

CHAPTER 379

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 08-1383

BY REPRESENTATIVE(S) Roberts, Buescher, Frangas, Gallegos, Gardner B., Garza-Hicks, Kefalas, Kerr J., Loofer, Lundberg, Massey, McGihon, Middleton, Rose, Stafford, Summers, and Todd;
also SENATOR(S) Tochtrop, Boyd, Gibbs, Penry, Schwartz, Shaffer, Wiens, and Williams.

AN ACT

CONCERNING CREATION OF AN INACTIVE STATUS FOR NURSING LICENSES, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Part 1 of article 38 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-38-118.5. Inactive license status - reactivation. (1) A NURSE LICENSED PURSUANT TO SECTION 12-38-111 OR 12-38-112 MAY REQUEST THAT THE BOARD PLACE HIS OR HER LICENSE ON INACTIVE STATUS. SUCH REQUEST SHALL BE MADE IN THE FORM AND MANNER DESIGNATED BY THE BOARD.

(2) A NURSE REQUESTING INACTIVE LICENSE STATUS SHALL PROVIDE AN AFFIDAVIT OR OTHER DOCUMENT REQUIRED BY THE BOARD CERTIFYING THAT, IMMEDIATELY UPON THE CONFERRAL OF INACTIVE STATUS, THE NURSE SHALL NOT PRACTICE NURSING IN THE STATE UNLESS AND UNTIL THE NURSE'S LICENSE IS REACTIVATED PURSUANT TO SUBSECTION (6) OF THIS SECTION.

(3) UPON RECEIVING THE DOCUMENTATION PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE BOARD SHALL APPROVE A REQUEST FOR INACTIVE LICENSE STATUS. HOWEVER, THE BOARD MAY DENY SUCH A REQUEST IF THE BOARD HAS PROBABLE CAUSE TO BELIEVE THAT THE REQUESTING NURSE HAS COMMITTED ANY OF THE ACTS SET FORTH IN SECTION 12-38-117.

(4) A LICENSE ON INACTIVE STATUS SHALL CONSTITUTE A SINGLE STATE LICENSE ISSUED BY COLORADO AND WITHOUT MULTISTATE LICENSURE PRIVILEGE PURSUANT TO PART 32 OF ARTICLE 60 OF TITLE 24, C.R.S.

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

(5) A NURSE WITH A LICENSE ON INACTIVE STATUS IS NOT AUTHORIZED TO PRACTICE NURSING IN COLORADO. ANY NURSE PRACTICING NURSING WHILE HIS OR HER LICENSE IS INACTIVE SHALL BE SUBJECT TO DISCIPLINARY ACTION PURSUANT TO SECTION 12-38-116.5 AND CRIMINAL PENALTIES PURSUANT TO SECTION 12-38-123.

(6) (a) A NURSE WITH A LICENSE ON INACTIVE STATUS WHO WISHES TO RESUME THE PRACTICE OF NURSING SHALL FILE AN APPLICATION IN THE FORM AND MANNER DESIGNATED BY THE BOARD AND PAY THE LICENSE REACTIVATION FEES ESTABLISHED PURSUANT TO SECTION 12-38-108. THE BOARD SHALL REACTIVATE SUCH LICENSE UNLESS PARAGRAPH (b) OF THIS SUBSECTION (6) APPLIES.

(b) THE BOARD SHALL DENY AN APPLICATION FOR REACTIVATION OF AN INACTIVE LICENSE:

(I) PURSUANT TO SECTION 12-38-118; OR

(II) IF THE BOARD DETERMINES THAT THE NURSE REQUESTING REACTIVATION HAS NOT ACTIVELY PRACTICED NURSING IN ANOTHER STATE FOR THE TWO-YEAR PERIOD IMMEDIATELY PRECEDING THE FILING OF THE REQUEST FOR REACTIVATION OR HAS NOT OTHERWISE DEMONSTRATED CONTINUED COMPETENCY TO RETURN TO THE ACTIVE PRACTICE OF NURSING IN A MANNER APPROVED BY THE BOARD.

SECTION 2. 12-38-117 (1) (x), Colorado Revised Statutes, is amended to read:

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

(x) Practices as a practical or professional nurse during a period when the person's license has been suspended, ~~or~~ revoked, OR PLACED ON INACTIVE STATUS PURSUANT TO SECTION 12-38-118.5; OR

SECTION 3. 12-38-118 (1), Colorado Revised Statutes, is amended to read:

12-38-118. Withholding or denial of license - hearing. (1) The board is empowered to determine summarily whether an applicant for a license or a temporary license to practice as a nurse possesses the qualifications required by this article or whether there is probable cause to believe that an applicant has done any of the acts set forth in section 12-38-117 as grounds for discipline. As used in this section, "applicant" INCLUDES A NURSE SEEKING REINSTATEMENT OR REACTIVATION OF A LICENSE PURSUANT TO SECTION 12-38-118.5, BUT does not include a renewal applicant.

SECTION 4. 12-38-108 (1) (b) (I), Colorado Revised Statutes, is amended to read:

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

(b) (I) To examine, license, REACTIVATE, and renew licenses of qualified applicants and to grant to such applicants temporary licenses and permits to engage

in the practice of practical nursing and professional nursing in this state within the limitations imposed by this article. Licenses shall be renewed, REACTIVATED, or reinstated pursuant to a schedule established by the director of the division of registrations within the department of regulatory agencies and shall be renewed, REACTIVATED, or reinstated pursuant to section 24-34-102 (8), C.R.S. The director of the division of registrations within the department of regulatory agencies may establish renewal fees, REACTIVATION FEES, and delinquency fees for reinstatement pursuant to section 24-34-105, C.R.S. If a person fails to renew his or her license pursuant to the schedule established by the director of the division of registrations, such license shall expire. Any person whose license has expired shall be subject to the penalties provided in this article or section 24-34-102 (8), C.R.S.

SECTION 5. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the executive director's office, for legal services, for the fiscal year beginning July 1, 2008, the sum of seven hundred twenty dollars (\$720), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, to administer inactive nursing licenses, for the fiscal year beginning July 1, 2008, the sum of thirty-three thousand nine hundred sixty-eight dollars (\$33,968) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2008, the sum of seven hundred twenty dollars (\$720), or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the executive director's office out of the appropriation made in subsection (1) of this section.

SECTION 6. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to requests for inactive status made by nurses on or after the applicable effective date of this act.

Approved: June 2, 2008