THIS TITLE 12;

40 **SECTION 8.** In Colorado Revised Statutes, 12-30-102, **amend**
41 **as relocated by House Bill 19-1172** (3)(a)(XXVIII) and (3)(a)(XXIX);
42 and **add as relocated by House Bill 19-1172** (3)(a)(XXX) as follows:

43 **12-30-102. Medical transparency act of 2010 - disclosure of**

1 **information about health care licensees - fines - rules - short title -**
2 **legislative declaration - repeal.** (3) (a) As used in this section,
3 "applicant" means a person applying for a new, active license,
4 certification, or registration or to renew, reinstate, or reactivate an active
5 license, certification, or registration to practice:

6 (XXVIII) As a surgical assistant or surgical technologist pursuant
7 to article 310 of this title 12; and

8 (XXIX) Naturopathic medicine pursuant to article 250 of this title
9 12; AND

10 (XXX) GENETIC COUNSELING PURSUANT TO ARTICLE 228 OF THIS
11 TITLE 12.

12 **SECTION 9.** In Colorado Revised Statutes, 12-245-217, **amend**
13 **as relocated by House Bill 19-1172** (2) introductory portion and (2)(f);
14 and **add as relocated by House Bill 19-1172** (2)(g) as follows:

15 **12-245-217. Scope of article - exemptions.** (2) ~~The provisions~~
16 ~~of This article 245 shall~~ DOES not apply to:

17 (f) A professional coach, including a life coach, executive coach,
18 personal coach, or business coach, who has had coach-specific training
19 and who serves clients exclusively as a coach, as long as the professional
20 coach does not engage in the practice of psychology, social work,
21 marriage and family therapy, licensed professional counseling,
22 psychotherapy, or addiction counseling, as those practices are defined in
23 this article 245; OR

24 (b) A GENETIC COUNSELOR WHO IS LICENSED PURSUANT TO
25 ARTICLE 228 OF THIS TITLE 12.

26 **SECTION 10. Act subject to petition - effective date.**

27 (1) Except as otherwise provided in subsection (2) of this section, this act
28 takes effect at 12:01 a.m. on the day following the expiration of the
29 ninety-day period after final adjournment of the general assembly (August
30 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
31 referendum petition is filed pursuant to section 1 (3) of article V of the
32 state constitution against this act or an item, section, or part of this act
33 within such period, then the act, item, section, or part will not take effect
34 unless approved by the people at the general election to be held in
35 November 2020 and, in such case, will take effect on the date of the
36 official declaration of the vote thereon by the governor.

37 (2) Sections 5 through 9 of this act take effect only if House Bill
38 19-1172 becomes law, in which case sections 5 through 9 take effect
39 October 1, 2019."

40 Renumber succeeding subsection accordingly.

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