

CHAPTER 378

PROFESSIONS AND OCCUPATIONS

SENATE BILL 04-024

BY SENATOR(S) Teck, Groff, and Nichol;
also REPRESENTATIVE(S) Romanoff and Marshall.

AN ACT

CONCERNING INCREASED CONSISTENCY IN THE REGULATION OF CERTAIN PROFESSIONS BY THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES, AND, IN CONNECTION THEREWITH, ENACTING UNIFORM STATUTORY PROVISIONS GOVERNING THE ISSUANCE OF LETTERS OF ADMONITION, IMMUNITY, RENEWAL AND REINSTATEMENT OF LICENSES, REGISTRATIONS, OR CERTIFICATES, INVESTIGATORY SUBPOENAS, AND DISPOSITION OF FINES COLLECTED.

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

SECTION 1. 12-2-103 (6) (a), Colorado Revised Statutes, is amended to read:

12-2-103. State board of accountancy - subject to termination. (6) (a) ~~Any member of the board, any person acting as a consultant to the board, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article shall be immune from liability in any civil action brought against him or her for acts occurring while acting in his or her capacity as a board member, consultant, witness, or complainant, respectively, if such individual was acting in good faith within the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in the reasonable belief that the action taken by him or her was warranted by the facts.~~ ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE

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

REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 2. 12-2-108 (3), (4), and (5), Colorado Revised Statutes, are amended to read:

12-2-108. Certificate of certified public accountant - issuance - renewal - reinstatement. (3) All certificates shall expire ~~once every two years on a date established by the board but may be renewed in a manner prescribed by the board, which shall include compliance with the continuing education requirements authorized in section 12-2-119 (5) and payment of the renewal fee authorized to be established by the board pursuant to section 24-34-105, C.R.S.~~ PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER CERTIFICATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH CERTIFICATE SHALL EXPIRE. ANY PERSON WHOSE CERTIFICATE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

(4) ~~Any person may reactivate an expired certificate within a two-year grace period after the date of its expiration by making written application for reactivation, complying with the continuing education requirements imposed by the board, and paying a reactivation fee imposed by the board.~~

(5) ~~In the event that a person fails to reactivate the person's certificate within the two-year grace period specified in subsection (4) of this section, a person may reinstate such certificate within four years after the date of the expiration of such grace period by making written application for reinstatement, complying with all continuing education requirements imposed by the board, paying a reinstatement fee, and providing proof to the board of the person's continued professional competence as required by the board. Thereafter, a person shall not be reinstated unless the person fulfills and meets the requirements and conditions required of an applicant applying for the issuance of an original certificate, which requirements shall include either retaking and passing the uniform certified public accountant examination or otherwise satisfying the board of the person's continued competence.~~

SECTION 3. 12-2-123 (3) and (5) (b), Colorado Revised Statutes, are amended to read:

12-2-123. Grounds for disciplinary action - administrative penalties. (3) (a) ~~When a complaint or an investigation discloses an instance of misconduct which, in the opinion of the board, does not warrant formal action but which should not be dismissed as being without merit, the board may send a letter of admonition to the certificate holder. Such letter shall be sent to the certificant by certified mail,~~

~~with a copy to the complainant, and shall advise such certificant that he may, within twenty days after proven receipt of the letter, make a written request to the board to institute a formal hearing pursuant to section 12-2-125 to determine the propriety of the alleged misconduct. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal proceedings.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE CERTIFICATE HOLDER.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A CERTIFICATE HOLDER, SUCH CERTIFICATE HOLDER SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS RECEIPT OF THE LETTER THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(5) (b) All fines collected pursuant to this subsection (5) shall be ~~credited~~ TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS TO THE general fund.

SECTION 4. 12-2-125 (4), Colorado Revised Statutes, is amended, and the said 12-2-125 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-2-125. Hearings before board - notice - procedure - review. (4) ~~The board or any member thereof may issue subpoenas pursuant to investigation, or hearing to compel the attendance of witnesses and the production of documents and may administer oaths, take testimony, hear proofs, and receive exhibits in evidence.~~ THE BOARD OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(4.5) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE BOARD OR DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT

OF COURT.

SECTION 5. 12-2-126 (1) (a), Colorado Revised Statutes, is amended, and the said 12-2-126 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-2-126. Investigations, examinations, and cease and desist orders against unlawful act. (1) (a) (I) The board, on its own motion based on reasonable grounds or on the signed, written complaint of any person, may investigate any person who has engaged, is engaging, or threatens to engage in any act or practice which THAT constitutes a violation of any provision of this article. The board or any member thereof may ~~issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proofs, and receive exhibits in evidence in connection with any investigation under this section. In case of disobedience to a subpoena, the board may invoke the aid of any court of this state in requiring the attendance and testimony of witnesses and the production of documentary evidence~~ ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(II) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE BOARD OR DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

(5) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 6. 12-4-104 (3), Colorado Revised Statutes, is amended to read:

12-4-104. Board - powers. (3) (a) ~~The board or the administrative law judge may issue a subpoena compelling the attendance and testimony of witnesses and the production of books, papers, and records pursuant to an investigation or a hearing by the board. Any subpoena issued shall be served in the manner provided in the Colorado rules of civil procedure. If any person refuses to obey any subpoena so issued or to testify or produce any books, papers, or documents, the board may petition the district court having jurisdiction, setting forth the facts, and thereupon such district court, in a proper case, shall issue its subpoena. Failure to obey the court's subpoena shall constitute contempt of court and shall be punished as provided~~

~~for in the Colorado rules of civil procedure. The board may direct the program administrator to sign any subpoena which has been authorized and issued on its behalf.~~ THE BOARD OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE BOARD OR DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

SECTION 7. 12-4-104.5, Colorado Revised Statutes, is amended to read:

~~**12-4-104.5. Immunity.** Any member of the board, any person acting as a consultant to the board, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article shall be immune from liability in any civil action brought against him for acts occurring while acting in his capacity as board member, consultant, witness, or complainant, respectively, if such individual was acting in good faith within the scope of his respective capacity, made a reasonable effort to obtain the facts of the matter as to which he acted, and acted in the reasonable belief that the action taken by him was warranted by the facts.~~ ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 8. 12-4-108 (2), Colorado Revised Statutes, is amended to read:

~~**12-4-108. License renewal - expiration - reinstatement.** (2) The license of any architect who fails to pay the license renewal fee shall expire. An expired license~~

~~may be renewed within six months after expiration, upon payment of all fees in arrears; thereafter, the board shall require payment of a reinstatement fee established pursuant to section 24-34-105, C.R.S., and may require reexamination, unless the architect has maintained an active architectural practice in another jurisdiction or otherwise satisfies the board of the architect's continued competence~~ SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION 9. 12-4-111 (3) (b) and (5) (b), Colorado Revised Statutes, are amended, and the said 12-4-111 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-4-111. Discipline. (3) (b) (I) ~~The board may issue a letter of admonition to a licensee without conducting a hearing as specified in paragraph (a) of this subsection (3). Such letter shall be sent to the licensee by certified mail and shall advise him that he may, within twenty days after receipt of the letter, make a written request to the board to institute formal disciplinary proceedings as provided in paragraph (a) of this subsection (3) in order to formally adjudicate the conduct or acts on which the letter was based.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(II) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(III) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(5) **Fines.** (b) All fines collected pursuant to this section shall be ~~credited~~ TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS TO THE general fund.

(8) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 10. 12-5.5-103 (2), Colorado Revised Statutes, is amended to read:

12-5.5-103. Registration procedure - renewal - reinstatement. (2) ~~All certificates issued under this section shall expire on December 31 following the date of issuance, but may be renewed by payment of the renewal fee established by the director pursuant to section 24-34-105, C.R.S., and continued compliance with the provisions of this part 1. A registration that has expired may be reinstated within two years after such expiration upon payment of the appropriate renewal fee if the applicant meets all other requirements of this part 1.~~ ALL REGISTRATIONS SHALL EXPIRE PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER REGISTRATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH REGISTRATION SHALL EXPIRE. ANY PERSON WHOSE REGISTRATION HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION 11. 12-5.5-105 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-5.5-105. Grounds for discipline - disciplinary actions. (1) (c) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 12. 12-5.5-105 (3), Colorado Revised Statutes, is amended to read:

12-5.5-105. Grounds for discipline - disciplinary actions. (3) (a) ~~When a complaint or investigation discloses an instance of misconduct that in the opinion of the director does not warrant formal action but should not be dismissed as being without merit, the director may send a letter of admonition by certified mail return receipt requested, to the registrant who is the subject of the complaint or investigation, and a copy thereof to any person making such complaint. Such letter shall advise the registrant of his or her right to request in writing, within twenty days after proven receipt that formal disciplinary proceedings be initiated 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.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE REGISTRANT.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A REGISTRANT, SUCH REGISTRANT SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION 13. 12-5.5-106 (3), Colorado Revised Statutes, is amended to read:

12-5.5-106. Director - powers - duties. (3) (a) ~~The director or the administrative law judge appointed for a hearing under this part 1 may issue a subpoena compelling the attendance and testimony of witnesses and the production of books, papers, or records. The director may also issue a subpoena compelling the testimony of witnesses and the production of books, papers, or records for investigation purposes. Any such subpoena shall be served in the same manner as subpoenas issued by district courts.~~ THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE DIRECTOR PURSUANT TO THIS PART 1. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE DIRECTOR.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR REGISTRANT RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR REGISTRANT, MAY ISSUE TO THE PERSON OR REGISTRANT AN ORDER REQUIRING THAT PERSON OR REGISTRANT TO APPEAR BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

SECTION 14. Part 1 of article 5.5 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-5.5-108. Immunity. THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS PART 1, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS PART 1 SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS PART 1 SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 15. 12-5.5-203 (2), Colorado Revised Statutes, is amended to read:

12-5.5-203. Registration procedure - renewal - reinstatement. (2) ~~All certificates issued under this section shall expire on December 31 following the date of issuance, but may be renewed by payment of a renewal fee established by the director pursuant to section 24-34-105, C.R.S., and continued compliance with the provisions of this part 2. A registration that has expired may be reinstated within two years after such expiration upon payment of the appropriate renewal fee if the applicant meets all other requirements of this part 2.~~ ALL REGISTRATIONS SHALL EXPIRE PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER REGISTRATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH REGISTRATION SHALL EXPIRE. ANY PERSON WHOSE REGISTRATION HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION 16. 12-5.5-205 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-5.5-205. Grounds for discipline - disciplinary actions. (1) (c) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 17. 12-5.5-205 (3), Colorado Revised Statutes, is amended to read:

12-5.5-205. Grounds for discipline - disciplinary action. (3) (a) ~~When a complaint or investigation discloses an instance of misconduct that in the opinion of the director does not warrant formal action but should not be dismissed as being without merit, the director may send a letter of admonition by certified mail return receipt requested, to the registrant who is the subject of the complaint or investigation, and a copy thereof to any person making such complaint. Such letter shall advise the registrant of his or her right to request in writing, within twenty days after proven receipt, that formal disciplinary proceedings be initiated 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.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE REGISTRANT.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A REGISTRANT, SUCH REGISTRANT SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION 18. 12-5.5-206 (3), Colorado Revised Statutes, is amended to read:

12-5.5-206. Director - powers - duties. (3) (a) ~~The director or the administrative law judge appointed for a hearing under this part 2 may issue a subpoena compelling the attendance and testimony of witnesses and the production of books, papers, or records. The director may also issue a subpoena compelling the testimony of witnesses and the production of books, papers, or records for investigation purposes. Any such subpoena shall be served in the same manner as subpoenas issued by district courts.~~ THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE DIRECTOR PURSUANT TO THIS PART 2. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE DIRECTOR.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR REGISTRANT RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR REGISTRANT, MAY ISSUE TO THE PERSON OR REGISTRANT AN ORDER REQUIRING THAT PERSON OR REGISTRANT TO APPEAR BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

SECTION 19. Part 2 of article 5.5 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-5.5-206.5. Immunity. THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS PART 2, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS PART 2 SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS PART 2 SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 20. 12-8-108 (1) (f) and (1) (h), Colorado Revised Statutes, are amended to read:

12-8-108. Powers and duties of the director - advisory committee - repeal.

(1) The director has the following powers and duties:

(f) (I) To investigate, upon written complaint, all suspected or alleged violations of this article and to enter premises in which violations are alleged to have occurred during business hours, ~~and through the director's designated agents, to subpoena such books, records, or documents as the director deems necessary for a complete investigation of any suspected or alleged violation of this article and to compel the attendance of witnesses and the giving of testimony and documents for any proceeding conducted by the director pursuant to such investigation;~~

(II) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE DIRECTOR PURSUANT TO THIS ARTICLE. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE DIRECTOR.

(III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

(h) (I) To send letters of admonition, when ~~a written complaint or an investigation discloses a violation of this article that, in the opinion of the director, does not warrant formal action but that should not be dismissed as being without merit, and such letter of admonition shall be sent to the person against whom the written complaint was made by certified mail, and a copy thereof to the person making the written complaint, but such person complained against shall be advised that such person has the right to request in writing, within twenty days after proven receipt of the letter, that formal disciplinary proceedings be initiated against him or her 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~~ A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(II) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(III) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION 21. 12-8-115, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

12-8-115. Renewal and reinstatement of license. ALL LICENSES SHALL EXPIRE PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION 22. 12-8-127 (4), Colorado Revised Statutes, is amended to read:

12-8-127. Penalty. (4) All fines collected pursuant to this article shall be credited TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS to the general fund.

SECTION 23. 12-8-129.1, Colorado Revised Statutes, is amended to read:

12-8-129.1. Immunity. ~~Any person acting as a consultant to the director, any witness testifying in a proceeding authorized under this article, and any person who lodges a written complaint pursuant to this article shall be immune from liability in any civil action brought against such person for acts occurring while acting in his or her capacity as a consultant, witness, or complainant, respectively, if such person was acting in good faith within the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in the reasonable belief that the action taken by him or her was warranted by the facts.~~ THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE

FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 24. 12-8-131, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-8-131. Disciplinary proceedings - administrative law judges - judicial review. (8) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 25. Article 10 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-10-106.5. Renewal and reinstatement of licenses. ALL LICENSES SHALL EXPIRE PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION 26. The introductory portion to 12-10-107.1 (1) and 12-10-107.1 (2), Colorado Revised Statutes, are amended, and the said 12-10-107.1 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

12-10-107.1. Grounds for discipline. (1) The director may deny, suspend, revoke, ~~or~~ place on probation, OR ISSUE A LETTER OF ADMONITION AGAINST the license of an applicant or licensee if the applicant or licensee:

(2) (a) Any proceeding to deny, suspend, revoke, or place on probation a license shall be conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S. Any person whose license is denied, suspended, placed on probation, or revoked shall pay for the costs incurred in bringing and conducting such proceeding.

(b) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(c) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF

THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(d) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(3) (a) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE DIRECTOR PURSUANT TO THIS ARTICLE. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE COMMISSION OR THE DIRECTOR.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE BOARD OR DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

(4) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 27. 12-10-108, Colorado Revised Statutes, is amended to read:

12-10-108. Immunity. ~~The commission, any member of the commission, any person on the staff of the commission, and any technical advisor appointed by the commission shall be provided all protections of governmental immunity provided to public employees by article 10 of title 24, C.R.S., including, but not limited to, the payment of judgments and settlements, the provision of legal defense, and the payment of costs incurred in court actions. These protections shall be provided to the commission, commission members, staff, technical advisors, and independent contractors hired to perform or acting as a boxing inspector on behalf of the commission only with regard to actions brought because of acts or omissions committed by such persons in the course of official commission duties.~~ ANY MEMBER OF THE COMMISSION, THE DIRECTOR, THE COMMISSION'S STAFF, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE COMMISSION OR DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS COMMISSION MEMBER, DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH

INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 28. 12-22-110 (1) (i), Colorado Revised Statutes, is amended to read:

12-22-110. Powers and duties. (1) The board shall:

(i) (I) Make investigations, hold hearings, and take evidence in all matters relating to the exercise and performance of the powers and duties of the board. ~~and, in connection with any investigation, subpoena witnesses, administer oaths, and compel the testimony of witnesses and the production of any documents or things relevant to any such investigation or hearing. Any subpoena issued pursuant to this article shall be enforceable by the district court.~~

(II) (A) THE BOARD OR AN ADMINISTRATIVE LAW JUDGE MAY ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD.

(B) THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE BOARD OR DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

SECTION 29. 12-22-118 (1), (2) (a), and (2) (b), Colorado Revised Statutes, are amended to read:

12-22-118. Expiration and renewal of licenses or registrations. (1) ~~A license or registration of a pharmacist, pharmacy intern, or prescription drug outlet shall expire in accordance with the provisions of section 24-34-102 (8), C.R.S.~~ ALL LICENSES SHALL EXPIRE PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE

DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

~~(2) (a) Every licensee who desires to retain a license shall pay a renewal fee on or before the expiration date of such license.~~

~~(b) In case any licensee or registrant defaults in the payment of the renewal fee, the license or registration shall expire, and notice thereof shall be given to the licensee or registrant by first-class mail to the licensee's or registrant's last-known address as shown in the records of the board. Such licensee or registrant shall not thereafter practice or carry on operations which were authorized under said license or registration.~~

SECTION 30. 12-22-125.2 (5) and (6) (b), Colorado Revised Statutes, are amended, and the said 12-22-125.2 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-22-125.2. Disciplinary actions. (5) In addition to any other penalty that may be imposed pursuant to this section, any registrant violating any provision of this article or any rules promulgated pursuant to this article may be fined not less than five hundred dollars and not more than five thousand dollars for each such violation. ANY MONEYS COLLECTED AS ADMINISTRATIVE FINES PURSUANT TO THIS SUBSECTION (5) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS TO THE GENERAL FUND.

(6) (b) When a letter of admonition is sent by certified mail by the board to a licensee complained against, such licensee shall be advised that he or she has the right to request in writing, within ~~thirty~~ TWENTY days after ~~the date on which the letter was mailed~~ RECEIPT OF THE LETTER, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

(8) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 31. Part 1 of article 22 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-22-132. Immunity. ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS PART 1, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS PART 1 SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD

FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS PART 1 SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 32. 12-23-104 (2) (d), Colorado Revised Statutes, is amended to read:

12-23-104. Board powers and duties. (2) In addition to all other powers and duties conferred or imposed upon the board by this article, the board is authorized to:

(d) (I) ~~Subpoena records and documents and compel the attendance and testimony of witnesses pursuant to an investigation or a hearing of the board;~~ ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(II) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE COMMISSION OR DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

SECTION 33. 12-23-106 (4) (c), Colorado Revised Statutes, is amended to read:

12-23-106. License requirements. (4) (c) ~~Any license that has lapsed shall be deemed to have expired. In such instances, the board is authorized to require the licensee to demonstrate competency after two years if the board determines that such a showing is necessary and to require the payment of the appropriate fee.~~ LICENSES SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION 34. 12-23-118 (4) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

12-23-118. Violations - citations - settlement agreements - hearings - fines.

(4) (b) (III) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 35. The introductory portion to 12-23-118 (1) and 12-23-118 (6) (d), Colorado Revised Statutes, are amended to read:

12-23-118. Violations - citations - settlement agreements - hearings - fines.

(1) The board may deny, suspend, revoke, or refuse to renew, OR ISSUE A LETTER OF ADMONITION IN REGARD TO any license or registration issued or applied for under the provisions of this article, may place a licensee or registrant on probation, or may issue a citation to a licensee, registrant, or applicant for licensure for any of the following reasons:

(6) (d) (I) The board may suspend or revoke a license or registration or may refuse to renew any license or registration issued or may place on probation any licensee or registrant if the licensee or registrant fails to comply with the requirements set forth in a citation deemed final pursuant to paragraph (c) of this subsection (6).

(II) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE OR REGISTRANT.

(III) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE OR REGISTRANT, SUCH LICENSEE OR REGISTRANT SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(IV) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION 36. 12-23-118.3, Colorado Revised Statutes, is amended to read:

12-23-118.3. Immunity. ~~Any member of the board shall be immune from suit in any civil action based upon any disciplinary proceedings or other official actions performed in good faith. Any witness, consultant, or complainant participating in good faith in the making of a complaint or report or participating in good faith in any investigative or administrative proceeding pursuant to this article shall also be immune from suit in any civil action.~~ ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS

ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 37. 12-25-105 (9), Colorado Revised Statutes, is amended to read:

12-25-105. Unlawful practice - penalties - enforcement. (9) Subsequent to a finding by the board that an individual, partnership, professional association, joint stock company, limited liability company, or corporation has unlawfully engaged in the practice of engineering, the board may jointly and severally assess a fine against such unlawfully engaged party in an amount not less than fifty dollars and not more than seven hundred fifty dollars. ANY MONEYS COLLECTED AS AN ADMINISTRATIVE FINE PURSUANT TO THIS SUBSECTION (9) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS TO THE GENERAL FUND.

SECTION 38. 12-25-108 (2) and (4) (b), Colorado Revised Statutes, are amended to read:

12-25-108. Disciplinary actions - grounds for discipline. (2) (a) ~~The board may issue a letter of admonition to a professional engineer or an engineer-intern based on any of the grounds specified in subsection (1) of this section without conducting a hearing as specified in section 12-25-109 (4). Such letter shall be sent to the registrant by certified mail and shall advise such registrant of the right to, within twenty days after receipt of the letter, make a written request to the board to institute formal disciplinary proceedings as provided in section 12-25-109 in order to formally adjudicate the conduct or acts on which the letter was based.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE OR REGISTRANT.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE OR REGISTRANT, SUCH LICENSEE OR REGISTRANT SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(4) (b) All fines collected pursuant to this subsection (4) shall be ~~credited~~

TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS to the general fund.

SECTION 39. 12-25-109 (7), Colorado Revised Statutes, is amended, and the said 12-25-109 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-25-109. Disciplinary proceedings - injunctive relief procedure.

(7) (a) ~~The board, the program administrator, or the administrative law judge may issue a subpoena compelling the attendance and testimony of witnesses and the production of books, papers, and records pursuant to an investigation or a hearing by the board. Any subpoena issued shall be served in the manner provided in the Colorado rules of civil procedure. If any person refuses to obey any subpoena so issued or to testify or produce any books, papers, or documents, the board may petition the district court having jurisdiction, setting forth the facts, and thereupon such district court, in a proper case, shall issue its subpoena. Failure to obey the court's subpoena shall constitute contempt of court and shall be punished as provided for in the Colorado rules of civil procedure.~~ THE BOARD OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD PURSUANT TO THIS PART 1.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE BOARD OR DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

(11) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 40. 12-25-115 (3) and (4), Colorado Revised Statutes, are amended to read:

12-25-115. Licenses - certificates. (3) A license may be issued at any time but shall expire ~~as determined by the board,~~ in conformance with section 24-34-102 (8), C.R.S. A license shall be renewed at the time of such expiration.

(4) ~~The license of any professional engineer who fails to pay the license renewal fee shall expire. An expired license may be renewed within two years after expiration upon payment of all fees in arrears and, after two years, in addition to the payment of fees, the board may require reexamination or recertification, unless the~~

~~professional engineer has maintained an active engineering practice in another jurisdiction or otherwise satisfies the board of such engineer's continued competence.~~ LICENSES AND REGISTRATIONS SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE OR REGISTRATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE OR REGISTRATION SHALL EXPIRE. ANY PERSON WHOSE LICENSE OR REGISTRATION HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION 41. 12-25-118, Colorado Revised Statutes, is amended to read:

12-25-118. Immunity in professional review. ~~Any member of the board, its staff, any individual acting as a consultant to the board, any witness testifying in a proceeding authorized by this article, or any individual who lodges a complaint pursuant to this article shall be immune from criminal liability and from suit in any civil action brought by any person based upon an action of the board, if such board member, staff person, consultant, witness, or complainant acts in good faith within the scope of the function of the board, has made a reasonable effort to obtain the facts of the matter as to which such board member, staff person, consultant, witness, or complainant acts, and acts in the reasonable belief that the action taken is warranted by the facts. The immunity provided shall also extend to any person participating in good faith in any investigative proceeding pursuant to this part 1.~~ ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS PART 1, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS PART 1 SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS PART 1 SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION PURSUANT TO THIS PART 1.

SECTION 42. 12-25-205 (8), Colorado Revised Statutes, is amended to read:

12-25-205. Unlawful practice - penalties - enforcement. (8) Subsequent to a finding by the board that an individual has unlawfully engaged in the practice of professional land surveying, the board may assess a fine against such unlawfully engaged individual in an amount not less than fifty dollars and not more than seven hundred fifty dollars. ANY MONEYS COLLECTED AS AN ADMINISTRATIVE FINE PURSUANT TO THIS SUBSECTION (8) SHALL BE TRANSMITTED TO THE STATE

TREASURER, WHO SHALL CREDIT SUCH MONEYS TO THE GENERAL FUND.

SECTION 43. 12-25-208 (2) and (4) (b), Colorado Revised Statutes, are amended to read:

12-25-208. Disciplinary actions - grounds for discipline. (2) (a) ~~The board may issue a letter of admonition to a professional land surveyor or land surveyor-intern based on any of the grounds specified in subsection (1) of this section without conducting a hearing as specified in section 12-25-209 (4). Such letter shall be sent to the registrant by certified mail and shall advise such registrant of the right to, within twenty days after receipt of the letter, make a written request to the board to institute formal disciplinary proceedings as provided in section 12-25-209 in order to formally adjudicate the conduct or acts on which the letter was based.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE OR REGISTRANT.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE OR REGISTRANT, SUCH LICENSEE OR REGISTRANT SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(4) (b) All fines collected pursuant to this subsection (4) shall be ~~credited~~ TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS to the general fund.

SECTION 44. 12-25-209 (7), Colorado Revised Statutes, is amended, and the said 12-25-209 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-25-209. Disciplinary proceedings - injunctive relief procedure. (7) (a) ~~The board, the program administrator, or the administrative law judge may issue a subpoena compelling the attendance and testimony of witnesses and the production of books, papers, and records pursuant to an investigation or a hearing of the board. Any subpoena issued shall be served in the manner provided in the Colorado rules of civil procedure. The registrant or certificant in any action before the board shall have comparable rights of subpoena pursuant to section 24-4-105 (5), C.R.S. If any person refuses to obey any subpoena so issued or to testify or produce any books, papers, or documents, the board may petition the district court having jurisdiction, setting forth the facts, and thereupon such district court, in a proper case, shall issue its subpoena. Failure to obey the court's subpoena shall constitute contempt of court and shall be punished as provided for in the Colorado rules of civil procedure.~~ THE BOARD OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO

COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD PURSUANT TO THIS PART 2.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE BOARD OR DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

(10) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 45. 12-25-215 (3) and (4), Colorado Revised Statutes, are amended to read:

12-25-215. Licenses - certificates. (3) A license may be issued at any time but shall expire ~~as determined by the board~~, in conformance with section 24-34-102, C.R.S. A license shall be renewed at the time of such expiration.

(4) ~~The license of any professional land surveyor who fails to pay the license renewal fee shall expire. An expired license may be renewed within two years after expiration upon payment of all fees in arrears and, after two years, in addition to the payment of all fees. The board may require reexamination or recertification, unless the professional land surveyor has maintained an active land surveying practice in another jurisdiction or otherwise satisfies the board of such professional land surveyor's continued competence.~~ ALL LICENSES AND REGISTRATIONS SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE OR REGISTRATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE OR REGISTRATION SHALL EXPIRE. ANY PERSON WHOSE LICENSE OR REGISTRATION HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION 46. 12-25-218, Colorado Revised Statutes, is amended to read:

12-25-218. Immunity in professional review. ~~Any member of the board, its staff, any individual acting as a consultant to the board, any witness testifying in a~~

~~proceeding authorized by this article, or any individual who lodges a complaint pursuant to this article shall be immune from criminal liability and from suit in any civil action brought by any person based upon an action of the board, if such board member, staff person, consultant, witness, or complainant acts in good faith within the scope of the function of the board, has made a reasonable effort to obtain the facts of the matter as to which such board member, staff person, consultant, witness, or complainant acts, and acts in the reasonable belief that the action taken is warranted by the facts. The immunity provided shall also extend to any person participating in good faith in any investigative proceeding pursuant to this part 2.~~ ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS PART 2, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS PART 2 SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS PART 2 SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 47. 12-25-105 (9), Colorado Revised Statutes, as amended by House Bill 04-1115, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is amended to read:

12-25-105. Unlawful practice - penalties - enforcement. (9) After finding that an individual, partnership, professional association, joint stock company, limited liability company, or corporation has unlawfully engaged in the practice of engineering, the board may jointly and severally assess a fine against such unlawfully engaged party in an amount not less than fifty dollars and not more than five thousand dollars for each violation proven by the board. ANY MONEYS COLLECTED AS AN ADMINISTRATIVE FINE PURSUANT TO THIS SUBSECTION (9) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS TO THE GENERAL FUND.

SECTION 48. 12-25-108 (2), Colorado Revised Statutes, as amended by House Bill 04-1115, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is amended to read:

12-25-108. Disciplinary actions - grounds for discipline. (2) (a) ~~The board may issue a letter of admonition to a professional engineer or an engineer-intern based on any of the grounds specified in subsection (1) of this section without conducting a hearing as specified in section 12-25-109 (4). Such letter shall be sent by certified mail and shall advise the professional engineer or engineer-intern of the right to, within twenty days after receipt of the letter, make a written request to the board to institute formal disciplinary proceedings as provided in section 12-25-109 in order to formally adjudicate the conduct or acts on which the letter was based~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE

BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE PROFESSIONAL ENGINEER OR ENGINEER-INTERN.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A PROFESSIONAL ENGINEER OR ENGINEER-INTERN, THE PROFESSIONAL ENGINEER OR ENGINEER-INTERN SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION 49. 12-25-109 (7), Colorado Revised Statutes, as amended by House Bill 04-1115, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is amended to read:

12-25-109. Disciplinary proceedings - injunctive relief procedure.

(7) (a) ~~The board, the program director, or the administrative law judge may issue a subpoena compelling the attendance and testimony of witnesses and the production of books, papers, and records pursuant to an investigation or a hearing by the board. Any subpoena issued shall be served in the manner provided in the Colorado rules of civil procedure. If any person refuses to obey any subpoena so issued or to testify or produce any books, papers, or documents, the board may petition the district court having jurisdiction, setting forth the facts, and thereupon such district court, in a proper case, shall issue its subpoena. Failure to obey the court's subpoena shall constitute contempt of court and shall be punished as provided for in the Colorado rules of civil procedure.~~ THE BOARD OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD PURSUANT TO THIS PART 1.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE BOARD OR DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

SECTION 50. 12-25-109, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-25-109. Disciplinary proceedings - injunctive relief procedure.

(11) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 51. 12-25-205 (8), Colorado Revised Statutes, as amended by House Bill 04-1115, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is amended to read:

12-25-205. Unlawful practice - penalties - enforcement. (8) After finding that an individual has unlawfully engaged in the practice of professional land surveying, the board may assess a fine against such unlawfully engaged individual in an amount not less than fifty dollars and not more than five thousand dollars for each violation proven by the board. ANY MONEYS COLLECTED AS AN ADMINISTRATIVE FINE PURSUANT TO THIS SUBSECTION (8) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS TO THE GENERAL FUND.

SECTION 52. 12-25-208 (2), Colorado Revised Statutes, as amended by House Bill 04-1115, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is amended to read:

12-25-208. Disciplinary actions - grounds for discipline. (2) (a) ~~The board may issue a letter of admonition to a professional land surveyor or land surveyor-intern based on any of the grounds specified in subsection (1) of this section without conducting a hearing as specified in section 12-25-209 (4). Such letter shall be sent by certified mail and shall advise the professional land surveyor or land surveyor-intern of the right to, within twenty days after receipt of the letter, make a written request to the board to institute formal disciplinary proceedings as provided in section 12-25-209 in order to formally adjudicate the conduct or acts on which the letter was based.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE PROFESSIONAL LAND SURVEYOR OR LAND SURVEYOR-INTERN.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A PROFESSIONAL LAND SURVEYOR OR LAND SURVEYOR-INTERN, SUCH PROFESSIONAL LAND SURVEYOR OR LAND SURVEYOR-INTERN SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION 53. 12-25-209 (7), Colorado Revised Statutes, as amended by House Bill 04-1115, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is amended to read:

12-25-209. Disciplinary proceedings - injunctive relief procedure.

(7) (a) ~~The board, the program director, or the administrative law judge may issue a subpoena compelling the attendance and testimony of witnesses and the production of books, papers, and records pursuant to an investigation or a hearing of the board. Any subpoena issued shall be served in the manner provided in the Colorado rules of civil procedure. The professional land surveyor or certificant in any action before the board shall have comparable rights of subpoena pursuant to section 24-4-105 (5), C.R.S. If any person refuses to obey any subpoena so issued or to testify or produce any books, papers, or documents, the board may petition the district court having jurisdiction, setting forth the facts, and thereupon such district court, in a proper case, shall issue its subpoena. Failure to obey the court's subpoena shall constitute contempt of court and shall be punished as provided for in the Colorado rules of civil procedure.~~ THE BOARD OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD PURSUANT TO THIS PART 2.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE BOARD OR DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

SECTION 54. 12-25-209, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-25-209. Disciplinary proceedings - injunctive relief procedure.

(11) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 55. 12-29.5-104 (4), Colorado Revised Statutes, is amended to read:

12-29.5-104. Requirement for licensure with the division of registrations - annual fee - required disclosures. (4) Every applicant for licensure shall pay an ~~annual~~ license, ~~fee~~ RENEWAL, AND REINSTATEMENT FEES to be established by the director in the same manner as is authorized by section 24-34-105, C.R.S. ~~The director shall promulgate rules for the reinstatement of licenses that have lapsed due to nonpayment of such annual fee; except that, if a licensee has not applied for reinstatement within two years after the date of lapse, reinstatement is not available and the licensee must reapply as a new applicant.~~ ALL LICENSES SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES

AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION 56. 12-29.5-106, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-29.5-106. Grounds for disciplinary action. (3) (a) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE DIRECTOR PURSUANT TO THIS ARTICLE. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE DIRECTOR.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

SECTION 57. 12-29.5-107 (2) (c), Colorado Revised Statutes, is amended, and the said 12-29.5-107 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-29.5-107. Disciplinary authority and proceedings. (2) Disciplinary actions may consist of the following:

(c) (I) Issuance of letters of admonition. ~~When a complaint or investigation discloses an instance of conduct which, in the opinion of the director, does not warrant formal action by him, but which should not be dismissed without merit, the director may send such a letter of admonition by certified mail to the acupuncturist against whom a complaint was made, with a copy to the person making said complaint. When such letter of admonition is sent, the acupuncturist complained against shall be advised that he has the right to request, in writing, within twenty days after proven receipt of the letter, that formal disciplinary proceedings be initiated against him to adjudicate the propriety of the conduct upon which the letter of admonition was based. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be adjudicated by formal disciplinary~~

~~proceedings:~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(II) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(III) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(4) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 58. 12-29.5-109.5, Colorado Revised Statutes, is amended to read:

~~**12-29.5-109.5. Immunity.** Any person making a complaint or report, acting as a consultant, or expert witness, on behalf of the director, or participating in any investigation or administrative proceeding authorized under this article shall be immune from suit in any civil action based upon such person's conduct within the scope of such activity or participation if the person acted in good faith, made a reasonable effort to obtain the relevant facts, and acted in the reasonable belief that the actions taken by said person were warranted by the facts.~~ THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 59. 12-32-104 (1) (d), Colorado Revised Statutes, is amended to read:

12-32-104. Powers and duties of board. (1) The Colorado podiatry board shall regulate the practice of podiatry. The board shall exercise, subject to the provisions of this article, the following powers and duties:

(d) (I) Make investigations, hold hearings, and take evidence in all matters relating

to the exercise and performance of the powers and duties vested in the board. ~~and, in connection with any investigation (whether before or after a formal complaint is filed pursuant to section 12-32-108.3) or hearing and through any member, the secretary, or the chief administrative officer thereof, subpoena witnesses, administer oaths, and compel the testimony of witnesses and the production of books, papers, and records relevant to any inquiry or hearing. Any subpoena issued pursuant to this article shall be enforceable by the district court.~~

(II) THE BOARD OR AN ADMINISTRATIVE LAW JUDGE MAY ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE BOARD OR DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

SECTION 60. 12-32-107 (4) (b), Colorado Revised Statutes, is amended to read:

12-32-107. Issuance, revocation, or suspension of license - probation - immunity in professional review. (4) (b) ~~Any member of the Colorado podiatry board or a professional review committee authorized by said board, and any witness appearing before said board or such professional review committee shall be immune from suit in any civil action brought by a licensee who is the subject of a professional review proceeding if such member, or witness acts in good faith within the scope of the function of said board or such committee, has made a reasonable effort to obtain the facts of the matter as to which he acts, and acts in the reasonable belief that the action taken by him is warranted by the facts. The immunity provided by this paragraph (b) shall extend to the members of an authorized professional review committee of a society or an association of persons licensed pursuant to this article and witnesses appearing before such committee if such committee is authorized to act as provided in subparagraph (II) of paragraph (a) of this subsection (4).~~ ANY MEMBER OF THE BOARD OR PROFESSIONAL REVIEW COMMITTEE, ANY MEMBER OF THE BOARD'S STAFF, ANY MEMBER OF THE PROFESSIONAL REVIEW COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH

INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 61. 12-32-108.3 (1), (2) (c) (III), (2) (c) (IV), and (7), Colorado Revised Statutes, are amended to read:

12-32-108.3. Disciplinary action by board. (1) In the discharge of its duties, the Colorado podiatry board may enlist the assistance of other persons licensed to practice podiatry or medicine in this state. Podiatrists have the duty to report to the board any podiatrist known, or upon information and belief, to have violated any of the provisions of section 12-32-107 (3). ~~Any person participating in good faith in the making of a complaint or report or participating in any investigative or administrative proceeding pursuant to this section shall be immune from any liability, civil or criminal, that otherwise might result by reason of such action.~~

(2) (c) On completion of an investigation, the board shall make a finding that:

~~(III) (A) The investigation discloses an instance of unprofessional conduct which, in the opinion of the board, does not warrant formal action by the Colorado podiatry board but which should not be dismissed as being without merit; in such case, a certified letter, return receipt requested, of admonition shall be sent to the podiatrist against whom a complaint was made, and a copy thereof to the person making the complaint, but, when a letter of admonition is sent by the board to a podiatrist complained against, such podiatrist shall be advised that he has the right to request in writing, within twenty days after receipt of 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.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(B) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(C) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(IV) (A) The investigation discloses facts ~~which~~ THAT warrant further proceedings

by formal complaint, as provided in subsection (3) of this section, in which event the complaint shall be referred to the attorney general for preparation and filing of a formal complaint;

(B) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

~~(7) (a) In order to aid the board in any hearing or investigation instituted pursuant to this section, the board, through any member or executive officer thereof, shall have the power to issue subpoenas commanding production of copies of any records containing information relevant to the practice of podiatry rendered by any licensee, including, but not limited to, hospital, podiatrist, and physician records.~~ THE BOARD OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD. 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~~ shall identify the patient by a numbered code, to be retained by the custodian of the records from which the copies were made. 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 the originals for the limited purpose of ascertaining the accuracy of the copies. No privilege of confidentiality shall exist with respect to such copies, and no liability shall lie against the board or the custodian or his OR HER authorized employee for furnishing or using such copies in accordance with this subsection (7).

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE BOARD OR DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

SECTION 62. 12-32-115 (3), Colorado Revised Statutes, is amended to read:

12-32-115. Procedure - registration - fees. (3) ~~Upon application to the Colorado podiatry board within two years from the date of the lapse of a license by any such licensee on a form prescribed by the board, the license shall be reinstated, subject to the payment to the board of the current renewal fee and a reinstatement fee determined by the board pursuant to section 24-34-105, C.R.S. If, before or after such application for reinstatement has been made, charges are preferred against the~~

~~licensee by the board or by any person, as provided by section 12-32-108.3, the board shall defer action on the pending application for reinstatement, if any, and proceed with a hearing on such charges in accordance with section 12-32-108.3, and thereupon shall impose such disciplinary action as the board deems appropriate. No license to practice podiatry which has been delinquent for more than two years shall be reinstated unless the applicant fulfills and meets the requirements and conditions required by the board.~~ RENEWAL OR REINSTATEMENT OF A LICENSE SHALL BE PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S. The board shall establish the criteria for reinstatement of a license. ~~that has been delinquent for more than two years.~~

SECTION 63. Repeal. 12-33-104, Colorado Revised Statutes, is repealed as follows:

~~**12-33-104. Oath.** Each member of the board, before entering on the discharge of his duties, shall subscribe to an oath for the faithful performance of his duties before any officer authorized to administer oaths in this state. The members of the board shall not be personally liable for damages for any official acts of the board.~~

SECTION 64. 12-33-114 (1), (1.2), and (2), Colorado Revised Statutes, are amended to read:

~~**12-33-114. Renewal of license.** (1) 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.~~ LICENSES SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), 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.~~

~~(2) Any chiropractor whose application for renewal is received by the board after the deadline for renewal shall, in addition to the renewal fee, transmit to the board with his application an additional sum which shall be determined and collected pursuant to section 24-34-105, C.R.S. Failure to so remit shall cause a denial of the application for renewal. Any chiropractor whose application for renewal indicates that he has not actively practiced chiropractic or that he has not been engaged in teaching chiropractic for the preceding five years shall be issued a renewal license by the board only after hearing and upon notice to said applicant, where in such applicant has demonstrated to the board that he has maintained the qualifications set out in section 12-33-112, but no reexamination shall be required unless the board finds good cause to believe that the person has not maintained the professional ability and knowledge required of an original licensee under this article.~~

SECTION 65. 12-33-119 (3.5), (7), and (9), Colorado Revised Statutes, are amended to read:

12-33-119. Disciplinary proceedings. (3.5) Any person participating in good faith in the making of a complaint or report or participating in any investigative or administrative proceeding pursuant to this section shall be immune from any liability, civil or criminal, that otherwise might result by reason of such action.

(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 such records containing information relevant to the practice of chiropractic rendered by any licensee~~ OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD. 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 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.~~ UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE BOARD OR DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

(9) (a) When a complaint or an investigation discloses an instance of misconduct ~~which~~ THAT, in the opinion of the board, does not warrant formal action by the board but ~~which~~ THAT should not be dismissed as being without merit, a letter of admonition may be sent by certified mail to the chiropractor against whom the complaint was made and a copy also sent to the person making the complaint. 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 ~~thirty~~ TWENTY days after ~~mailing~~ RECEIPT OF the letter, that formal disciplinary proceedings be initiated 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.

(b) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 66. 12-33-119.1 (2), Colorado Revised Statutes, is amended to read:

12-33-119.1. Immunity in professional review. (2) ~~Any member of the board or a professional review committee authorized by the board, and any witness appearing before the board or such professional review committee shall be immune from suit in any civil action brought by a licensee who is the subject of a professional review proceeding if such member or witness acts in good faith within the scope of the function of the board or such committee, has made a reasonable effort to obtain the facts of the matter as to which he acts, and acts in the reasonable belief that the action taken by him is warranted by the facts. The immunity provided by this subsection (2) shall extend to the members of an authorized professional review committee of a society or an association of persons licensed pursuant to this article and witnesses appearing before such committee if such committee is authorized to act as provided in paragraph (b) of subsection (1) of this section.~~ ANY MEMBER OF THE BOARD OR PROFESSIONAL REVIEW COMMITTEE, THE BOARD'S OR PROFESSIONAL REVIEW COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD OR PROFESSIONAL REVIEW COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE

SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 67. 12-36-103 (3) and (5), Colorado Revised Statutes, are amended to read:

12-36-103. State board of medical examiners - immunity - subject to termination - repeal of article. (3) In the event a vacancy in the membership of the board occurs for any cause other than expiration of a term, the governor shall appoint a successor to fill the unexpired portion of the term of such member whose office has been so vacated and shall appoint such new member in the same manner as members for a full term. ~~Each member of the board, before he enters upon the duties of his office, shall take an oath or affirmation to support the constitution of the United States and of the state of Colorado and to faithfully perform the duties of the office upon which he is about to enter.~~ Members of the board shall remain in office until their successors have been appointed. A member of the board, upon notice and hearing, may be removed by the governor for continued neglect of duty, incompetence, or unprofessional or dishonorable conduct.

~~(5) A board member shall be immune from any civil action based upon a disciplinary proceeding or other official act that such board member performs in good faith as a member of such board.~~

SECTION 68. 12-36-104 (1) (b), Colorado Revised Statutes, is amended to read:

12-36-104. Powers and duties of board. (1) In addition to all other powers and duties conferred and imposed upon the board by this article, the board has the following powers and duties to:

(b) (I) Make investigations, hold hearings, and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the board. ~~and, in connection with any investigation (whether before or after a formal complaint is filed pursuant to section 12-36-118) or hearing and through any member, the secretary, or chief administrative officer thereof, subpoena witnesses, administer oaths, and compel the testimony of witnesses and the production of books, papers, and records relevant to any inquiry or hearing. Any subpoena issued pursuant to this article shall be enforceable by the district court.~~

(II) THE BOARD OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE BOARD OR DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

SECTION 69. 12-36-118 (3), (4) (c) (III), and (4) (c) (IV), Colorado Revised Statutes, are amended to read:

12-36-118. Disciplinary action by board - immunity. (3) (a) In the discharge of its duties, the board may enlist the assistance of other licensees. Licensees have the duty to report to the board any licensee known, or upon information and belief, to have violated any of the provisions of section 12-36-117 (1); except that no licensee who is treating another licensee for a mental disability or habitual intemperance or excessive use of any habit-forming drug shall have a duty to report his or her patient unless, in the opinion of the treating licensee, the impaired licensee presents a danger to himself, herself, or others.

(b) ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS PART 1, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS PART 1 SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. Any person participating in good faith in the making of a complaint or report or participating in any investigative or administrative proceeding pursuant to this section shall be immune from any liability, civil or criminal, that otherwise might result by reason of such action. ~~When acting in their official capacity, members of the board shall be immune from any liability civil or criminal, that otherwise might result by reason of participating in the investigation of or an administrative proceeding in connection with a complaint or report pursuant to this section or by reason of any disciplinary action taken by the board pursuant to this section as a result of such a complaint or report~~ PARTICIPATION.

(4) (c) On completion of an investigation, the inquiry panel shall make a finding that:

(III) (A) ~~The investigation discloses an instance of unprofessional conduct that, in the opinion of the inquiry panel, does not warrant formal action by the board but should not be dismissed as being without merit; in such case, a certified letter return receipt requested, of admonition shall be sent to the licensee against whom a complaint was made, and a copy thereof to the person making the complaint, but,~~

~~when a letter of admonition is sent by the inquiry panel to a licensee complained against, such licensee shall be advised that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated against him or her 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; or~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(B) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(C) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(IV)(A) The investigation discloses facts ~~which~~ THAT warrant further proceedings by formal complaint, as provided in subsection (5) of this section, in which event the complaint shall be referred to the attorney general for preparation and filing of a formal complaint.

(B) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 70. 12-36-123 (1) (a) and (2), Colorado Revised Statutes, are amended to read:

12-36-123. Procedure - registration - fees. (1) (a) ~~The board shall establish procedures for the maintenance of licensee lists and the establishment of renewal fees and schedules, which fees and schedules shall be established subject to section 24-34-102 (8), C.R.S. Every licensee shall pay the board a registration fee to be determined and collected pursuant to section 24-34-105, C.R.S., and shall obtain a registration certificate for the current renewal period.~~ ALL LICENSES SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. A PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

~~(2) (a) The board shall mail notice of the provisions of this section, with the application for registration prescribed by the board, to each licensee at the last address shown on the board's records. Such mailing shall be made in accordance with the renewal schedule established pursuant to section 24-34-102 (8), C.R.S. If a licensee fails to pay the registration fee prescribed by subsection (1) of this section, the license of such licensee shall lapse and the name of the licensee shall be omitted from such list.~~

~~(b) When a licensee's license lapses, the licensee may file a board-approved application for reinstatement with the board and the license shall be reinstated subject to payment to the board of the renewal fee and a reinstatement fee determined by the board pursuant to section 24-34-105, C.R.S. If charges are made against the licensee pursuant to section 12-36-118, the board shall defer action on the pending application for reinstatement and proceed with a hearing on such charges in accordance with section 12-36-118. After such hearing, the board shall reinstate, further suspend, or revoke such license. The board shall not reinstate any license that has lapsed for more than two years unless the applicant demonstrates continued professional competence in the manner prescribed by the board.~~

SECTION 71. 12-36.5-105 (2), Colorado Revised Statutes, is amended to read:

12-36.5-105. Immunity from liability. (2) ~~The governing board, the individual members of such board and the entity which has established a peer review committee pursuant to section 12-36.5-104 shall be immune from suit for any damages in a civil or criminal action, including antitrust actions, brought by a physician who is the subject of any action taken by such board or members if such board or its members, acting as individuals, act in good faith. Good faith shall include reliance upon the recommendations of the review committee, but good faith shall not be presumed if the board or a member has knowledge concerning the review in question which would cause such reliance to be unwarranted. Good faith shall also require that the board otherwise acted in good faith, including the consideration of any facts not previously available to and considered by the peer review committee, and that the board acted in reasonable belief that the action taken was warranted by the facts. THE GOVERNING BOARD, THE INDIVIDUAL MEMBERS OF SUCH BOARD AND THE ENTITY THAT HAS ESTABLISHED A PEER REVIEW COMMITTEE PURSUANT TO SECTION 12-36.5-104, THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.~~

SECTION 72. 12-36.5-106 (13), Colorado Revised Statutes, is amended to read:

12-36.5-106. Committee on anticompetitive conduct. (13) ~~Any member of the committee shall be immune from suit in any civil action based upon any proceedings or other official actions performed in good faith. Any witness, consultant, or staff member participating in good faith in the making of a report or any person participating in good faith in any investigative or administrative proceeding pursuant to this section shall also be immune from suit in any civil action.~~ ANY MEMBER OF THE COMMITTEE, ANY MEMBER OF THE COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 73. 12-37-103 (3), Colorado Revised Statutes, is amended to read:

12-37-103. Requirement for registration with the division of registrations - annual fee - grounds for revocation. (3) Every applicant for registration shall pay ~~an annual~~ A registration fee to be established by the director in the manner authorized by section 24-34-105, C.R.S. REGISTRATIONS SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER REGISTRATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH REGISTRATION SHALL EXPIRE. ANY PERSON WHOSE REGISTRATION HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION 74. 12-37-107 (2) and (6), Colorado Revised Statutes, are amended, and the said 12-37-107 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

12-37-107. Disciplinary action authorized - grounds for discipline. (2) As an alternative to or in addition to a suspension or revocation of registration under subsection (3) of this section, the director may assess a civil penalty in the form of a fine, not to exceed five thousand dollars, for any act or omission enumerated in subsection (3) of this section. ANY MONEYS COLLECTED PURSUANT TO THIS SUBSECTION (2) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS TO THE GENERAL FUND.

(6) (a) ~~To aid the director in any hearing or investigation instituted pursuant to this section, The director shall have the power to issue subpoenas commanding the appearance of persons and the production of copies of records containing information~~

~~relevant to the practice of direct-entry midwifery rendered by any registrant,~~ OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE DIRECTOR. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE DIRECTOR, including, but not limited to, hospital and physician records. The provider of such copies shall prepare the copies from the original record and shall delete the name of the patient, to be retained by the custodian of the records from which the copies were made, but shall identify the patient by a numbered code. Upon certification by the custodian that the copies are true and complete except for the patient's name, the copies shall be deemed authentic, subject to the right to inspect the originals for the limited purpose of ascertaining the accuracy of the copies. No privilege of confidentiality shall exist with respect to such copies and no liability shall lie against the director or the custodian or the director's or custodian's authorized employees for furnishing or using such copies in accordance with this section.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

(7) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(8) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 75. 12-37-109.5, Colorado Revised Statutes, is amended to read:

12-37-109.5. Immunity. ~~The director, division, staff, any person acting as a consultant to the director, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article shall be immune from criminal liability and suit in any civil action brought by any person based upon an action of the director if such person, staff person, consultant, or witness acts in good faith within the scope of this article, has made a reasonable effort to ascertain the facts of the matter as to which he or she acts, and acts in the reasonable belief that the action taken by him or her is warranted by the facts. The immunity provided by this section shall also extend to any person participating in good faith in any investigative proceeding pursuant to this article.~~ THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 76. 12-38-108 (1) (b) (I), Colorado Revised Statutes, is amended to read:

12-38-108. Powers and duties of the board. (1) The board has the following powers and duties:

(b) (I) To examine, license, and renew licenses of qualified applicants and to grant to such applicants temporary licenses and permits to engage in the practice of practical nursing and professional nursing in this state within the limitations imposed by this article. LICENSES SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION 77. 12-38-116.5 (3) (c) (IV), (3) (c) (V), (13), and (14), Colorado Revised Statutes, are amended to read:

12-38-116.5. Disciplinary procedures of the board - inquiry and hearings

panels. (3) (c) On completion of an investigation, the inquiry panel shall make a finding that:

~~(IV) (A) An instance of grounds for discipline occurred that, in the opinion of the inquiry panel, does not warrant formal action by the board but that should not be dismissed as being without merit. In such case, a certified letter of admonition return receipt requested, shall be sent to the nurse against whom a complaint was made, and a copy thereof to the person making the complaint. When a letter of admonition is sent by the inquiry panel to a nurse complained against, such nurse shall be advised that the nurse has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated against the nurse 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.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(B) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(C) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(V) (A) Facts were disclosed that warrant further proceedings by formal complaint, as provided in subsection (4) of this section, and that the complaint should be referred to the attorney general for preparation and filing of a formal complaint.

(B) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

(13) (a) ~~In order to aid the board in any hearing or investigation instituted pursuant to this section, whether the investigation is before or after a formal complaint is filed pursuant to this section, The board through any member or executive officer thereof, shall have the power to issue subpoenas commanding production of copies of any records containing information relevant to the practice of nursing rendered by any licensee;~~ OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD including, but not limited to, hospital and physician

records. Upon certification of the custodian that the copies are true and complete except for the patient's name, the copies shall be deemed authentic, subject to the right to inspect the originals for the limited purpose of ascertaining the accuracy of the copies. No privilege of confidentiality shall exist with respect to such copies, and no liability shall lie against the board or the custodian or the custodian's authorized employee for furnishing or using such copies in accordance with this subsection (13).

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE BOARD OR DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

(14) ANY MEMBER OF THE BOARD OR THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. Any person participating in good faith in the making of a complaint or report or participating in any investigative or administrative proceeding pursuant to this article shall be immune from any liability, civil or criminal, that otherwise might result by reason of such ~~action~~ PARTICIPATION.

SECTION 78. 12-38-121 (2), Colorado Revised Statutes, is amended to read:

12-38-121. Immunity in professional review. (2) ~~Any member of the board or a professional review committee authorized by the board, and any witness appearing before the board or such professional review committee shall be immune from suit in any civil action brought by a licensee who is the subject of a professional review proceeding if such member, or witness acts in good faith within the scope of the function of the board or such committee, has made a reasonable effort to obtain the facts of the matter as to which he acts, and acts in the reasonable belief that the action taken by him is warranted by the facts.~~ ANY MEMBER OF THE BOARD OR OF A PROFESSIONAL REVIEW COMMITTEE AUTHORIZED BY THE BOARD, ANY MEMBER OF THE BOARD'S OR COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD OR COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE

OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 79. 12-38-131 (11), Colorado Revised Statutes, is amended to read:

12-38-131. Impaired professional diversion program - committee. (11) ~~Any member of the board, or any member of the impaired professional diversion program committee, acting pursuant to the provisions of this section shall be immune from suit in any civil action if such member acted in good faith within the scope of the function of such board or such committee, made a reasonable effort to obtain the facts of the matter as to which the member acted, and acted in the reasonable belief that the action taken was warranted by the facts.~~ ANY MEMBER OF THE BOARD OR MEMBER OF THE IMPAIRED PROFESSIONAL DIVERSION PROGRAM COMMITTEE, ANY MEMBER OF THE BOARD'S OR COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD OR COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 80. 12-38-131, Colorado Revised Statutes, as repealed and reenacted by Senate Bill 04-129, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-38-131. Nursing peer health assistance diversion program - fund - legislative declaration. (8) ANY MEMBER OF THE BOARD OR MEMBER OF THE IMPAIRED PROFESSIONAL DIVERSION PROGRAM COMMITTEE, ANY MEMBER OF THE BOARD'S OR COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD OR COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY

THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 81. 12-38.1-109, Colorado Revised Statutes, is amended to read:

12-38.1-109. Renewal of certification. Each certificate to practice as a nurse aide shall be renewed ~~biennially upon payment of a specified renewal fee established pursuant to section 24-34-105, C.R.S. The board may reduce such fee if federal funds are available. Such fee shall not be subject to the provisions of section 24-34-104.4, C.R.S. At the time of such renewal, the nurse aide shall submit proof to the board, as required by federal law or regulation, of either having performed nurse aide services, or the equivalent, as defined by rule, for pay during the preceding twenty-four month period or having passed a competency evaluation, as approved under the provisions of this article, during the preceding twenty-four months.~~ OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER CERTIFICATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH CERTIFICATE SHALL EXPIRE. ANY PERSON WHOSE CERTIFICATE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION 82. The introductory portion to 12-38.1-111 (1), Colorado Revised Statutes, is amended to read:

12-38.1-111. Grounds for discipline. (1) The board may suspend, revoke, or deny any certification to practice as a nurse aide OR ISSUE A LETTER OF ADMONITION upon proof that such person:

SECTION 83. 12-38.1-114 (10) and (11), Colorado Revised Statutes, are amended to read:

12-38.1-114. Disciplinary proceedings - hearing officers. (10) (a) ~~In order to aid the board in any hearing or investigation instituted pursuant to this section, the board, through any member or executive officer thereof, shall have the power to issue subpoenas commanding production of copies of any documents containing information relevant to the practice of the nurse aide, including, but not limited to, hospital and physician records.~~ THE BOARD OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD. The person providing ~~such copies~~ DOCUMENTS shall prepare them from the original record and shall delete

from the copy provided pursuant to the subpoena the name of the patient, but the patient shall be identified by a numbered code to be retained by the custodian of the records from which the copies were made. 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 the originals for the limited purpose of ascertaining the accuracy of the copies. No privilege of confidentiality shall exist with respect to such copies, and no liability shall lie against the board or the custodian or the custodian's authorized employee for furnishing or using such copies in accordance with this subsection (10).

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE BOARD OR DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

(11) ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. Any person participating in good faith in the making of a complaint or report or participating in any investigative or administrative proceeding pursuant to this article shall be immune from any CRIMINAL OR civil liability that otherwise might result by reason of such ~~action~~ PARTICIPATION.

SECTION 84. 12-39-105 (1) (b), Colorado Revised Statutes, is amended, and the said 12-39-105 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

12-39-105. Powers and duties of the board. (1) (b) ~~Any subpoena issued under the authority of subparagraph (V) of paragraph (a) of this subsection (1) shall be enforceable by a district court. In order to aid the board in any such hearing or investigation, The board through any member or the program administrator thereof, shall have the power to issue subpoenas commanding the attendance of witnesses and the production of copies of any records containing information relevant to the practice of nursing home administration rendered by any licensee, including patient records of the institution and personal records of the licensee; OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY~~

EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD. The person providing ~~such copies~~ DOCUMENTS shall prepare them from the original record and shall delete from the copy provided pursuant to the subpoena the name of the patient, but shall identify the patient by a numbered code, to be retained by the custodian of the records from which the copies were made. 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 the originals for the limited purpose of ascertaining the accuracy of the copies. No privilege of confidentiality shall exist with respect to such copies, and no liability shall lie against the board, the custodian, or the custodian's authorized employee for furnishing or using such copies in accordance with this subsection (1).

(c) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE BOARD OR DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

SECTION 85. 12-39-108 (1), Colorado Revised Statutes, is amended to read:

12-39-108. Licenses. (1) Any license issued by the board shall be valid for a period of one year from the date of issuance. ~~Any such license shall be subject to renewal by the board pursuant to the standards set forth in section 24-4-104, C.R.S. If any licensee fails to renew such license prior to its expiration the license shall automatically expire. A nursing home administrator formerly licensed in this state may have an expired license reinstated, pursuant to rules and regulations established by the board~~ DETERMINED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION 86. 12-39-111 (3), Colorado Revised Statutes, is amended, and the said 12-39-111 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-39-111. Grounds for discipline. (3) (a) ~~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 without merit, a letter of admonition may be sent by certified mail to the nursing home administrator against whom the complaint was made, and a copy to the person making the complaint. When a letter of admonition is sent by certified mail by the board to a nursing home administrator against whom a complaint has been made, such nursing home administrator shall be advised of the right to request in writing, within twenty days after proven receipt of the letter, that formal disciplinary proceedings be initiated 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, pursuant to article 4 of title 24, C.R.S.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(5) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 87. 12-39-115 (3), Colorado Revised Statutes, is amended to read:

12-39-115. Temporary advisory committees - immunity. (3) ~~Any member of the board or professional review committee authorized by the board, and any witness appearing before the board or such professional review committee, shall be immune from suit in any civil action brought by a licensee who is the subject of a professional review proceeding, if such member, or witness acts in good faith within the scope of the function of the board or committee, has made a reasonable effort to obtain the facts of the matter before the committee or board, and acts in the reasonable belief that the action taken is warranted by the facts:~~ ANY MEMBER OF THE BOARD OR OF A PROFESSIONAL REVIEW COMMITTEE, ANY MEMBER OF THE BOARD'S OR COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD OR COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION

TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 88. 12-40-107 (1) (m), Colorado Revised Statutes, is amended to read:

12-40-107. Powers and duties of the board. (1) In addition to all other powers and duties conferred upon the board by this article, the board has the following powers and duties:

(m) (I) To make investigations, hold hearings, and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the board. ~~and, in connection with any investigation (whether before or after a formal complaint is filed pursuant to section 12-40-119) subpoena witnesses, administer oaths, and compel the testimony of witnesses and the production of books, papers, and records relevant to any inquiry or hearing. Any subpoena issued pursuant to this article shall be enforceable by the district court.~~

(II) THE BOARD OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE BOARD OR DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

SECTION 89. 12-40-113 (1) (a), (1) (c), (1) (d), and (1) (e), Colorado Revised Statutes, are amended to read:

12-40-113. License renewal - requirements - fee - failure to pay. (1) (a) On or before a date designated by the board, ~~every optometrist licensed to practice optometry in this state shall transmit to the board, upon a form prescribed by the board, an application for renewal and such other pertinent information as may be requested, together with a fee which shall be determined and collected pursuant to section 24-34-105, C.R.S., and receive a renewal certificate authorizing him to continue the practice of optometry in this state for the renewal period~~ PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS

WITHIN THE DEPARTMENT OF REGULATORY AGENCIES, LICENSES SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

(c) ~~Any optometrist whose application for renewal is received by the board after the renewal date shall, in addition to the renewal fee, transmit to the board with such application an additional sum as a penalty which shall be determined and collected pursuant to section 24-34-105, C.R.S., and shall pay the renewal fee for each year the license was expired.~~ Failure to so remit shall cause a denial of the application for renewal.

(d) ~~If an optometrist's license has expired for more than two years and the optometrist is not currently licensed, and in practice and good standing in another state or territory of the United States or a foreign country, the board shall require the optometrist to take and pass a board approved clinical examination.~~

(e) ~~Any optometrist whose license has expired for more than two years and has been actively practicing and in good standing in another state or territory of the United States or a foreign country may be issued a renewal certificate without reexamination if the board determines that the optometrist possesses the credentials and qualifications which are substantially equivalent to requirements in Colorado for current licensure by examination. The board may determine by rule and regulation what shall constitute substantially equivalent credentials and qualifications.~~

SECTION 90. 12-40-119 (2) (f) and (3) (b), Colorado Revised Statutes, are amended, and the said 12-40-110 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-40-119. Revocation, suspension, supervision, probation procedure - professional review - reconsideration and review of action by board.

(2) (f) (I) ~~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, the board may send a letter of admonition by certified mail to the optometrist against whom a complaint was made, and a copy thereof to the person making the complaint, but, when the board sends a letter of admonition by certified mail to an optometrist complained against, the board shall advise such optometrist that the optometrist has the right to request in writing, within twenty days after proven receipt of the letter, that formal disciplinary proceedings be initiated against the optometrist 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.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE

ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(II) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(III) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

~~(3) (b) Any member of the board, and any witness appearing before the board or such professional review committee shall be immune from criminal liability and from suit in any civil action brought by a licensee if such member, or witness acts in good faith within the scope of the function of the board, has made a reasonable effort to obtain the facts of the matter as to which the person acts, and acts in the reasonable belief that the action taken by the person is warranted by the facts.~~ ANY MEMBER OF THE BOARD OR OF A PROFESSIONAL REVIEW COMMITTEE AUTHORIZED BY THE BOARD, ANY MEMBER OF THE BOARD'S OR COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD OR COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

(6) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 91. 12-41-112 (4) and (5), Colorado Revised Statutes, are amended to read:

12-41-112. Expiration and renewal of licenses. ~~(4) If any licensee fails to renew such license prior to its expiration date, the license shall automatically expire. A physical therapist formerly licensed in this state may reinstate a license that has expired. Such reinstatement shall only occur during the five-year period following such license expiration. Reinstatement shall require the submission of an application in the form and manner designated by the director and the payment of a fee in an amount determined by the director.~~ LICENSES SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES, AND A LICENSE

SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S.

~~(5) A physical therapist formerly licensed in this state who practiced physical therapy for more than two years may reinstate a license if such license expired more than five years prior to the application date by demonstrating competency in the practice of physical therapy to the director or by successfully completing an internship as required by the director. The director may also require such former licensee to take the examination administered pursuant to section 12-41-107 (2).~~

SECTION 92. 12-41-116 (2), Colorado Revised Statutes, is amended to read:

12-41-116. Disciplinary actions. (2) (a) ~~When a complaint or an investigation discloses an instance of misconduct by a licensee which, in the opinion of the director, does not warrant formal action but which should not be dismissed as being without merit, the director may issue a letter of admonition to be sent by certified mail to such licensee, with a copy thereof to the person making the complaint. When such a letter of admonition is issued, the licensee shall be advised that such licensee has the right to request in writing, within twenty days after proven receipt of the letter, that formal disciplinary proceedings be initiated 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.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION 93. 12-41-117 (4), (5), and (7), Colorado Revised Statutes, are amended, and the said 12-41-117 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-41-117. Disciplinary proceedings - investigations - judicial review. (4) ~~The director may compel the attendance of witnesses and the production of books, patient records, papers, and other pertinent documents at any proceeding authorized under this article by subpoenas issued by the director, which shall be served in the manner provided by the Colorado rules of civil procedure.~~

(5) (a) ~~In order to aid the director in any hearing or investigation instituted~~

~~pursuant to this section, The director shall have the power to issue subpoenas compelling production of copies of any records of patients or the physical therapist containing information relevant to the hearing or investigation~~ OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE DIRECTOR PURSUANT TO THIS ARTICLE. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE DIRECTOR.

(b) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

(7) (a) THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS.

(b) Any person participating in good faith in the making of a complaint or report or participating in any investigative or administrative proceeding pursuant to this section shall be immune from any liability, civil or criminal, that otherwise might result by reason of such ~~action~~ PARTICIPATION.

(10) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 94. 12-41-119 (3), Colorado Revised Statutes, is amended to read:

12-41-119. Professional review committees - immunity. (3) ~~The director, any member of a professional review committee authorized by the director or authorized pursuant to paragraph (b) of subsection (1) of this section, and any witness appearing before the director or any such professional review committee shall be immune from suit in any civil action brought by a licensee who is the subject of a professional~~

~~review proceeding under these conditions: The director, any such member, or such witness acts in good faith and within the scope of the professional review, makes a reasonable effort to obtain the facts of the matter as to which he acts, and acts in the reasonable belief that the action taken by him is warranted by the facts. THE DIRECTOR, ANY MEMBER OF A PROFESSIONAL REVIEW COMMITTEE AUTHORIZED BY THE DIRECTOR, ANY MEMBER OF THE DIRECTOR'S OR COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR OR COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.~~

SECTION 95. 12-41-125 (2) (c), Colorado Revised Statutes, is amended to read:

12-41-125. Powers and duties of director - reports - publications. (2) In addition to any other powers and duties given the director by this article, the director shall have the following powers and duties:

(c) (I) ~~To conduct hearings upon charges for discipline of a licensee issue subpoenas, compel attendance of witnesses, compel the production of books, records, papers, and documents, administer oaths to persons giving testimony at hearings, and cause the prosecution and enjoinder of all persons violating this article;~~

(II) TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE DIRECTOR. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE DIRECTOR.

(III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

SECTION 96. 12-41.5-107 (2) and (3), Colorado Revised Statutes, are amended

to read:

12-41.5-107. Renewal of license. (2) Upon receipt of the completed renewal form and the renewal fee, the director shall issue a license for the current renewal period PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR, AND SUCH RENEWAL OR REINSTATEMENT SHALL BE GRANTED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

~~(3) The director may reinstate a lapsed or expired license upon payment of a renewal fee.~~

SECTION 97. 12-41.5-109 (5.5) (b) and (8), Colorado Revised Statutes, are amended, and the said 12-41.5-109 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

12-41.5-109. Grounds for action - disciplinary proceedings. (5.5) (b) (I) In accordance with the provisions of article 4 of title 24, C.R.S., and this article, the director is authorized to investigate, hold hearings, and gather evidence in all matters related to the exercise and performance of the powers and duties of the director. ~~The director or an administrative law judge may subpoena witnesses, administer oaths, compel testimony of witnesses, and compel the production of books, papers, and records relevant to any inquiry or hearing. A subpoena issued pursuant to this paragraph (b) shall be enforceable by the district court of any judicial district in Colorado in accordance with section 24-4-105 (5), C.R.S.~~

(II) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE DIRECTOR.

(III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

(8) (a) THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS

OR CONSULTANT TO THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS.

(b) A person who in good faith makes a complaint or report or participates in an investigative or administrative proceeding pursuant to this article shall be immune from liability, civil or criminal, that otherwise might result from such ~~action~~ PARTICIPATION.

(11) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(12) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 98. 12-42-110, Colorado Revised Statutes, is amended to read:

12-42-110. Disposition of fees. All fees ~~and fines~~ collected by the board under the provisions of this article shall be transmitted to the state treasurer, who shall credit the same pursuant to section 24-34-105, C.R.S.

SECTION 99. 12-42-112 (1) and (2), Colorado Revised Statutes, are amended to read:

12-42-112. Renewal of license. (1) To renew a license issued pursuant to this article, a licensee shall submit an application for renewal ~~on a form prescribed by the board and pay a fee in an amount set by the board in accordance with section 24-34-105, C.R.S. Upon receipt by the board of a completed application and the requisite fee, the board shall issue a certificate of renewal of licensure. No more than one renewal fee shall be assessed or collected in conjunction with the submittal of an~~

~~application for license renewal~~ PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES, AND THE LICENSE SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

~~(2) If any person fails to renew his license by June 30 such license shall lapse. Such person may be reinstated by the board, and the license may be revalidated on satisfactory explanation of such failure and on payment of a reinstatement fee established pursuant to section 24-34-105, C.R.S. Any person practicing as a psychiatric technician whose license has lapsed or is not in full force and effect at such time shall be subject to the penalties provided in this article as an illegal practitioner.~~

SECTION 100. 12-42-115.5 (2), Colorado Revised Statutes, is amended to read:

12-42-115.5. Immunity in professional review. ~~(2) Any member of the board or a professional review committee authorized by the board, and any witness appearing before the board or such professional review committee shall be immune from suit in any civil action brought by a licensee who is the subject of a professional review proceeding if such member, or witness, acts in good faith within the scope of the function of the board or such committee, has made a reasonable effort to obtain the facts of the matter as to which he acts, and acts in the reasonable belief that the action taken by him is warranted by the facts.~~ ANY MEMBER OF THE BOARD OR OF A PROFESSIONAL REVIEW COMMITTEE, ANY MEMBER OF THE BOARD'S OR COMMITTEE'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD OR COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 101. 12-43-203 (7) (a) and (11) (b), Colorado Revised Statutes, are amended to read:

12-43-203. Boards - meetings - duties - powers - removal of members - immunity. ~~(7) (a) Members of each board, and consultants to the board, including members of any advisory committee, shall be immune from suit in any action civil or~~

~~criminal, for official acts performed in good faith as members of such committee or board or as consultants to such board.~~ ANY MEMBER OF A BOARD OR OF A PROFESSIONAL REVIEW COMMITTEE AUTHORIZED BY A BOARD, ANY MEMBER OF STAFF TO A BOARD OR COMMITTEE, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO A BOARD OR COMMITTEE, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD OR COMMITTEE MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

~~(11) (b) Any member of the professional review committee, and any witness appearing before such professional review committee shall be immune from suit in any civil action brought by the licensed, registered, or regulated person who is the subject of a professional review proceeding if such member, or witness, acts in good faith within the scope of the function of such committee, has made a reasonable effort to obtain the facts of the matter as to which he or she acts, and acts in the reasonable belief that the action taken by him or her is warranted by the facts.~~

SECTION 102. 12-43-204 (3) and (4), Colorado Revised Statutes, are amended to read:

12-43-204. Fees - renewal. (3) Every person licensed or registered to practice psychology, social work, marriage and family therapy, or professional counseling, or listed in the state grievance board data base, within the state shall pay a renewal fee to be determined pursuant to section 24-34-105, C.R.S., and shall submit a renewal application upon a form prescribed by each board and shall receive therefor a renewal certificate, if qualified, authorizing such person to continue to practice in this state. ~~No fee received from licensees, registrants, or unlicensed psychotherapists seeking renewal shall be refunded. Each board shall establish renewal fees and schedules subject to the provisions of section 24-34-102 (8), C.R.S.~~ RENEW OR REINSTATE HIS OR HER LICENSE, CERTIFICATION, OR REGISTRATION PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES, AND LICENSES, CERTIFICATIONS, AND REGISTRATIONS SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE, CERTIFICATION, OR REGISTRATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE, CERTIFICATION, OR REGISTRATION SHALL EXPIRE. ANY PERSON WHOSE LICENSE, CERTIFICATION, OR REGISTRATION HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

~~(4) Any license or registration issued by a board or any listing in the state grievance board data base shall expire by operation of law for failure to timely renew such license, registration, or listing in the state grievance board data base. Upon compliance with this section and applicable rules and regulations regarding renewal, including the payment of a renewal fee plus a late payment fee established pursuant to section 24-34-105, C.R.S., the expired license, registration, or listing shall be reinstated; except that no license or registration to practice psychology, social work, marriage and family therapy, or professional counseling that has not been renewed for a period of time greater than two years shall be reinstated upon application for reinstatement unless the applicant demonstrates continued professional competence to the board to which such applicant is applying for reinstatement.~~

SECTION 103. 12-43-221 (1) (b), Colorado Revised Statutes, is amended to read:

12-43-221. Powers and duties of the boards. (1) In addition to all other powers and duties conferred and imposed upon the boards, as defined in section 12-43-201 (1), by this article, each board has the following powers and duties with respect to the licensing, registration, and regulation of the persons licensed, registered, or listed by each individual board pursuant to part 3, 4, 5, 6, or 7 of this article:

(b)(I) To make investigations, hold hearings, and take evidence in accordance with the provisions of article 4 of title 24, C.R.S., and this article in all matters relating to the exercise and performance of the powers and duties vested in each board. ~~and, in connection with any investigation or hearing and through any member or an administrative law judge, to subpoena witnesses, administer oaths, and compel the testimony of witnesses and the production of books, papers, and records relevant to any inquiry or hearing. Any subpoena issued pursuant to this article shall be enforceable by the district court. Subpoenas issued on behalf of a board may be signed by such board's program administrator.~~

(II) EACH BOARD, OR AN ADMINISTRATIVE LAW JUDGE ACTING ON SUCH BOARD'S BEHALF, SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. EACH BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD PURSUANT TO PARAGRAPH (e) OF THIS SUBSECTION (1).

(III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

SECTION 104. 12-43-224 (3) (d), Colorado Revised Statutes, is amended, and the said 12-43-224 (3) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

12-43-224. Disciplinary proceedings - judicial review - mental and physical examinations - multiple licenses. (3) Disciplinary actions may consist of the following:

(d) (I) **Issuance of letters of admonition.** ~~Such letters shall be sent by certified mail to the licensee, registrant, or unlicensed psychotherapist against whom a complaint was made. The letter shall advise the licensee, registrant, or unlicensed psychotherapist that he or she may, within twenty days after receipt of the letter, make a written request to the board that issued the letter to institute formal disciplinary proceedings in order to formally adjudicate the conduct or acts on which the letter was based.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE, CERTIFICATE HOLDER, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST.

(II) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE, CERTIFICATE HOLDER, REGISTRANT, OR UNLICENSED PSYCHOTHERAPIST, SUCH PERSON SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(III) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(f) **Deferred settlement or judgment.** WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 105. 12-55.5-104 (1) (b), Colorado Revised Statutes, is amended to read:

12-55.5-104. Powers and duties of the director. (1) In addition to all other powers and duties conferred or imposed upon the director by this article or by any other law, the director:

(b) (I) ~~To aid in any hearing or investigation instituted pursuant to this article, shall have the power to issue subpoenas to compel the attendance and testimony of witnesses and the production of books, client records, and papers and shall also have the power to issue subpoenas commanding the production of copies of any records containing information relevant to the outfitting activities of any outfitter;~~ TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT

PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO PERFORM THE FUNCTIONS OF THIS SUBPARAGRAPH (I) AND TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE DIRECTOR.

(II) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

SECTION 106. 12-55.5-105, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-55.5-105. Issuance of certificate of registration - violations.

(5) RENEWALS AND REINSTATEMENT OF CERTIFICATES SHALL BE PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER CERTIFICATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH CERTIFICATE SHALL EXPIRE. ANY PERSON WHOSE CERTIFICATE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION 107. 12-55.5-106 (3), Colorado Revised Statutes, is amended, and the said 12-55.5-106 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-55.5-106. Disciplinary actions - grounds for discipline. (3) (a) ~~When a complaint or an investigation discloses a violation of this article which, in the opinion of the director, does not warrant formal action but which should not be dismissed as being without merit, a letter of admonition may be sent by certified mail to the outfitter against whom a complaint was made, and a copy thereof to the person making the complaint, but, when a letter of admonition is sent by certified mail by the director to an outfitter complained against, such outfitter shall be advised that he has the right to request in writing, within twenty days after proven receipt of 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.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF

THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE REGISTRANT.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A REGISTRANT, SUCH REGISTRANT SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(4) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 108. 12-55.5-106 (3), Colorado Revised Statutes, as enacted by House Bill 04-1215, at the Second Regular Session of the Sixty-fourth General Assembly, is amended to read:

12-55.5-106. Disciplinary actions - grounds for discipline. (3) (a) ~~When a complaint or an investigation discloses a violation of this article that, in the opinion of the director, does not warrant formal action but should not be dismissed as being without merit, a letter of admonition may be sent by certified mail to the outfitter against whom a complaint was made and a copy thereof to the person making the complaint; except that, when a letter of admonition is sent by certified mail by the director to an outfitter complained against, such outfitter shall be advised that he or she has the right to request in writing, within thirty days after the date the letter was mailed, that formal disciplinary proceedings be initiated 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~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE REGISTRANT.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR, BY CERTIFIED MAIL, TO A REGISTRANT, SUCH REGISTRANT SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION 109. 12-55.5-106, Colorado Revised Statutes, is amended BY THE

ADDITION OF A NEW SUBSECTION to read:

12-55.5-106. Disciplinary actions - grounds for discipline. (5) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 110. 12-55.5-112, Colorado Revised Statutes, is amended to read:

12-55.5-112. Immunity. ~~Any person acting as a consultant to the director, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article shall be immune from liability in any civil action brought against him for acts occurring while acting in his capacity as a consultant, witness, or complainant, respectively, if such individual was acting in good faith within the scope of his respective capacity, made a reasonable effort to obtain the facts of the matter as to which he acted, and acted in the reasonable belief that the action taken by him was warranted by the facts.~~ THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 111. 12-58-104 (1) (g), Colorado Revised Statutes, is amended to read:

12-58-104. Powers of board. (1) In addition to all other powers and duties conferred or imposed upon the board by this article, the board is authorized and empowered to:

(g) (I) ~~Subpoena records and documents and compel the attendance of witnesses pursuant to an investigation or a hearing of the board;~~ ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO PERFORM THE FUNCTIONS OF THIS PARAGRAPH (g) AND TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD.

(II) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON

OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

SECTION 112. 12-58-108 (2), Colorado Revised Statutes, is amended to read:

12-58-108. License renewal - reinstatement. (2) Any license that has lapsed shall be deemed to have expired. Prior to reinstatement, the board is authorized to require the licensee to demonstrate competency. ~~after two years if the board determines that such a showing is necessary and to require the payment of the appropriate fee.~~ LICENSES SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.

SECTION 113. 12-58-110 (2), Colorado Revised Statutes, is amended, and the said 12-58-110 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-58-110. Disciplinary action by board - licenses or registrations denied, suspended, or revoked - cease and desist orders. (2) (a) ~~When a complaint or an investigation discloses an instance of misconduct that, 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 licensee or registrant against whom a complaint was made and a copy thereof to the person making the complaint, but when the board sends a letter of admonition by certified mail to a licensee or registrant complained against, such person shall be advised of such person's right to request in writing, within thirty days after the date on which the letter was mailed, that formal disciplinary proceedings be initiated against such person 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.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO

REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(4) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 114. 12-58-110.3, Colorado Revised Statutes, is amended to read:

12-58-110.3. Immunity. ~~Any member of the board and any witness appearing before the board or in any criminal proceeding involving the person who is the subject of disciplinary action shall be immune from suit in any civil action brought by the person who is the subject of the disciplinary action if such member or witness acts in good faith. The immunity provided by this section shall also extend to any person, including consultants and complainants, participating in good faith in any investigative proceeding pursuant to this article.~~ ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 115. 12-58-116.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-58-116.5. Violation - fines. (4) ANY ADMINISTRATIVE FINES COLLECTED PURSUANT TO THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH FINES TO THE GENERAL FUND.

SECTION 116. 12-64-105 (8) and (9) (e), Colorado Revised Statutes, are amended to read:

12-64-105. Board of veterinary medicine. (8) All moneys collected or received by the board, EXCEPT AS PROVIDED IN SECTION 12-64-111 (4), shall be transmitted to the state treasurer, who shall credit the same pursuant to section 24-34-105, C.R.S., and the general assembly shall make annual appropriations pursuant to said section for the expenditures of the board incurred in the performance of its duties

under this article, which expenditures shall be made from such appropriations upon vouchers and warrants drawn pursuant to law.

(9) The board has the power to:

~~(e) (I) Conduct investigations; subpoena witnesses, administer oaths, compel the testimony of witnesses under oath, compel the production of books, papers, and records relevant to any investigation or hearing, by subpoena duces tecum or otherwise. The sheriff of any county shall serve any subpoena or written order of the board in the same manner as process is served in civil actions and any subpoena issued pursuant to this paragraph (e) shall be enforceable by the district court.~~

(II) ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER COMING BEFORE THE BOARD. THE BOARD MAY APPOINT AN ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT THEM TO THE BOARD PURSUANT TO PARAGRAPH (f) OF THIS SUBSECTION (9).

(III) UPON FAILURE OF ANY WITNESS TO COMPLY WITH SUCH SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE BOARD OR DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF COURT.

SECTION 117. 12-64-105.5, Colorado Revised Statutes, is amended to read:

12-64-105.5. Immunity from civil process. ~~Any member of the board, any witness testifying in a proceeding authorized under this article, and any person who lodges a complaint pursuant to this article shall be immune from liability in any civil action brought against him for acts occurring while acting in his capacity as a board member, witness, or complainant, if such individual was acting in good faith within the scope of his respective capacity.~~ ANY MEMBER OF THE BOARD, ANY MEMBER OF THE BOARD'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE BOARD, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS BOARD MEMBER, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR

ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

SECTION 118. 12-64-110 (1), (2), and (4) (a), Colorado Revised Statutes, are amended to read:

12-64-110. License renewal. (1) ~~All licenses shall expire in accordance with the provisions of section 24-34-102 (8), C.R.S., but may be renewed by registration with the board and payment of the registration renewal fee established, pursuant to section 24-34-105, C.R.S., by the board. The department of regulatory agencies shall mail a notice to each licensed veterinarian that his license will expire and provide him with a form for renewal of registration.~~

(2) (a) ~~Any person who practices veterinary medicine after the expiration of his license and willfully or by neglect fails to renew such license shall be practicing in violation of this article, but any person may renew an expired license within three years after the date of its expiration by making written application for renewal, providing satisfactory proof of the completion of all delinquent continuing education requirements, and paying the current renewal fee, all delinquent renewal fees, plus a delinquency fee as established by the board. The board may refuse to reinstate any license which has expired for conduct which constitutes a violation of the provisions of section 12-64-111.~~

(b) ~~If a licensee has allowed his or her license to expire for a period longer than three years, such licensee may be reinstated to an active status by making written application for reinstatement, retaking the national exam, and paying the current renewal fee, all delinquent renewal fees, plus a delinquency fee as established by the board. ALL LICENSES SHALL BE RENEWED OR REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL BE RENEWED OR REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS, SUCH LICENSE SHALL EXPIRE. ANY PERSON WHOSE LICENSE HAS EXPIRED SHALL BE SUBJECT TO THE PENALTIES PROVIDED IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S.~~

(4) (a) In order to obtain license renewal, each licensee, except as otherwise provided, shall be required to complete a board-approved veterinary continuing educational program of at least thirty-two hours biennially, which courses may be taken at any time during the period of licensure, AND SHALL PROVIDE SATISFACTORY PROOF OF THE COMPLETION OF ALL DELINQUENT CONTINUING EDUCATION REQUIREMENTS. The board may, for good cause shown, prescribe the type and character of continuing education courses to be taken by any doctor of veterinary medicine in order to comply with the requirements of this article.

SECTION 119. 12-64-111 (1.5) and (4), Colorado Revised Statutes, are amended, and the said 12-64-111 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-64-111. Discipline of licensees. (1.5) (a) ~~When a complaint or an investigation discloses an instance of misconduct which, in the opinion of the board, does not warrant formal action but which should not be dismissed as being without merit, the board may send a letter of admonition to any licensed veterinarian. Such letter shall be sent to the veterinarian by certified mail, with a copy to the complainant, and shall advise such veterinarian that he or she may, within twenty days after receipt of the letter, make a written request to the board to institute a formal hearing pursuant to section 24-4-105 to determine the propriety of the alleged misconduct. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal proceedings.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSEE.

(b) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO A LICENSEE, SUCH LICENSEE SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(c) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(4) In addition to any other penalty ~~which~~ THAT may be imposed pursuant to this section, any person violating any provision of this article or any rules ~~or regulations~~ promulgated pursuant to this article may be fined not less than one hundred dollars nor more than one thousand dollars for any such violation. ANY MONEYS COLLECTED PURSUANT TO THIS SUBSECTION (4) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEYS TO THE GENERAL FUND.

(5) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 120. 24-34-102 (8), Colorado Revised Statutes, is amended to read:

24-34-102. Division of registrations - creation - duties of division and department heads - definitions - license, registration, or certification renewal and reinstatement. (8) (a) **Renewal.** NOTWITHSTANDING any provision of the law to the contrary, ~~notwithstanding~~; the ~~executive~~ director of THE DIVISION OF REGISTRATIONS WITHIN the department of regulatory agencies, ~~upon the approval and recommendation of any examining or licensing board or commission in the division of registrations~~; HEREINAFTER REFERRED TO AS THE "DIRECTOR", may change the renewal date of any license, REGISTRATION, or certificate issued by such ~~examining~~ or licensing board or commission to the end that approximately the same number of certificates, REGISTRATIONS, or licenses are scheduled for renewal in each month of the year. Where any renewal date is so changed, the fee for the license or certificate shall be proportionately increased or decreased, as the case may be. ANY

CERTIFICATE, LICENSE, OR REGISTRATION SHALL BE VALID FOR A PERIOD OF NO LESS THAN ONE YEAR AND NO LONGER THAN THREE YEARS, AS DETERMINED BY THE DIRECTOR IN CONSULTATION WITH THE LICENSING BOARD OR COMMISSION WITHIN THE DIVISION OF REGISTRATIONS. AN APPLICATION FOR RENEWAL SHALL BE SUBMITTED TO THE LICENSING BOARD OR COMMISSION ON FORMS AND IN THE MANNER PRESCRIBED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS.

(b) THE DIRECTOR AND ANY LICENSING BOARD OR COMMISSION MAY PRESCRIBE RENEWAL REQUIREMENTS, WHICH SHALL INCLUDE COMPLIANCE WITH ANY CONTINUING EDUCATION REQUIREMENTS ADOPTED PURSUANT TO THE DIRECTOR'S, LICENSING BOARD'S, OR COMMISSION'S AUTHORITY.

(c) THE DIRECTOR SHALL ALLOW FOR A GRACE PERIOD FOR LICENSES, CERTIFICATES, AND REGISTRATIONS FROM LICENSING BOARDS OR COMMISSIONS WITHIN THE DIVISION OF REGISTRATIONS. A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER SHALL HAVE A SIXTY-DAY GRACE PERIOD AFTER THE EXPIRATION OF HIS OR HER LICENSE, REGISTRATION, OR CERTIFICATE TO RENEW SUCH LICENSE, REGISTRATION, OR CERTIFICATE WITHOUT THE IMPOSITION OF A DISCIPLINARY SANCTION FOR PRACTICING ON AN EXPIRED LICENSE, REGISTRATION, OR CERTIFICATE BY THE DIRECTOR, LICENSING BOARD, OR COMMISSION FOR SUCH PROFESSION. THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER SHALL SATISFY ALL RENEWAL REQUIREMENTS PURSUANT TO THE APPLICABLE PRACTICE ACT AND SHALL PAY A DELINQUENCY FEE IN AN AMOUNT DETERMINED PURSUANT TO SECTIONS 24-34-105 AND 24-79.5-102.

(d) **Reinstatement.** A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER WHO DOES NOT RENEW HIS OR HER LICENSE, REGISTRATION, OR CERTIFICATE WITHIN THE SIXTY-DAY GRACE PERIOD PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (8) SHALL BE TREATED AS HAVING AN EXPIRED LICENSE, REGISTRATION, OR CERTIFICATE AND SHALL BE INELIGIBLE TO PRACTICE UNTIL SUCH LICENSE, REGISTRATION, OR CERTIFICATE IS REINSTATED. AN EXPIRED LICENSE, REGISTRATION, OR CERTIFICATE MAY BE REINSTATED AT THE DISCRETION AND PURSUANT TO THE AUTHORITY OF THE DIRECTOR, LICENSING BOARD, OR COMMISSION PURSUANT TO THE FOLLOWING REQUIREMENTS:

(I) (A) AN APPLICATION FOR REINSTATEMENT OF THE LICENSE, REGISTRATION, OR CERTIFICATE IS SUBMITTED TO THE DIRECTOR, LICENSING BOARD, OR COMMISSION SIXTY DAYS AFTER THE DATE OF EXPIRATION AND THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER COMPLIES WITH ALL REQUIREMENTS OF THE APPLICABLE PRACTICE ACT.

(B) IF THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER PRACTICED WITH AN EXPIRED LICENSE, REGISTRATION, OR CERTIFICATE, PURSUANT TO THE AUTHORITY OF THE DIRECTOR, THE LICENSING BOARD OR COMMISSION MAY IMPOSE DISCIPLINARY ACTIONS AGAINST THE LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER.

(II) IF THE LICENSE, REGISTRATION, OR CERTIFICATE HAS EXPIRED FOR MORE THAN TWO YEARS, THE PERSON WITH THE EXPIRED LICENSE, REGISTRATION, OR CERTIFICATE SHALL PAY ALL APPLICABLE RENEWAL AND REINSTATEMENT FEES AND SHALL SATISFACTORILY DEMONSTRATE TO THE DIRECTOR, LICENSING BOARD, OR COMMISSION THAT THE PERSON IS COMPETENT TO PRACTICE WITHIN HIS OR HER

PROFESSION. PURSUANT TO THE AUTHORITY OF THE DIRECTOR, THE LICENSING BOARD OR COMMISSION, AS IT DEEMS APPROPRIATE, SHALL ACCEPT ONE OR MORE OF THE FOLLOWING AS A DEMONSTRATION OF COMPETENCY TO PRACTICE:

(A) A LICENSE, REGISTRATION, OR CERTIFICATE FROM ANOTHER STATE THAT IS IN GOOD STANDING FOR THE APPLICANT WHERE THE APPLICANT DEMONSTRATES ACTIVE PRACTICE;

(B) PRACTICE FOR A SPECIFIED TIME UNDER A RESTRICTED LICENSE, REGISTRATION, OR CERTIFICATE;

(C) SUCCESSFUL COMPLETION OF PRESCRIBED REMEDIAL COURSES ORDERED BY THE DIRECTOR, LICENSING BOARD, OR COMMISSION THAT ARE WITHIN THE AUTHORITY OF THE DIRECTOR, LICENSING BOARD, OR COMMISSION TO REQUIRE;

(D) SUCCESSFUL COMPLETION OF ANY CONTINUING EDUCATION REQUIREMENTS PRESCRIBED BY THE DIRECTOR, LICENSING BOARD, OR COMMISSION THAT ARE WITHIN THE AUTHORITY OF THE DIRECTOR, LICENSING BOARD, OR COMMISSION TO REQUIRE;

(E) PASSAGE OF AN EXAMINATION FOR LICENSURE, REGISTRATION, OR CERTIFICATION AS APPROVED BY THE DIRECTOR, LICENSING BOARD, OR COMMISSION THAT THE DIRECTOR, LICENSING BOARD, OR COMMISSION HAS THE AUTHORITY TO ACQUIRE; OR

(F) OTHER PROFESSIONAL STANDARDS OR MEASURES OF CONTINUED COMPETENCY AS DETERMINED BY THE DIRECTOR, LICENSING BOARD, OR COMMISSION.

(III) THE DIRECTOR, LICENSING BOARD, OR COMMISSION MAY WAIVE THE REQUIREMENTS FOR REINSTATEMENT OF AN EXPIRED LICENSE, REGISTRATION, OR CERTIFICATE BY AN APPLICANT WHO DEMONSTRATES HARDSHIP, SO LONG AS THE DIRECTOR OR SUCH BOARD OR COMMISSION CONSIDERS THE PROTECTION OF THE PUBLIC IN SUCH HARDSHIP PETITION.

SECTION 121. 24-34-105 (2) (a) and (2) (b) (I), Colorado Revised Statutes, are amended, and the said 24-34-105 (2) (b) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

24-34-105. Fee adjustments - division of registrations cash fund created - legal defense account. (2) (a) Each board and commission in the division of registrations shall propose, as part of its annual budget request, an adjustment in the amount of each fee ~~which~~ THAT such board or commission is authorized by law to collect. The budget request and the adjusted fees for each board or commission shall reflect direct and indirect costs THAT ARE APPROPRIATED IN THE ANNUAL GENERAL APPROPRIATION ACT.

(b) (I) Based upon the appropriation made and subject to the approval of the executive director of the department of regulatory agencies, each board or commission shall adjust its fees so that the revenue generated from said fees approximates its direct and indirect costs; except that the costs of the state board of psychologist examiners, the state board of marriage and family therapist examiners, the state board of licensed professional counselor examiners, the state board of social

work examiners, and the state grievance board shall be considered collectively in the renewal fee-setting process. Subsequent revenue generated by the fees set by such boards plus revenues generated pursuant to section 12-43-702.5, C.R.S., shall be compared to those collective costs to determine recovery of direct and indirect costs. Such fees shall remain in effect for the fiscal year for which the budget request applies. All fees collected by each board and commission, NOT INCLUDING ANY FEES RETAINED BY CONTRACTORS AS ESTABLISHED PURSUANT TO THE PROVISIONS OF SECTION 24-34-101 (6), shall be transmitted to the state treasurer, who shall credit the same to the division of registrations cash fund, which fund is hereby created. All moneys credited to the division of registrations cash fund shall be used as provided in this section and shall not be deposited in or transferred to the general fund of this state or any other fund.

(1.5) ANY FEES ESTABLISHED PURSUANT TO SECTION 24-34-101 (6) OR (7) MAY BE RECEIVED BY A CONTRACTOR AND RETAINED AS PAYMENT FOR THE COSTS OF EXAMINATION OR OTHER SERVICES RENDERED PURSUANT TO THE CONTRACT WITH THE EXECUTIVE DIRECTOR. FEES RETAINED BY A CONTRACTOR AND NOT COLLECTED BY THE STATE OR DEPOSITED WITH THE STATE TREASURER SHALL NOT BE SUBJECT TO ARTICLE 36 OF THIS TITLE.

SECTION 122. 24-34-101, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

24-34-101. Department created - executive director. (5) THE EXECUTIVE DIRECTOR SHALL HAVE THE AUTHORITY TO ACCEPT AND EXPEND GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSES OF IMPLEMENTING AND ADMINISTERING THE PROVISIONS OF SECTION 24-4-103 (2.5).

(6) THE EXECUTIVE DIRECTOR MAY CONTRACT PURSUANT TO PART 5 OF ARTICLE 50 OF THIS TITLE WITH A PERSON, CORPORATION, OR ENTITY HAVING TECHNICAL OR SUBJECT MATTER EXPERTISE OR SKILL AND EXPERIENCE TO DEVELOP, IMPLEMENT, AND ADMINISTER THE LICENSING AND EXAMINATION FUNCTIONS OF THE DIVISION OF REGISTRATIONS WHEN THE EXECUTIVE DIRECTOR DETERMINES THAT THE DIVISION OF REGISTRATIONS IS WITHOUT SUFFICIENT TECHNICAL EXPERTISE TO PERFORM SUCH LICENSING AND EXAMINATION FUNCTIONS.

(7) THE EXECUTIVE DIRECTOR MAY CONTRACT PURSUANT TO PART 5 OF ARTICLE 50 OF THIS TITLE WITH A PERSON, CORPORATION, OR ENTITY FOR THE PURPOSE OF DECREASING THE APPROPRIATIONS FOR THE DIVISION OF REGISTRATIONS IN THE ANNUAL GENERAL APPROPRIATIONS ACT.

(8) A CONTRACT ENTERED INTO PURSUANT TO SUBSECTION (6) OR (7) OF THIS SECTION MAY AUTHORIZE A CONTRACTOR TO COLLECT FEES DIRECTLY FROM AN APPLICANT. THE CONTRACTOR MAY RETAIN ALL OR A PORTION OF THE FEES DESIGNATED AS PAYMENT FOR PERFORMANCE OF THE FUNCTIONS UNDER THE CONTRACT. ALL FEES COLLECTED AND RETAINED BY THE CONTRACTOR SHALL NOT BE SUBJECT TO THE PROVISIONS OF ARTICLE 36 OF THIS TITLE.

SECTION 123. 25-5-706 (2) (b), Colorado Revised Statutes, is amended to read:

25-5-706. Disciplinary action - administrative sanctions - grounds.

(2) Disciplinary action of the board may be imposed as an alternative to or in conjunction with the issuance of orders or the pursuit of other remedies provided by section 25-5-707 or 25-5-716, and may consist of any of the following:

~~(b) (I) Issuance of a letter of admonition to an area operator, which may be issued based on any of the disciplinary grounds specified in this part 7 without the necessity of a hearing as might otherwise be required under section 25-5-708. The letter of admonition shall be sent to the area operator by certified mail and shall advise the area operator that the area operator may, within twenty days after receipt of the letter, make a written request to the board to institute formal disciplinary proceedings in accordance with section 25-5-708 to formally adjudicate the conduct upon which the letter was based.~~ WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BY THE BOARD BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, ISSUANCE AND SENDING OF A LETTER OF ADMONITION, BY CERTIFIED MAIL, TO THE AREA OPERATOR.

(II) WHEN A LETTER OF ADMONITION IS SENT BY THE BOARD, BY CERTIFIED MAIL, TO AN AREA OPERATOR, SUCH AREA OPERATOR SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED.

(III) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

SECTION 124. The introductory portion to 12-35-129 (1), Colorado Revised Statutes, as amended by House Bill 04-1102, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is amended, and the said 12-35-129 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-35-129. Causes for denial of issuance or renewal - suspension or revocation of licenses - other disciplinary action - unprofessional conduct defined - disciplinary panels. (1) The board may deny the issuance or renewal of, suspend for a specified time period, or revoke any license provided for by this article or may reprimand, censure, or place on probation any licensed dentist or dental hygienist after notice and hearing, which may be conducted by an administrative law judge, pursuant to the provisions of article 4 of title 24, C.R.S., or it may issue a letter of admonition without a hearing by certified mail (except that any licensed dentist or dental hygienist to whom such a letter of admonition is sent may, within ~~thirty~~ TWENTY days after ~~the date of the mailing of such~~ RECEIPT OF THE letter, ~~by the board~~; request in writing to the board a formal hearing thereon, and the letter of admonition shall be deemed vacated, and the board shall, upon such request, hold such a hearing) for any of the following causes:

(13) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE BOARD, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

SECTION 125. 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, 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 disciplinary proceedings, including, but not limited to, investigatory subpoenas issued pursuant to a disciplinary proceeding; fines; and renewal and reinstatement of any license, registration, or certification on or after the applicable effective date of this act.

(3) (a) (I) Sections 47, 48, 49, 50, 51, 52, 53, and 54 shall only take effect if House Bill 04-1115 is enacted and becomes law.

(II) Sections 37, 38, 39, 42, 43, and 44, shall not take effect if House Bill 04-1115 is enacted and becomes law.

(b) (I) Sections 108 and 109 shall only take effect if House Bill 04-1215 is enacted and becomes law.

(II) Section 107 shall not take effect if House Bill 04-1215 is enacted and becomes law.

(c) (I) Section 80 shall only take effect January 1, 2005, if Senate Bill 04-129 is enacted and becomes law.

(II) Section 79 shall not take effect January 1, 2005, if Senate Bill 04-129 is enacted and becomes law.

(d) Section 124 shall only take effect if House Bill 04-1102 is enacted and becomes law.

Approved: June 4, 2004