

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0370.01 Josh Schultz x5486

HOUSE BILL 26-1324

HOUSE SPONSORSHIP

McCormick and Gilchrist,

SENATE SPONSORSHIP

Daugherty,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING REGULATION OF THE DIVISION OF PROFESSIONS AND
102 OCCUPATIONS, AND, IN CONNECTION THEREWITH,
103 IMPLEMENTING RECOMMENDATIONS CONTAINED IN THE 2025
104 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY
105 AGENCIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - House Health and Human Services Committee. The bill implements recommendations of the department of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

regulatory agencies' sunset review and report on the division of professions and occupations in the department of regulatory agencies.

Sections 1 and 2 of the bill allow a regulator to delegate authority for administrative tasks authorized by statute or other tasks specifically authorized through the policy of a board or commission to a designee at the regulator's discretion.

Section 3 changes the amount of time a licensee, certificate holder, or registrant (licensee) who receives a letter of admonition has to request a hearing to within 25 days after the date of issuance of the letter of admonition, rather than within 20 days after receipt of the letter.

Sections 3 through 22 clarify that a regulator may provide communications to licensees through email.

Section 23 raises the amount of the excise tax on renewal fees from \$1 to \$2. The money goes to the legal defense account created within the division of professions and occupations cash fund.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 12-20-102, **amend**
3 (1); and **add** (1.5) as follows:

4 **12-20-102. Definitions.**

5 As used in this title 12, unless the context otherwise requires:

6 (1) ~~"Applicant" means a person applying, pursuant to a part or~~
7 ~~article of this title 12, for a new license, certification, or registration or to~~
8 ~~renew, reinstate, or reactivate a license, certification, or registration that~~
9 ~~is authorized pursuant to that part or article~~ "ADMINISTRATIVE TASK"
10 MEANS A TASK THAT IS MINISTERIAL OR ADMINISTRATIVE IN NATURE, THAT
11 HAS A FIXED AND CERTAIN STANDARD, AND THAT DOES NOT REQUIRE A
12 SUBORDINATE EMPLOYEE TO EXERCISE SIGNIFICANT JUDGMENT OR
13 DISCRETION.

14 (1.5) "APPLICANT" MEANS A PERSON APPLYING, PURSUANT TO A
15 PART OR ARTICLE OF THIS TITLE 12, FOR A NEW LICENSE, CERTIFICATION,
16 OR REGISTRATION OR TO RENEW, REINSTATE, OR REACTIVATE A LICENSE,
17 CERTIFICATION, OR REGISTRATION THAT IS AUTHORIZED PURSUANT TO

1 THAT PART OR ARTICLE.

2 **SECTION 2.** In Colorado Revised Statutes, **add** 12-20-409 as
3 follows:

4 **12-20-409. Delegation of administrative tasks.**

5 (1) A REGULATOR MAY DELEGATE AUTHORITY FOR
6 ADMINISTRATIVE TASKS AUTHORIZED BY THIS TITLE 12 OR OTHER TASKS
7 SPECIFICALLY AUTHORIZED THROUGH THE POLICY OF A BOARD OR
8 COMMISSION TO A DESIGNEE AT THE REGULATOR'S DISCRETION.

9 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, UNLESS
10 A REGULATOR IDENTIFIES SPECIFIC CRITERIA TO GOVERN THE REGULATOR'S
11 DELEGATE IN MAKING A DETERMINATION, A REGULATOR SHALL NOT
12 DELEGATE THE FOLLOWING TASKS:

13 (a) DENIAL, REFUSAL TO RENEW, REVOCATION, OR SUSPENSION OF
14 THE LICENSE, CERTIFICATION, OR REGISTRATION OF AN APPLICANT,
15 LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT IN ACCORDANCE WITH
16 SECTION 12-20-404 (1)(d)(I);

17 (b) COMMENCEMENT OF A HEARING ON AN ORDER TO SHOW CAUSE
18 IN ACCORDANCE WITH SECTION 12-20-405 (2)(c)(I); OR

19 (c) APPLICATION FOR INJUNCTION IN ACCORDANCE WITH SECTION
20 12-20-406.

21 (3) ALL TASKS DELEGATED PURSUANT TO THIS SECTION BY A
22 REGULATOR THAT IS NOT THE DIRECTOR MUST BE RATIFIED AT THE NEXT
23 MEETING OF THE RELEVANT REGULATORY BOARD OR COMMISSION.

24 **SECTION 3.** In Colorado Revised Statutes, 12-20-404, **amend**
25 (4)(a), (4)(b)(I), and (5)(a) as follows:

26 **12-20-404. Disciplinary actions - regulator powers -**
27 **disposition of fines - mistreatment of at-risk adult - exceptions -**

1 **definitions.**

2 (4) **Letter of admonition.**

3 (a) When a complaint or investigation discloses an instance of
4 misconduct that, in the opinion of a regulator, does not warrant formal
5 action by the regulator but that should not be dismissed as being without
6 merit, the regulator may issue and send a letter of admonition to the
7 licensee, certificate holder, or registrant. A LETTER SENT PURSUANT TO
8 THIS SUBSECTION (4)(a) MAY BE SENT BY EMAIL.

9 (b) (I) When a regulator sends a letter of admonition to a licensee,
10 certificate holder, or registrant pursuant to subsection (4)(a) of this
11 section, the regulator shall also advise the licensee, certificate holder, or
12 registrant that the person has the right to request in writing, within ~~twenty~~
13 TWENTY-FIVE CALENDAR days after ~~receipt~~ ISSUANCE of the letter, that the
14 regulator initiate formal disciplinary proceedings to adjudicate the
15 propriety of the conduct upon which the letter of admonition is based.

16 (5) **Confidential letter of concern.**

17 (a) When a complaint or investigation discloses an instance of
18 conduct that does not warrant formal action by a regulator and, in the
19 opinion of the regulator, should be dismissed, but the regulator has
20 noticed indications of possible errant conduct by the licensee, certificate
21 holder, or registrant that could lead to serious consequences if not
22 corrected, the regulator may or shall, in accordance with the part or article
23 of this title 12 governing the particular profession or occupation, send the
24 licensee, certificate holder, or registrant a confidential letter of concern.
25 A LETTER SENT PURSUANT TO THIS SUBSECTION (5)(a) MAY BE SENT BY
26 EMAIL.

27 **SECTION 4.** In Colorado Revised Statutes, 12-20-202, **add** (7)

1 as follows:

2 **12-20-202. Licenses, certifications, and registrations - renewal**
3 **- reinstatement - fees - occupational credential portability program**
4 **- exceptions for military personnel, spouses, gold star military**
5 **spouses, and dependents - rules - consideration of criminal**
6 **convictions or driver's history - executive director authority - email**
7 **communications - definitions.**

8 (7) **Email communications.** NOTWITHSTANDING ANY OTHER
9 PROVISION OF THIS TITLE 12, A REGULATOR MAY PROVIDE
10 COMMUNICATIONS REQUIRED BY THIS TITLE 12 THROUGH EMAIL.

11 **SECTION 5.** In Colorado Revised Statutes, 12-20-405, **amend**
12 (2)(b) as follows:

13 **12-20-405. Cease-and-desist orders.**

14 (2) (b) The regulator shall promptly notify the person of the
15 issuance of the order to show cause and shall include in the notice a copy
16 of the order, the factual and legal basis for the order, and the date set by
17 the regulator for a hearing on the order. The regulator may serve the
18 notice by EMAIL, BY personal service, by first-class United States mail,
19 postage prepaid, or as may be practicable upon any person against whom
20 the order is issued. Personal service, EMAIL, or proof of receipt of mailing
21 of an order or document pursuant to this subsection (2)(b) constitutes
22 notice to the person of the existence and contents of the order or
23 document.

24 **SECTION 6.** In Colorado Revised Statutes, 12-110-111, **amend**
25 (2)(b)(IV) as follows:

26 **12-110-111. Grounds for discipline.**

27 (2) (b) Upon completing an investigation in accordance with

1 section 12-20-403, the director shall make one of the following findings:

2 (IV) The investigation discloses an instance of conduct that does
3 not warrant formal action but should not be dismissed as being without
4 merit. If this finding is made, the director may send a letter of admonition
5 to the licensee in accordance with section 12-20-404 (4) by certified mail
6 OR EMAIL.

7 **SECTION 7.** In Colorado Revised Statutes, 12-100-124, **amend**
8 (2)(b)(IV) as follows:

9 **12-100-124. Investigations - findings - board actions -**
10 **confidentiality of complaints.**

11 (2) (b) Upon completing an investigation, the board shall make
12 one of the following findings:

13 (IV) The investigation discloses an instance of conduct that does
14 not warrant formal action but should not be dismissed as being without
15 merit. If this finding is made, the board may send a letter of admonition
16 in accordance with section 12-20-404 (4) to the licensee or registrant by
17 certified mail OR EMAIL.

18 **SECTION 8.** In Colorado Revised Statutes, 12-20-206, **amend**
19 (2) as follows:

20 **12-120-206. Disciplinary actions - grounds for discipline.**

21 (2) The board may issue and send a letter of admonition by
22 first-class mail OR EMAIL to a professional engineer or engineer-intern at
23 the individual's last-known address under the circumstances specified in
24 and in accordance with section 12-20-404 (4).

25 **SECTION 9.** In Colorado Revised Statutes, 12-120-306, **amend**
26 (2) as follows:

27 **12-120-306. Disciplinary actions - grounds for discipline.**

1 (2) The board may issue and send a letter of admonition by
2 first-class mail OR EMAIL to a professional land surveyor or land
3 surveyor-intern at the individual's last-known address under the
4 circumstances specified in and in accordance with section 12-20-404 (4).

5 **SECTION 10.** In Colorado Revised Statutes, 12-120-406, **amend**
6 (2) as follows:

7 **12-120-406. Disciplinary actions - grounds for discipline.**

8 (2) The board may issue and send a letter of admonition by
9 first-class mail OR EMAIL to a licensee at the licensee's last-known address
10 under the circumstances specified in and in accordance with section
11 12-20-404 (4).

12 **SECTION 11.** In Colorado Revised Statutes, 12-130-113, **amend**
13 (2) and (3) as follows:

14 **12-130-113. Disciplinary actions by board - procedures.**

15 (2) The board may issue and send to a licensee, by certified mail
16 OR EMAIL, a written letter of admonition under the circumstances
17 specified in and in accordance with section 12-20-404 (4).

18 (3) The board may send a confidential letter of concern to a
19 licensee under the circumstances specified in section 12-20-404 (5). The
20 confidential letter of concern and notice of the issuance of the letter shall
21 be sent to the licensee by certified mail OR EMAIL. Issuance of a
22 confidential letter of concern shall not be construed to be discipline.

23 **SECTION 12.** In Colorado Revised Statutes, 12-155-123, **amend**
24 (3)(b) as follows:

25 **12-155-123. Violation - fines - rules.**

26 (3) (b) A citation or copy of a citation issued pursuant to this
27 section may be served by certified mail, BY EMAIL, or in person by the

1 program director or the program director's designee upon a person or the
2 person's agent in accordance with rule 4 of the Colorado rules of civil
3 procedure.

4 **SECTION 13.** In Colorado Revised Statutes, 12-200-110, **amend**
5 (2)(c) as follows:

6 **12-200-110. Disciplinary authority and proceedings.**

7 (2) Disciplinary actions may consist of the following:

8 (c) Issuing and sending a letter of admonition by first-class mail
9 OR EMAIL to the licensee under the circumstances specified in and in
10 accordance with section 12-20-404 (4); and

11 **SECTION 14.** In Colorado Revised Statutes, 12-215-118, **amend**
12 (7) as follows:

13 **12-215-118. Disciplinary proceedings.**

14 (7) The board may send a letter of admonition by certified mail OR
15 EMAIL to a chiropractor against whom a complaint was made under the
16 circumstances specified in and in accordance with section 12-20-404 (4)
17 and shall also send a copy of the letter of admonition to the person
18 making the complaint.

19 **SECTION 15.** In Colorado Revised Statutes, 12-240-125, **amend**
20 (4)(a)(I) as follows:

21 **12-240-125. Disciplinary action by board - rules.**

22 (4) (a) (I) Written complaints relating to the conduct of a licensee
23 licensed or authorized to practice medicine in this state may be made by
24 any person or may be initiated by an inquiry panel of the board on its own
25 motion. The licensee complained of shall be given notice by first-class
26 mail OR EMAIL of the nature of the complaint and shall be given thirty
27 days to answer or explain in writing the matters described in such

1 complaint. Upon receipt of the licensee's answer or at the conclusion of
2 thirty days, whichever occurs first, the inquiry panel may take further
3 action as set forth in subsection (4)(a)(II) of this section.

4 **SECTION 16.** In Colorado Revised Statutes, 12-245-225, **amend**
5 (1)(a) as follows:

6 **12-245-225. Authority of boards - cease-and-desist orders -**
7 **rules - fines.**

8 (1) If a licensee, registrant, or certificate holder violates any
9 provision of section 12-245-224, the board that licenses, registers, or
10 certifies the licensee, registrant, or certificate holder may, in accordance
11 with section 12-20-404:

12 (a) Issue and send, by certified mail OR EMAIL, a letter of
13 admonition to a licensee, registrant, or certificate holder under the
14 circumstances specified in and in accordance with section 12-20-404 (4);

15 **SECTION 17.** In Colorado Revised Statutes, 12-255-119, **amend**
16 (3)(a)(II) as follows:

17 **12-255-119. Disciplinary procedures of the board - inquiry**
18 **and hearings panels - mental and physical examinations - definitions**
19 **- rules.**

20 (3) (a) (II) Written complaints relating to the conduct of a nurse
21 licensed or authorized to practice nursing in this state or relating to the
22 conduct of a certified midwife licensed or authorized to practice as a
23 certified midwife in this state may be made by any person or may be
24 initiated by an inquiry panel of the board on its own motion. Unless the
25 board determines the complaint to be without merit of investigation, the
26 board shall give notice of the complaint to the nurse or certified midwife
27 complained of, by first-class mail OR EMAIL, and shall state in the notice

1 the nature of the complaint and that the failure to respond in a materially
2 factual and timely manner constitutes grounds for discipline. The nurse
3 or certified midwife complained of shall be given thirty days to answer
4 or explain in writing the matters described in the complaint. Upon receipt
5 of the nurse's or certified midwife's answer or at the conclusion of thirty
6 days, whichever occurs first, the inquiry panel may take further action as
7 set forth in subsection (3)(a)(III) of this section.

8 **SECTION 18.** In Colorado Revised Statutes, 12-255-212, **amend**
9 (12) as follows:

10 **12-255-212. Disciplinary proceedings - hearing officers.**

11 (12) Except when a decision to proceed with a disciplinary action
12 has been agreed upon by a majority of the board or its designee and notice
13 of formal complaint is drafted and served on the licensee by first-class
14 mail OR EMAIL, any investigations, examinations, hearings, meetings, or
15 any other proceedings of the board related to discipline that are conducted
16 pursuant to this section are exempt from the open records provisions of
17 article 72 of title 24 requiring that the proceedings of the board be
18 conducted publicly or that the minutes or records of the board with
19 respect to action of the board taken pursuant to this section be open to
20 public inspection.

21 **SECTION 19.** In Colorado Revised Statutes, 12-275-122, **amend**
22 (3) as follows:

23 **12-275-122. Discipline - procedure - professional review -**
24 **immunity - reconsideration and review of action by board - rules.**

25 (3) The board may send a letter of admonition by certified mail OR
26 EMAIL to a licensee under the circumstances specified in and in
27 accordance with section 12-20-404 (4).

1 **SECTION 20.** In Colorado Revised Statutes, 12-290-113, **amend**
2 (2)(a) as follows:

3 **12-290-113. Disciplinary action by board.**

4 (2) (a) Complaints in writing relating to the conduct of any
5 podiatrist licensed or authorized to practice podiatry in this state may be
6 made by any person or may be initiated by the board on its own motion.
7 The podiatrist complained of shall be given notice by first-class mail OR
8 EMAIL of the nature of all matters complained of within thirty days of the
9 receipt of the complaint or initiation of the complaint by the board and
10 shall be given thirty days to make explanation or answer thereto.

11 **SECTION 21.** In Colorado Revised Statutes, 12-295-109, **amend**
12 (4) as follows:

13 **12-295-109. Approved psychiatric technician education**
14 **program.**

15 (4) The board shall examine, from time to time, the approved
16 psychiatric technician education programs of all institutions in the state
17 with approved programs. The executive secretary or other authorized
18 representative of the board shall conduct the examinations and submit the
19 examination results to the board in the form of written reports. If the
20 board determines that an institution with an approved psychiatric
21 technician education program is not maintaining the standards required
22 by this article 295, the board shall serve notice of its determination in
23 writing, specifying the defect, on the institution by EMAIL OR certified
24 mail, postage prepaid, return receipt requested. If the institution receiving
25 the notice fails, within one year after mailing ~~of~~ OR EMAILING the notice,
26 to correct the conditions complained of in the notice, the board shall
27 revoke the institution's authority to conduct an approved psychiatric

1 technician education program. An institution has the right, at any time
2 before the expiration of one year from the date it receives the notice, to
3 demand and be granted a hearing before the board. In case of a demand,
4 the board shall not take action until after the hearing.

5 **SECTION 22.** In Colorado Revised Statutes, 12-300-109, **amend**
6 (11)(b) as follows:

7 **12-300-109. Grounds for action - disciplinary proceedings.**

8 (11) (b) Subsection (11)(a) of this section shall not apply after the
9 director has made a decision to proceed with a disciplinary action and has
10 served by first-class mail OR EMAIL a notice of formal complaint on the
11 licensee.

12 **SECTION 23.** In Colorado Revised Statutes, 12-20-104, **amend**
13 (1) as follows:

14 **12-20-104. Excise tax on renewal fees - report to joint budget**
15 **committee - definition.**

16 (1) Notwithstanding any provision of law to the contrary, there is
17 imposed, and the executive director shall collect, an excise tax of ~~one~~
18 ~~dollar~~ TWO DOLLARS for each year of the renewal period upon the
19 payment of renewal fees that are required to be paid by individuals for the
20 renewal of a license, registration, or certificate granting the individual
21 authority or permission from the state to continue the practice of a
22 profession or occupation; except that the excise tax shall not be imposed
23 on the renewal fee paid by nurse aides pursuant to section 12-255-107.

24 **SECTION 24. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2026 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.