

CHAPTER 181

**PROFESSIONS AND OCCUPATIONS**

HOUSE BILL 06-1264

BY REPRESENTATIVE(S) Hefley;  
also SENATOR(S) Grossman.

**AN ACT**

**CONCERNING THE ENACTMENT OF CONSISTENT PROVISIONS AMONG THE OCCUPATIONS REGULATED  
BY THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.**

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

**SECTION 1.** 12-2-104 (1) (i), Colorado Revised Statutes, is amended to read:

**12-2-104. Powers and duties of board.** (1) The board has the power and duty to:

(i) Deny the issuance or renewal of, suspend for a specified period, ~~of time,~~ or revoke a certificate; ~~or~~ issue a letter of admonition to or censure or place on probation or fine any person who, while holding a certificate, violates any of the provisions of this article; **ISSUE CONFIDENTIAL LETTERS OF CONCERN; ISSUE CEASE AND DESIST ORDERS;** or impose other conditions and limitations;

**SECTION 2.** 12-2-126 (2), (3), (4), and (5), Colorado Revised Statutes, are amended, and the said 12-2-126, is further amended **BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS,** to read:

**12-2-126. Investigations, examinations, and cease and desist orders against unlawful act.** (2) (a) ~~If the board has reason to believe that any person has engaged, is engaging, or threatens to engage in an act or practice which constitutes a violation of any provision of this article, the board may initiate and conduct proceedings as provided by section 12-2-125 to determine if such a violation has occurred or threatens to occur. Upon the determination by a majority of the board of a violation of any provision of this article on the basis of the evidence presented at the hearing, a majority of the board may issue an order to cease and desist the act or acts violating any provision of this article. A copy of the cease and desist order~~

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

~~shall be furnished to each party.~~ IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A CERTIFICATE HOLDER IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED CERTIFICATE, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNCERTIFIED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

~~(3) (a) Any person aggrieved by such a cease and desist order may seek judicial review of the board's determination or of the board's cease and desist order as provided by section 12-2-127.~~ IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNCERTIFIED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL BE PROMPTLY NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (3) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE

BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED CERTIFICATE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNCERTIFIED PRACTICES.

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (3), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

~~(4) If the board has reason to believe that any person has violated, is violating, or threatens to violate the board's cease and desist order issued under this section, the board may make application to the district court for an order enjoining such violation of the board's cease and desist order, and upon a showing by the board that such a person has violated or threatens to violate the board's cease and desist order, an injunction, restraining order, or other appropriate order shall be granted by such court regardless of the existence of another remedy therefor. Any notice, hearing, or duration of any injunction or restraining order shall be made in accordance with the provisions of chapter 7, rule 65, of the Colorado rules of civil procedure. The attorney general of this state or one of his assistants designated by him shall appear and represent the board.~~ IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNCERTIFIED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE, ANY ORDER ISSUED PURSUANT TO THIS ARTICLE, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

~~(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.~~ IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(6) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER

AS PROVIDED IN SECTION 12-2-127.

(7) 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 3.** 12-4-111 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**12-4-111. Discipline.** (3)(c) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE BOARD AND, IN THE OPINION OF THE BOARD, THE COMPLAINT SHOULD BE DISMISSED, BUT THE BOARD HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE LICENSEE THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN MAY BE ISSUED AND SENT TO THE LICENSEE.

**SECTION 4.** 12-4-113 (2.5), Colorado Revised Statutes, is amended, and the said 12-4-113 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**12-4-113. Violations - penalties - injunctions.** (2.5) ~~If the board has reasonable cause to believe that any person is violating any provision of this section or any lawful rule or regulation issued under this section, in addition to all other actions provided for in this article and without prejudice thereto, the board or its designee may enter an order requiring such person to cease and desist from violating this section or such rule or regulation and, in addition, may request that an action be brought on relation of the people of the state of Colorado by the attorney general or by the district attorney of the district in which the violation is alleged to have occurred, to enjoin such person from engaging in or continuing such violation or from doing any act in furtherance thereof. In any such action, an order or judgment may be entered awarding such preliminary or final injunction as may be deemed proper.~~

(4) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(5) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS

VIOLATED ANY OTHER PORTION OF THIS ARTICLE, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL BE PROMPTLY NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE; BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID; OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (5) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (5). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (5) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED PRACTICES.

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (5), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(6) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN AN UNLICENSED ACT OR PRACTICE; ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE, OR ANY ORDER ISSUED PURSUANT TO THIS ARTICLE; OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(7) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(8) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER IN A COURT OF COMPETENT JURISDICTION.

**SECTION 5.** 12-5.5-105 (1) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**12-5.5-105. Grounds for discipline - disciplinary actions.** (1) (a) If, after investigation, notice, and the opportunity for hearing in accordance with article 4 of title 24, C.R.S., the director determines that an applicant or registrant has committed any of the acts specified in paragraph (b) of this subsection (1), the director may:

(V) ISSUE A CONFIDENTIAL LETTER OF CONCERN.

**SECTION 6.** 12-5.5-107, Colorado Revised Statutes, is amended to read:

**12-5.5-107. Cease and desist orders.** (1) (a) ~~If, as the result of an investigation of a written complaint by any person or on the director's own motion, the director determines that any person is acting or has acted without the required registration, or is otherwise in violation of this article, or is acting in a manner that is a threat to the health and safety of the public, the director may issue an order to cease and desist such activity. The order shall set forth the statutes and rules alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts cease immediately.~~ If IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A REGISTRANT IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED REGISTRATION, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNREGISTERED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE RESPONDENT MAY

REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS PART 1 HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(2) (a) ~~Within thirty days after service of the order to cease and desist, the respondent may request a hearing on the question of whether acts or practices in violation of this article have occurred. Such hearings shall be conducted pursuant to the provisions of article 4 of title 24, C.R.S.~~ IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS PART 1, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS PART 1, THE DIRECTOR MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNREGISTERED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE PROMPTLY NOTIFIED BY THE DIRECTOR OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (2) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) DOES NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED REGISTRATION, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART 1, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER

## UNLAWFUL ACTS OR UNREGISTERED PRACTICES.

(IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

~~(3) In the event that any person fails to comply with a cease and desist order, the director may request the attorney general or the district attorney for the judicial district in which the alleged violation exists to bring, and if so requested such attorney shall bring, a suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of the order.~~ IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNREGISTERED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS PART 1, ANY RULE PROMULGATED PURSUANT TO THIS PART 1, ANY ORDER ISSUED PURSUANT TO THIS PART 1, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS PART 1, THE DIRECTOR MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

~~(4) Matters brought before a court pursuant to this section shall have preference over other matters on the court's calendar.~~ IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(5) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION OR OF THE DIRECTOR'S FINAL ORDER IN A COURT OF COMPETENT JURISDICTION.

**SECTION 7.** 12-5.5-205 (1) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**12-5.5-205. Grounds for discipline - disciplinary actions.** (1) (a) If, after investigation, notice, and the opportunity for hearing in accordance with article 4 of title 24, C.R.S., the director determines that an applicant, registrant, trainee, or associate has committed any of the acts specified in paragraph (b) of this subsection (1), the director may:

(VI) ISSUE A CONFIDENTIAL LETTER OF CONCERN.

**SECTION 8.** 12-5.5-205.5, Colorado Revised Statutes, is amended to read:

**12-5.5-205.5. Cease and desist orders.** (1) (a) ~~If, as the result of an investigation of a written complaint by any person or on the director's own motion,~~

~~the director determines that any person is acting or has acted without the required registration, or is otherwise in violation of this article, or is acting in a manner that is a threat to the health and safety of the public, the director may issue an order to cease and desist such activity. The order shall set forth the statutes and rules alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts cease immediately.~~ IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A REGISTRANT IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED REGISTRATION, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNREGISTERED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS PART 2 HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

~~(2) (a) Within thirty days after service of the order to cease and desist, the respondent may request a hearing on the question of whether acts or practices in violation of this article have occurred. Such hearings shall be conducted pursuant to the provisions of article 4 of title 24, C.R.S.~~ IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS PART 2, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS PART 2, THE DIRECTOR MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNREGISTERED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE PROMPTLY NOTIFIED BY THE DIRECTOR OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (2) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) DOES NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED REGISTRATION, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART 2, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNREGISTERED PRACTICES.

(IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

~~(3) In the event that any person fails to comply with a cease and desist order, the director may request the attorney general or the district attorney for the judicial district in which the alleged violation exists to bring, and if so requested such attorney shall bring, a suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of the order.~~ IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNREGISTERED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS PART 2, ANY RULE PROMULGATED PURSUANT TO THIS PART 2, ANY ORDER ISSUED PURSUANT TO THIS PART 2, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS PART 2, THE DIRECTOR MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

~~(4) Matters brought before a court pursuant to this section shall have preference over other matters on the court's calendar.~~ IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(5) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION OR OF THE DIRECTOR'S FINAL ORDER IN A COURT OF COMPETENT JURISDICTION.

**SECTION 9.** 12-8-108 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**12-8-108. Powers and duties of the director - advisory committee - rules - repeal.** (1) The director has the following powers and duties:

(j) TO ISSUE CONFIDENTIAL LETTERS OF CONCERN. WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE COMPLAINT SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE LICENSEE OR REGISTRANT THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN MAY BE ISSUED AND SENT TO THE LICENSEE OR REGISTRANT.

**SECTION 10.** 12-8-127.5, Colorado Revised Statutes, is amended to read:

**12-8-127.5. Cease and desist orders.** (1) (a) ~~If, as the result of an investigation of a written complaint by any person or on the director's own motion, the director initiates and conducts a hearing and on the basis of evidence presented at the hearing determines that any person who is acting or has acted without the required license, or is otherwise in violation of this article, or is acting in a manner that is a threat to the health and safety of the public, the director may issue an order to cease and desist such activity. The order shall set forth the statutes and rules and regulations alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts cease immediately. The hearing shall be conducted in accordance with the provisions of article 4 of title 24, C.R.S.~~ IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE OR REGISTRANT IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE OR REGISTRATION, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED OR UNREGISTERED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(2) (a) ~~In the event that any person fails to comply with a cease and desist order, the director may request the attorney general or the district attorney for the judicial district in which the alleged violation exists to bring, and if so requested he or she shall bring, a suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of the order.~~ IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW

CAUSE AS TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED OR UNREGISTERED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE PROMPTLY NOTIFIED BY THE DIRECTOR OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (2) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) DOES NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE OR REGISTRATION, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED OR UNREGISTERED PRACTICES.

(IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

~~(3) No stay of a cease and desist order shall be issued before a hearing thereon~~

~~involving both parties.~~ IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED OR UNREGISTERED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE, ANY ORDER ISSUED PURSUANT TO THIS ARTICLE, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

~~(4) Matters brought before a court pursuant to this section shall have preference over other matters on the court's calendar.~~ IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(5) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION OR OF THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SECTION 12-8-131 (7).

**SECTION 11.** 12-10-107.1 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**12-10-107.1. Grounds for discipline.** (2) (e) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE COMPLAINT SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE LICENSEE THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN MAY BE ISSUED AND SENT TO THE LICENSEE.

**SECTION 12.** 12-10-107.1, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**12-10-107.1. Grounds for discipline.** (5) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(6) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6) SHALL BE PROMPTLY NOTIFIED BY THE DIRECTOR OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (6) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (6). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6) DOES NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (6) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED PRACTICES.

(IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (6), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS

PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(7) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE, ANY ORDER ISSUED PURSUANT TO THIS ARTICLE, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(8) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

**SECTION 13.** 12-22-125.2 (7), Colorado Revised Statutes, is amended, and the said 12-22-125.2 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**12-22-125.2. Disciplinary actions.** (7) (a) When a complaint or an investigation discloses an instance of conduct that does not warrant formal action by the board but the board determines that continuation of such conduct could warrant action if continued, a CONFIDENTIAL letter of concern may be sent by certified mail to the licensee or registrant against whom the complaint was made or who was the subject of investigation. If a complaint precipitated the investigation, a response shall be sent to the person making the complaint.

(b) Notice that a CONFIDENTIAL letter of concern has been issued by the board shall be sent to the complainant.

(c) A CONFIDENTIAL letter of concern shall not be construed as discipline.

(9) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE OR REGISTRANT IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE OR REGISTRATION, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED OR UNREGISTERED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS PART 1 HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(10) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS PART 1, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS PART 1, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED OR UNREGISTERED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (10) SHALL BE PROMPTLY NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (10) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (10). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (10) DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (10) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE OR REGISTRATION, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART 1, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED OR UNREGISTERED PRACTICES.

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (10), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS

PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(11) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED OR UNREGISTERED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS PART 1, ANY RULE PROMULGATED PURSUANT TO THIS PART 1, ANY ORDER ISSUED PURSUANT TO THIS PART 1, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS PART 1, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(12) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(13) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER AS PROVIDED IN SECTION 12-22-125.5.

**SECTION 14.** 12-23-118 (6) (d), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

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

(6) (d) (V) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE BOARD AND, IN THE OPINION OF THE BOARD, THE COMPLAINT SHOULD BE DISMISSED, BUT THE BOARD HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE LICENSEE THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN MAY BE ISSUED AND SENT TO THE LICENSEE.

**SECTION 15.** 12-23-118, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

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

(8) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(9) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9) SHALL BE PROMPTLY NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (9) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (9). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9) DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (9) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED PRACTICES.

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (9), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS

PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(10) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE, ANY ORDER ISSUED PURSUANT TO THIS ARTICLE, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(11) IF THAT ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(12) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER IN A COURT OF COMPETENT JURISDICTION.

**SECTION 16.** 12-25-105 (6) (b), Colorado Revised Statutes, is amended to read:

**12-25-105. Unlawful practice - penalties - enforcement.** (6) The practice of professional engineering in violation of any of the provisions of this part 1 shall be deemed a class 3 misdemeanor and shall be either:

(b) (I) Ceased by order of the board pursuant to section 12-25-109 ~~(8) (b)~~ (8.2) TO (8.9).

~~(II) If any person fails to comply with a cease and desist order issued pursuant to subparagraph (I) of this paragraph (b), the board may request the attorney general or the district attorney for the judicial district in which the alleged violation exists to bring and, if so requested, the attorney general or district attorney shall bring a suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of the order.~~

**SECTION 17.** 12-25-109 (8) (b) (II), Colorado Revised Statutes, is amended, and the said 12-25-109 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**12-25-109. Disciplinary proceedings - injunctive relief procedure.** (8) (b) (II) (A) ~~After notice and a hearing and if there is a finding by a majority of the board that a violation of any provision of this article has occurred, the board may issue an order to cease and desist from any activity found to be in violation of this article.~~

~~(B) A copy of the cease and desist order shall be furnished to all parties.~~

(8.2) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS

PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE OR REGISTRANT IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE OR REGISTRATION, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED OR UNREGISTERED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8.2), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS PART 1 HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(8.4) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS PART 1, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS PART 1, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED OR UNREGISTERED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8.4) SHALL BE PROMPTLY NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (8.4) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (8.4). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8.4) DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (8.4) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT

PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE OR REGISTRATION, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART 1, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED OR UNREGISTERED.

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (8.4), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(8.5) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED OR UNREGISTERED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS PART 1, ANY RULE PROMULGATED PURSUANT TO THIS PART 1, ANY ORDER ISSUED PURSUANT TO THIS PART 1, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS PART 1, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(8.7) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(8.9) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER AS PROVIDED IN SUBSECTION (10) OF THIS SECTION.

(12) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE BOARD AND, IN THE OPINION OF THE BOARD, THE COMPLAINT SHOULD BE DISMISSED, BUT THE BOARD HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE LICENSEE OR REGISTRANT THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN MAY BE ISSUED AND SENT TO THE LICENSEE OR REGISTRANT.

**SECTION 18.** 12-25-205 (3.5) (b), Colorado Revised Statutes, is amended to read:

**12-25-205. Unlawful practice - penalties - enforcement.** (3.5) The practice of professional land surveying in violation of any of the provisions of this part 2 shall be deemed a class 3 misdemeanor and shall be either:

(b) (I) Ceased by order of the board pursuant to section 12-25-209 ~~(8) (b)~~ (8.2) TO (8.9).

~~(II) If any person fails to comply with a cease and desist order issued pursuant to subparagraph (I) of this paragraph (b), the board may request the attorney general or the district attorney for the judicial district in which the alleged violation exists to bring and, if so requested, the attorney general or district attorney shall bring a suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of the order.~~

**SECTION 19.** 12-25-209 (8) (b) (II), Colorado Revised Statutes, is amended, and the said 12-25-209 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

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

~~(8) (b) (II) (A) After notice and a hearing and if there is a finding by a majority of the board that a violation of any provision of this article has occurred, the board may issue an order to cease and desist any such activity found to be in violation of this article.~~

~~(B) A copy of the cease and desist order shall be furnished to all parties.~~

(8.2) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE OR CERTIFICATE HOLDER IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE OR CERTIFICATE, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED OR UNCERTIFIED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8.2), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS PART 2 HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(8.4) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS PART 2, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS PART 2, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED OR UNCERTIFIED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8.4) SHALL BE PROMPTLY NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY

PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (8.4) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (8.4). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8.4) DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (8.4) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE OR CERTIFICATE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART 2, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED OR UNCERTIFIED PRACTICES.

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (8.4), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(8.5) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED OR UNCERTIFIED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS PART 2, ANY RULE PROMULGATED PURSUANT TO THIS PART 2, ANY ORDER ISSUED PURSUANT TO THIS PART 2, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS PART 2, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(8.7) IF THAT ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR

THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(8.9) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER AS PROVIDED IN SUBSECTION (10) OF THIS SECTION.

(12) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE BOARD AND, IN THE OPINION OF THE BOARD, THE COMPLAINT SHOULD BE DISMISSED, BUT THE BOARD HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE LICENSEE OR CERTIFICATE HOLDER THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN MAY BE ISSUED AND SENT TO THE LICENSEE OR CERTIFICATE HOLDER.

**SECTION 20.** 12-29.5-107, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**12-29.5-107. Disciplinary authority and proceedings.** (2.5) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE COMPLAINT SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE LICENSEE THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN MAY BE ISSUED AND SENT TO THE LICENSEE.

(5) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(6) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6) SHALL BE PROMPTLY NOTIFIED BY THE DIRECTOR OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (6) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (6). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6) DOES NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (6) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED PRACTICES.

(IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (6), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(7) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE, ANY ORDER ISSUED PURSUANT TO THIS ARTICLE, OR ANY ACT OR PRACTICE CONSTITUTING

GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(8) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(9) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION OR OF THE DIRECTOR'S FINAL ORDER IN A COURT OF COMPETENT JURISDICTION.

**SECTION 21.** 12-32-108.3, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**12-32-108.3. Disciplinary action by board.** (15) (a) IF IT APPEARS TO THE COLORADO PODIATRY BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (15), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS PART 1 HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(16) (a) IF IT APPEARS TO THE COLORADO PODIATRY BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS PART 1, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS PART 1, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (16) SHALL BE PROMPTLY NOTIFIED BY THE COLORADO PODIATRY BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (16) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE COLORADO PODIATRY BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (16). THE HEARING MAY BE CONTINUED BY AGREEMENT OF THE PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (16) DOES NOT APPEAR AT THE HEARING, THE COLORADO PODIATRY BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (16) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE COLORADO PODIATRY BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART 1, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED PRACTICES.

(IV) THE COLORADO PODIATRY BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (16), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(17) IF IT APPEARS TO THE COLORADO PODIATRY BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS PART 1, ANY RULE PROMULGATED PURSUANT TO THIS PART 1, ANY ORDER ISSUED PURSUANT TO THIS PART 1, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS PART 1, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(18) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE COLORADO PODIATRY BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(19) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE COLORADO PODIATRY BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER AS PROVIDED IN SECTION 12-32-108.7.

**SECTION 22.** 12-33-117, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**12-33-117. Discipline of licensees - letters of admonition, suspension, revocation, denial, and probation - grounds.** (2.5) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE BOARD AND, IN THE OPINION OF THE BOARD, THE COMPLAINT SHOULD BE DISMISSED, BUT THE BOARD HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE LICENSEE THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN MAY BE ISSUED AND SENT TO THE LICENSEE.

**SECTION 23.** 12-33-119.2, Colorado Revised Statutes, is amended to read:

**12-33-119.2. Cease and desist orders.** (1) (a) ~~If after investigating a complaint the board determines that a person is acting or has acted in violation of this article or of any rule adopted under this article, it may, in addition to all other actions authorized in this article, enter an order without prejudice requiring such person to cease and desist from such violation. Such order shall set forth the statutes and rules alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts immediately cease.~~ IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS PART 1 HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(2) (a) ~~No stay of a cease and desist order shall be issued before a hearing has been held at which both parties have had an opportunity to appear.~~ IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS PART 1, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS PART 1, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE PROMPTLY

NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (2) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART 1, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED PRACTICES.

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(3) ~~Matters brought before a court pursuant to this section shall have preference over other matters on the court's calendar.~~ IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS PART 1, ANY RULE PROMULGATED PURSUANT TO THIS PART 1, ANY ORDER ISSUED PURSUANT TO THIS PART 1, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION

PURSUANT TO THIS PART 1, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(4) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(5) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER AS PROVIDED IN SECTION 12-33-121.

**SECTION 24.** 12-35-129, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS 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 - cease and desist.** (14) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (14), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS PART 1 HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(15) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS PART 1, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS PART 1, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (15) SHALL BE PROMPTLY NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS

SUBSECTION (15) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (15). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (15) DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (15) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART 1, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED PRACTICES.

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (15), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(16) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS PART 1, ANY RULE PROMULGATED PURSUANT TO THIS PART 1, ANY ORDER ISSUED PURSUANT TO THIS PART 1, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS PART 1, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(17) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY

FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(18) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER AS PROVIDED IN SECTION 12-35-130.

**SECTION 25.** 12-35-130 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**12-35-130. Review of board action.** (1) The court of appeals, by appropriate proceedings under section 24-4-106 (11), C.R.S., may review any final action of the board to:

(h) ISSUE AN ORDER TO CEASE AND DESIST.

**SECTION 26. Repeal.** 12-35-135 (2), Colorado Revised Statutes, is repealed as follows:

~~**12-35-135. Penalty for violation - injunction.** (2) If the board has reasonable cause to believe that any person is violating any provisions of this article or of any lawful rule issued under this article, in addition to all other actions provided for in this article and without prejudice thereto, the board may enter an order requiring such person to cease and desist from violating this article or such rule, and, in addition, may request that an action be brought on relation of the people of the state of Colorado by the attorney general or by the district attorney of the district in which the violation is alleged to have occurred, to enjoin such person from engaging in or continuing such violation or from doing any act in furtherance thereof. In any such action, an order or judgment may be entered awarding such preliminary or final injunction as the court may deem proper.~~

**SECTION 27. Repeal.** 12-36-106 (5) (b) (III), Colorado Revised Statutes, is repealed as follows:

~~**12-36-106. Practice of medicine defined - exemptions from licensing requirements - repeal.** (5) (b) (III) If the state board of medical examiners has a reasonable belief that additional supervision or direction may be necessary it may issue a cease and desist order to the supervising physician or physician assistant to require that a function be delegated only on a case-by-case basis, or to require that the supervising physician be present on the premises in specific types of cases that arise in an acute care hospital setting. Such a cease and desist order shall become effective upon delivery to the supervising physician or physician assistant to whom it is issued. Any supervising physician or physician assistant who receives such an order may request a hearing on the merits of the order, which request shall be promptly granted. Any restriction or requirement imposed by such an order shall not be deemed a disciplinary action, restriction, or other limitation on the physician's license or the physician assistant's licensure.~~

**SECTION 28.** 12-36-118 (4) (a) (I), Colorado Revised Statutes, is amended, and the said 12-36-118 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**12-36-118. Disciplinary action by board - immunity.** (4) (a) (I) Written complaints relating to the conduct of a licensee licensed or authorized to practice medicine in this state may be made by any person or may be initiated by an inquiry panel of the board on its own motion. The licensee complained of shall be given notice by ~~certified~~ FIRST-CLASS mail of the nature of the complaint and shall be given thirty days to answer or explain in writing the matters described in such complaint. Upon receipt of the licensee's answer or at the conclusion of thirty days, whichever occurs first, the inquiry panel may take further action as set forth in subparagraph (II) of this paragraph (a).

(14) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (14), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS PART 1 HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(15) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS PART 1, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS PART 1, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (15) SHALL BE PROMPTLY NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (15) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (15). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE

## NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (15) DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (15) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART 1, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED PRACTICES.

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (15), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM SUCH ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(16) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS PART 1, ANY RULE PROMULGATED PURSUANT TO THIS PART 1, ANY ORDER ISSUED PURSUANT TO THIS PART 1, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS PART 1, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(17) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(18) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER AS PROVIDED IN SECTION 12-36-119.

**SECTION 29.** 12-37-107, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**12-37-107. Disciplinary action authorized - grounds for discipline.**

(7.5) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE COMPLAINT SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE REGISTRANT THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN MAY BE ISSUED AND SENT TO THE REGISTRANT.

(9) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A REGISTRANT IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED REGISTRATION, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNREGISTERED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(10) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNREGISTERED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (10) SHALL BE PROMPTLY NOTIFIED BY THE DIRECTOR OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (10) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (10). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (10) DOES NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (10) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED REGISTRATION, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNREGISTERED PRACTICES.

(IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (10), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(11) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNREGISTERED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE, ANY ORDER ISSUED PURSUANT TO THIS ARTICLE, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(12) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(13) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER IN A COURT OF COMPETENT JURISDICTION.

**SECTION 30.** 12-38-107, Colorado Revised Statutes, is amended to read:

**12-38-107. Employees - executive officer.** After consultation with the board, ~~there shall be employed by the executive director of the department of regulatory agencies, subject to the provisions of~~ THE DIRECTOR OF THE DIVISION OF REGISTRATIONS SHALL APPOINT AN EXECUTIVE ADMINISTRATOR FOR THE BOARD

AND SUCH OTHER PERSONNEL AS ARE DEEMED NECESSARY, PURSUANT TO SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION. ~~an executive officer and such staff as may be necessary to assist the board in the discharge of its duties imposed by this article. The executive officer shall be a professional nurse qualified by education and experience.~~ AT LEAST ONE MEMBER OF THE BOARD SHALL SERVE ON ANY PANEL CONVENED BY THE DEPARTMENT OF PERSONNEL TO INTERVIEW CANDIDATES FOR THE POSITION OF EXECUTIVE ADMINISTRATOR.

**SECTION 31.** 12-38-116.5, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**12-38-116.5. Disciplinary procedures of the board - inquiry and hearings panels.** (15) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE OR REGISTRANT IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE OR REGISTRATION, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED OR UNREGISTERED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (15), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS PART 1 HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(16) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS PART 1, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS PART 1, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED OR UNREGISTERED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (16) SHALL BE PROMPTLY NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (16) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (16). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE

MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (16) DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (16) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE OR REGISTRATION, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART 1, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED OR UNREGISTERED PRACTICES.

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (16), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM SUCH ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(17) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED OR UNREGISTERED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS PART 1, ANY RULE PROMULGATED PURSUANT TO THIS PART 1, ANY ORDER ISSUED PURSUANT TO THIS PART 1, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS PART 1, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(18) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(19) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER AS PROVIDED IN SUBSECTION (12) OF THIS SECTION.

**SECTION 32.** 12-38.1-114, Colorado Revised Statutes, is amended BY THE

ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**12-38.1-114. Disciplinary proceedings - hearing officers.** (10.5) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE BOARD AND, IN THE OPINION OF THE BOARD, THE COMPLAINT SHOULD BE DISMISSED, BUT THE BOARD HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE CERTIFICATE HOLDER THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN MAY BE ISSUED AND SENT TO THE CERTIFICATE HOLDER.

(14) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A CERTIFICATE HOLDER IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED CERTIFICATE, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNCERTIFIED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (14), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS PART 1 HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(15) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS PART 1, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS PART 1, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNCERTIFIED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (15) SHALL BE PROMPTLY NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (15) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (15). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY

CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (15) DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (15) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED CERTIFICATE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART 1, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNCERTIFIED PRACTICES.

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (15), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(16) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNCERTIFIED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS PART 1, ANY RULE PROMULGATED PURSUANT TO THIS PART 1, ANY ORDER ISSUED PURSUANT TO THIS PART 1, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS PART 1, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(17) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(18) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER AS PROVIDED IN SECTION 12-38.1-116.

**SECTION 33.** 12-39-114, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**12-39-114. Disciplinary proceedings - administrative law judge - judicial review.** (7) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE BOARD AND, IN THE OPINION OF THE BOARD, THE COMPLAINT SHOULD BE DISMISSED, BUT THE BOARD HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE LICENSEE THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN MAY BE ISSUED AND SENT TO THE LICENSEE.

**SECTION 34.** 12-39-117, Colorado Revised Statutes, is amended to read:

**12-39-117. Cease and desist orders.** (1) (a) ~~If, as the result of an investigation of a complaint by any person or on the board's own motion the board determines that any person is acting or has acted without the required license, the board may enter an order requiring such person to cease and desist from such violation. The order shall set forth the statutes and rules and regulations alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts immediately cease. No stay of a cease and desist order shall be issued before a hearing has been held at which both parties have had an opportunity to appear. Matters brought before a court pursuant to this section shall have preference over other matters on the calendar of the court.~~ IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(2) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE PROMPTLY NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS

SUBSECTION (2) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED PRACTICES.

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM SUCH ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(3) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE, ANY ORDER ISSUED PURSUANT TO THIS ARTICLE, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(4) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY

FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(5) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER AS PROVIDED IN SECTION 12-39-114 (6).

**SECTION 35.** 12-40-119, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

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

(2.1) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE BOARD AND, IN THE OPINION OF THE BOARD, THE COMPLAINT SHOULD BE DISMISSED, BUT THE BOARD HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE LICENSEE OR CERTIFICATE HOLDER THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN MAY BE ISSUED AND SENT TO THE LICENSEE OR CERTIFICATE HOLDER.

(7) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE OR CERTIFICATE HOLDER IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE OR CERTIFICATE, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED OR UNCERTIFIED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(8) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED OR UNCERTIFIED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8) SHALL BE PROMPTLY NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS

SUBSECTION (8) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (8). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8) DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (8) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE SUCH ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE OR CERTIFICATE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED OR UNCERTIFIED PRACTICES.

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (8), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED, AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(9) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED OR UNCERTIFIED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE, ANY ORDER ISSUED PURSUANT TO THIS ARTICLE, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(10) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY

FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(11) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER IN A COURT OF COMPETENT JURISDICTION.

**SECTION 36.** 12-41-116, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**12-41-116. Disciplinary actions.** (3.5) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE COMPLAINT SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE LICENSEE THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN MAY BE ISSUED AND SENT TO THE LICENSEE.

**SECTION 37.** 12-41-117, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**12-41-117. Disciplinary proceedings - investigations - judicial review.**

(11) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(12) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (12) SHALL BE PROMPTLY NOTIFIED BY THE DIRECTOR OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS

MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (12) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (12). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (12) DOES NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (12) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED PRACTICES.

(IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (12), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(13) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE, ANY ORDER ISSUED PURSUANT TO THIS ARTICLE, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(14) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION

EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(15) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER AS PROVIDED IN SUBSECTION (9) OF THIS SECTION.

**SECTION 38.** The introductory portion to 12-41.5-109 (2), Colorado Revised Statutes, is 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.** (2) The director has the power to revoke, suspend, deny, or refuse to renew a license, place on probation a licensee, or issue a ~~cease and desist order~~ or letter of admonition to a licensee in accordance with subsections (3), (4), (5), and (6) of this section upon proof that such person:

(11.5) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE COMPLAINT SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE LICENSEE THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN MAY BE ISSUED AND SENT TO THE LICENSEE.

(13) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (13), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(14) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (14) SHALL BE PROMPTLY

NOTIFIED BY THE DIRECTOR OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (14) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (14). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (14) DOES NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (14) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED PRACTICES.

(IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (14), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(15) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE, ANY ORDER ISSUED PURSUANT TO THIS ARTICLE, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(16) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(17) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER AS PROVIDED IN SUBSECTION (7) OF THIS SECTION.

**SECTION 39.** 12-43-223 (4), Colorado Revised Statutes, is amended, and the said 12-43-223 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**12-43-223. Authority of licensing boards and the grievance board - cease and desist orders.** (4) (a) ~~If, as a result of an investigation of a complaint by any person or of an investigation on its own motion, a board determines that any person is acting or has acted in violation of section 12-43-222, and such board determines that any such violation creates an emergency condition that may affect the health, safety, or welfare of any person, the board may issue an order to cease and desist such activity. The order shall set forth the statutes and rules alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts immediately cease. The person so ordered may request a hearing on the question of whether any violation occurred if such request is made within thirty days after the date of service of the order to cease and desist. Upon request, any person ordered to cease and desist unlawful acts as authorized in this subsection (4) shall be entitled to a hearing and an oral or written decision from the administrative law judge on any such order within seven working days after the issuance thereof. The hearing shall be conducted in accordance with the provisions of article 4 of title 24, C.R.S.~~ IF IT APPEARS TO A BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE OR REGISTRANT IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE OR REGISTRATION, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED OR UNREGISTERED PRACTICES IMMEDIATELY CEASE.

(b) ~~In the event that any person fails to comply with a cease and desist order, the ordering board may request the attorney general or the district attorney for the judicial district in which the alleged violation exists to bring, and if so requested the attorney general or district attorney shall bring, a suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of the order.~~ WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

~~(c) No stay of a cease and desist order shall be issued until after a hearing involving both parties has been held.~~

(5) (a) IF IT APPEARS TO A BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED OR UNREGISTERED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL BE PROMPTLY NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (5) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (5). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) DOES NOT APPEAR AT THE HEARING, A BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (5) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER SUCH BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF A BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE OR REGISTRATION, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED OR UNREGISTERED PRACTICES.

(IV) A BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (5), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN

CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(6) IF IT APPEARS TO A BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED OR UNREGISTERED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE, ANY ORDER ISSUED PURSUANT TO THIS ARTICLE, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(7) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, A BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(8) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF A BOARD'S DETERMINATION OR OF A BOARD'S FINAL ORDER AS PROVIDED IN SECTION 12-43-224 (5).

**SECTION 40.** 12-55.5-108, Colorado Revised Statutes, is amended to read:

**12-55.5-108. Penalties - cease and desist orders.** (1) (a) ~~If, as the result of an investigation of a complaint by any person or of an investigation on his own motion, the director determines that any person who is acting or has acted without the required registration or is in violation of this article, the director may issue an order to cease and desist such activity. The order shall set forth the statutes and rules and regulations alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all unlawful acts cease forthwith. The person so ordered may request a hearing on the question of whether any violation occurred if such request is made within thirty days after the date of service of the order to cease and desist. The hearing shall be conducted in accordance with the provisions of article 4 of title 24, C.R.S.~~ If IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A REGISTRANT IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED REGISTRATION, THE DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNREGISTERED PRACTICES IMMEDIATELY CEASE.

(b) ~~In the event that any person fails to comply with a cease and desist order, the director may request the attorney general or the district attorney for the judicial district in which the alleged violation exists to bring, and if so requested he shall bring, a suit for a temporary restraining order and for injunctive relief to prevent any~~

~~further or continued violation of the order.~~ WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

~~(c) No stay of a cease and desist order shall be issued before a hearing thereon involving both parties.~~

~~(d) Repealed.~~

~~(2) and (3) Repealed.~~

(2) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNREGISTERED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE PROMPTLY NOTIFIED BY THE DIRECTOR OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (2) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) DOES NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT

TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED REGISTRATION, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNREGISTERED PRACTICES.

(IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM SUCH ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(3) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNREGISTERED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE, ANY ORDER ISSUED PURSUANT TO THIS ARTICLE, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(4) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(5) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION OR OF THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SECTION 12-55.5-115.

**SECTION 41.** 12-58-110, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**12-58-110. Disciplinary action by board - licenses or registrations denied, suspended, or revoked - cease and desist orders.** (2.5) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE BOARD AND, IN THE OPINION OF THE BOARD, THE COMPLAINT SHOULD BE DISMISSED, BUT THE BOARD HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE LICENSEE OR REGISTRANT THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN MAY BE ISSUED AND SENT TO THE LICENSEE OR REGISTRANT.

(5) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE OR REGISTRANT IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH

AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE OR REGISTRATION, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED OR UNREGISTERED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(6) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED OR UNREGISTERED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6) SHALL BE PROMPTLY NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (6) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (6). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6) DOES NOT APPEAR AT THE HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (6) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE OR REGISTRATION, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED OR UNREGISTERED PRACTICES.

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (6), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(7) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED OR UNREGISTERED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE, ANY ORDER ISSUED PURSUANT TO THIS ARTICLE, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(8) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(9) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER AS PROVIDED IN SECTION 12-58-110.4.

**SECTION 42.** 12-64-105 (9) (1), Colorado Revised Statutes, is amended to read:

**12-64-105. Board of veterinary medicine.** (9) The board has the power to:

(1) Issue a cease and desist order. ~~if the board determines, either summarily or after due notice and hearing, that a violation of a standard of practice exists, or has occurred and will probably be repeated. Such order shall set forth the standard alleged to have been violated and the facts alleged to have constituted the violation. The order shall require that the conditions or practice alleged to be a violation cease immediately and not be repeated. This section shall be enforced by the district court.~~

**SECTION 43.** 12-64-111, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**12-64-111. Discipline of licensees.** (1.7) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT

FORMAL ACTION BY THE BOARD AND, IN THE OPINION OF THE BOARD, THE COMPLAINT SHOULD BE DISMISSED, BUT THE BOARD HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE LICENSEE THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN MAY BE ISSUED AND SENT TO THE LICENSEE.

(6) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED PRACTICES IMMEDIATELY CEASE.

(b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6), THE RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(7) (a) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS ARTICLE, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE, THE BOARD MAY ISSUE TO SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNLICENSED PRACTICE.

(b) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7) SHALL BE PROMPTLY NOTIFIED BY THE BOARD OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE BOARD FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (7) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(c) (I) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE BOARD AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (7). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7) DOES NOT APPEAR AT THE

HEARING, THE BOARD MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (7) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE BOARD DEEMS APPROPRIATE. THE BOARD SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE BOARD'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(III) IF THE BOARD REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS ARTICLE, A FINAL CEASE AND DESIST ORDER MAY BE ISSUED, DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNLICENSED PRACTICES.

(IV) THE BOARD SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (7), OF THE FINAL CEASE AND DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(8) IF IT APPEARS TO THE BOARD, BASED UPON CREDIBLE EVIDENCE PRESENTED TO THE BOARD, THAT A PERSON HAS ENGAGED IN OR IS ABOUT TO ENGAGE IN ANY UNLICENSED ACT OR PRACTICE, ANY ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, ANY RULE PROMULGATED PURSUANT TO THIS ARTICLE, ANY ORDER ISSUED PURSUANT TO THIS ARTICLE, OR ANY ACT OR PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE, THE BOARD MAY ENTER INTO A STIPULATION WITH SUCH PERSON.

(9) IF ANY PERSON FAILS TO COMPLY WITH A FINAL CEASE AND DESIST ORDER OR A STIPULATION, THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

(10) A PERSON AGGRIEVED BY THE FINAL CEASE AND DESIST ORDER MAY SEEK JUDICIAL REVIEW OF THE BOARD'S DETERMINATION OR OF THE BOARD'S FINAL ORDER IN A COURT OF COMPETENT JURISDICTION.

**SECTION 44.** 24-34-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**24-34-101. Department created - executive director.** (13) THE EXECUTIVE DIRECTOR SHALL INCLUDE IN THE PRESENTATION TO THE LEGISLATIVE COMMITTEE OF REFERENCE PURSUANT TO SECTION 2-7-201, C.R.S., THE NUMBER OF CONFIDENTIAL LETTERS OF CONCERN ISSUED IN THE TWELVE MONTHS PRIOR TO THE PRESENTATION BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS AND ANY

BOARD PURSUANT TO TITLE 12, C.R.S.

**SECTION 45. Effective date - applicability.** This act shall take effect July 1, 2006, and shall apply to acts or omissions on or after said date.

**SECTION 46. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 1, 2006