

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

February 26, 2020

Committee on Health & Insurance.

After consideration on the merits, the Committee recommends the following:

HB20-1219 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **amend** 12-210-115
4 as follows:

5 **12-210-115. Repeal of article - review of functions.** This article
6 210 is repealed, effective September 1, ~~2020~~ 2031. Before the repeal, the
7 licensing and supervisory functions of the director are scheduled for
8 review in accordance with section 24-34-104.

9 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
10 (19)(a)(V); and **add** (32) as follows:

11 **24-34-104. General assembly review of regulatory agencies**
12 **and functions for repeal, continuation, or reestablishment - legislative**
13 **declaration - repeal.** (19) (a) The following agencies, functions, or both,
14 are scheduled for repeal on September 1, 2020:

15 (V) ~~The licensing of audiologists by the division of professions~~
16 ~~and occupations in accordance with article 210 of title 12;~~

17 (32) (a) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, ARE
18 SCHEDULED FOR REPEAL ON SEPTEMBER 1, 2031:

19 (I) THE LICENSING OF AUDIOLOGISTS BY THE DIVISION OF
20 PROFESSIONS AND OCCUPATIONS IN ACCORDANCE WITH ARTICLE 210 OF
21 TITLE 12.

22 (b) THIS SUBSECTION (32) IS REPEALED, EFFECTIVE SEPTEMBER 1,
23 2033.

24 **SECTION 3.** In Colorado Revised Statutes, 6-1-701, **amend**

1 (2)(a)(III), (2)(c), and (2)(e)(III)(B) as follows:

2 **6-1-701. Dispensing hearing aids - deceptive trade practices -**
3 **definitions.** (2) In addition to any other deceptive trade practices under
4 section 6-1-105, a dispenser engages in a deceptive trade practice when
5 the dispenser:

6 (a) Fails to deliver to each person to whom the dispenser
7 dispenses a hearing aid a receipt that:

8 (III) Bears, in no smaller type than the largest used in the body of
9 the receipt, a provision indicating that dispensers who are licensed
10 ~~certified, or registered~~ by the department of regulatory agencies are
11 regulated by the division of professions and occupations in the
12 department of regulatory agencies; AND

13 (c) ~~(I) Fails to receive from a licensed physician, before~~
14 ~~dispensing, fitting, or selling a hearing aid to any person, a written~~
15 ~~prescription or recommendation, issued within the previous six months,~~
16 ~~that specifies that the person is a candidate for a hearing aid; except that~~
17 ~~any person eighteen years of age or older who objects to medical~~
18 ~~evaluation on the basis of religious or personal beliefs may waive the~~
19 ~~requirement by delivering to the dispenser a written waiver;~~

20 ~~(H) Dispenses, adjusts, provides training or teaching in regard to,~~
21 ~~or otherwise services surgically implanted hearing devices unless the~~
22 ~~dispenser is an audiologist or physician;~~

23 (e) Fails to provide a minimum thirty-day rescission period with
24 the following terms:

25 (III) (B) The written contract or receipt provided to the buyer must
26 also contain a statement, in print size no smaller than ten-point type, that
27 the sale is void and unenforceable if the hearing aid being purchased is
28 not delivered to the consumer within thirty days after the date the written
29 contract is signed or the receipt is issued, whichever occurs later. The
30 written contract or receipt must also include the dispenser's license
31 ~~certification, or registration~~ number, if the dispenser is required to be
32 licensed ~~certified or registered~~ by the state, and a statement that the
33 dispenser will promptly refund all ~~moneys~~ MONEY paid for the purchase
34 of a hearing aid if it is not delivered to the consumer within the thirty-day
35 period. The buyer cannot waive this requirement, and any attempt to
36 waive it is void.

37 **SECTION 4.** In Colorado Revised Statutes, 12-210-108, **amend**
38 (2)(q), (2)(t), and (2)(u); and **add** (2)(v) as follows:

39 **12-210-108. Disciplinary actions - grounds for discipline.**

40 (2) The following acts constitute grounds for discipline:

41 (q) ~~Having an alcohol use disorder, as defined in section~~

1 ~~27-81-102, or a substance use disorder, as defined in section 27-82-102,~~
2 ~~or~~ Excessively or habitually using or abusing alcohol or habit-forming
3 drugs or habitually using a controlled substance, as defined in section
4 18-18-102 (5), or other drugs or substances having similar effects; except
5 that the director has the discretion not to discipline the licensee if ~~he or~~
6 ~~she~~ THE LICENSEE is participating in good faith in an alcohol or substance
7 use disorder treatment program approved by the director;

8 (t) Failing to respond in an honest, materially responsive, and
9 timely manner to a complaint lodged against the licensee; ~~and~~

10 (u) In any court of competent jurisdiction, being convicted of,
11 pleading guilty or nolo contendere to, or receiving a deferred sentence for
12 a felony or a crime involving fraud, deception, false pretense, theft,
13 misrepresentation, false advertising, or dishonest dealing; AND

14 (v) FAILING TO NOTIFY THE DIRECTOR, IN WRITING AND WITHIN
15 THIRTY DAYS AFTER A JUDGMENT OR SETTLEMENT IS ENTERED, OF A FINAL
16 JUDGMENT BY A COURT OF COMPETENT JURISDICTION AGAINST THE
17 LICENSEE INVOLVING MALPRACTICE OF AUDIOLOGY OR A SETTLEMENT BY
18 THE LICENSEE IN RESPONSE TO CHARGES OR ALLEGATIONS OF
19 MALPRACTICE OF AUDIOLOGY AND, IN THE CASE OF A JUDGMENT, FAILING
20 TO INCLUDE IN THE NOTICE THE NAME OF THE COURT, THE CASE NUMBER,
21 AND THE NAMES OF ALL PARTIES TO THE ACTION.

22 **SECTION 5.** In Colorado Revised Statutes, **add** 12-210-107.5 as
23 follows:

24 **12-210-107.5. Continuing education.** (1) AN AUDIOLOGIST
25 LICENSED PURSUANT TO THIS ARTICLE 210 SHALL COMPLETE AT LEAST TEN
26 HOURS OF CONTINUING EDUCATION EACH RENEWAL PERIOD.

27 (2) APPLICANTS FOR LICENSE RENEWAL, REACTIVATION, OR
28 REINSTATEMENT SHALL ATTEST DURING THE APPLICATION PROCESS AS TO
29 WHETHER THEY ARE IN COMPLIANCE WITH THIS SECTION.

30 (3) THE DIRECTOR MAY AUDIT COMPLIANCE WITH THIS SECTION.
31 AUDIOLOGISTS SHALL SUBMIT DOCUMENTATION OF THEIR COMPLIANCE
32 WITH THIS SECTION UPON REQUEST BY THE DIRECTOR.

33 **SECTION 6.** In Colorado Revised Statutes, **add** 10-1-125.7 as
34 follows:

35 **10-1-125.7. Reporting of malpractice claims against**
36 **audiologists.** (1) EACH INSURANCE COMPANY LICENSED TO DO BUSINESS
37 IN THIS STATE AND ENGAGED IN THE WRITING OF MALPRACTICE INSURANCE
38 FOR AUDIOLOGISTS SHALL SEND TO THE DIRECTOR OF THE DIVISION OF
39 PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY
40 AGENCIES, IN THE FORM PRESCRIBED BY THE COMMISSIONER,
41 INFORMATION RELATING TO EACH MALPRACTICE CLAIM AGAINST A

1 LICENSED AUDIOLOGIST THAT IS SETTLED OR IN WHICH JUDGMENT IS
2 RENDERED AGAINST THE INSURED.

3 (2) THE INFORMATION MUST INCLUDE INFORMATION DEEMED
4 NECESSARY BY THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND
5 OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES TO
6 CONDUCT A FURTHER INVESTIGATION AND HEARING.

7 **SECTION 7.** In Colorado Revised Statutes, 12-20-408, **amend**
8 (2)(e); and **repeal** (2)(f) as follows:

9 **12-20-408. Judicial review.** (2) A district court of competent
10 jurisdiction has initial jurisdiction to review all final actions and orders
11 of a regulator that are subject to judicial review and shall conduct the
12 judicial review proceedings in accordance with section 24-4-106 (3) for
13 the following:

14 (e) Article 200 of this title 12 concerning acupuncturists; AND

15 (f) ~~Article 210 of this title 12 concerning audiologists; and~~

16 **SECTION 8.** In Colorado Revised Statutes, **add** part 2 to article
17 210 of title 12 as follows:

18 PART 2

19 DECEPTIVE TRADE PRACTICES

20 **12-210-201. Definitions.** AS USED IN THIS PART 2, UNLESS THE
21 CONTEXT OTHERWISE REQUIRES:

22 (1) "DISPENSER" MEANS A PERSON LICENSED IN THE PRACTICE OF
23 AUDIOLOGY PURSUANT TO PART 1 OF THIS ARTICLE 210 WHO DISPENSES
24 HEARING AIDS.

25 **12-210-202. Dispensing hearing aids - deceptive trade**
26 **practices.** (1) IN ADDITION TO ANY OTHER DECEPTIVE TRADE PRACTICES
27 UNDER SECTION 6-1-105, A DISPENSER ENGAGES IN A DECEPTIVE TRADE
28 PRACTICE WHEN THE DISPENSER:

29 (a) FAILS TO DELIVER TO EACH PERSON TO WHOM THE DISPENSER
30 DISPENSES A HEARING AID A RECEIPT THAT:

31 (I) BEARS THE BUSINESS ADDRESS OF THE DISPENSER, TOGETHER
32 WITH SPECIFICATIONS AS TO THE MAKE AND SERIAL NUMBER OF THE
33 HEARING AID FURNISHED AND THE FULL TERMS OF THE SALE CLEARLY
34 STATED. IF THE DISPENSER DISPENSES A HEARING AID THAT IS NOT NEW,
35 THE DISPENSER SHALL CLEARLY MARK ON THE HEARING AID CONTAINER
36 AND THE RECEIPT THE TERM "USED" OR "RECONDITIONED", WHICHEVER IS
37 APPLICABLE, WITHIN THE TERMS OF THE GUARANTEE, IF ANY.

38 (II) BEARS, IN NO SMALLER TYPE THAN THE LARGEST USED IN THE
39 BODY OF THE RECEIPT, IN SUBSTANCE, A PROVISION THAT THE BUYER HAS
40 BEEN ADVISED AT THE OUTSET OF THE BUYER'S RELATIONSHIP WITH THE
41 DISPENSER THAT ANY EXAMINATION OR REPRESENTATION MADE BY A

1 DISPENSER IN CONNECTION WITH THE PRACTICE OF DISPENSING, FITTING,
2 OR DEALING IN HEARING AIDS IS NOT AN EXAMINATION, DIAGNOSIS, OR
3 PRESCRIPTION BY A PERSON LICENSED TO PRACTICE MEDICINE IN THIS
4 STATE AND, THEREFORE, MUST NOT BE REGARDED AS MEDICAL OPINION OR
5 ADVICE;

6 (III) BEARS, IN NO SMALLER TYPE THAN THE LARGEST USED IN THE
7 BODY OF THE RECEIPT, A PROVISION INDICATING THAT DISPENSERS WHO
8 ARE LICENSED BY THE DEPARTMENT ARE REGULATED BY THE DIVISION;
9 AND

10 (IV) BEARS A PROVISION LABELED "WARRANTY" IN WHICH THE
11 EXACT WARRANTY TERMS AND PERIODS AVAILABLE FROM THE
12 MANUFACTURER ARE DOCUMENTED, OR INCLUDES AN ORIGINAL OR
13 PHOTOCOPY OF THE ORIGINAL MANUFACTURER'S WARRANTY WITH THE
14 RECEIPT;

15 (b) DISPENSES A HEARING AID TO A CHILD UNDER EIGHTEEN YEARS
16 OF AGE WITHOUT RECEIVING DOCUMENTATION THAT THE CHILD HAS BEEN
17 EXAMINED BY A LICENSED PHYSICIAN AND AN AUDIOLOGIST WITHIN SIX
18 MONTHS PRIOR TO THE FITTING;

19 (c) DISPENSES, ADJUSTS, PROVIDES TRAINING OR TEACHING IN
20 REGARD TO, OR OTHERWISE SERVICES SURGICALLY IMPLANTED HEARING
21 DEVICES UNLESS THE DISPENSER IS AN AUDIOLOGIST OR PHYSICIAN;

22 (d) FAILS TO RECOMMEND IN WRITING, PRIOR TO FITTING OR
23 DISPENSING A HEARING AID, THAT THE BEST INTERESTS OF THE
24 PROSPECTIVE USER WOULD BE SERVED BY CONSULTING A LICENSED
25 PHYSICIAN SPECIALIZING IN DISEASES OF THE EAR, OR ANY LICENSED
26 PHYSICIAN, IF ANY OF THE FOLLOWING CONDITIONS EXIST:

27 (I) VISIBLE CONGENITAL OR TRAUMATIC DEFORMITY OF THE EAR;

28 (II) ACTIVE DRAINAGE OF THE EAR, OR A HISTORY OF DRAINAGE OF
29 THE EAR WITHIN THE PREVIOUS NINETY DAYS;

30 (III) HISTORY OF SUDDEN OR RAPIDLY PROGRESSIVE HEARING
31 LOSS;

32 (IV) ACUTE OR CHRONIC DIZZINESS;

33 (V) UNILATERAL HEARING LOSS OF SUDDEN ONSET WITHIN THE
34 PREVIOUS NINETY DAYS;

35 (VI) AUDIOMETRIC AIR-BONE GAP EQUAL TO OR GREATER THAN
36 FIFTEEN DECIBELS AT 500 HERTZ (Hz), 1,000 Hz, AND 2,000 Hz;

37 (VII) VISIBLE EVIDENCE OF SIGNIFICANT CERUMEN
38 ACCUMULATION ON, OR A FOREIGN BODY IN, THE EAR CANAL; OR

39 (VIII) PAIN OR DISCOMFORT IN THE EAR;

40 (e) FAILS TO PROVIDE A MINIMUM THIRTY-DAY RESCISSION PERIOD
41 WITH THE FOLLOWING TERMS:

1 (I) THE BUYER HAS THE RIGHT TO CANCEL THE PURCHASE FOR ANY
2 REASON BEFORE THE EXPIRATION OF THE RESCISSION PERIOD BY GIVING OR
3 MAILING WRITTEN NOTICE OF CANCELLATION TO THE DISPENSER AND
4 PRESENTING THE HEARING AID TO THE DISPENSER, UNLESS THE HEARING
5 AID HAS BEEN LOST OR SIGNIFICANTLY DAMAGED BEYOND REPAIR WHILE
6 IN THE BUYER'S POSSESSION AND CONTROL. THE RESCISSION PERIOD IS
7 TOLLED FOR ANY PERIOD DURING WHICH A DISPENSER TAKES POSSESSION
8 OR CONTROL OF A HEARING AID AFTER ITS ORIGINAL DELIVERY.

9 (II) THE BUYER, UPON CANCELLATION, IS ENTITLED TO RECEIVE A
10 FULL REFUND OF ANY PAYMENT MADE FOR THE HEARING AID WITHIN
11 THIRTY DAYS AFTER RETURNING THE HEARING AID TO THE DISPENSER,
12 UNLESS THE HEARING AID WAS SIGNIFICANTLY DAMAGED BEYOND REPAIR
13 WHILE IN THE BUYER'S POSSESSION AND CONTROL.

14 (III) (A) THE DISPENSER SHALL PROVIDE A WRITTEN RECEIPT OR
15 CONTRACT TO THE BUYER THAT INCLUDES, IN IMMEDIATE PROXIMITY TO
16 THE SPACE RESERVED FOR THE SIGNATURE OF THE BUYER, THE FOLLOWING
17 SPECIFIC STATEMENT IN ALL CAPITAL LETTERS OF NO LESS THAN
18 TEN-POINT, BOLD-FACED TYPE:

19 **THE BUYER HAS THE RIGHT TO CANCEL THIS**
20 **PURCHASE FOR ANY REASON AT ANY TIME**
21 **PRIOR TO 12 MIDNIGHT ON THE [INSERT**
22 **APPLICABLE RESCISSION PERIOD, WHICH MUST BE NO**
23 **SHORTER THAN THIRTY DAYS AFTER RECEIPT OF THE**
24 **HEARING AID] CALENDAR DAY AFTER RECEIPT OF**
25 **THE HEARING AID BY GIVING OR MAILING THE**
26 **DISPENSER WRITTEN NOTICE OF**
27 **CANCELLATION AND BY RETURNING THE**
28 **HEARING AID, UNLESS THE HEARING AID HAS**
29 **BEEN SIGNIFICANTLY DAMAGED BEYOND**
30 **REPAIR WHILE THE HEARING AID WAS IN THE**
31 **BUYER'S CONTROL.**

32 (B) THE WRITTEN CONTRACT OR RECEIPT PROVIDED TO THE BUYER
33 MUST ALSO CONTAIN A STATEMENT, IN PRINT SIZE NO SMALLER THAN
34 TEN-POINT TYPE, THAT THE SALE IS VOID AND UNENFORCEABLE IF THE
35 HEARING AID BEING PURCHASED IS NOT DELIVERED TO THE CONSUMER
36 WITHIN THIRTY DAYS AFTER THE DATE THE WRITTEN CONTRACT IS SIGNED
37 OR THE RECEIPT IS ISSUED, WHICHEVER OCCURS LATER. THE WRITTEN
38 CONTRACT OR RECEIPT MUST ALSO INCLUDE THE DISPENSER'S LICENSE
39 NUMBER, IF THE DISPENSER IS REQUIRED TO BE LICENSED BY THE STATE,
40 AND A STATEMENT THAT THE DISPENSER WILL PROMPTLY REFUND ALL
41 MONEY PAID FOR THE PURCHASE OF THE HEARING AID IF IT IS NOT

1 DELIVERED TO THE CONSUMER WITHIN THE THIRTY-DAY PERIOD. THE
2 BUYER CANNOT WAIVE THIS REQUIREMENT, AND ANY ATTEMPT TO WAIVE
3 IT IS VOID.

4 (IV) A REFUND REQUEST FORM MUST BE ATTACHED TO EACH
5 RECEIPT AND MUST CONTAIN THE INFORMATION IN SUBSECTION (1)(a)(I)
6 OF THIS SECTION AND THE STATEMENT, IN ALL CAPITAL LETTERS OF NO
7 LESS THAN TEN-POINT, BOLD-FACED TYPE:

8 **REFUND REQUEST - THIS FORM MUST BE**
9 **POSTMARKED BY _____ [DATE TO BE FILLED IN].**
10 **NO REFUND WILL BE GIVEN UNTIL THE**
11 **HEARING AID OR HEARING AIDS ARE**
12 **RETURNED TO THE DISPENSER.**

13 A SPACE FOR THE BUYER'S ADDRESS, TELEPHONE NUMBER, AND
14 SIGNATURE MUST BE PROVIDED. THE BUYER IS REQUIRED ONLY TO SIGN,
15 LIST THE BUYER'S CURRENT ADDRESS AND TELEPHONE NUMBER, AND MAIL
16 THE REFUND REQUEST FORM TO THE DISPENSER. IF THE HEARING AID IS
17 SOLD IN THE BUYER'S HOME, THE BUYER MAY REQUIRE THE DISPENSER TO
18 ARRANGE THE RETURN OF THE HEARING AID.

19 (f) REPRESENTS THAT THE SERVICE OR ADVICE OF A PERSON
20 LICENSED TO PRACTICE MEDICINE WILL BE USED OR MADE AVAILABLE IN
21 THE SELECTION, FITTING, ADJUSTMENT, MAINTENANCE, OR REPAIR OF
22 HEARING AIDS WHEN THAT IS NOT TRUE OR USING THE TERMS "DOCTOR",
23 "CLINIC", "STATE-LICENSED CLINIC", "STATE-REGISTERED",
24 "STATE-CERTIFIED", OR "STATE-APPROVED", OR ANY OTHER TERM,
25 ABBREVIATION, OR SYMBOL WHEN IT WOULD:

26 (I) FALSELY GIVE THE IMPRESSION THAT SERVICE IS BEING
27 PROVIDED BY PERSONS TRAINED IN MEDICINE OR THAT THE DISPENSER'S
28 SERVICE HAS BEEN RECOMMENDED BY THE STATE WHEN THAT IS NOT THE
29 CASE; OR

30 (II) BE FALSE OR MISLEADING;

31 (g) DIRECTLY OR INDIRECTLY:

32 (I) GIVES OR OFFERS TO GIVE, OR PERMITS OR CAUSES TO BE GIVEN,
33 MONEY OR ANYTHING OF VALUE TO ANY PERSON WHO ADVISES ANOTHER
34 IN A PROFESSIONAL CAPACITY AS AN INDUCEMENT TO INFLUENCE THE
35 PERSON OR HAVE THE PERSON INFLUENCE OTHERS TO PURCHASE OR
36 CONTRACT TO PURCHASE PRODUCTS SOLD OR OFFERED FOR SALE BY THE
37 DISPENSER; EXCEPT THAT A DISPENSER DOES NOT VIOLATE THIS
38 SUBSECTION (1)(g)(I) IF THE DISPENSER PAYS AN INDEPENDENT
39 ADVERTISING OR MARKETING AGENT COMPENSATION FOR ADVERTISING OR
40 MARKETING SERVICES THE AGENT RENDERED ON THE DISPENSER'S BEHALF,
41 INCLUDING COMPENSATION THAT IS PAID FOR THE RESULTS OR

1 PERFORMANCE OF THE SERVICES ON A PER-PATIENT BASIS; OR
2 (II) INFLUENCES OR ATTEMPTS TO INFLUENCE ANY PERSON TO
3 REFRAIN FROM DEALING IN THE PRODUCTS OF COMPETITORS;
4 (h) DISPENSES A HEARING AID TO A PERSON WHO HAS NOT BEEN
5 GIVEN TESTS UTILIZING APPROPRIATE ESTABLISHED PROCEDURES AND
6 INSTRUMENTATION IN THE FITTING OF HEARING AIDS, EXCEPT WHEN
7 SELLING A REPLACEMENT HEARING AID WITHIN ONE YEAR AFTER THE DATE
8 OF THE ORIGINAL PURCHASE;
9 (i) MAKES A FALSE OR MISLEADING STATEMENT OF FACT
10 CONCERNING GOODS OR SERVICES OR THE BUYER'S RIGHT TO CANCEL WITH
11 THE INTENTION OR EFFECT OF DETERRING OR PREVENTING THE BUYER
12 FROM EXERCISING THE BUYER'S RIGHT TO CANCEL, OR REFUSES TO HONOR
13 A BUYER'S REQUEST TO CANCEL A CONTRACT FOR THE PURCHASE OF A
14 HEARING AID, IF THE REQUEST WAS MADE DURING THE RESCISSION PERIOD
15 SET FORTH IN SUBSECTION (1)(e) OF THIS SECTION;
16 (j) EMPLOYS A DEVICE, A SCHEME, OR AN ARTIFICE WITH THE
17 INTENT TO DEFRAUD A BUYER OF A HEARING AID;
18 (k) INTENTIONALLY DISPOSES OF, CONCEALS, DIVERTS, CONVERTS,
19 OR OTHERWISE FAILS TO ACCOUNT FOR ANY FUNDS OR ASSETS OF A BUYER
20 OF A HEARING AID THAT IS UNDER THE DISPENSER'S CONTROL; OR
21 (l) CHARGES, COLLECTS, OR RECOVERS ANY COST OR FEE FOR ANY
22 GOOD OR SERVICE THAT HAS BEEN REPRESENTED BY THE DISPENSER AS
23 FREE.

24 (2) (a) THIS SECTION APPLIES TO A DISPENSER WHO DISPENSES
25 HEARING AIDS IN THIS STATE.

26 (b) THIS SECTION DOES NOT APPLY TO THE DISPENSING OF HEARING
27 AIDS OUTSIDE OF THIS STATE SO LONG AS THE TRANSACTION EITHER
28 CONFORMS TO THIS SECTION OR TO THE APPLICABLE LAWS AND RULES OF
29 THE JURISDICTION IN WHICH THE TRANSACTION TAKES PLACE.

30 **SECTION 9.** In Colorado Revised Statutes, **amend** 13-64-303 as
31 follows:

32 **13-64-303. Judgments and settlements - reported.** Any final
33 judgment, settlement, or arbitration award against any health care
34 professional or health care institution for medical malpractice shall be
35 reported within fourteen days by ~~such~~ THE professional's or institution's
36 medical malpractice insurance carrier in accordance with section
37 10-1-120, 10-1-121, 10-1-124, ~~or~~ 10-1-125, ~~C.R.S.~~ OR 10-1-125.7, or by
38 ~~such~~ THE professional or institution if there is no commercial medical
39 malpractice insurance coverage, to the licensing agency of the health care
40 professional or health care institution for review, investigation, and,
41 where appropriate, disciplinary or other action. Any health care

1 professional, health care institution, or insurance carrier that knowingly
2 fails to report as required by this section shall be subject to a civil penalty
3 of not more than two thousand five hundred dollars. Such penalty shall
4 be determined and collected by the district court in the city and county of
5 Denver. All penalties collected pursuant to this section shall be
6 transmitted to the state treasurer, who shall credit the same to the general
7 fund.

8 **SECTION 10.** In Colorado Revised Statutes, 25-51-104, **amend**
9 (1)(c) as follows:

10 **25-51-104. Payment and financial resolution.** (1) If a patient
11 accepts an offer of compensation made pursuant to section 25-51-103 (5)
12 and receives the compensation, the payment of compensation to the
13 patient is not a payment resulting from:

14 (c) A malpractice claim settled or in which judgment is rendered
15 against a professional for purposes of reporting by malpractice insurance
16 companies under section 10-1-120, 10-1-121, 10-1-124, 10-1-125, ~~or~~
17 10-1-125.5, OR 10-1-125.7;

18 **SECTION 11. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2020 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor."

28 Page 1, line 103, strike the first "THE".

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