

FINAL PROPOSAL
Disciplinary Procedures

1 **12-20-403.** [Formerly 12-40.5-110 (7)(b) and (7)(c)] **Disciplinary procedures -**
2 **investigations - hearings - oaths - witness statements - subpoenas - appointment of**
3 **administrative law judge.** (1) In accordance with article 4 of title 24 ~~C.R.S.~~, and ~~this article,~~
4 ~~the director is authorized to~~ THE PART OR ARTICLE OF THIS TITLE 12 GOVERNING THE
5 PARTICULAR PROFESSION OR OCCUPATION OVER WHICH A REGULATOR HAS REGULATORY
6 AUTHORITY, A REGULATOR MAY investigate, hold hearings, and gather evidence in all matters
7 related to the exercise and performance of the REGULATOR'S powers and duties. ~~of the director.~~

8 (2) (a) In order to aid the ~~director~~ REGULATOR in any hearing or investigation instituted
9 pursuant to this section, the ~~director~~ REGULATOR or an administrative law judge appointed
10 pursuant to ~~paragraph (c) of this subsection (7) is authorized to~~ SUBSECTION (3) OF THIS
11 SECTION MAY administer oaths, take affirmations of witnesses, and issue subpoenas compelling
12 the attendance of witnesses and the production of all relevant records, papers, books,
13 documentary evidence, and materials in any hearing, investigation, accusation, or other matter
14 before the ~~director~~ REGULATOR or an administrative law judge.

15 (b) (I) Upon failure of any witness or licensee to comply with a subpoena or process,
16 the district court of the county in which the subpoenaed person, ~~or~~ licensee, CERTIFICATE
17 HOLDER, OR REGISTRANT resides or conducts business, upon application by the ~~director~~
18 REGULATOR with notice to the subpoenaed person, ~~or~~ licensee, CERTIFICATE HOLDER, OR
19 REGISTRANT, may issue to the person, ~~or~~ licensee, CERTIFICATE HOLDER, OR REGISTRANT an
20 order requiring that person, ~~or~~ licensee, CERTIFICATE HOLDER, OR REGISTRANT to:

21 (A) Appear before the ~~director~~ REGULATOR; ~~to~~

22 (B) Produce the relevant papers, books, records, documentary evidence, or materials
23 if so ordered; or ~~to~~

24 (C) Give evidence touching the matter under investigation or in question.

25 (II) If the person, ~~or~~ licensee, CERTIFICATE HOLDER, OR REGISTRANT fails to obey the
26 order of the court, the court may hold the person, ~~or~~ licensee, CERTIFICATE HOLDER, OR
27 REGISTRANT in contempt of court.

28 (c) FOR PURPOSES OF THE REGULATION OF NONTRANSPLANT TISSUE BANKS UNDER
29 ARTICLE **140** OF THIS TITLE 12, THE AUTHORITY GRANTED UNDER SUBSECTION (2)(a) OF THIS
30 SECTION DOES NOT APPLY WITH RESPECT TO INVESTIGATIONS.

31 (3) The ~~director~~ REGULATOR may appoint an administrative law judge pursuant to part
32 10 of article 30 of title 24 ~~C.R.S.~~ OR, IF OTHERWISE SPECIFIED IN A PART OR ARTICLE OF THIS
33 TITLE 12, MAY EMPLOY AN ADMINISTRATIVE LAW JUDGE OR HEARING OFFICER to conduct
34 hearings, take evidence, make findings, and report ~~such~~ THE findings to the ~~director~~
35 REGULATOR.