



November 30, 2020

The Honorable Angela Williams, Chair, Senate Business, Labor and Technology Committee  
The Honorable Tracy Kraft-Tharp, Chair, House Business Affairs and Labor Committee

Dear Senator Williams and Representative Kraft-Tharp,

In accordance with the requirements of section 24-34-101(13) of the Colorado Revised Statutes, please accept this report documenting the number of Confidential Letters of Concern (CLOCs) issued by the Division of Professions and Occupations' (Division) boards and programs (programs) from September 1, 2019 through August 31, 2020. As you will recall, this reporting provision was added to the statute during the 2006 legislative session when the General Assembly approved to expand several of the Division's program's authority to include the issuance of CLOCs.

While each program and complaint is unique, the Division offers the following observations about the external trends that impact the issuance of CLOCs.

Changes Due to Renewal Cycle and Education/Outreach: As in prior reports, the renewal of licenses is the most prevalent event driving change in the number of issued CLOCs. Notwithstanding, programs have increased outreach and education efforts to inform licensees of renewal requirements resulting in a decrease in the number of CLOCs issued for the following programs: Accountancy; Audiology; Chiropractic; Combative Sports; Dental; Electrical; Funeral Homes and Crematories; Hearing Aid Providers; Massage Therapy; Professional Counselors; Psychology; Medical; Nursing; Nurse Aides; Occupational Therapy; Optometry; Pharmacy; Physical Therapy; Plumbing; Private Investigators; Respiratory Therapy and Veterinary.

Consistency with Complaints: Enforcement actions within the Division's programs are complaint-driven, pursuant to state law. Consequently, if the number of complaints received increases or decreases within a certain time period, the number of CLOCs issued will typically increase or decrease as well. This year the number of complaints received by the Division decreased by 2.02 percent. Conversely, these programs showed no change from the previous year or increase in the number of CLOCs issued: Acupuncture; Addiction Counselors; Architects/Engineers/Land Surveyors; Barber and Cosmetology; Landscape Architects; Direct-Entry Midwifery; Marriage and Family Therapy; Podiatry; Social Work; Unlicensed Psychotherapists; Naturopathic Doctors; Nursing Home Administrators; Outfitters, and Speech-Language Pathologists.

This year the Division's programs issued a total of 1,408 CLOCs, which represents a decrease of 15.07% from 2019, during which a total of 1,658 CLOCs were issued. The specific trends for each program are detailed in **Attachment A**.

Should you have any questions, please contact Ronne Hines, Director of the Division of Professions and Occupations, at [ronne.hines@state.co.us](mailto:ronne.hines@state.co.us) or 303-894-7770.

Sincerely,

A handwritten signature in cursive script that reads "Patty Salazar".

Patty Salazar  
Executive Director  
Department of Regulatory Agencies

## Attachment A

**Accountancy - (-22.8%)** The majority of the CLOCs issued for this program is related to newly licensed CPAs holding themselves out as licensed CPAs for six months or less prior to getting licensed. The decrease in CLOCs is directly attributable to the decrease in the number of new applicants this year.

**Acupuncture - (+116.7%)** The increase of seven (7) CLOCs coincides with the renewal cycle and is directly attributable to the number of reinstatement applications indicating that licensees practiced on a lapsed license for less than one year.

**Architects/Engineers/Land Surveyors - (+530.0%)** The increase of 53 CLOCs coincides with the renewal cycle and is directly attributable to the number of reinstatement applications indicating that the licensees practiced on a lapsed license for less than one year.

**Audiology - (-100.0%)** The decrease is attributable to no CLOCs being issued this reporting year and one (1) being issued the previous year; the change does not appear to be statistically significant given the low number of CLOCs for this program.

**Barber/Cosmetology - (+39.5%)** The increase in CLOCs coincides with the renewal cycle and is directly attributable to the number of reinstatement applications indicating that licensees practiced on a lapsed license for less than one year. The increase was despite an extended expiration date to May 31, 2020 to accommodate for business closure during the pandemic.

**Boxing/Combative Sports - (-91.7%)** The decrease in CLOCs issued for this program this year compared to the previous year was directly attributable to the concentrated effort to clear the backlog in 2019. This is a return to the past five (5) year average and median for this program.

**Chiropractic - (-47.4%)** The decrease in the CLOCs issued this year was directly attributable to a continuing education audit in 2019 and demonstrates a return to the past five (5) year average and median for this program.

**Dental - (-12.3%)** The seven (7) CLOCs decrease in 2020 is reflective of a multi-year trend of the return to the five (5) year median for this program.

**Electrical - (-52.0%)** The majority of the CLOCs were issued to Electrical Contractors who failed to register their apprentices. The decrease can be directly attributed to outreach and education efforts directed toward this issue.

**Funeral Homes/Crematories - (-100.0%)** The decrease in CLOCs issued in 2020 may be attributed to the 50% decrease in the number of complaints received by the program in 2020. The change does not appear to be statistically significant given the low number of CLOCs for this program, an average of five (5) CLOCs per year over the past five (5) years.

**Hearing Aid Providers - (-100.0%)** No CLOCs were issued in 2020, while two (2) were issued in 2019. There was no discernible trend and the change does not appear to be statistically

significant given the low number of CLOCs for this program - an average of one (1) CLOC per year over the past five (5) years.

**Landscape Architects - (+100.0%)** One (1) CLOC was issued this year compared to zero (0) CLOCs in 2019. The change does not appear to be statistically significant given the low number of CLOCs for this program - an average of zero (0) CLOCs per year over the past five (5) years.

**Direct-Entry Midwifery - (+100.0%)** The increase in the number of CLOCs from zero (0) to two (2) was an increase; does not appear to be statistically significant given the low number of CLOCs for this program, an average of one (1) CLOC per year over the past five (5) years.

**Massage Therapy - (-57.4%)** The number of complaints received in 2020 reflects a 40% decrease from 2019 and suggests that the lower number of CLOCs issued in 2020 directly correlates to the overall drop in complaint volume.

**Mental Health—Addiction Counselors - (0.00%)** No change from the previous year.

**Mental Health—Licensed Professional Counselors - (-27.0%)** The decrease in the CLOCs issued this year demonstrates a return to the past five (5) year average of 28 CLOCs per year for this program.

**Mental Health—Marriage and Family Therapists - (+40.0%)** The increase of two (2) CLOCs in 2020 is a return to the average of eight (8) CLOCs per year over the past five (5) years.

**Mental Health—Psychology - (-82.6%)** The number of CLOCs issued in 2020 is due to complaint timing and volume. Specifically, 65% of the complaints in the 2020 period were received during the later part of the reporting period and were not resolved in this period. In addition, there was an 11% decrease in complaints received by the Board in 2020.

**Mental Health—Social Work - (+6.7%)** The number of CLOCs issued in 2020 decreased by one (1) CLOC. The change does not appear significant and is consistent with the average over the past five (5) years of 17 CLOCs per year.

**Mental Health—Unlicensed Psychotherapists - (+61.9%)** The increase in CLOCs coincides with the renewal cycle and is directly attributable to the number of reinstatement applications indicating that licensees practiced on a lapsed license for less than one year.

**Medical - (-19.5%)** The decrease in the number of CLOCs issued in 2020 reflects a return toward the five (5) year average and is consistent with the 2019 increase due to the renewal period.

**Naturopathic Doctors - (+100.0%)** The increase in CLOCs in 2020, from zero (0) CLOCs in 2019 to two (2) CLOCs in 2020 does not appear to be statistically significant given the low number of CLOCs issued by this program and returns the program to its five (5) year median of two (2) CLOCs per year.

**Nursing/Nurse Aides - (25.1%/-2.2% respectively)** - For Nursing, the decrease in the number of CLOCs reflects a return toward the five (5) year median after a 2019 increase. For nurse aides, the decrease was slight, remains consistent with the overall five (5) year median, and does not appear to be statistically significant considering the change from 134 CLOCs issued in 2019 and 131 CLOCs issued in 2020.

**Nursing Home Administrators - (+50.0%)** The number of CLOCs issued in 2020 increased by one (1) CLOC. This change returns the program to the five (5) year median of three (3) CLOCs per year and does not appear statistically significant given the low number of CLOCs issued by the program.

**Occupational Therapy - (-81.8%)** The decrease in CLOCs in 2020 directly correlates to the 55% decrease in the number of complaints received by the program in 2020.

**Optometry - (-33.3%)** The number of CLOCs issued in 2020 decreased by one (1) CLOC. This change reflects movement back toward the program's five (5) year median of one (1) CLOC per year and does not appear statistically significant given the low number of CLOCs issued by the program.

**Outfitters - (+60.0%)** The increase in CLOCs coincides with the renewal cycle and is directly attributable to the number of reinstatement applications indicating that licensees practiced on a lapsed license for less than one year.

**Pharmacy - (-29.0%)** The decrease in CLOCs issued in 2020 reflects a return to the five (5) year median of 157 CLOCs per year after two (2) higher than average reporting periods.

**Physical Therapy - (-9.5%)** The number of CLOCs issued in 2020 decreased by two (2) CLOCs. This change reflects a movement back toward the program's five (5) year median of 17 CLOCs per year after an increase in 2019 due to the renewal period.

**Plumbing Board - (-71.1%)** The majority of the CLOCs were issued to Plumbing Contractors who failed to register their apprentices. The decrease can be attributed to outreach and education efforts directed toward this issue.

**Podiatry - (0.00%)** No change from the previous year.

**Private Investigators - (-100.0%)** The decrease of four (4) CLOCs in 2020 is directly attributable to the 40% decrease in complaints received by the program during this reporting period.

**Respiratory Therapy - (-14.3%)** The number of CLOCs issued in 2020 decreased by one (1) CLOC. This change reflects movement back toward the program's five (5) year median of four (4) CLOCs per year after the 2019 increase due to the renewal cycle.

**Speech-Language Pathologists - (+100.0%)** The increase of six (6) CLOCs coincides with the renewal cycle and is directly attributable to the number of reinstatement applications indicating that licensees practiced on a lapsed license for less than one year.

**Veterinarians - (-54.8%)** The decrease in the number of CLOCs issued directly correlates to the 50% decrease in the number of complaints received by the Board in 2020.