



March 15, 2022

Re: Written Testimony in Support of SB22-076: Complaint Occupational License Official Acts

Dear House Committee on State, Civic, Military, & Veterans Affairs Members:

As the Executive Director of Tri-County Health Department (TCHD), I am reaching out to encourage your support of SB22-076 to provide protections to board and commission members, including members of local boards of health, from anonymous complaints against their occupational licenses. In writing to support this bill, I am conveying the opinion only of TCHD and not that of the Commissioners of Adams and Arapahoe Counties whose residents we serve.

As you know, the growing political polarization across our country took hold throughout the COVID-19 pandemic, manifesting in stark differences in how individuals approached COVID-19 with everything from hand washing and social distancing to masking and vaccination. This unfortunate divide was particularly evident when several voluntary members of TCHD's Board of Health received anonymous complaints against their professional nursing and medical licenses following a discussion and vote on masking in schools.

As explained in written and oral testimony provided by three separate TCHD Board of Health members who received anonymous complaints against their occupational licenses, these accusations were stressful and costly. One previous board member testified to paying more than \$3,000 for an attorney to respond to and defend the member against the anonymous complaint filed against them. Another member testified to having limitations on her work duties for 5 months while their complaint lingered in the review phase, before ultimately being dismissed for lack of evidence.

Accusations against someone's occupational license is serious and has significant implications for the license holder. With that, the complaint and review processes are essential to protecting the public by ensuring licensed professionals are adhering to the rules of their profession. As such, these processes must be held to high standards and should not be bogged down in anonymous complaints that are difficult to substantiate when those complaints are related to work on a board or commission rather than the work for which the individual is licensed to perform.

In addition to the stress and financial burden these complaints place on members, they place an additional burden on entities trying to fill board and commission vacancies with qualified professionals. The ability to fill these vacancies, often voluntarily – like local boards of health, can already be challenging. If professionals, who are already balancing their limited time, must also worry about complaints against their occupational licenses as a result of their participation, the ability to fill these vacancies may be even more challenging. Allowing this kind of anonymous complaint based on board or commission work is also likely to hinder open and diverse dialog, a critical component of developing more sound public policy within these groups.

Politics will always play a role in the work of boards and commissions, but we should take steps to ensure unsubstantiated, anonymous complaints, not related to occupational license work, cannot be used to punish members for opinions that may differ from someone else. This bill will add a layer of protection for licensees that often volunteer their time and expertise to participate on critical boards and commissions and avoid an additional barrier to boards and commissions filling vacancies.

On behalf of TCHD, I encourage your support of SB22-076: Complaint Occupational License Official Acts.

Sincerely,

A handwritten signature in black ink that reads "John M. Douglas, Jr., M.D." The signature is written in a cursive style.

John M. Douglas, Jr., M.D.
Executive Director
Tri-County Health Department

House State, Civic, Military, & Veterans Affairs
 03/21/2022 01:30 PM
 SB22-076 Complaint Occupational License Official Acts
 Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Lloyd guthrie Against Self	<p>When a licensed Colorado health professional serves in an official public position that directly engages their professional standing, and the licensed health provider enjoys a sanctioned public platform and decision-making authority, the public must have the right to hold the professional accountable.</p> <p>Senate Bill 22-076 offers free rein for the spread misinformation and other acts contrary to good health. Approving this legislation is counter to the public’s interests, and Senate Bill 22-076 should be rejected.</p> <p>The plethora of COVID misinformation presented by licensed health providers is ample evidence that no licensed provider should be given an automatic bye. Especially when those bad actions are based in political ideology rather than science.</p> <p>The case spurring Senate Bill 22-076 includes the actions of a licensed physician who participated as a member of the Douglas County Board of Health in approving Order #1.</p> <p>Order #1 issued by the new Douglas County Health Department is riddled with scientific inaccuracies. Each member of the Douglas County Health Department Board, including the licensed physician, knew or should have reasonably known that Order #1 contained misinformation, and ignored CDC and CDPHE guidelines, as well as recommendations of the American Academy of Pediatrics and other expert bodies. In fact, after Order #1 was issued, several state and federal court findings invalidated key parts of the Order.</p> <p>The Colorado Medical Board ensures physicians meet minimum standards of care. This system is time tested and effective. SB 22-076 impedes this proven oversight process and should be rejected.</p> <p>Let’s not automatically assume that a citizen compliant about a licensed health professional who happens to be a public servant is submitted with bad intent.</p> <p>Making an anonymous complaint should be protected as well. In Douglas County, the simple act of publicly speaking out against authority invites death threats, no matter who you are.</p> <p>Despite public statements by legislators who happen to be licensed providers, there is no evidence that the current system drives or will drive undeserving providers out of practice, or hinders actions as a public official.</p> <p>Let’s not confuse political expediency and what-about-isms with good policy, regulations and proven systems.</p> <p>The public deserves the continuing opportunity to bring formal attention to problem providers including those serving in public positions.</p> <p>SB 22-076 should be rejected.</p>

<p>Teri Walker Against Self</p>	<p>When a licensed Colorado health professional serves in an official public position that directly engages their professional standing, and the licensed health provider enjoys a sanctioned public platform and decision-making authority, the public must have the right to hold the professional accountable.</p> <p>Senate Bill 22-076 offers free rein for the spread of misinformation and other acts contrary to good health. Approving this legislation is counter to the public’s interests, and Senate Bill 22-076 should be rejected.</p> <p>The plethora of COVID misinformation presented by licensed health providers is ample evidence that no licensed provider should be given an automatic exoneration. Especially when those bad actions are based in political ideology rather than science.</p> <p>The case spurring Senate Bill 22-076 includes the actions of a licensed physician who participated as a member of the Douglas County Board of Health in approving Order #1.</p> <p>Order #1 issued by the new Douglas County Health Department is riddled with scientific inaccuracies. Each member of the Douglas County Health Department Board, including the licensed physician, knew or should have reasonably known that Order #1 contained misinformation, and ignored CDC and CDPHE guidelines, as well as recommendations of the American Academy of Pediatrics and other expert bodies. In fact, after Order #1 was issued, several state and federal court findings invalidated key parts of the Order.</p> <p>The Colorado Medical Board ensures physicians meet minimum standards of care. This system is time tested and effective. SB 22-076 impedes this proven oversight process and should be rejected.</p> <p>Let’s not automatically assume that a citizen complaint about a licensed health professional who happens to be a public servant is submitted with bad intent.</p> <p>Making an anonymous complaint should be protected as well. In Douglas County, the simple act of publicly speaking out against authority invites death threats, no matter who you are.</p> <p>Despite public statements by legislators who happen to be licensed providers, there is no evidence that the current system drives or will drive undeserving providers out of practice, or hinders actions as a public official.</p> <p>Let’s not confuse political expediency and what-about-isms with good policy, regulations and proven systems.</p> <p>The public deserves the continuing opportunity to bring formal attention to problem providers including those serving in public positions.</p> <p>SB 22-076 should be rejected.</p>
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