

CHAPTER 253

PROFESSIONS AND OCCUPATIONS

SENATE BILL 03-050

BY SENATOR(S) Takis, Anderson, Taylor, Tupa, and Groff;
also REPRESENTATIVE(S) Williams T., Coleman, Vigil, White, and Stafford.

AN ACT

CONCERNING THE IMPLEMENTATION OF A QUESTIONNAIRE BY THE STATE BOARD OF NURSING FOR THE PURPOSES OF RENEWING NURSING LICENSES, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 12-38-111, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-38-111. Requirements for professional nurse licensure. (3) THE BOARD SHALL DESIGN A QUESTIONNAIRE TO BE SENT TO ALL LICENSEES WHO APPLY FOR LICENSE RENEWAL. EACH APPLICANT FOR LICENSE RENEWAL SHALL COMPLETE THE BOARD-DESIGNED QUESTIONNAIRE. THE PURPOSE OF THE QUESTIONNAIRE IS TO DETERMINE WHETHER A LICENSEE HAS ACTED IN VIOLATION OF THIS ARTICLE OR BEEN DISCIPLINED FOR ANY ACTION THAT MIGHT BE CONSIDERED A VIOLATION OF THIS ARTICLE OR MIGHT MAKE THE LICENSEE UNFIT TO PRACTICE NURSING WITH REASONABLE CARE AND SAFETY. IF AN APPLICANT FAILS TO ANSWER THE QUESTIONNAIRE ACCURATELY, SUCH FAILURE SHALL CONSTITUTE GROUNDS FOR DISCIPLINE UNDER SECTION 12-38-117 (1) (v). THE BOARD MAY INCLUDE THE COST OF DEVELOPING AND REVIEWING THE QUESTIONNAIRE IN THE FEE PAID UNDER PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION. THE BOARD MAY REFUSE AN APPLICATION FOR LICENSE RENEWAL THAT DOES NOT ACCOMPANY AN ACCURATELY COMPLETED QUESTIONNAIRE.

SECTION 2. 12-38-112, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-38-112. Requirements for practical nurse licensure. (3) THE BOARD SHALL DESIGN A QUESTIONNAIRE TO BE SENT TO ALL LICENSED PRACTICAL NURSES WHO APPLY FOR LICENSE RENEWAL. EACH APPLICANT FOR LICENSE RENEWAL SHALL

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

COMPLETE THE BOARD-DESIGNED QUESTIONNAIRE. THE PURPOSE OF THE QUESTIONNAIRE IS TO DETERMINE WHETHER A LICENSEE HAS ACTED IN VIOLATION OF THIS ARTICLE OR BEEN DISCIPLINED FOR ANY ACTION THAT MIGHT BE CONSIDERED A VIOLATION OF THIS ARTICLE OR MIGHT MAKE THE LICENSEE UNFIT TO PRACTICE NURSING WITH REASONABLE CARE AND SAFETY. IF AN APPLICANT FAILS TO ANSWER THE QUESTIONNAIRE ACCURATELY, SUCH FAILURE SHALL CONSTITUTE GROUNDS FOR DISCIPLINE UNDER SECTION 12-38-117 (1) (v). THE BOARD MAY INCLUDE THE COST OF DEVELOPING AND REVIEWING THE QUESTIONNAIRE IN THE FEE PAID UNDER PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION. THE BOARD MAY REFUSE AN APPLICATION FOR LICENSE RENEWAL THAT DOES NOT ACCOMPANY AN ACCURATELY COMPLETED QUESTIONNAIRE.

SECTION 3. 12-38-112.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-38-112.5. Retired volunteer nurse licensure. (8) THE BOARD SHALL DESIGN A QUESTIONNAIRE TO BE SENT TO ALL RETIRED VOLUNTEER NURSES WHO APPLY FOR LICENSE RENEWAL. EACH APPLICANT FOR LICENSE RENEWAL SHALL COMPLETE THE BOARD-DESIGNED QUESTIONNAIRE. THE PURPOSE OF THE QUESTIONNAIRE IS TO DETERMINE WHETHER A LICENSEE HAS ACTED IN VIOLATION OF THIS ARTICLE OR BEEN DISCIPLINED FOR ANY ACTION THAT MIGHT BE CONSIDERED A VIOLATION OF THIS ARTICLE OR MIGHT MAKE THE LICENSEE UNFIT TO PRACTICE NURSING WITH REASONABLE CARE AND SAFETY. IF AN APPLICANT FAILS TO ANSWER THE QUESTIONNAIRE ACCURATELY, SUCH FAILURE SHALL CONSTITUTE GROUNDS FOR DISCIPLINE UNDER SECTION 12-38-117 (1) (v). THE BOARD MAY INCLUDE THE COST OF DEVELOPING AND REVIEWING THE QUESTIONNAIRE IN THE FEE PAID UNDER SUBSECTION (7) OF THIS SECTION. THE BOARD MAY REFUSE AN APPLICATION FOR LICENSE RENEWAL THAT DOES NOT ACCOMPANY AN ACCURATELY COMPLETED QUESTIONNAIRE.

SECTION 4. 12-38-117 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-38-117. Grounds for discipline. (1) "Grounds for discipline", as used in this article, means any action by any person who:

(v) HAS NEGLIGENTLY OR WILLFULLY FAILED TO ACCURATELY COMPLETE AND SUBMIT TO THE BOARD THE DESIGNATED QUESTIONNAIRE UPON RENEWAL OF A LICENSE PURSUANT TO SECTION 12-38-111 (3), 12-38-112 (3), OR 12-38-112.5 (8).

SECTION 5. 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 the fiscal year beginning July 1, 2003, the sum of two hundred ninety-five thousand eight hundred ninety-two dollars (\$295,892) and 3.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, one hundred seventy-six thousand two hundred ninety-two dollars (\$176,292) and 3.0 FTE is for allocation to the division of registrations, and one hundred nineteen thousand six hundred dollars (\$119,600) is for allocation to the executive director's office for the purchase of legal services.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2003, the sum of one hundred nineteen thousand six hundred dollars (\$119,600), or so much thereof as may be necessary, for the provision of legal services to the division of registrations related to the implementation of this act. Such sum shall be from cash funds exempt received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section.

SECTION 6. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to licenses issued pursuant to article 38 of title 12, Colorado Revised Statutes, on or after the applicable effective date of this act.

Approved: May 14, 2003