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SENATE BILL 19-133

BY SENATOR(S) Ginal and Todd, Tate;
also REPRESENTATIVE(S) Michaelson Jenet and Buckner, Caraveo,
Cutter, Galindo, Hooton, Jaquez Lewis, Kipp, Lontine, Mullica, Singer,
Becker.

CONCERNING THE REGULATION OF GENETIC COUNSELORS, AND, IN
CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** article 35.3 to title
12 as follows:

ARTICLE 35.3
Genetic Counselor Licensure Act

12-35.3-101. Short title. THE SHORT TITLE OF THIS ARTICLE 35.3 IS
THE "GENETIC COUNSELOR LICENSURE ACT".

12-35.3-102. Legislative declaration. (1) THE GENERAL ASSEMBLY
HEREBY:

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes
through words or numbers indicate deletions from existing law and such material is not part of
the act.*

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

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

(c) DECLARES THAT:

(I) ITS INTENT IN ENACTING THIS ARTICLE 35.3 IS TO ESTABLISH MINIMUM STANDARDS OF EDUCATION, EXPERIENCE, AND EXAMINATION FOR PROFESSIONAL GENETIC COUNSELORS SO THAT THE PUBLIC CAN READILY IDENTIFY THOSE WHO MEET THESE MINIMUM STANDARDS; AND

(II) ENACTMENT OF THIS ARTICLE 35.3 WILL PROTECT THE HEALTH OF THE PUBLIC BY BROADENING AFFORDABLE ACCESS TO APPROPRIATE AND RELIABLE GENETIC COUNSELING.

12-35.3-103. Definitions. AS USED IN THIS ARTICLE 35.3, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

(3) "ACGC" MEANS THE ACCREDITATION COUNCIL FOR GENETIC COUNSELING OR AN ORGANIZATION THAT THE DIRECTOR RECOGNIZES AS BEING EQUIVALENT TO, OR A PREDECESSOR OR SUCCESSOR OF, THE ACGC.

(4) "ACTIVE CANDIDATE STATUS" OR "ACS" MEANS THAT A PERSON IN AN ACS-ELIGIBLE APPLICANT CATEGORY HAS SUPPLIED THE ABGC WITH ALL DOCUMENTATION REQUIRED TO TAKE THE ABGC'S CERTIFICATION

EXAMINATION AND HAS BEEN APPROVED BY THE ABGC TO TAKE THE EXAMINATION IN A SPECIFIC CYCLE.

(5) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES CREATED IN SECTION 24-34-102 OR THE DIRECTOR'S DESIGNEE.

(6) "GENETIC COUNSELING" INCLUDES THE FOLLOWING ACTIVITIES:

(a) OBTAINING AND INTERPRETING INDIVIDUAL, FAMILY, MEDICAL, AND DEVELOPMENT HISTORIES;

(b) DETERMINING THE MODE OF INHERITANCE AND RISK OF TRANSMISSION OF GENETIC CONDITIONS;

(c) DISCUSSING THE INHERITANCE, FEATURES, NATURAL HISTORY, AND MEANS OF DIAGNOSIS OF GENETIC CONDITIONS;

(d) IDENTIFYING, COORDINATING, ORDERING, AND EXPLAINING GENETIC LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES;

(e) ASSESSING PSYCHOSOCIAL FACTORS AND RECOGNIZING SOCIAL, EDUCATIONAL, AND CULTURAL ISSUES;

(f) EVALUATING THE CLIENT'S OR THE CLIENT'S FAMILY'S RESPONSES TO THE GENETIC CONDITION OR RISK OF RECURRENCE OF A GENETIC CONDITION AND PROVIDING CLIENT-CENTERED COUNSELING AND ANTICIPATORY GUIDANCE;

(g) COMMUNICATING GENETIC INFORMATION TO CLIENTS;

(h) FACILITATING INFORMED DECISION-MAKING ABOUT TESTING AND MANAGEMENT ALTERNATIVES;

(i) IDENTIFYING AND UTILIZING COMMUNITY RESOURCES THAT PROVIDE MEDICAL, EDUCATIONAL, FINANCIAL, AND PSYCHOSOCIAL SUPPORT AND ADVOCACY; AND

(j) PROVIDING ACCURATE WRITTEN DOCUMENTATION OF MEDICAL, GENETIC, AND COUNSELING INFORMATION FOR CLIENTS, THEIR FAMILIES,

AND HEALTH CARE PROFESSIONALS.

(7) "GENETIC COUNSELOR" OR "LICENSEE" MEANS AN INDIVIDUAL WHO IS LICENSED PURSUANT TO THIS ARTICLE 35.3.

(8) "NSGC" MEANS THE NATIONAL SOCIETY OF GENETIC COUNSELORS OR AN ORGANIZATION THAT THE DIRECTOR RECOGNIZES AS BEING EQUIVALENT TO, OR A PREDECESSOR OR SUCCESSOR OF, THE NSGC.

12-35.3-104. Use of titles restricted. ONLY A PERSON LICENSED AS A GENETIC COUNSELOR UNDER THIS ARTICLE 35.3 MAY USE THE TITLE OR ABBREVIATION "GENETIC COUNSELOR", "LICENSED GENETIC COUNSELOR", "L.G.C.", "GENE COUNSELOR", "GENETIC CONSULTANT", "GENETIC ASSOCIATE", OR ANY COMBINATION OF THESE TERMS OR ABBREVIATIONS OR ANY OTHER GENERALLY ACCEPTED TERMS, LETTERS, OR FIGURES THAT INDICATE THAT THE PERSON IS A GENETIC COUNSELOR.

12-35.3-105. License required. ON AND AFTER JUNE 1, 2020, EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE 35.3, A PERSON SHALL NOT ENGAGE IN THE PRACTICE OF GENETIC COUNSELING OR REPRESENT THAT THE PERSON IS ABLE TO PRACTICE GENETIC COUNSELING IN THIS STATE WITHOUT POSSESSING A VALID LICENSE ISSUED BY THE DIRECTOR IN ACCORDANCE WITH THIS ARTICLE 35.3 AND RULES ADOPTED PURSUANT TO THIS ARTICLE 35.3.

12-35.3-106. Licensure of genetic counselors - application - qualifications - renewal - continuing education - fees - rules.
(1) **Educational and experiential requirements.** (a) EVERY APPLICANT FOR A LICENSE AS A GENETIC COUNSELOR MUST:

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

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

(b) THE DIRECTOR SHALL ESTABLISH, BY RULE, REQUIREMENTS FOR ISSUING A PROVISIONAL LICENSE TO PRACTICE GENETIC COUNSELING TO A CANDIDATE FOR LICENSURE WHO HAS BEEN GRANTED ACTIVE CANDIDATE

STATUS BY THE ABGC. THE RULES MUST ADDRESS AT LEAST THE FOLLOWING:

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

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

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

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

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

(3) **Licensure.** IF AN APPLICANT HAS FULFILLED THE REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION, THE DIRECTOR SHALL ISSUE A LICENSE OR, AS APPROPRIATE, A PROVISIONAL LICENSE TO THE APPLICANT; EXCEPT THAT THE DIRECTOR MAY DENY A LICENSE IF THE APPLICANT HAS COMMITTED ANY ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION PURSUANT TO SECTION 12-35.3-108.

(4) **License renewal - continuing education.** (a) A GENETIC COUNSELOR MUST RENEW A LICENSE ISSUED PURSUANT TO THIS ARTICLE 35.3 ACCORDING TO A SCHEDULE OF RENEWAL DATES ESTABLISHED BY THE DIRECTOR. THE GENETIC COUNSELOR MUST SUBMIT AN APPLICATION IN THE FORM AND MANNER DESIGNATED BY THE DIRECTOR AND MUST PAY A RENEWAL FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR.

(b) LICENSES ARE RENEWED OR REINSTATED IN ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE DIRECTOR, AND THE DIRECTOR SHALL GRANT A RENEWAL OR REINSTATEMENT PURSUANT TO SECTION 24-34-102 (8). THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES

FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105. IF A GENETIC COUNSELOR FAILS TO RENEW THE GENETIC COUNSELOR'S LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR, THE LICENSE EXPIRES. A PERSON WHOSE LICENSE EXPIRES IS SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE 35.3 OR SECTION 24-34-102 (8).

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

(5) **Fees.** ALL FEES COLLECTED PURSUANT TO THIS ARTICLE 35.3 SHALL BE DETERMINED, COLLECTED, AND APPROPRIATED IN THE SAME MANNER AS SET FORTH IN SECTION 24-34-105.

12-35.3-107. Scope of article - exclusions. (1) THIS ARTICLE 35.3 DOES NOT PREVENT OR RESTRICT THE PRACTICE, SERVICES, OR ACTIVITIES OF:

(a) A PERSON LICENSED OR OTHERWISE REGULATED IN THIS STATE BY ANY OTHER LAW FROM ENGAGING IN THE PERSON'S PROFESSION OR OCCUPATION AS DEFINED IN THE LAW PURSUANT TO WHICH THE PERSON IS LICENSED OR OTHERWISE REGULATED, SPECIFICALLY INCLUDING PERSONS LICENSED PURSUANT TO THE "COLORADO MEDICAL PRACTICE ACT", ARTICLE 36 OF THIS TITLE 12, AND ACTING AS NECESSARY, IN THE PERSON'S JUDGMENT, TO ENGAGE IN THE PRACTICE OF MEDICINE AS DEFINED IN SECTION 12-36-106 (1);

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

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

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

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

(IV) THE PERSON IS SUPERVISED BY A GENETIC COUNSELOR OR A PHYSICIAN LICENSED PURSUANT TO ARTICLE 36 OF THIS TITLE 12;

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

(d) AN INDIVIDUAL FROM ANOTHER STATE OR COUNTRY WHO IS CERTIFIED BY THE ABGC OR ABMGG AND IS NOT A LICENSED GENETIC COUNSELOR IN THIS STATE WHEN ENGAGING IN GENETIC COUNSELING ON BEHALF OF A TEMPORARILY ABSENT GENETIC COUNSELOR, IF THE UNLICENSED INDIVIDUAL IS ACTING IN ACCORDANCE WITH RULES ESTABLISHED BY THE DIRECTOR. THE UNLICENSED PRACTICE MUST NOT BE OF MORE THAN FOUR WEEKS' DURATION, AND A PERSON SHALL NOT UNDERTAKE UNLICENSED PRACTICE MORE THAN ONCE IN ANY TWELVE-MONTH PERIOD.

(2) (a) NOTHING IN THIS ARTICLE 35.3 AUTHORIZES A GENETIC COUNSELOR TO ENGAGE IN THE PRACTICE OF MEDICINE, AS DEFINED IN SECTION 12-36-106 (1), OR ANY OTHER FORM OF HEALING OR COUNSELING EXCEPT AS AUTHORIZED BY THIS ARTICLE 35.3.

(b) IF, IN THE COURSE OF PROVIDING GENETIC COUNSELING TO A CLIENT, A GENETIC COUNSELOR FINDS ANY INDICATION OF A DISEASE OR CONDITION THAT REQUIRES MEDICAL ASSESSMENT, THE GENETIC COUNSELOR SHALL REFER THE CLIENT TO A PHYSICIAN LICENSED TO PRACTICE MEDICINE PURSUANT TO ARTICLE 36 OF THIS TITLE 12.

12-35.3-108. Grounds for discipline - disciplinary proceedings - injunctive relief - immunity - cease-and-desist orders - judicial review - definitions. (1) THE DIRECTOR MAY TAKE DISCIPLINARY ACTION AGAINST A PERSON IF THE DIRECTOR FINDS THAT THE PERSON HAS REPRESENTED THAT THE PERSON IS A GENETIC COUNSELOR AFTER THE EXPIRATION, SUSPENSION, OR REVOCATION OF THE PERSON'S LICENSE.

(2) THE DIRECTOR MAY REVOKE, SUSPEND, DENY, OR REFUSE TO RENEW A LICENSE; PLACE A LICENSEE ON PROBATION; OR ISSUE A LETTER OF ADMONITION TO A LICENSEE IN ACCORDANCE WITH THIS SECTION UPON PROOF THAT THE LICENSEE:

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

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

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

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

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

(d) (I) HAS FAILED TO NOTIFY THE DIRECTOR, AS REQUIRED BY SECTION 12-35.3-111 (1), OF A PHYSICAL ILLNESS, MENTAL CONDITION, OR BEHAVIORAL OR MENTAL HEALTH DISORDER THAT IMPAIRS THE LICENSEE'S ABILITY TO PROVIDE GENETIC COUNSELING WITH REASONABLE SKILL AND SAFETY OR THAT MIGHT ENDANGER THE HEALTH OR SAFETY OF INDIVIDUALS RECEIVING THE COUNSELING;

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

(III) HAS FAILED TO COMPLY WITH THE LIMITATIONS AGREED TO UNDER A CONFIDENTIAL AGREEMENT ENTERED INTO PURSUANT TO SECTION 12-35.3-111 (2);

(e) HAS VIOLATED, OR AIDED OR ABETTED OR KNOWINGLY

PERMITTED ANY PERSON TO VIOLATE, THIS ARTICLE 35.3, A RULE ADOPTED PURSUANT TO THIS ARTICLE 35.3, OR A LAWFUL ORDER OF THE DIRECTOR;

(f) HAS HAD A LICENSE, CERTIFICATION, OR REGISTRATION SUSPENDED OR REVOKED IN ANOTHER JURISDICTION FOR ACTIONS THAT WOULD VIOLATE THIS ARTICLE 35.3 OR WOULD CONSTITUTE GROUNDS FOR DISCIPLINE UNDER THIS SECTION IF COMMITTED IN COLORADO;

(g) HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO A FELONY OR COMMITTED AN ACT SPECIFIED IN SECTION 12-35.3-109. A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF THE CONVICTION OR PLEA IS CONCLUSIVE EVIDENCE OF THE CONVICTION OR PLEA. IN CONSIDERING THE DISCIPLINARY ACTION, THE DIRECTOR IS GOVERNED BY SECTION 24-5-101.

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

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

(j) HAS REFUSED TO SUBMIT TO A MENTAL OR PHYSICAL EXAMINATION IF ORDERED BY THE DIRECTOR PURSUANT TO SECTION 12-35.3-110;

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

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

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

(l) HAS FAILED TO PROVIDE ADEQUATE OR PROPER SUPERVISION OF A PROVISIONALLY LICENSED GENETIC COUNSELOR OR ANY UNLICENSED PERSON IN THE PRACTICE OF GENETIC COUNSELING; OR

(m) HAS OTHERWISE VIOLATED THIS ARTICLE 35.3 OR A LAWFUL ORDER OR RULE OF THE DIRECTOR.

(3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, THE DIRECTOR NEED NOT FIND THAT THE ACTIONS THAT ARE GROUNDS FOR DISCIPLINE WERE WILLFUL BUT MAY CONSIDER WHETHER THE ACTIONS WERE WILLFUL WHEN DETERMINING THE NATURE OF DISCIPLINARY SANCTIONS TO BE IMPOSED.

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

(b) IN ANY PROCEEDING PURSUANT TO THIS SECTION, THE DIRECTOR MAY ACCEPT AS EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION AGAINST A LICENSEE ANY DISCIPLINARY ACTION TAKEN AGAINST THE LICENSEE IN ANOTHER JURISDICTION IF THE VIOLATION THAT PROMPTED THE DISCIPLINARY ACTION IN THE OTHER JURISDICTION WOULD BE GROUNDS FOR DISCIPLINARY ACTION PURSUANT TO THIS ARTICLE 35.3.

(5) DISCIPLINARY PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, AND THE HEARING AND OPPORTUNITY FOR REVIEW SHALL BE CONDUCTED PURSUANT TO THAT ARTICLE BY THE DIRECTOR OR BY AN ADMINISTRATIVE LAW JUDGE, AT THE DIRECTOR'S DISCRETION. THE DIRECTOR HAS THE AUTHORITY TO EXERCISE ALL POWERS AND DUTIES CONFERRED BY THIS ARTICLE 35.3 DURING THE DISCIPLINARY PROCEEDINGS.

(6) (a) IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24 AND THIS ARTICLE 35.3, THE DIRECTOR MAY INVESTIGATE, HOLD HEARINGS, AND GATHER EVIDENCE IN ALL MATTERS RELATED TO THE EXERCISE AND PERFORMANCE OF THE POWERS AND DUTIES OF THE DIRECTOR.

(b) (I) TO AID THE DIRECTOR IN ANY HEARING OR INVESTIGATION INSTITUTED PURSUANT TO THIS SECTION, THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO SUBSECTION (6)(c) OF THIS SECTION MAY ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS COMPELLING THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING,

INVESTIGATION, OR OTHER MATTER BEFORE THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE.

(II) UPON FAILURE OF ANY WITNESS OR LICENSEE TO COMPLY WITH A SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE DIRECTOR; PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. IF THE PERSON OR LICENSEE FAILS TO OBEY THE ORDER OF THE COURT, THE COURT MAY HOLD THE PERSON OR LICENSEE IN CONTEMPT OF COURT.

(c) THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24 TO CONDUCT HEARINGS, TAKE EVIDENCE, MAKE FINDINGS, AND REPORT THE FINDINGS TO THE DIRECTOR.

(7) (a) THE DIRECTOR, A MEMBER OF THE DIRECTOR'S STAFF, A PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, A WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED PURSUANT TO THIS ARTICLE 35.3, AND A PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE 35.3 ARE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST THE INDIVIDUAL FOR ACTS OCCURRING WHILE ACTING IN THE INDIVIDUAL'S CAPACITY AS DIRECTOR, STAFF, CONSULTANT, WITNESS, OR COMPLAINANT, RESPECTIVELY, IF THE INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF THE INDIVIDUAL'S RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH THE INDIVIDUAL ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY THE INDIVIDUAL WAS WARRANTED BY THE FACTS.

(b) A PERSON PARTICIPATING IN GOOD FAITH IN MAKING A COMPLAINT OR REPORT OR IN AN INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS SECTION IS IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT OTHERWISE MIGHT RESULT BY REASON OF THE PARTICIPATION.

(8) IF A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE

OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, WARRANTS FORMAL ACTION, THE DIRECTOR SHALL NOT RESOLVE THE COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

(9) (a) THE DIRECTOR MAY SEND A LETTER OF ADMONITION TO A LICENSEE IF A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BUT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT.

(b) IF THE DIRECTOR SENDS A LETTER OF ADMONITION TO A LICENSEE, THE DIRECTOR SHALL NOTIFY THE LICENSEE OF THE LICENSEE'S RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT DESCRIBED IN THE LETTER OF ADMONITION.

(c) IF THE LICENSEE TIMELY REQUESTS ADJUDICATION, THE DIRECTOR SHALL VACATE THE LETTER OF ADMONITION AND PROCESS THE MATTER BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(10) THE DIRECTOR MAY SEND A CONFIDENTIAL LETTER OF CONCERN TO A LICENSEE IF A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR AND SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED CONDUCT BY THE LICENSEE THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED.

(11) A PERSON WHOSE LICENSE IS REVOKED OR WHO SURRENDERS THE PERSON'S LICENSE TO AVOID DISCIPLINE PURSUANT TO THIS SECTION IS INELIGIBLE TO APPLY FOR A LICENSE PURSUANT TO THIS ARTICLE 35.3 FOR TWO YEARS AFTER THE DATE THE LICENSE IS REVOKED OR SURRENDERED.

(12) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC OR THAT A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST THE ACTIVITY. THE DIRECTOR SHALL SET FORTH IN THE ORDER THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND

THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO SUBSECTION (12)(a) OF THIS SECTION, THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE 35.3 HAVE OCCURRED. THE HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105.

(13) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY PROVISION OF THIS ARTICLE 35.3, THEN, IN ADDITION TO EXERCISING ANY OTHER POWER GRANTED BY THIS ARTICLE 35.3, THE DIRECTOR MAY ISSUE TO THE PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED PRACTICE.

(b) THE DIRECTOR SHALL PROMPTLY NOTIFY A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO SUBSECTION (13)(a) OF THIS SECTION OF THE ISSUANCE OF THE ORDER ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE ORDER. THE DIRECTOR MAY SERVE THE NOTICE BY PERSONAL SERVICE, BY FIRST-CLASS, POSTAGE PREPAID UNITED STATES MAIL, OR IN ANOTHER MANNER AS MAY BE PRACTICABLE. PERSONAL SERVICE OR PROOF OF RECEIPT OF MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (13)(b) CONSTITUTES NOTICE OF THE ORDER TO THE PERSON.

(c) (I) THE DIRECTOR SHALL HOLD THE HEARING ON AN ORDER TO SHOW CAUSE NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN SUBSECTION (13)(b) OF THIS SECTION. THE DIRECTOR MAY CONTINUE THE HEARING BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE DIRECTOR HOLD THE HEARING LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM THE DIRECTOR HAS ISSUED AN ORDER TO SHOW CAUSE PURSUANT TO SUBSECTION (13)(a) OF THIS SECTION DOES NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED ON THE PERSON PURSUANT TO SUBSECTION (13)(b) OF THIS SECTION AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER BECOMES FINAL AS TO THAT PERSON BY OPERATION OF LAW. THE HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105.

(III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, OR HAS ENGAGED OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE 35.3, THE DIRECTOR MAY ISSUE A FINAL CEASE-AND-DESIST ORDER DIRECTING THE PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED PRACTICES.

(IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN SUBSECTION (13)(b) OF THIS SECTION, OF THE FINAL CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS SUBSECTION (13)(c) TO EACH PERSON AGAINST WHOM THE DIRECTOR HAS ISSUED THE FINAL ORDER. A FINAL ORDER ISSUED PURSUANT TO SUBSECTION (13)(c)(III) OF THIS SECTION IS EFFECTIVE WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(14) THE DIRECTOR MAY ENTER INTO A STIPULATION WITH A PERSON IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE DIRECTOR, THAT THE PERSON HAS ENGAGED OR IS ABOUT TO ENGAGE IN AN UNLICENSED ACT OR PRACTICE OR AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE 35.3 OR A VIOLATION OF THIS ARTICLE 35.3, A RULE PROMULGATED PURSUANT TO THIS ARTICLE 35.3, OR AN ORDER ISSUED PURSUANT TO THIS ARTICLE 35.3.

(15) IF A PERSON FAILS TO COMPLY WITH A FINAL CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY REQUEST THE ATTORNEY

GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED THE ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(16) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION OR OF THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SUBSECTION (18) OF THIS SECTION.

(17) THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL TO SEEK AN INJUNCTION, IN ANY COURT OF COMPETENT JURISDICTION, TO ENJOIN A PERSON FROM COMMITTING AN ACT PROHIBITED BY THIS ARTICLE 35.3. WHEN SEEKING AN INJUNCTION PURSUANT TO THIS SUBSECTION (17), THE ATTORNEY GENERAL IS NOT REQUIRED TO ALLEGE OR PROVE THE INADEQUACY OF ANY REMEDY AT LAW OR THAT SUBSTANTIAL OR IRREPARABLE DAMAGE IS LIKELY TO RESULT FROM A CONTINUED VIOLATION OF THIS ARTICLE 35.3.

(18) A FINAL ACTION OF THE DIRECTOR IS SUBJECT TO JUDICIAL REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11).

12-35.3-109. Unauthorized practice - penalties. A PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE GENETIC COUNSELING WITHOUT AN ACTIVE LICENSE AS REQUIRED BY AND ISSUED PURSUANT TO THIS ARTICLE 35.3 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501 FOR THE FIRST OFFENSE. FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501.

12-35.3-110. Mental and physical examination of licensees. (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A LICENSEE IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY, THE DIRECTOR MAY ORDER THE LICENSEE TO TAKE A MENTAL OR PHYSICAL EXAMINATION ADMINISTERED BY A HEALTH CARE PROVIDER DESIGNATED BY THE DIRECTOR. EXCEPT WHERE DUE TO CIRCUMSTANCES BEYOND THE LICENSEE'S CONTROL, IF THE LICENSEE FAILS OR REFUSES TO UNDERGO A MENTAL OR PHYSICAL EXAMINATION, THE DIRECTOR MAY SUSPEND THE GENETIC COUNSELOR'S LICENSE UNTIL THE DIRECTOR HAS MADE A DETERMINATION

OF THE LICENSEE'S FITNESS TO PRACTICE. THE DIRECTOR SHALL PROCEED WITH AN ORDER FOR EXAMINATION AND SHALL MAKE A DETERMINATION IN A TIMELY MANNER.

(2) IN AN ORDER REQUIRING A LICENSEE TO UNDERGO A MENTAL OR PHYSICAL EXAMINATION, THE DIRECTOR SHALL STATE THE BASIS OF THE DIRECTOR'S REASONABLE CAUSE TO BELIEVE THAT THE LICENSEE IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY. FOR PURPOSES OF A DISCIPLINARY PROCEEDING AUTHORIZED PURSUANT TO THIS ARTICLE 35.3, THE LICENSEE IS DEEMED TO HAVE WAIVED ALL OBJECTIONS TO THE ADMISSIBILITY OF THE EXAMINING HEALTH CARE PROVIDER'S TESTIMONY OR EXAMINATION REPORTS ON THE GROUNDS THAT THEY ARE PRIVILEGED COMMUNICATIONS.

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

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

12-35.3-111. Confidential agreement to limit practice - violation - grounds for discipline. (1) IF A GENETIC COUNSELOR HAS A PHYSICAL ILLNESS, MENTAL CONDITION, OR BEHAVIORAL OR MENTAL HEALTH DISORDER THAT RENDERS THE PERSON UNABLE TO PRACTICE GENETIC COUNSELING WITH REASONABLE SKILL AND SAFETY TO CLIENTS, THE GENETIC COUNSELOR SHALL NOTIFY THE DIRECTOR OF THE ILLNESS, CONDITION, OR DISORDER IN A MANNER AND WITHIN A PERIOD DETERMINED BY THE DIRECTOR. THE DIRECTOR MAY REQUIRE THE GENETIC COUNSELOR TO SUBMIT TO AN EXAMINATION PURSUANT TO SECTION 12-35.3-110 TO EVALUATE THE EXTENT OF THE ILLNESS, CONDITION, OR DISORDER AND ITS IMPACT ON THE GENETIC COUNSELOR'S ABILITY TO PRACTICE GENETIC COUNSELING WITH REASONABLE SKILL AND SAFETY TO CLIENTS.

(2) (a) UPON DETERMINING THAT A GENETIC COUNSELOR WITH A PHYSICAL ILLNESS, MENTAL CONDITION, OR BEHAVIORAL OR MENTAL HEALTH DISORDER IS ABLE TO RENDER LIMITED SERVICES WITH REASONABLE SKILL AND SAFETY TO CLIENTS, THE DIRECTOR MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE GENETIC COUNSELOR IN WHICH THE GENETIC COUNSELOR AGREES TO LIMIT THE GENETIC COUNSELOR'S PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY THE ILLNESS, CONDITION, OR DISORDER, AS DETERMINED BY THE DIRECTOR.

(b) AS PART OF THE AGREEMENT, THE GENETIC COUNSELOR IS SUBJECT TO PERIODIC REEVALUATION OR MONITORING AS DETERMINED APPROPRIATE BY THE DIRECTOR.

(c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR OF MONITORING.

(3) BY ENTERING INTO AN AGREEMENT WITH THE DIRECTOR PURSUANT TO THIS SECTION, A GENETIC COUNSELOR IS NOT ENGAGING IN ACTIVITIES THAT ARE GROUNDS FOR DISCIPLINE PURSUANT TO SECTION 12-35.3-108. THE AGREEMENT DOES NOT CONSTITUTE A RESTRICTION OR DISCIPLINE BY THE DIRECTOR. HOWEVER, IF THE GENETIC COUNSELOR FAILS TO COMPLY WITH THE TERMS OF THE AGREEMENT, THE FAILURE CONSTITUTES A PROHIBITED ACTIVITY PURSUANT TO SECTION 12-35.3-108 (2)(d), AND THE GENETIC COUNSELOR IS SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-35.3-108.

(4) THIS SECTION DOES NOT APPLY TO A GENETIC COUNSELOR SUBJECT TO DISCIPLINE FOR PROHIBITED ACTIVITIES AS DESCRIBED IN SECTION 12-35.3-108 (2)(c).

12-35.3-112. Professional liability insurance required - rules.

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

(2) THIS SECTION DOES NOT APPLY TO A GENETIC COUNSELOR WHO IS A PUBLIC EMPLOYEE ACTING WITHIN THE COURSE AND SCOPE OF THE

PUBLIC EMPLOYEE'S DUTIES AND WHO IS GRANTED IMMUNITY PURSUANT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24.

12-35.3-113. Rule-making authority. THE DIRECTOR SHALL PROMULGATE RULES AS NECESSARY FOR THE ADMINISTRATION OF THIS ARTICLE 35.3.

12-35.3-114. Repeal of article - review of functions. THIS ARTICLE 35.3 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2026. BEFORE THE REPEAL, THE DIRECTOR'S POWERS, DUTIES, AND FUNCTIONS PURSUANT TO THIS ARTICLE 35.3 ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

SECTION 2. In Colorado Revised Statutes, 12-43-215, **amend** (10) as follows:

12-43-215. Scope of article - exemptions. (10) ~~The provisions of This article do~~ ARTICLE 43 DOES not apply to:

(a) A professional coach, including a life coach, executive coach, personal coach, or business coach, who has had coach-specific training and who serves clients exclusively as a coach, as long as the professional coach does not engage in the practice of psychology, social work, marriage and family therapy, licensed professional counseling, psychotherapy, or addiction counseling, as those practices are defined in this ~~article~~ ARTICLE 43; OR

(b) A GENETIC COUNSELOR WHO IS LICENSED PURSUANT TO ARTICLE 35.3 OF THIS TITLE 12.

SECTION 3. In Colorado Revised Statutes, 24-34-104, **add** (27)(a)(IX) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (27) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2026:

(IX) THE REGULATION OF GENETIC COUNSELORS BY THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN ACCORDANCE WITH

ARTICLE 35.3 OF TITLE 12.

SECTION 4. In Colorado Revised Statutes, 24-34-110, **amend** (3)(a)(XXVIII) and (3)(a)(XXIX); and **add** (3)(a)(XXX) as follows:

24-34-110. Medical transparency act of 2010 - disclosure of information about health care licensees - fines - rules - short title - legislative declaration - repeal. (3) (a) As used in this section, "applicant" means a person applying for a new, active license, certification, or registration or to renew, reinstate, or reactivate an active license, certification, or registration to practice:

(XXVIII) As a surgical assistant or surgical technologist pursuant to article 43.2 of title 12; ~~C.R.S.~~; and

(XXIX) Naturopathic medicine pursuant to article 37.3 of title 12; ~~C.R.S.~~ AND

(XXX) GENETIC COUNSELING PURSUANT TO ARTICLE 35.3 OF TITLE 12.

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

ARTICLE 228 Genetic Counselor Licensure Act

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

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

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

(b) DETERMINES THAT A LICENSURE REQUIREMENT IS NECESSARY TO MEET THIS PUBLIC NEED, INCLUDING A DEFINED SCOPE OF PRACTICE AND TITLE PROTECTION FOR LICENSED GENETIC COUNSELORS TO ASSURE

CONSUMERS THE RIGHT TO CHOOSE THOSE FROM WHOM THEY RECEIVE INFORMATION AND ADVICE; AND

(c) DECLARES THAT:

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

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

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

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

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

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

(3) "ACGC" MEANS THE ACCREDITATION COUNCIL FOR GENETIC COUNSELING OR AN ORGANIZATION THAT THE DIRECTOR RECOGNIZES AS BEING EQUIVALENT TO, OR A PREDECESSOR OR SUCCESSOR OF, THE ACGC.

(4) "ACTIVE CANDIDATE STATUS" OR "ACS" MEANS THAT A PERSON IN AN ACS-ELIGIBLE APPLICANT CATEGORY HAS SUPPLIED THE ABGC WITH ALL DOCUMENTATION REQUIRED TO TAKE THE ABGC'S CERTIFICATION EXAMINATION AND HAS BEEN APPROVED BY THE ABGC TO TAKE THE EXAMINATION IN A SPECIFIC CYCLE.

(5) "GENETIC COUNSELING" INCLUDES THE FOLLOWING ACTIVITIES:

(a) OBTAINING AND INTERPRETING INDIVIDUAL, FAMILY, MEDICAL, AND DEVELOPMENT HISTORIES;

(b) DETERMINING THE MODE OF INHERITANCE AND RISK OF TRANSMISSION OF GENETIC CONDITIONS;

(c) DISCUSSING THE INHERITANCE, FEATURES, NATURAL HISTORY, AND MEANS OF DIAGNOSIS OF GENETIC CONDITIONS;

(d) IDENTIFYING, COORDINATING, ORDERING, AND EXPLAINING GENETIC LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES;

(e) ASSESSING PSYCHOSOCIAL FACTORS AND RECOGNIZING SOCIAL, EDUCATIONAL, AND CULTURAL ISSUES;

(f) EVALUATING THE CLIENT'S OR THE CLIENT'S FAMILY'S RESPONSES TO THE GENETIC CONDITION OR RISK OF RECURRENCE OF A GENETIC CONDITION AND PROVIDING CLIENT-CENTERED COUNSELING AND ANTICIPATORY GUIDANCE;

(g) COMMUNICATING GENETIC INFORMATION TO CLIENTS;

(h) FACILITATING INFORMED DECISION-MAKING ABOUT TESTING AND MANAGEMENT ALTERNATIVES;

(i) IDENTIFYING AND UTILIZING COMMUNITY RESOURCES THAT PROVIDE MEDICAL, EDUCATIONAL, FINANCIAL, AND PSYCHOSOCIAL SUPPORT AND ADVOCACY; AND

(j) PROVIDING ACCURATE WRITTEN DOCUMENTATION OF MEDICAL, GENETIC, AND COUNSELING INFORMATION FOR CLIENTS, THEIR FAMILIES, AND HEALTH CARE PROFESSIONALS.

(6) "GENETIC COUNSELOR" OR "LICENSEE" MEANS AN INDIVIDUAL WHO IS LICENSED PURSUANT TO THIS ARTICLE 228 TO PRACTICE GENETIC COUNSELING.

(7) "NSGC" MEANS THE NATIONAL SOCIETY OF GENETIC

COUNSELORS OR AN ORGANIZATION THAT THE DIRECTOR RECOGNIZES AS BEING EQUIVALENT TO, OR A PREDECESSOR OR SUCCESSOR OF, THE NSGC.

12-228-105. Use of titles restricted. ON AND AFTER JUNE 1, 2020, ONLY A PERSON LICENSED AS A GENETIC COUNSELOR UNDER THIS ARTICLE 228 MAY USE THE TITLE OR ABBREVIATION "GENETIC COUNSELOR", "LICENSED GENETIC COUNSELOR", "L.G.C.", "GENE COUNSELOR", "GENETIC CONSULTANT", "GENETIC ASSOCIATE", OR ANY COMBINATION OF THESE TERMS OR ABBREVIATIONS OR ANY OTHER GENERALLY ACCEPTED TERMS, LETTERS, OR FIGURES THAT INDICATE THAT THE PERSON IS A GENETIC COUNSELOR.

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

12-228-107. Licensure of genetic counselors - application - qualifications - renewal - continuing education - fees - rules.
(1) Educational and experiential requirements. (a) EVERY APPLICANT FOR A LICENSE AS A GENETIC COUNSELOR MUST:

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

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

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

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

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

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

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

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

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

(4) **License renewal - continuing education.** (a) THE GENETIC COUNSELOR MUST SUBMIT AN APPLICATION IN THE FORM AND MANNER DESIGNATED BY THE DIRECTOR AND MUST PAY A RENEWAL FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR.

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

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

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

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

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

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

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

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

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

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

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

(d) AN INDIVIDUAL FROM ANOTHER STATE OR COUNTRY WHO IS CERTIFIED BY THE ABGC OR ABMGG AND IS NOT A LICENSED GENETIC COUNSELOR IN THIS STATE WHEN ENGAGING IN GENETIC COUNSELING ON

BEHALF OF A TEMPORARILY ABSENT GENETIC COUNSELOR, IF THE UNLICENSED INDIVIDUAL IS ACTING IN ACCORDANCE WITH RULES ESTABLISHED BY THE DIRECTOR. THE UNLICENSED PRACTICE MUST NOT BE OF MORE THAN FOUR WEEKS' DURATION, AND A PERSON SHALL NOT UNDERTAKE UNLICENSED PRACTICE MORE THAN ONCE IN ANY TWELVE-MONTH PERIOD.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO A FELONY. A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF THE CONVICTION OR PLEA IS CONCLUSIVE EVIDENCE OF THE CONVICTION OR PLEA. IN CONSIDERING THE DISCIPLINARY

ACTION, THE DIRECTOR IS GOVERNED BY SECTIONS 12-20-202 (5) AND 24-5-101.

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

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

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

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

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

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

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

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

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

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

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

(6) THE DIRECTOR MAY:

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

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

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

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

12-228-110. Mental and physical examination of licensees. (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A LICENSEE IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY, THE DIRECTOR MAY ORDER THE LICENSEE TO TAKE A MENTAL OR PHYSICAL EXAMINATION ADMINISTERED BY A HEALTH CARE PROVIDER DESIGNATED BY THE DIRECTOR. EXCEPT WHERE DUE TO CIRCUMSTANCES BEYOND THE LICENSEE'S CONTROL, IF THE LICENSEE FAILS OR REFUSES TO UNDERGO A MENTAL OR PHYSICAL EXAMINATION, THE DIRECTOR MAY SUSPEND THE GENETIC COUNSELOR'S LICENSE UNTIL THE DIRECTOR HAS MADE A DETERMINATION

OF THE LICENSEE'S FITNESS TO PRACTICE. THE DIRECTOR SHALL PROCEED WITH AN ORDER FOR EXAMINATION AND SHALL MAKE A DETERMINATION IN A TIMELY MANNER.

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

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

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

12-228-111. Confidential agreement to limit practice. (1) EXCEPT AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION, SECTION 12-30-108 CONCERNING CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE APPLIES TO THIS ARTICLE 228.

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

12-228-112. Professional liability insurance required - rules. (1) A PERSON SHALL NOT PRACTICE GENETIC COUNSELING UNLESS THE PERSON PURCHASES AND MAINTAINS, OR IS COVERED BY, PROFESSIONAL

LIABILITY INSURANCE IN AN AMOUNT DETERMINED BY THE DIRECTOR BY RULE THAT COVERS ALL ACTS WITHIN THE SCOPE OF PRACTICE OF THE GENETIC COUNSELOR.

(2) THIS SECTION DOES NOT APPLY TO A GENETIC COUNSELOR WHO IS A PUBLIC EMPLOYEE ACTING WITHIN THE COURSE AND SCOPE OF THE PUBLIC EMPLOYEE'S DUTIES AND WHO IS GRANTED IMMUNITY PURSUANT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24.

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

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

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

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

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

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

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

SECTION 7. In Colorado Revised Statutes, 12-20-407, **add as**

relocated by House Bill 19-1172 (1)(b)(II.5) as follows:

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

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

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

12-30-102. Medical transparency act of 2010 - disclosure of information about health care licensees - fines - rules - short title - legislative declaration - repeal. (3) (a) As used in this section, "applicant" means a person applying for a new, active license, certification, or registration or to renew, reinstate, or reactivate an active license, certification, or registration to practice:

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

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

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

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

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

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

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

SECTION 10. Appropriation. (1) For the 2019-20 state fiscal year, \$33,622 is appropriated to the department of regulatory agencies. This appropriation is from the division of professions and occupations cash fund created in section 24-34-105 (2)(b)(I), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$13,374 for use by the division of professions and occupations for personal services, which amount is based on an assumption that the division will require an additional 0.2 FTE;

(b) \$4,703 for use by the division of professions and occupations for operating expenses; and

(c) \$15,545 for use by the executive director's office and administrative services for the purchase of legal services.

(2) For the 2019-20 state fiscal year, \$15,545 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of regulatory agencies under subsection (1)(c) of this section and is based on an assumption that the department of law will require an additional 0.1 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of regulatory agencies.

SECTION 11. Act subject to petition - effective date. (1) Except as otherwise provided in subsection (2) of this section, this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution

against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

(3) This act applies to conduct occurring on or after the applicable effective date of this act.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO