

CHAPTER 290

PROFESSIONS AND OCCUPATIONS

SENATE BILL 13-026

BY SENATOR(S) Carroll and Aguilar, Giron, Guzman, Kefalas, Newell, Nicholson, Tochtrop, Todd, Morse;
also REPRESENTATIVE(S) Primavera, Fields, Ginal, Hullinghorst, Labuda, May, Ryden, Schafer, Singer, Tyler, Young.

AN ACT

**CONCERNING EXPANSION OF THE "MICHAEL SKOLNIK MEDICAL TRANSPARENCY ACT OF 2010"
TO REQUIRE ADDITIONAL HEALTH CARE PROVIDERS TO DISCLOSE INFORMATION ABOUT THEIR
PRACTICE HISTORY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

SECTION 1. In Colorado Revised Statutes, 24-34-110, **amend** (3) (a) (XIX), (4) introductory portion, and (6); **add** (3) (a) (XXI), (3) (a) (XXII), (3) (a) (XXIII), (3) (a) (XXIV), (3) (a) (XXV), (3) (a) (XXVI), (3) (a) (XXVII), and (3) (a) (XXVIII); and **recreate and reenact, with amendments,** (3) (b) as follows:

24-34-110. Medical transparency act of 2010 - disclosure of information about health care licensees - fines - rules - short title - legislative declaration.
(3) (a) As used in this section, "applicant" means a person applying for a new, active license, certification, or registration or to renew, reinstate, or reactivate an active license, certification, or registration to practice:

(XIX) Addiction counseling pursuant to part 8 of article 43 of title 12, C.R.S.;
and

(XXI) ATHLETIC TRAINING PURSUANT TO ARTICLE 29.7 OF TITLE 12, C.R.S.;

(XXII) MASSAGE THERAPY PURSUANT TO ARTICLE 35.5 OF TITLE 12, C.R.S.;

(XXIII) AS A CERTIFIED NURSE AIDE PURSUANT TO PART 1 OF ARTICLE 38.1 OF TITLE 12, C.R.S.;

(XXIV) OCCUPATIONAL THERAPY PURSUANT TO ARTICLE 40.5 OF TITLE 12, 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.

(XXV) RESPIRATORY THERAPY PURSUANT TO ARTICLE 41.5 OF TITLE 12, C.R.S.;

(XXVI) PHARMACY PURSUANT TO ARTICLE 42.5 OF TITLE 12, C.R.S.;

(XXVII) AS A PSYCHIATRIC TECHNICIAN PURSUANT TO ARTICLE 42 OF TITLE 12, C.R.S.; AND

(XXVIII) AS A SURGICAL ASSISTANT OR SURGICAL TECHNOLOGIST PURSUANT TO ARTICLE 43.2 OF TITLE 12, C.R.S.

(b) A PERSON WHO IS AN APPLICANT UNDER THIS SUBSECTION (3) IS NOT, BY VIRTUE OF INCLUSION IN THIS SECTION, A HEALTH CARE PROVIDER FOR PURPOSES OF ANY OTHER PROVISION OF COLORADO LAW.

(4) ~~On and after January 1, 2008, any person~~ WHEN applying for a new license, CERTIFICATION, OR REGISTRATION or to renew, reinstate, or reactivate a license, ~~to practice medicine~~ CERTIFICATION, OR REGISTRATION in this state, ~~and on and after July 1, 2011, each applicant for a new license, certification, or registration or to renew, reinstate, or reactivate a license, certification, or registration in this state,~~ shall provide the following information to the director of the division of professions and occupations, in a form and manner determined by the director, as applicable to each profession:

(6) The director shall make the information specified in subsections (4) and (5) of this section that is submitted by an applicant readily available to the public in a manner that allows the public to search the information by name, license number, board certification or specialty area, if applicable, or city of the applicant's address of record. The director may satisfy this requirement by posting and allowing the ability to search the information on the director's web site or on the web site for the state regulatory board that oversees the applicant's practice. If the information is made available on either web site, the director shall ensure that the web site is updated at least monthly and that the date on which the update occurs is indicated on the web site. IF THE INFORMATION MADE AVAILABLE PURSUANT TO THIS SUBSECTION (6) IS THE SAME OR SUBSTANTIALLY SIMILAR TO INFORMATION THE DIRECTOR MUST MAKE AVAILABLE PURSUANT TO SECTION 12-43.2-102 (3), C.R.S., THE DIRECTOR MAY ELECT TO USE THIS DATABASE AS THE EXCLUSIVE MEANS FOR MAKING THE INFORMATION REQUIRED BY SECTION 12-43.2-102(3), C.R.S., PUBLICLY AVAILABLE.

SECTION 2. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of professions and occupations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 2013, the sum of \$146,353 and 2.0 FTE, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$107,545 and 2.0 FTE to the division of professions and occupations for personal services;

(b) \$14,272 to the division of professions and occupations for operating expenses and capital outlay;

(c) \$827 to the division of professions and occupations for travel;

(d) \$15,984 to the division of professions and occupations for computer programming; and

(e) \$7,725 to the executive director's office and administrative services for the purchase of legal services.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2013, the sum of \$7,725, or so much thereof as may be necessary, for the provision of legal services for the department of regulatory agencies related to the implementation of this act. Said sum is from reappropriated funds received from the department of regulatory agencies out of the appropriation made in paragraph (e) of subsection (1) of this section.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to applications for a new or to renew, reinstate, or reactivate a license, certification, or registration to practice athletic training, massage therapy, occupational therapy, respiratory therapy, or pharmacy, or to practice as a certified nurse aide, psychiatric technician, surgical assistant, or surgical technologist submitted on or after July 1, 2014.

Approved: May 24, 2013