

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0722.02 Thomas Morris x4218

HOUSE BILL 17-1165

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HOUSE SPONSORSHIP

Lebsock,

SENATE SPONSORSHIP

(None),

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House Committees

Business Affairs and Labor  
Appropriations

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE RESOLUTION OF DISCIPLINARY ACTIONS BY  
102 AGENCIES WITHIN THE DEPARTMENT OF REGULATORY  
103 AGENCIES.

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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.

**Section 3** defines "health care prescriber board" to mean the following boards in the department of regulatory agencies: The Colorado

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.*

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.

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

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

**10-16-145. Periodic updates to preferred provider lists.** EACH CARRIER AND PRODUCER SHALL, AT LEAST MONTHLY, UPDATE ITS PARTICIPATING PROVIDER LISTS IN ACCORDANCE WITH THE INFORMATION CONTAINED ON THE WEBSITES MAINTAINED BY THE APPLICABLE HEALTH CARE PRESCRIBER BOARD, AS THAT TERM IS DEFINED IN SECTION 24-34-112, TO REMOVE A PROVIDER WHOSE LICENSE HAS BEEN REVOKED OR SUSPENDED BY THE APPLICABLE HEALTH CARE PRESCRIBER BOARD.

**SECTION 2.** In Colorado Revised Statutes, **add** 12-35-129.8 as follows:

**12-35-129.8. Review and improvement of disciplinary procedures - repeal.** (1) THE BOARD SHALL CONDUCT A REVIEW OF ITS DISCIPLINARY PROCEDURES, IDENTIFY INEFFICIENCIES, DEVISE IMPROVEMENTS, AND IMPLEMENT THE IMPROVEMENTS BY DECEMBER 31, 2017.

(2) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2018.

**SECTION 3.** In Colorado Revised Statutes, **add** 24-34-112 as follows:

**24-34-112. Health care prescriber boards - disciplinary procedures - definitions - rules.** (1) AS USED IN THIS SECTION, UNLESS

1 THE CONTEXT OTHERWISE REQUIRES:

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

3 (I) THE COLORADO PODIATRY BOARD CREATED IN SECTION  
4 12-32-103;

5 (II) THE COLORADO DENTAL BOARD CREATED IN SECTION  
6 12-35-104;

7 (III) THE COLORADO MEDICAL BOARD CREATED IN SECTION  
8 12-36-103;

9 (IV) THE STATE BOARD OF NURSING CREATED IN SECTION  
10 12-38-104;

11 (V) THE STATE BOARD OF OPTOMETRY ESTABLISHED IN SECTION  
12 12-40-106; AND

13 (VI) THE STATE BOARD OF VETERINARY MEDICINE CREATED IN  
14 SECTION 12-64-105.

15 (b) "LICENSEE" MEANS AN INDIVIDUAL WHO IS LICENSED OR  
16 OTHERWISE REGULATED BY A BOARD.

17 (2) EXCEPT AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION,  
18 NOTWITHSTANDING ANY OTHER PROVISION OF LAW IN THIS TITLE 24 OR  
19 TITLE 12:

20 (a) EACH HEALTH CARE PRESCRIBER BOARD SHALL:

21 (I) WITHIN FIFTEEN DAYS AFTER RECEIPT OF A COMPLAINT,  
22 PROVIDE THE COMPLAINANT WITH:

23 (A) A COMPREHENSIVE WRITTEN SUMMARY OF THE PROCEDURES,  
24 TIMELINES, AND COMPLAINANT AND RESPONDENT RIGHTS THAT APPLY TO  
25 THE PROCESSING AND RESOLUTION OF COMPLAINTS; AND

26 (B) THE CONTACT INFORMATION FOR THE PERSON WHO WILL BE  
27 COORDINATING THE BOARD'S RESPONSE TO THE COMPLAINT.

1           (II) WITHIN THIRTY DAYS AFTER RECEIVING OR INITIATING A  
2 COMPLAINT, GIVE WRITTEN NOTICE OF THE COMPLAINT TO THE LICENSEE  
3 NAMED IN THE COMPLAINT AND PROVIDE A COPY OF THE NOTICE TO THE  
4 COMPLAINANT, IF ANY. IF PATIENT RECORDS ARE POTENTIALLY RELEVANT  
5 TO RESOLUTION OF THE COMPLAINT, THE NOTICE MUST STATE THAT THE  
6 LICENSEE SHALL PROVIDE THE BOARD WITH THE PATIENT RECORDS  
7 SPECIFIED IN THE NOTICE WITHIN THIRTY DAYS AFTER THE BOARD SENT  
8 THE NOTICE.

9           (III) WITHIN THIRTY DAYS AFTER RECEIPT OF A RESPONSE OR  
10 AFTER SUSPENDING THE LICENSE FOR FAILURE TO RESPOND TO A  
11 COMPLAINT PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION, AS  
12 APPLICABLE, GIVE WRITTEN NOTICE TO THE COMPLAINANT REGARDING  
13 WHETHER THE LICENSEE PROVIDED A RESPONSE TO THE COMPLAINT OR THE  
14 BOARD SUSPENDED THE LICENSEE'S LICENSE;

15           (IV) IF AN INVESTIGATION WAS INITIATED BY A COMPLAINT AND  
16 THE BOARD TOOK FORMAL ACTION REGARDING THE ALLEGED  
17 MISCONDUCT, PROVIDE THE COMPLAINANT, WITHIN THIRTY DAYS AFTER  
18 THE ACTION, WITH WRITTEN NOTICE OF ANY INITIAL DISPOSITION OR  
19 ACTION TAKEN BY THE BOARD, THE NEXT STEPS THAT THE BOARD  
20 ANTICIPATES TAKING WITH REGARD TO THE COMPLAINT OR  
21 INVESTIGATION, AND THE FINAL DISPOSITION OF THE INVESTIGATION OR  
22 COMPLAINT, AS APPLICABLE;

23           (V) BY DECEMBER 31, 2017, ADOPT RULES REGARDING THE  
24 PROCEDURES, TIMELINES, AND COMPLAINANT AND RESPONDENT RIGHTS  
25 THAT APPLY TO THE PROCESSING AND RESOLUTION OF DISCIPLINARY  
26 ACTIONS.

27           (b) EACH BOARD SHALL USE ITS BEST EFFORTS TO MAKE AN INITIAL

1 DISPOSITION OF DISCIPLINARY ACTIONS WITHIN SIX MONTHS AFTER  
2 INITIATION OF AN INVESTIGATION OR RECEIPT OF A COMPLAINT. AN INITIAL  
3 DISPOSITION INCLUDES A FORMAL DETERMINATION THAT MORE TIME IS  
4 NEEDED TO RESOLVE THE ACTION.

5 (c) (I) WITHIN THIRTY DAYS AFTER THE BOARD SENDS A NOTICE  
6 PURSUANT TO SUBSECTION (2)(a)(II) OF THIS SECTION, THE LICENSEE  
7 NAMED IN THE COMPLAINT SHALL SUBMIT A WRITTEN RESPONSE TO THE  
8 NOTICE TO THE APPLICABLE BOARD AND INCLUDE IN THE RESPONSE ALL  
9 PATIENT RECORDS SPECIFIED IN THE NOTICE. IF THE LICENSEE DOES NOT  
10 TIMELY SUBMIT A RESPONSE, THE BOARD SHALL PROVIDE THE LICENSEE  
11 WITH A SECOND NOTICE CONTAINING THE INFORMATION SPECIFIED IN  
12 SUBSECTION (2)(a)(II) OF THIS SECTION AND STATING THAT IF THE  
13 LICENSEE FAILS TO RESPOND TO THE SECOND NOTICE WITHIN THIRTY DAYS,  
14 THE BOARD WILL SUSPEND THE LICENSEE'S LICENSE.

15 (II) EXCEPT FOR GOOD CAUSE SHOWN, AS DETERMINED BY THE  
16 APPLICABLE BOARD, THE BOARD SHALL SUSPEND THE LICENSE OF A  
17 LICENSEE WHO FAILS TO SUBMIT A WRITTEN RESPONSE TO THE SECOND  
18 NOTICE WITHIN THIRTY DAYS AFTER THE BOARD SENT THAT NOTICE.

19 (III) IF THE COMPLAINANT IS THE PATIENT, UPON RECEIPT OF  
20 PATIENT RECORDS PURSUANT TO THIS SUBSECTION (2)(c), THE BOARD  
21 SHALL PROMPTLY NOTIFY THE PATIENT OF THE PATIENT'S RIGHT TO  
22 RECEIVE A COPY OF THE PATIENT RECORDS PURSUANT TO SECTION  
23 25-1-802.

24 (3) IF ANY PROVISION OF ARTICLE 4 OF THIS TITLE 24 OR ARTICLE  
25 32, 35, 36, 38, 40, OR 64 OF TITLE 12 IS MORE PROTECTIVE OF  
26 COMPLAINANTS' RIGHTS OR RESULTS IN A MORE EXPEDITIOUS RESOLUTION  
27 OF DISCIPLINARY PROCEEDINGS THAN A CORRESPONDING PROVISION OF

1 THIS SECTION, THAT PROVISION APPLIES RATHER THAN THE  
2 CORRESPONDING PROVISION OF THIS SECTION.

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

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