

CHAPTER 84

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 03-1192

BY REPRESENTATIVE(S) Rhodes and Frangas;
also SENATOR(S) Sandoval, Entz, Hanna, and Kester.

AN ACT

**CONCERNING ACTIONS TAKEN BY THE COLORADO STATE BOARD OF CHIROPRACTIC EXAMINERS THAT
AFFECT A CHIROPRACTOR'S LICENSING STATUS.**

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

SECTION 1. 12-33-117 (1) (d), (1) (e), and (1) (w), Colorado Revised Statutes, 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) 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:

(d) ~~Addiction to the~~ HABITUAL INTEMPERANCE OR EXCESSIVE use of a controlled substance, as defined in section ~~12-22-303 (7)~~ 18-18-102 (5), C.R.S., OR A HABIT-FORMING DRUG, AS DEFINED IN SECTION 12-22-102 (13);

(e) ~~Addiction to or dependence on~~ HABITUAL INTEMPERANCE OR EXCESSIVE USE OF 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;~~

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

(dd) HAVING A PHYSICAL OR MENTAL DISABILITY THAT MAKES HIM OR HER UNABLE TO RENDER CHIROPRACTIC SERVICES WITH REASONABLE SKILL AND SAFETY;

(ee) PERFORMING A PROCEDURE IN THE COURSE OF PATIENT CARE THAT IS BEYOND

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

THE CHIROPRACTOR'S TRAINING OR COMPETENCE OR THE SCOPE OF AUTHORIZED CHIROPRACTIC SERVICES UNDER THIS ARTICLE.

SECTION 2. 12-33-119 (2), (5), and (7), Colorado Revised Statutes, are amended, and the said 12-33-119 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-33-119. Disciplinary proceedings. (2) A proceeding for the discipline of a licensee may be commenced when the board has reasonable grounds to believe that a licensee under the board's jurisdiction has committed ~~acts which~~ AN ACT THAT may violate section 12-33-117.

(5) ~~No~~ A previously issued license to engage in the practice of chiropractic shall NOT be revoked or suspended until after a hearing conducted pursuant to section 24-4-105, C.R.S., ~~except as provided for~~ IN THE CASE OF A DELIBERATE AND WILLFUL VIOLATION OF THIS ARTICLE OR IF THE PUBLIC HEALTH, SAFETY, AND WELFARE REQUIRE emergency ~~situations by~~ ACTION UNDER section 24-4-104 (4), C.R.S. The denial of an application to renew an existing license shall be treated in all respects as a revocation. If an application for a new license is denied, the applicant, within sixty days after the giving of notice of such action, may request a hearing as provided in section 24-4-105, C.R.S.

(7) (a) In order to aid the board in any hearing or investigation instituted pursuant to this section, the board shall have the power to issue subpoenas commanding production of copies of ~~any~~ SUCH records containing information relevant to the practice of chiropractic rendered by any licensee. The person providing such copies shall prepare them from the original record and shall delete from the copy provided pursuant to the subpoena the name of the patient, but he OR SHE shall identify the patient by a numbered code, to be retained by the custodian of the records from which the copies were made.

(b) Upon certification of the custodian that the copies are true and complete except for the patient's name, they shall be deemed authentic, subject to the right to ~~inspect~~ SUBPOENA the originals for the limited purpose of ascertaining the accuracy of the copies. THE ORIGINALS SHALL REMAIN CONFIDENTIAL AND BE RETURNED TO THE CUSTODIAN AS SOON AS THE ACCURACY OF THE COPY IS ASCERTAINED OR AS SOON AS THE CASE IS CONCLUDED IF THE ORIGINAL IS NEEDED AS EVIDENCE OF FALSIFICATION. No privilege of confidentiality shall exist with respect to such copies, and no liability shall lie against the board or the custodian for furnishing or using such copies in accordance with this subsection (7).

(c) A SUBPOENA ISSUED PURSUANT TO THIS SUBSECTION (7) MAY BE ENFORCED BY A DISTRICT COURT OF COMPETENT JURISDICTION.

(10) NOTWITHSTANDING OTHER LAWS TO THE CONTRARY, INVESTIGATIONS, EXAMINATIONS, MEETINGS, AND OTHER PROCEEDINGS OF THE BOARD CONDUCTED PURSUANT TO THIS SECTION ARE NOT REQUIRED TO BE CONDUCTED PUBLICALLY AND MINUTES OF THE BOARD NEED NOT BE OPEN TO PUBLIC INSPECTION; EXCEPT THAT FINAL ACTION OF THE BOARD TAKEN PURSUANT TO THIS SECTION SHALL BE OPEN TO THE PUBLIC.

SECTION 3. 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 acts committed on or after the applicable effective date of this act.

Approved: March 25, 2003