

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0722.02 Thomas Morris x4218

HOUSE BILL 17-1165

HOUSE SPONSORSHIP

Lebsock,

SENATE SPONSORSHIP

Aguilar,

House Committees

Business Affairs and Labor
Appropriations

Senate Committees

Business, Labor, & Technology
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE RESOLUTION OF DISCIPLINARY ACTIONS BY**
102 **AGENCIES WITHIN THE DEPARTMENT OF REGULATORY**
103 **AGENCIES, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Section 2 of the bill directs the Colorado dental board to conduct a review of its disciplinary procedures, identify inefficiencies, devise improvements, and implement the improvements.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
April 4, 2017

HOUSE
Amended 2nd Reading
March 31, 2017

Section 3 defines "health care prescriber board" to mean the following boards in the department of regulatory agencies: The Colorado podiatry board; the Colorado dental board; the Colorado medical board; the state board of nursing; the state board of optometry; and the state board of veterinary medicine. Section 3 also adjusts the boards' disciplinary procedures as follows:

- ! Within 15 days after receipt of a complaint, the board shall provide the complainant with a comprehensive, written summary of the procedures, timelines, and complainant and respondent rights that apply to the processing and resolution of complaints and the contact information for the person who will be coordinating the board's response to the complaint;
- ! Within 30 days after receiving or initiating a complaint, the board shall notify the licensee named in the complaint of the complaint and provide a copy of the notice to the complainant, if any. If patient records are potentially relevant to resolution of the complaint, the notice must state that the licensee shall provide the board with the records within 30 days after the board sent the notice.
- ! Within 30 days after the board sent the notice, the licensee named in the complaint is required to provide a written response to the complaint to the board and include all patient records specified in the notice. If the licensee fails to timely respond, the board is to send the licensee a second notice and include a statement that failure to respond within 30 days will result in license suspension.
- ! If the licensee fails to timely respond to a second notice of complaint, the board is to suspend the licensee's license unless good cause is shown;
- ! The board is to notify the complainant if it receives a response from the licensee or if it suspends the licensee for failure to respond to a second notice of complaint;
- ! If the complainant is a patient, the board must promptly notify the patient of the patient's right to receive a copy of the patient records; and
- ! If an investigation was initiated by a complaint and the board took formal action regarding the alleged misconduct, the board shall provide the complainant, within 30 days after the action, with written notice of any initial disposition or board action, the next steps in the investigation process, and the final disposition of the investigation or complaint, as applicable.

By December 31, 2017, each board shall adopt rules regarding the procedures, timelines, and complainant and respondent rights that apply

to the processing and resolution of disciplinary actions. The boards are directed to use their best efforts to make an initial disposition of disciplinary actions within 6 months after initiation of an investigation or receipt of a complaint. An initial disposition includes a formal determination that more time is needed to resolve the action.

Section 1 requires health insurance companies to update their participating provider lists at least monthly, based on information on the department's health care prescriber boards' websites, to remove a provider whose license has been suspended or revoked.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 10-16-145** as
3 follows:

4 **10-16-145. Periodic updates to provider directory.** EACH
5 CARRIER SHALL, AT LEAST EVERY THIRTY DAYS, UPDATE ITS PROVIDER
6 DIRECTORY AS POSTED ON THE CARRIER'S WEBSITE IN ACCORDANCE WITH
7 THE INFORMATION CONTAINED ON THE WEBSITES MAINTAINED BY THE
8 APPLICABLE HEALTH CARE PRESCRIBER BOARD, AS THAT TERM IS DEFINED
9 IN SECTION 24-34-112, TO REMOVE A PROVIDER WHOSE LICENSE HAS BEEN
10 REVOKED OR SUSPENDED BY THE APPLICABLE HEALTH CARE PRESCRIBER
11 BOARD.

12 **SECTION 2.** In Colorado Revised Statutes, **add 24-34-112** as
13 follows:

14 **24-34-112. Health care prescriber boards - disciplinary**
15 **procedures - definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS
16 THE CONTEXT OTHERWISE REQUIRES:

17 (a) "HEALTH CARE PRESCRIBER BOARD" OR "BOARD" MEANS:

18 (I) THE COLORADO PODIATRY BOARD CREATED IN SECTION
19 12-32-103;

20 (II) THE COLORADO DENTAL BOARD CREATED IN SECTION

1 12-35-104;

2 (III) THE COLORADO MEDICAL BOARD CREATED IN SECTION

3 12-36-103;

4 (IV) THE STATE BOARD OF NURSING CREATED IN SECTION

5 12-38-104;

6 (V) THE STATE BOARD OF OPTOMETRY ESTABLISHED IN SECTION

7 12-40-106; AND

8 (VI) THE STATE BOARD OF VETERINARY MEDICINE CREATED IN

9 SECTION 12-64-105.

10 (b) "LICENSEE" MEANS AN INDIVIDUAL WHO IS LICENSED OR

11 OTHERWISE REGULATED BY A BOARD.

12 (2) EXCEPT AS SPECIFIED IN SUBSECTION (4) OF THIS SECTION,

13 NOTWITHSTANDING ANY OTHER PROVISION OF LAW IN THIS TITLE 24 OR

14 TITLE 12, EACH HEALTH CARE PRESCRIBER BOARD SHALL:

15 (a) WITHIN FIFTEEN DAYS AFTER RECEIPT OF A COMPLAINT,

16 PROVIDE THE COMPLAINANT WITH A WRITTEN NOTICE PROVIDING CONTACT

17 INFORMATION FOR THE BOARD AND A SUMMARY OF THE REGULATORY AND

18 STATUTORY PROCEDURES, TIMELINES, AND COMPLAINANT AND

19 RESPONDENT RIGHTS THAT APPLY TO THE PROCESSING AND RESOLUTION

20 OF COMPLAINTS, INCLUDING, IF THE COMPLAINANT IS THE PATIENT OF THE

21 LICENSEE WHO IS THE SUBJECT OF THE COMPLAINT, A NOTICE OF THE

22 PATIENT'S RIGHT TO RECEIVE FROM THE LICENSEE A COPY OF HIS OR HER

23 PATIENT RECORDS PURSUANT TO SECTIONS 25-1-801 AND 25-1-802;

24 (b) IF AN INVESTIGATION WAS INITIATED BY A COMPLAINT AND THE

25 BOARD TOOK PUBLIC FORMAL ACTION REGARDING THE ALLEGED

26 MISCONDUCT, PROVIDE THE COMPLAINANT, WITHIN THIRTY DAYS AFTER

27 THE ACTION, WITH WRITTEN NOTICE OF THE ACTION TAKEN BY THE BOARD;

1 (c) IF A COMPLAINT IS STILL PENDING AFTER SIX MONTHS, NOTIFY
2 THE COMPLAINANT THAT THE COMPLAINT REMAINS PENDING, SUBJECT TO
3 APPLICABLE RESTRICTIONS IN THE BOARD'S GOVERNING LAW; AND

4 (d) UPDATE ITS WEBSITE WITHIN THIRTY DAYS AFTER SUSPENDING
5 OR REVOKING A LICENSE TO SEPARATELY LIST EACH LICENSEE SUBJECT TO
6 THE SUSPENSION OR REVOCATION.

7 (3) IF PATIENT RECORDS ARE POTENTIALLY RELEVANT TO
8 RESOLUTION OF A COMPLAINT AGAINST A LICENSEE AND THE LICENSEE IS
9 THE CUSTODIAN OF THE RECORDS, THE LICENSEE SHALL PROVIDE THE
10 BOARD WITH THE PATIENT RECORDS WITHIN THIRTY DAYS AFTER THE
11 BOARD REQUESTS THE RECORDS.

12 (4) IF ANY PROVISION OF ARTICLE 4 OF THIS TITLE 24 OR ARTICLE
13 32, 35, 36, 38, 40, OR 64 OF TITLE 12 IS MORE PROTECTIVE OF
14 COMPLAINANTS' RIGHTS OR RESULTS IN A MORE EXPEDITIOUS RESOLUTION
15 OF DISCIPLINARY PROCEEDINGS THAN A CORRESPONDING PROVISION OF
16 THIS SECTION, THAT PROVISION APPLIES RATHER THAN THE
17 CORRESPONDING PROVISION OF THIS SECTION.

18 (5) (a) THE DEPARTMENT SHALL INCLUDE IN ITS ANNUAL
19 PRESENTATION MADE PURSUANT TO SECTION 2-7-203 A PERFORMANCE
20 REPORT PREPARED BY THE DIVISION REGARDING CHANGES TO THE BOARDS'
21 PROCESSES AND PROCEDURES.

22 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE SEPTEMBER 1,
23 2018.

24 **SECTION 3. Appropriation.** (1) For the 2017-18 state fiscal
25 year, \$20,000 is appropriated to the department of regulatory agencies.
26 This appropriation is from the division of professions and occupations
27 cash fund created in section 24-34-105 (2)(b)(I), C.R.S. To implement

1 this act, the department may use this appropriation for the purchase of
2 information technology services.

3 (2) For the 2017-18 state fiscal year, \$20,000 is appropriated to
4 the office of the governor for use by the office of information technology.
5 This appropriation is from reappropriated funds received from the
6 department of regulatory agencies under subsection (1) of this section. To
7 implement this act, the office may use this appropriation to provide
8 information technology services for the department of regulatory
9 agencies.

10 **SECTION 4. Applicability.** This act applies to disciplinary
11 actions commenced on or after the effective date of this act.

12 **SECTION 5. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.