

CHAPTER 72

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 09-1188

BY REPRESENTATIVE(S) Ryden, Carroll T., Green, Kefalas, Kerr A., Kerr J., Labuda, McGihon, Middleton, Primavera, Schafer S., Todd;
also SENATOR(S) Carroll M., Boyd, Newell, Tochtrop.

AN ACT

CONCERNING MODIFICATIONS TO THE DISCLOSURE REQUIREMENTS IMPOSED ON PHYSICIANS UNDER THE "MICHAEL SKOLNIK MEDICAL TRANSPARENCY ACT", AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 12-36-111.5 (3) (a), the introductory portion to 12-36-111.5 (3) (d) (I), 12-36-111.5 (3) (f), the introductory portion to 12-36-111.5 (3) (g), and 12-36-111.5 (6), Colorado Revised Statutes, are amended to read:

12-36-111.5. Michael Skolnik medical transparency act - disclosure of information about licensees - rules. (3) On and after January 1, 2008, any person applying for a new license or to renew, reinstate, or reactivate a license to practice medicine in this state shall provide the following information to the board, in a form and manner determined by the board that is consistent with the requirements of section 12-36-111 (1) or 12-36-123 (1):

(a) The applicant's full name, including any known aliases; current address of record and telephone number; information pertaining to any license to practice medicine held by the applicant at any time, including the license number, type, status, original issue date, last renewal date, and expiration date; any board certifications and specialties, if applicable; any affiliations with hospitals or health care facilities; any HEALTH CARE-RELATED business ownership interests; and information pertaining to any HEALTH CARE-RELATED employment contracts OR CONTRACTS ESTABLISHING AN INDEPENDENT CONTRACTOR RELATIONSHIP with any entities IF THE ANNUAL AGGREGATE VALUE OF THE CONTRACTS EXCEEDS FIVE THOUSAND DOLLARS, AS ADJUSTED BY THE BOARD DURING EACH LICENSE RENEWAL CYCLE TO REFLECT CHANGES IN THE UNITED STATES DEPARTMENT OF LABOR,

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

BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR DENVER-BOULDER-GREELEY, ALL ITEMS, ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX;

(d) (I) Any FINAL ACTION THAT RESULTS IN AN involuntary limitation or probationary status on, or A reduction, nonrenewal, denial, revocation, or suspension of, the applicant's medical staff membership or clinical privileges at any hospital or health care facility OCCURRING ON OR AFTER SEPTEMBER 1, 1990. THE APPLICANT SHALL NOT BE REQUIRED TO REPORT A PRECAUTIONARY OR ADMINISTRATIVE SUSPENSION OF MEDICAL STAFF MEMBERSHIP OR CLINICAL PRIVILEGES, AS DEFINED BY THE BOARD BY RULE, UNLESS THE APPLICANT RESIGNS HIS OR HER MEDICAL STAFF MEMBERSHIP OR CLINICAL PRIVILEGES WHILE THE PRECAUTIONARY OR ADMINISTRATIVE SUSPENSION IS PENDING. To report the information required by this paragraph (d), the applicant shall complete a form developed by the board that requires the applicant to report only the following information regarding the action:

(f) Any final criminal conviction or plea arrangement resulting from the commission or alleged commission of a felony or crime of moral turpitude in any jurisdiction AT ANY TIME AFTER THE PERSON HAS BEEN ISSUED A LICENSE TO PRACTICE MEDICINE IN ANY STATE OR COUNTRY. The applicant shall provide a copy of the final conviction or plea arrangement to the board at the time the application is made.

(g) Any final judgment against, settlement entered into by, or arbitration award paid on behalf of the applicant ON OR AFTER SEPTEMBER 1, 1990, for medical malpractice. To report the information required by this paragraph (g), the applicant shall complete a form developed by the board that requires the applicant to report only the following information regarding the medical malpractice action:

(6) (a) A person licensed by the board pursuant to this article shall ensure that the information required by subsection (3) of this section is current and shall report any updated information and provide copies of the required documentation to the board within thirty days after the date of the action described in said ~~subsection~~ SUBSECTION (3) or as otherwise determined by the board by rule to ensure that the information provided to the public is as accurate as possible.

(b) NOTWITHSTANDING THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (6), A LICENSEE SHALL REPORT UPDATED INFORMATION REGARDING ANY HEALTH CARE-RELATED BUSINESS OWNERSHIP INTERESTS AND ANY HEALTH CARE-RELATED EMPLOYMENT CONTRACTS OR CONTRACTS ESTABLISHING AN INDEPENDENT CONTRACTOR RELATIONSHIP, AS REQUIRED BY PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION, WITHIN ONE YEAR AFTER A CHANGE IN THAT INFORMATION.

SECTION 2. 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, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the fiscal year beginning July 1, 2008, the sum of twelve thousand two hundred eighty-one dollars (\$12,281), 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 to the department of law, for the fiscal year beginning July 1, 2008, the sum of one thousand one hundred twenty-seven dollars (\$1,127), 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 department of regulatory agencies out of the appropriation made in subsection (1) of this section.

SECTION 3. 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: March 30, 2009