

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0882.01 Kip Kolkmeier x4510

HOUSE BILL 18-1180

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HOUSE SPONSORSHIP

Melton,

SENATE SPONSORSHIP

(None),

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House Committees

Public Health Care & Human Services

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING ACCESS BY A MENTAL HEALTH PROFESSIONAL TO THE  
102 FILES OF A REGULATORY BOARD REGARDING A DISMISSED  
103 COMPLAINT FILED AGAINST THE MENTAL HEALTH  
104 PROFESSIONAL.

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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>.)*

Under current law, when a complaint against a mental health professional is dismissed, information contained in the files of a mental health professional regulatory board is exempt from disclosure under the

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

open records law. The bill allows a mental health professional who is a respondent to a dismissed complaint to access the information contained in the division of professions and occupations's and applicable regulatory boards' files. The names of the respondent's clients and other recipients of services cannot be redacted from the information provided to the respondent.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43-224, **amend**  
3 (4)(a); and **add** (4)(d) as follows:

4 **12-43-224. Disciplinary proceedings - judicial review - mental**  
5 **and physical examinations - multiple licenses.** (4) (a) Except as  
6 provided in ~~paragraph (b) of this subsection (4)~~ SUBSECTIONS (4)(b) AND  
7 (4)(d) OF THIS SECTION, if a complaint is dismissed, records of  
8 investigations, examinations, hearings, meetings, and other proceedings  
9 of the board conducted pursuant to this section are exempt from the open  
10 records law IN article 72 of title 24. ~~C.R.S.~~

11 (d) THE EXEMPTION FROM THE OPEN RECORDS LAW SPECIFIED IN  
12 SUBSECTION (4)(a) OF THIS SECTION DOES NOT APPLY TO A RESPONDENT  
13 SEEKING ACCESS TO INFORMATION IN THE DIVISION'S OR A BOARD'S FILES  
14 IN ANY ACTION ARISING FROM A COMPLAINT FILED AGAINST THE  
15 RESPONDENT. THE RESPONDENT SHALL HAVE ACCESS TO ALL  
16 INFORMATION IN THE DIVISION'S OR BOARD'S RECORDS REGARDING THE  
17 DISMISSED COMPLAINT. THE DIVISION AND BOARD SHALL NOT REDACT THE  
18 NAMES OF THE RESPONDENT'S CLIENTS OR OTHER RECIPIENTS OF SERVICE  
19 CONTAINED IN THE INFORMATION PROVIDED TO THE RESPONDENT IN  
20 ACCORDANCE WITH THIS SUBSECTION (4)(d).

21 **SECTION 2. Act subject to petition - effective date.** This act  
22 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August  
2 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
3 referendum petition is filed pursuant to section 1 (3) of article V of the  
4 state constitution against this act or an item, section, or part of this act  
5 within such period, then the act, item, section, or part will not take effect  
6 unless approved by the people at the general election to be held in  
7 November 2018 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor.