

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 15, 2016  
Date

Committee on Health, Insurance, & Environment.

After consideration on the merits, the Committee recommends the following:

HB16-1160 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, after line 1 insert:

2 "SECTION 1. In Colorado Revised Statutes, 12-43.2-102, amend  
3 (1) (a) and (2) (a) as follows:

4 **12-43.2-102. Registration - penalty - renewal - database - fees**  
5 **- rules.** (1) On and after April 1, 2011:

6 (a) ~~No~~ A person may NOT perform the duties of a surgical  
7 assistant or surgical technologist unless the person is registered by the  
8 director. PRIOR TO REGISTRATION, A PERSON SHALL SUBMIT TO A CRIMINAL  
9 HISTORY RECORD CHECK IN THE FORM AND MANNER AS DESCRIBED IN  
10 SECTION 12-43.2-105.5.

11 (2) (a) Registrations made pursuant to this article are valid for the  
12 period of time established by the director. Each registrant shall renew his  
13 or her registration according to a schedule set by the director. If a  
14 registrant does not renew his or her registration according to the schedule,  
15 the registration expires. A person whose registration has expired shall not  
16 perform the duties of a surgical assistant or surgical technologist until he  
17 or she reinstates the registration. THE DIRECTOR SHALL NOT REINSTATE  
18 THE REGISTRATION UNTIL THE PERSON SUBMITS TO A CRIMINAL HISTORY  
19 RECORD CHECK IN THE FORM AND MANNER AS DESCRIBED IN SECTION  
20 12-43.2-105.5.

21 **SECTION 2.** In Colorado Revised Statutes, 12-43.2-104, **add** (3)  
22 as follows:

1           **12-43.2-104. Employers - requirements - references.** (3) AN  
2 EMPLOYER WHO REQUIRES A REGISTRANT APPLYING FOR EMPLOYMENT TO  
3 SUBMIT TO A DRUG TEST SHALL FORWARD TO THE DIRECTOR ANY  
4 CONFIRMED POSITIVE DRUG TEST RESULTS FOR A CONTROLLED SUBSTANCE  
5 THAT IS NOT SUBJECT TO A VALID PRESCRIPTION.

6           **SECTION 3.** In Colorado Revised Statutes, **add** 12-43.2-105.5  
7 as follows:

8           **12-43.2-105.5. Criminal history record check required.** EACH  
9 APPLICANT FOR REGISTRATION SHALL HAVE HIS OR HER FINGERPRINTS  
10 TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF  
11 OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE  
12 APPLICANT IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR  
13 MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE  
14 RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE  
15 COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS  
16 AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF  
17 INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL  
18 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING  
19 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE  
20 FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS  
21 OF THE CRIMINAL HISTORY RECORD CHECK TO THE DIRECTOR."

22           Renumber succeeding sections accordingly.

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