

CHAPTER 249

PROFESSIONS AND OCCUPATIONS

SENATE BILL 95-010

BY SENATORS Mutzebaugh, Martinez, Schroeder, Casey, Rupert, and Weissmann;
also REPRESENTATIVES George, Agler, Knox, and Prinster.

AN ACT

CONCERNING THE REGULATION OF THE PRACTICE OF CHIROPRACTIC BY THE STATE BOARD OF CHIROPRACTIC EXAMINERS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 12-33-107 (1) (h), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-33-107. Board powers. (1) The board is authorized to and shall:

(h) Identify and proscribe, by rule, chiropractic ~~trade~~ practices which are untrue, deceptive, or misleading.

SECTION 2. Part 1 of article 33 of title 12, Colorado Revised Statutes, 1991 Repl. Vol., is amended BY THE ADDITION OF A NEW SECTION to read:

12-33-111.5. Display of license required. EVERY LICENSED PRACTITIONER OF CHIROPRACTIC SHALL CONSPICUOUSLY DISPLAY HIS OR HER LICENSE TO PRACTICE IN THIS STATE. IF A CHIROPRACTOR PRACTICES AT SEVERAL LOCATIONS, HIS OR HER NAME AND LICENSE NUMBER SHALL BE DISPLAYED IN A MANNER THAT CAN BE EASILY RECOGNIZED BY PATIENTS. PERSONS WHO ENGAGE IN THE PRACTICE OF CHIROPRACTIC UNDER THE NAME OF A PARTNERSHIP, ASSOCIATION, OR OTHER ENTITY SHALL CONSPICUOUSLY DISPLAY AT THE ENTRANCE OF THEIR PLACE OF BUSINESS THE NAME OF EACH MEMBER OR ASSOCIATE OF SUCH ENTITY WHO IS ENGAGED IN THE PRACTICE OF CHIROPRACTIC.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 3. 12-33-112, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-33-112. Application for license - fee - examination. Any person who fulfills the minimum educational requirements prescribed by this article and by the board, who is not less than twenty-one years of age, who desires to obtain a license to practice chiropractic in this state, and who is not entitled to a license therefor under other provisions of this article may make application for such license upon such forms and in such manner as prescribed by the board, which application shall be accompanied by an examination fee. The board may refuse to examine or license an applicant if the applicant has committed any act that would be grounds for disciplinary action against a licensed chiropractor. Such applicant shall be examined by the board in the subjects outlined in section 12-33-111 to determine the applicant's qualifications to practice chiropractic. A license shall be granted to all applicants who on such examination are found qualified by attaining a passing grade on each section of the examination. Any applicant receiving a passing grade in all but one subject may, within one year from the date of such failure, repeat the examination in only that subject, upon payment of the total examination fee, and will be licensed upon receiving a passing grade in such subject. Qualification in that portion of the examination relating to the basic sciences shall be established by the applicant submitting proof satisfactory to the board of successfully passing the examination in the basic sciences given by the national board of chiropractic examiners. Any chiropractic applicant who desires to practice electrotherapy shall present evidence that he OR SHE has successfully completed a course of not less than one hundred twenty classroom hours in this subject at a school approved by the board OR UNDER THE INSTRUCTION OF AN APPROVED PROVIDER.

SECTION 4. Part 1 of article 33 of title 12, Colorado Revised Statutes, 1991 Repl. Vol., is amended BY THE ADDITION OF A NEW SECTION to read:

12-33-112.5. Temporary licensure. (1) (a) AN APPLICANT WHO LAWFULLY PRACTICES CHIROPRACTIC IN ANOTHER STATE OR TERRITORY MAY BE GRANTED A TEMPORARY LICENSE TO PRACTICE CHIROPRACTIC IN THIS STATE IF:

(I) SUCH APPLICANT HAS BEEN INVITED BY THE UNITED STATES OLYMPIC COMMITTEE TO PROVIDE CHIROPRACTIC SERVICES AT THE OLYMPIC TRAINING CENTER IN COLORADO SPRINGS OR AT AN EVENT IN THIS STATE WHICH IS SANCTIONED BY SUCH COMMITTEE;

(II) THE UNITED STATES OLYMPIC COMMITTEE CERTIFIES THE NAME OF THE APPLICANT, THE STATE OR TERRITORY WHICH ISSUED THE APPLICANT A LICENSE TO PRACTICE CHIROPRACTIC, AND THE DATES WITHIN WHICH THE APPLICANT HAS BEEN INVITED TO PROVIDE CHIROPRACTIC SERVICES IN THIS STATE; AND

(III) SUCH APPLICANT'S PRACTICE IN THIS STATE IS LIMITED TO THAT REQUIRED BY THE UNITED STATES OLYMPIC COMMITTEE.

(b) A TEMPORARY LICENSE ISSUED PURSUANT TO THIS SECTION SHALL REMAIN IN EFFECT ONLY AS LONG AS THE LICENSEE PROVIDES CHIROPRACTIC SERVICES AT THE INVITATION OF THE UNITED STATES OLYMPIC COMMITTEE. IN NO EVENT, HOWEVER,

SHALL SUCH A LICENSE REMAIN IN EFFECT AFTER THE PERIOD CERTIFIED BY THE COMMITTEE PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (1), UNLESS THE BOARD HAS GRANTED AN EXTENSION. THE BOARD SHALL NOT GRANT AN EXTENSION IN EXCESS OF NINETY DAYS.

(c) A TEMPORARY LICENSEE SHALL PROVIDE CHIROPRACTIC SERVICES ONLY TO ATHLETES OR TEAM PERSONNEL WHO ARE REGISTERED TO TRAIN AT THE OLYMPIC TRAINING CENTER OR COMPETE IN AN EVENT SANCTIONED BY THE UNITED STATES OLYMPIC COMMITTEE.

(d) THE BOARD MAY ESTABLISH AND CHARGE A FEE FOR TEMPORARY LICENSES PURSUANT TO SECTION 24-34-105, C.R.S. SUCH FEE SHALL NOT EXCEED ONE-HALF OF THE AMOUNT CHARGED BY THE BOARD FOR A TWO-YEAR RENEWAL OF A CHIROPRACTOR'S LICENSE. NO CHIROPRACTOR SHALL BE REQUIRED TO PAY MORE THAN ONE TEMPORARY LICENSE FEE IN A CALENDAR YEAR.

(e) A TEMPORARY LICENSEE SHALL BE SUBJECT TO DISCIPLINE BY THE BOARD FOR UNPROFESSIONAL CONDUCT, AS DEFINED IN SECTION 12-33-117 (2).

SECTION 5. 12-33-114 (1), Colorado Revised Statutes, 1991 Repl. Vol., is amended, and the said 12-33-114 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

12-33-114. Renewal of license. (1) ~~Every licensed chiropractor who desires to retain his license shall pay to the board a renewal fee set pursuant to law on or before October 1 of each year; except that the board may change the period of the validity of a license as provided by section 24-34-102 (7), C.R.S. Upon payment of this fee and showing of a certificate of continuing education attendance of fifteen hours by the chiropractor, the board shall issue a renewal license permitting the continued practice of chiropractic and of electrotherapy if previously so licensed.~~ A PERSON LICENSED TO PRACTICE CHIROPRACTIC IN THIS STATE WHO IS ELIGIBLE TO HAVE HIS OR HER LICENSE RENEWED SHALL RECEIVE A RENEWAL LICENSE UPON:

(a) TIMELY SUBMISSION OF A RENEWAL APPLICATION IN A FORM PRESCRIBED BY THE BOARD; AND

(b) PAYMENT OF A RENEWAL FEE ESTABLISHED BY THE BOARD PURSUANT TO SECTIONS 24-34-102 (8) AND 24-34-105, C.R.S.

(1.2) IF A LICENSEE FAILS TO RENEW HIS OR HER LICENSE PRIOR TO ITS EXPIRATION, SUCH LICENSE SHALL AUTOMATICALLY EXPIRE. A CHIROPRACTOR FORMERLY LICENSED IN THIS STATE MAY HAVE AN EXPIRED LICENSE REINSTATED PURSUANT TO RULES ESTABLISHED BY THE BOARD.

(1.3) A RENEWAL FEE PAID PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL NOT BE REFUNDED.

SECTION 6. Part 1 of article 33 of title 12, Colorado Revised Statutes, 1991 Repl. Vol., is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

12-33-114.5. Change of address - reporting required. EACH PERSON LICENSED UNDER THIS ARTICLE, UPON CHANGING HIS OR HER ADDRESS, SHALL INFORM THE BOARD OF THE THEIR NEW ADDRESS WITHIN THIRTY DAYS AFTER SUCH CHANGE. THE ADDRESS CHANGE SHALL BE REFLECTED ON THE NEXT LICENSE OR RENEWAL CERTIFICATE ISSUED TO THE LICENSEE.

12-33-116.5. Professional liability insurance required. (1) IT IS UNLAWFUL FOR ANY PERSON TO PRACTICE CHIROPRACTIC WITHIN THIS STATE UNLESS SUCH PERSON PURCHASES AND MAINTAINS PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT NOT LESS THAN ONE HUNDRED THOUSAND DOLLARS PER CLAIM WITH AN AGGREGATE LIABILITY LIMIT FOR ALL CLAIMS DURING THE YEAR OF THREE HUNDRED THOUSAND DOLLARS.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE BOARD MAY BY RULE EXEMPT OR ESTABLISH LESSER LIABILITY INSURANCE REQUIREMENTS FOR ANY CLASS OF LICENSEE WHICH:

(a) PRACTICES CHIROPRACTIC AS EMPLOYEES OF THE UNITED STATES GOVERNMENT;

(b) RENDERS LIMITED OR OCCASIONAL CHIROPRACTIC SERVICES;

(c) PERFORMS LESS THAN FULL-TIME ACTIVE CHIROPRACTIC SERVICES BECAUSE OF ADMINISTRATIVE OR OTHER NONCLINICAL DUTIES OF PARTIAL OR COMPLETE RETIREMENT;

(d) PROVIDES UNCOMPENSATED CHIROPRACTIC CARE TO PATIENTS BUT DOES NOT OTHERWISE PROVIDE COMPENSATED CHIROPRACTIC CARE TO PATIENTS; OR

(e) PRACTICES CHIROPRACTIC IN SUCH A MANNER THAT RENDERS THE AMOUNTS PROVIDED IN SUBSECTION (1) OF THIS SECTION UNREASONABLE OR UNATTAINABLE.

SECTION 7. The introductory portion to 12-33-117 (1) and 12-33-117 (1) (a), (1) (b), (1) (c), (1) (e), (1) (j), (1) (k), (1) (l), (2), and (4), Colorado Revised Statutes, 1991 Repl. Vol., are amended, and the said 12-33-117 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

12-33-117. Discipline of licensees - letters of admonition, suspension, revocation, denial, and probation - grounds. (1) ~~The board may refuse, suspend, or revoke a license, including but not limited to a license under section 12-33-113, to practice chiropractic or electrotherapy by chiropractors for any of the following causes~~ UPON ANY OF THE FOLLOWING GROUNDS, THE BOARD MAY ISSUE A LETTER OF ADMONITION TO A LICENSEE OR MAY REVOKE, SUSPEND, DENY, REFUSE TO RENEW, OR IMPOSE CONDITIONS ON SUCH LICENSEE'S LICENSE:

(a) USING fraud, MISREPRESENTATION, or deceit in applying for, SECURING, RENEWING, OR SEEKING REINSTATEMENT OF a license or in taking an examination provided for in this article;

(b) ~~Unprofessional, incompetent, or negligent conduct~~ AN ACT OR OMISSION THAT

CONSTITUTES NEGLIGENT CHIROPRACTIC PRACTICE OR FAILS TO MEET GENERALLY ACCEPTED STANDARDS OF CHIROPRACTIC PRACTICE;

(c) Conviction of a felony or ANY CRIME THAT WOULD CONSTITUTE A VIOLATION OF THIS ARTICLE. FOR PURPOSES OF THIS SUBSECTION (1), "CONVICTION" INCLUDES the acceptance of a guilty plea or a plea of nolo contendere ~~to a felony~~ OR THE IMPOSITION OF A DEFERRED SENTENCE.

(e) ~~Habitual intemperance in the use of alcoholic liquors~~ ADDICTION TO OR DEPENDENCE ON ALCOHOL OR HABIT-FORMING DRUGS OR HABITUAL USE OF CONTROLLED SUBSTANCES, AS DEFINED IN SECTION 12-22-303 (7), OR OTHER DRUGS HAVING SIMILAR EFFECTS;

(j) Failure to report malpractice judgments or settlements within ~~thirty~~ SIXTY days;

(k) Violation of abuse of health insurance pursuant to section 18-13-119, C.R.S., OR COMMISSION OF A FRAUDULENT INSURANCE ACT, AS DEFINED IN SECTION 10-1-127, C.R.S.;

(l) ~~Treatment of~~ TREATING a patient by colonic irrigation OR ALLOWING COLONIC IRRIGATION TO BE PERFORMED AT THE LICENSEE'S PREMISES;

~~(2) For the purpose of this article, any one of the following acts by a licensed chiropractor is declared to constitute unprofessional conduct:~~

~~(a)~~ (m) Practicing ~~while license is~~ WITH A suspended OR EXPIRED LICENSE;

~~(b)~~ (n) Willfully deceiving or attempting to deceive the board of examiners or their agents with reference to any matter under investigation by the board;

~~(c)~~ (o) Practicing under an assumed name;

~~(d)~~ (p) Unethical advertising, as defined in subsection (3) of this section, OR ADVERTISING THROUGH ANY MEDIUM THAT THE LICENSEE WILL PERFORM AN ACT PROHIBITED BY SECTION 18-13-119 (3), C.R.S.;

~~(e)~~ Repealed, L. 79, p. 495, § 18, effective July 1, 1979.

~~(f)~~ (q) Violating this article or aiding any person to violate this article;

~~(g)~~ (r) Knowingly practicing in the employment of or in association with any person who is practicing in an unlawful or unprofessional manner;

~~(h)~~ Repealed, L. 85, p. 511, § 10, effective July 1, 1985.

~~(i)~~ (s) ~~Either directly or indirectly paying or compensating or agreeing to pay or compensate any person, firm, association, or corporation for sending or bringing any patient or any person to such licentiate for examination or treatment, for recommending such licentiate to any person, or for being instrumental in causing any other licentiate to rebate fees on a referral basis;~~ OFFERING, GIVING, OR RECEIVING COMMISSIONS, REBATES, OR OTHER FORMS OF REMUNERATION FOR THE REFERRAL OF

CLIENTS; EXCEPT THAT A LICENSEE MAY COMPENSATE AN INDEPENDENT ADVISORY OR MARKETING AGENT FOR ADVERTISING OR MARKETING SERVICES, WHICH SERVICES MAY INCLUDE THE REFERRAL OF PATIENTS IDENTIFIED THROUGH SUCH SERVICES, AND A LICENSEE MAY GIVE AN INCIDENTAL GIFT TO A PATIENT IN APPRECIATION FOR A REFERRAL.

~~(j)~~ (t) Conducting any enterprise other than the regular practice of chiropractic whereby the holder's license is used as a means of attracting patients or attaining prestige or patronage in the conduct of such enterprise;

~~(k)~~ (u) Permitting the practice of chiropractic, ~~or~~ the holding out of such practice, or the maintenance of an office for such by an unlicensed person in association with himself OR HERSELF;

~~(l) Advertising through newspapers, magazines, circulars, direct mail, directories, radio, television, or otherwise that the licensee will perform any act prohibited by section 18-13-119 (3), C.R.S.;~~

~~(m)~~ (v) Engaging in any of the following activities and practices: Willful and repeated ordering or performance, without clinical justification, of demonstrably unnecessary laboratory tests or studies; the administration, without clinical justification, of treatment which is demonstrably unnecessary; the failure to obtain consultations or perform referrals when failing to do so is not consistent with the standard of care for the profession; or ordering or performing, without clinical justification, any service, X-ray, or treatment which is contrary to recognized standards of the practice of chiropractic as interpreted by the board;

~~(n)~~ (w) Falsifying or repeatedly making incorrect essential entries or repeatedly failing to make essential entries on patient records;

~~(o) Committing a fraudulent insurance act, as defined in section 10-1-127, C.R.S.;~~

~~(p)~~ (x) Violating the provisions of section 8-42-101 (3.6), C.R.S.;

~~(q)~~ (y) ~~Any violation of the provisions of~~ VIOLATING section 12-33-202 or any rule ~~or regulation of the board~~ adopted pursuant to said section;

(z) FAILING TO REPORT TO THE BOARD THE SURRENDER OF A LICENSE TO, OR ADVERSE ACTION TAKEN AGAINST A LICENSE BY, A LICENSING AGENCY IN ANOTHER STATE, TERRITORY, OR COUNTRY, A GOVERNMENTAL AGENCY, A LAW ENFORCEMENT AGENCY, OR A COURT FOR ACTS OR CONDUCT THAT WOULD CONSTITUTE GROUNDS FOR DISCIPLINE PURSUANT TO THIS ARTICLE;

(aa) ENGAGING IN A SEXUAL ACT WITH A PATIENT DURING THE COURSE OF SUCH PATIENT'S CARE OR WITHIN SIX MONTHS IMMEDIATELY FOLLOWING THE TERMINATION OF THE CHIROPRACTOR'S PROFESSIONAL RELATIONSHIP WITH THE PATIENT. "SEXUAL ACT", AS USED IN THIS PARAGRAPH (aa), MEANS SEXUAL CONTACT, SEXUAL INTRUSION, OR SEXUAL PENETRATION, AS DEFINED IN SECTION 18-3-401, C.R.S.

(bb) ABANDONING A PATIENT BY ANY MEANS, INCLUDING, BUT NOT LIMITED TO, FAILING TO PROVIDE A REFERRAL TO ANOTHER CHIROPRACTOR OR OTHER

APPROPRIATE HEALTH CARE PRACTITIONER WHEN SUCH REFERRAL WAS NECESSARY TO MEET GENERALLY ACCEPTED STANDARDS OF CHIROPRACTIC CARE;

(cc) FAILING TO PROVIDE ADEQUATE OR PROPER SUPERVISION WHEN EMPLOYING UNLICENSED PERSONS IN A CHIROPRACTIC PRACTICE;

(2) DISCIPLINARY ACTION TAKEN AGAINST A LICENSEE'S ABILITY TO PRACTICE IN ANOTHER STATE OR COUNTRY SHALL BE PRIMA FACIE EVIDENCE OF A VIOLATION OF THIS ARTICLE AND SHALL CONSTITUTE GROUNDS FOR DISCIPLINE IF THE ACTS GIVING RISE TO SUCH DISCIPLINARY ACTION WOULD VIOLATE THIS ARTICLE IF COMMITTED IN THIS STATE.

(4) ~~(a)~~ Any doctor of chiropractic proven to be incompetent or negligent ~~shall~~ MAY be required to take an examination, given by the board, in the subjects outlined in section 12-33-111. In addition, the board may ~~also~~ order the doctor of chiropractic to take such therapy or courses of training or education as may be needed to correct deficiencies found in the hearing.

~~(b) In addition to the provisions of subsections (1), (2), and (3) of this section, incompetent, negligent, or unprofessional conduct consists of two or more acts or omissions within a twenty-year period which fail to meet generally accepted standards of chiropractic practice.~~

SECTION 8. Part 1 of article 33 of title 12, Colorado Revised Statutes, 1991 Repl. Vol., is amended BY THE ADDITION OF A NEW SECTION to read:

12-33-117.5. Mental and physical examination of licensees. (1) IF THE BOARD HAS REASONABLE CAUSE TO BELIEVE A LICENSEE IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY, IT MAY REQUIRE SUCH LICENSEE TO TAKE A MENTAL OR PHYSICAL EXAMINATION GIVEN BY A PHYSICIAN OR OTHER QUALIFIED PROVIDER DESIGNATED BY THE BOARD. IF THE LICENSEE REFUSES TO UNDERGO SUCH EXAMINATION OR TO RELEASE ALL MEDICAL RECORDS NECESSARY TO DETERMINE HIS OR HER ABILITY TO PRACTICE SAFELY, UNLESS SUCH REFUSAL OR FAILURE IS DUE TO CIRCUMSTANCES BEYOND THE LICENSEE'S CONTROL, THE BOARD MAY SUSPEND SUCH LICENSEE'S LICENSE UNTIL THE RESULTS OF SUCH EXAMINATION ARE KNOWN AND THE BOARD HAS MADE A DETERMINATION OF THE LICENSEE'S FITNESS TO PRACTICE. THE BOARD SHALL PROCEED WITH AN ORDER FOR EXAMINATION AND MAKE ITS DETERMINATION IN A TIMELY MANNER.

(2) AN ORDER FOR EXAMINATION ISSUED BY THE BOARD PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE THE BOARD'S REASONS FOR BELIEVING THE LICENSEE IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY.

(3) FOR PURPOSES OF ANY DISCIPLINARY PROCEEDING AUTHORIZED UNDER THIS ARTICLE, A LICENSEE SHALL BE DEEMED TO HAVE WAIVED ALL OBJECTIONS TO THE ADMISSIBILITY OF AN EXAMINING PHYSICIAN'S TESTIMONY AND EXAMINATION REPORTS ON THE BASIS OF PRIVILEGE.

(4) A LICENSEE MAY SUBMIT TO THE BOARD TESTIMONY AND EXAMINATION REPORTS RECEIVED FROM A PHYSICIAN CHOSEN BY THE LICENSEE, IF SUCH TESTIMONY AND REPORTS PERTAIN TO A CONDITION THAT THE BOARD HAS ALLEGED MAY

PRECLUDE THE LICENSEE FROM PRACTICING WITH REASONABLE SKILL AND SAFETY.

(5) THE RESULTS OF A MENTAL OR PHYSICAL EXAMINATION ORDERED BY THE BOARD SHALL NOT BE USED AS EVIDENCE IN ANY PROCEEDING OTHER THAN ONE HELD BEFORE THE BOARD AND SHALL NOT BE A PUBLIC RECORD NOR MADE AVAILABLE TO THE PUBLIC.

SECTION 9. 12-33-119 (9), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-33-119. Disciplinary proceedings. (9) When a complaint or an investigation discloses an instance of misconduct which, in the opinion of the board, does not warrant formal action by the board but which should not be dismissed as being without merit, a letter of admonition may be sent by certified mail to the chiropractor against whom a THE complaint was made and A copy thereof ALSO SENT to the person making the complaint. ~~but~~ When a letter of admonition is sent by certified mail by the board to a chiropractor complained against, such chiropractor shall be advised that he OR SHE has the right to request in writing, within ~~twenty~~ THIRTY days after ~~proven receipt of~~ MAILING the letter, that formal disciplinary proceedings be initiated ~~against him~~ to adjudicate the propriety of the conduct upon which the letter of admonition is based. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal disciplinary proceedings.

SECTION 10. Part 1 of article 33 of title 12, Colorado Revised Statutes, 1991 Repl. Vol., is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

12-33-119.2. Cease and desist orders - fines. (1) IF AFTER INVESTIGATING A COMPLAINT THE BOARD DETERMINES THAT A PERSON IS ACTING OR HAS ACTED IN VIOLATION OF THIS ARTICLE OR OF ANY RULE ADOPTED UNDER THIS ARTICLE, IT MAY, IN ADDITION TO ALL OTHER ACTIONS AUTHORIZED IN THIS ARTICLE, ENTER AN ORDER WITHOUT PREJUDICE REQUIRING SUCH PERSON TO CEASE AND DESIST FROM SUCH VIOLATION. SUCH ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS IMMEDIATELY CEASE.

(2) NO STAY OF A CEASE AND DESIST ORDER SHALL BE ISSUED BEFORE A HEARING HAS BEEN HELD AT WHICH BOTH PARTIES HAVE HAD AN OPPORTUNITY TO APPEAR.

(3) MATTERS BROUGHT BEFORE A COURT PURSUANT TO THIS SECTION SHALL HAVE PREFERENCE OVER OTHER MATTERS ON THE COURT'S CALENDAR.

12-33-125. Reporting requirements. A PERSON LICENSED TO PRACTICE CHIROPRACTIC IN THIS STATE SHALL REPORT TO THE BOARD ANY CHIROPRACTOR KNOWN OR BELIEVED TO HAVE VIOLATED THIS ARTICLE.

12-33-126. Confidentiality - exceptions. (1) A LICENSEE SHALL NOT DISCLOSE CONFIDENTIAL COMMUNICATIONS MADE BETWEEN SUCH LICENSEE AND A PATIENT IN THE COURSE OF SUCH LICENSEE'S PROFESSIONAL EMPLOYMENT UNLESS SUCH PATIENT GIVES HIS OR HER CONSENT PRIOR TO THE DISCLOSURE. AN EMPLOYEE OR ASSOCIATE

OF A LICENSEE SHALL NOT DISCLOSE ANY KNOWLEDGE OF CONFIDENTIAL COMMUNICATIONS ACQUIRED IN HIS OR HER CAPACITY AS AN EMPLOYEE OR ASSOCIATE, UNLESS A PATIENT GIVES HIS OR HER CONSENT PRIOR TO THE DISCLOSURE.

(2) SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY WHEN:

(a) A PATIENT OR AN HEIR, EXECUTOR, OR ADMINISTRATOR OF A PATIENT FILES A COMPLAINT OR SUIT AGAINST A LICENSEE WITH RESPECT TO ANY CAUSE OF ACTION ARISING OUT OF OR CONNECTED WITH:

(I) THE CARE OR TREATMENT OF SUCH PATIENT BY SUCH LICENSEE; OR

(II) THE CONSULTATION BY SUCH LICENSEE WITH ANOTHER HEALTH CARE PRACTITIONER WHO PROVIDED CARE OR TREATMENT TO THE PATIENT.

(b) A REVIEW OF THE SERVICES OF A LICENSEE IS CONDUCTED BY:

(I) THE BOARD, OR A PERSON OR GROUP AUTHORIZED BY THE BOARD;

(II) THE GOVERNING BOARD OF A HOSPITAL WHERE SAID LICENSEE PRACTICES, WHICH HOSPITAL IS LICENSED PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 25, C.R.S., OR THE MEDICAL STAFF OF SUCH HOSPITAL IF SAID STAFF OPERATES PURSUANT TO WRITTEN BYLAWS APPROVED BY THE GOVERNING BOARD OF THE HOSPITAL; OR

(III) A PROFESSIONAL REVIEW COMMITTEE ESTABLISHED PURSUANT TO SECTION 12-33-119.1, IF THE LICENSEE HAS SIGNED A RELEASE AUTHORIZING SUCH REVIEW.

(3) THE RECORDS AND INFORMATION PRODUCED AND USED IN A REVIEW DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION SHALL NOT BECOME PUBLIC RECORDS SOLELY BECAUSE OF THE USE OF SUCH RECORDS AND INFORMATION IN SUCH REVIEW, AND THE IDENTITY OF A PATIENT WHOSE RECORDS ARE REVIEWED PURSUANT TO SAID PARAGRAPH (b) SHALL NOT BE DISCLOSED TO ANY PERSON NOT DIRECTLY INVOLVED IN THE REVIEW PROCESS. THE BOARD SHALL ADOPT PROCEDURES TO ENSURE THAT THE IDENTITY OF PATIENTS REMAINS CONFIDENTIAL DURING THE REVIEW PROCESS.

(4) NOTHING IN THIS SECTION SHALL BE DEEMED TO PROHIBIT ANY DISCLOSURE REQUIRED BY LAW.

SECTION 11. 12-33-103 (3) (b), Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-33-103. State board of chiropractic examiners - subject to termination - repeal of article. (3) (b) This article is repealed, effective ~~July 1, 1995~~ JULY 1, 2010.

SECTION 12. 24-34-104 (24) (a), Colorado Revised Statutes, 1991 Repl. Vol., is amended, and the said 24-34-104, as amended, is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-34-104. General assembly review of regulatory agencies and functions for

termination, continuation, or reestablishment. (24) The following boards in the division of registrations shall terminate on July 1, 1995:

(a) ~~The Colorado state board of chiropractic examiners, created by article 33 of title 12, C.R.S.;~~

(36) THE FOLLOWING BOARDS AND FUNCTIONS SHALL TERMINATE ON JULY 1, 2010:
THE COLORADO STATE BOARD OF CHIROPRACTIC EXAMINERS, CREATED BY ARTICLE 33 OF TITLE 12, C.R.S.

SECTION 13. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the fiscal year beginning July 1, 1995, the sum of sixty thousand eight hundred sixty-nine dollars (\$60,869), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 1995, the sum of thirty thousand eight hundred twelve dollars (\$30,812), or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies for the purposes of this act. Said sum shall be from cash funds received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section.

(3) In addition to any other appropriation, there is hereby appropriated, to the department of administration, for allocation to the division of administrative hearings, for the fiscal year beginning July 1, 1995, the sum of fifteen thousand two hundred sixty-five dollars (\$15,265), or so much thereof as may be necessary, for the provision of administrative law judge services to the department of regulatory agencies for the purposes of this act. Said sum shall be from cash funds received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section.

SECTION 14. Effective date - applicability. This act shall take effect July 1, 1995, and shall apply to acts occurring on or after said date.

SECTION 15. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 5, 1995