

## CHAPTER 265

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**PROFESSIONS AND OCCUPATIONS**

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**HOUSE BILL 04-1406**

BY REPRESENTATIVE(S) Clapp, Carroll, Cloer, Coleman, Frangas, Garcia, Hefley, Jahn, Johnson R., Miller, Romanoff, Spradley, Stafford, Stengel, and Williams S.;  
also SENATOR(S) Johnson S., Groff, Sandoval, and Veiga.

**AN ACT**

**CONCERNING NOTIFICATION TO THE PUBLIC OF PROFESSIONAL MALPRACTICE JUDGMENTS BY THE STATE BOARD OF MEDICAL EXAMINERS.**

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

**SECTION 1.** 12-36-118 (13), Colorado Revised Statutes, is amended to read:

**12-36-118. Disciplinary action by board - immunity.** (13) Within thirty days after the board takes final action, which is of public record, to revoke or suspend a license or to place a licensee on probation based on competence or professional conduct, the board shall send notice thereof to any hospital in which the licensee has clinical privileges, as indicated by the licensee. THE BOARD SHALL POST ELECTRONICALLY, WITHIN THIRTY DAYS AFTER THE ENTRY OF A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION, NOTICE OF FINAL JUDGMENT IN WHICH IT IS ALLEGED THAT MALPRACTICE OR PROFESSIONAL NEGLIGENCE HAS BEEN COMMITTED BY A LICENSED PHYSICIAN OR PHYSICIAN ASSISTANT AND THE LICENSED PHYSICIAN OR PHYSICIAN ASSISTANT IS FOUND TO HAVE COMMITTED MALPRACTICE OR BE PROFESSIONALLY NEGLIGENT. THE BOARD SHALL ALSO POST ELECTRONICALLY A NOTICE OF FINAL JUDGMENT ENTERED BY A COURT OF COMPETENT JURISDICTION IN ANOTHER STATE AT SUCH TIME AS THE NOTICE IS SUBMITTED TO THE BOARD BY THE LICENSEE OR APPLICANT. THE BOARD SHALL ALSO MAKE AVAILABLE TO THE PUBLIC MALPRACTICE JUDGMENT INFORMATION BY TELEPHONE WITHIN THE SAME TIME PERIODS AS THE INFORMATION IS MADE AVAILABLE TO THE PUBLIC ELECTRONICALLY.

**SECTION 2. 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 (August 4, 2004,

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

if adjournment sine die is on May 5, 2004); 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 final agency action and judgments entered on or after the applicable effective date of this act.

Approved: May 21, 2004