

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0526.01 Yelana Love x2295

HOUSE BILL 20-1219

HOUSE SPONSORSHIP

Buckner, Lontine

SENATE SPONSORSHIP

(None),

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE LICENSING OF
102 AUDIOLOGISTS, AND, IN CONNECTION THEREWITH,
103 IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE
104 2019 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY
105 AGENCIES.

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/>.)

Sunset Process - House Health and Insurance Committee. The bill implements the recommendations of the department of regulatory

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

agencies' sunset review and report on the licensing of audiologists by combining the audiologist practice act with the hearing aid provider practice act and:

- ! Continuing the licensing of audiologists for 11 years, to 2031 (**sections 5 and 6** of the bill);
- ! Requiring licensees and insurance carriers to report any malpractice settlements or judgments to the director of the division of professions and occupations in the department of regulatory agencies within 30 days (**section 1**);
- ! Requiring final agency actions to be appealed directly to the court of appeals (**section 2**);
- ! Amending the language in the grounds for discipline referring to an alcohol or substance use disorder (**section 3**);
- ! Restoring the deceptive trade practice provisions related to the sale of hearing aids (**section 4**); and
- ! Making conforming amendments necessary to combine the audiologist practice act with the hearing aid provider practice act and make the additional recommended changes (**sections 7 through 35**).

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 10-1-125.7 as
3 follows:

4 **10-1-125.7. Reporting of malpractice claims against**
5 **audiologists.** (1) EACH INSURANCE COMPANY LICENSED TO DO BUSINESS
6 IN THIS STATE AND ENGAGED IN THE WRITING OF MALPRACTICE INSURANCE
7 FOR AUDIOLOGISTS SHALL SEND TO THE DIRECTOR OF THE DIVISION OF
8 PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY
9 AGENCIES, IN THE FORM PRESCRIBED BY THE COMMISSIONER,
10 INFORMATION RELATING TO EACH MALPRACTICE CLAIM AGAINST A
11 LICENSED AUDIOLOGIST THAT IS SETTLED OR IN WHICH JUDGMENT IS
12 RENDERED AGAINST THE INSURED.

13 (2) THE INFORMATION MUST INCLUDE INFORMATION DEEMED
14 NECESSARY BY THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND

1 OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES TO
2 CONDUCT A FURTHER INVESTIGATION AND HEARING.

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

5 **12-20-408. Judicial review.** (2) A district court of competent
6 jurisdiction has initial jurisdiction to review all final actions and orders
7 of a regulator that are subject to judicial review and shall conduct the
8 judicial review proceedings in accordance with section 24-4-106 (3) for
9 the following:

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

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

12 **SECTION 3.** In Colorado Revised Statutes, **add with amended**
13 **and relocated provisions** part 2 to article 210 of title 12 as follows:

14 PART 2

15 HEARING AID PROVIDERS

16 **12-210-201. [Formerly 12-230-101] Applicability of common**
17 **provisions.** Articles 1, 20, and 30 of this title 12 apply, according to their
18 terms, to this ~~article 230~~ PART 2.

19 **12-210-202. [Formerly 12-230-102] Definitions - rules.** As used
20 in this ~~article 230~~ PART 2, unless the context otherwise requires:

21 (1) "Apprentice" means a person who holds a current license as
22 an apprentice pursuant to this ~~article 230~~ PART 2.

23 (2) "Dispense", with regard to a hearing aid, means to sell or
24 transfer title, possession, or the right to use by lease, bailment, or any
25 other method. The term does not apply to wholesale transactions with
26 distributors or dealers.

27 (3)(a) ~~"Hearing aid" means a wearable device designed or offered~~

1 to be customized for the purpose of compensating for impaired human
2 hearing and includes:

3 ~~(I) Any parts, attachments, or accessories to the instrument or~~
4 ~~device, as defined in rules adopted by the director; and~~

5 ~~(II) Ear molds, excluding batteries and cords.~~

6 ~~(b) The term does not include a surgically implanted hearing~~
7 ~~device.~~

8 ~~(4)~~ (3) "Hearing aid provider" means a person engaged in the
9 practice of dispensing, fitting, or dealing in hearing aids.

10 ~~(5)~~ (4) "Practice of dispensing, fitting, or dealing in hearing aids"
11 includes:

12 (a) Selecting and adapting hearing aids for sale;

13 (b) Testing human hearing for purposes of selecting and adapting
14 hearing aids for sale; and

15 (c) Making impressions for ear molds and counseling and
16 instructing prospective users for purposes of selecting, fitting, adapting,
17 or selling hearing aids.

18 ~~(6) "Surgically implanted hearing device" means a device that is~~
19 ~~designed to produce useful hearing sensations to a person with a hearing~~
20 ~~impairment and that has, as one or more components, a unit that is~~
21 ~~surgically implanted into the ear, skull, or other interior part of the body.~~
22 ~~The term includes any associated unit that may be worn on the body.~~

23 **12-210-203. [Formerly 12-230-103] Scope of article -**
24 **exemption.** (1) This article ~~230~~ PART 2 does not apply to persons A
25 PERSON who are IS:

26 (a) NOT LICENSED UNDER THIS PART 2 BUT IS licensed pursuant to
27 section 22-60.5-210 and who are not licensed under this article ~~230~~ for

1 work undertaken as part of ~~their~~ THE PERSON'S employment by, or
2 contractual agreement with, the public schools; or

3 (b) Engaged in the practice of audiology or the practice of
4 dispensing, fitting, or dealing in hearing aids in the discharge of ~~their~~ THE
5 PERSON'S official duties in the service of the United States armed forces,
6 public health service, Coast Guard, or veterans administration.

7 (2) This ~~article 230~~ PART 2 does not apply to the wholesale sales
8 of hearing aids.

9 (3) Nothing in this ~~article 230~~ PART 2:

10 (a) Authorizes a hearing aid provider to engage in the practice of
11 medicine as defined in section 12-240-107; OR

12 ~~(4) (b) Nothing in this article 230~~ Prohibits a business or licensee
13 from:

14 ~~(a)~~ (I) Hiring and employing unlicensed staff to assist with
15 conducting business practices and to assist in dispensing hearing aids if
16 the unlicensed staff are properly supervised by a licensee; except that the
17 ~~employees~~ UNLICENSED STAFF may not conduct hearing tests or perform
18 the initial fitting of hearing aids; or

19 ~~(b)~~ (II) Performing tasks that would be permissible if the licensee
20 was not licensed.

21 ~~(5)~~ (4) This ~~article 230~~ PART 2 does not apply to the dispensing of
22 hearing aids outside of this state.

23 ~~(6)~~ (5) An audiologist licensed pursuant to PART 1 OF THIS article
24 210 of this title ~~12~~ is not required to obtain a license pursuant to this
25 ~~article 230~~ PART 2.

26 **12-210-204. [Formerly 12-230-104] Scope of practice.** (1) The
27 scope of practice for a hearing aid provider includes:

1 (a) Eliciting patient case histories, including medical, otological,
2 pharmacological, occupational, and previous amplification history and
3 patient attitudes and expectations;

4 (b) Administering otoscopy for the purpose of identifying possible
5 otological conditions, including conditions described in section 6-1-701
6 (2)(d), that may indicate the need for medical referral or that may have a
7 bearing on needed rehabilitative measures, outcomes, or
8 recommendations;

9 (c) Administering and interpreting tests of human hearing,
10 including appropriate objective and subjective methodology and
11 measures;

12 (d) Determining a person's candidacy for hearing aids or hearing
13 assistive devices, referring the person for surgically implanted hearing
14 device evaluation, or recommending other clinical, rehabilitative, or
15 medical interventions;

16 (e) Prescribing, selecting, and fitting appropriate hearing
17 instruments and assistive devices, including appropriate technology,
18 electroacoustic targets, programming parameters, and special
19 applications, as indicated;

20 (f) Assessing hearing instrument efficacy using appropriate fitting
21 verification methodology, including available fitting validation methods;

22 (g) Taking ear impressions and preparing ear molds for hearing
23 instruments, assistive devices, telecommunications applications, ear
24 protection, and other related applications;

25 (h) Designing and modifying ear molds and auditory equipment
26 to meet individual patient needs;

27 (i) Providing counseling and aural rehabilitative services in the

1 use and care of hearing instruments and assistive devices and for
2 effectively using communication coping strategies and other approaches
3 to foster optimal patient rehabilitation; and

4 (j) Providing supervision and training of those entering the
5 dispensing profession.

6 **12-210-205. [Formerly 12-230-105] Title protection - use of**
7 **title.** It is unlawful for any person to use the title "hearing aid provider"
8 or "hearing aid dispenser" unless ~~he or she~~ THE PERSON is licensed as a
9 hearing aid provider pursuant to this ~~article-230~~ PART 2.

10 **12-210-206. [Formerly 12-230-201] License required -**
11 **application - qualifications - rules.** (1) A hearing aid provider shall
12 obtain a license pursuant to this section before engaging in the practice
13 of dispensing, fitting, or dealing in hearing aids.

14 (2) (a) An applicant shall submit an application to the director
15 containing the information described in this subsection (2) and shall pay
16 a fee determined and collected pursuant to section 12-20-105. The
17 director may deny an application for licensure if the required information
18 is not submitted or if an applicant's apprentice license, issued pursuant to
19 section ~~12-230-204~~ 12-210-209, has been revoked. If an applicant or
20 licensee fails to notify the director of a change in the submitted
21 information within thirty days after the change, the failure is ~~cause~~
22 GROUND for disciplinary action.

23 (b) An applicant shall include the following information in every
24 application for licensure pursuant to this section:

25 (I) The applicant's name, business address, ~~and~~ business telephone
26 number, and other contact information as determined by the director;

27 (II) A statement indicating whether:

1 (A) A hearing aid provider license, certificate, or registration was
2 issued to the applicant by a local, state, or national health care agency;

3 (B) The license, certificate, or registration was suspended or
4 revoked;

5 (C) Charges or complaints are pending against the applicant; and

6 (D) Disciplinary action was taken.

7 (3) In order to qualify for licensure pursuant to this section, an
8 applicant must either:

9 (a) Have passed the national competency examination of the
10 National Board for Certification in Hearing Instrument Sciences
11 (NBC-HIS), unless the director determines, by rule, that this examination
12 no longer meets the minimum standards necessary for licensure, in which
13 case only an examination that the applicant passed prior to the date of the
14 ruling will be acceptable; or

15 (b) Have passed an appropriate entry-level examination, as
16 determined by the director, and:

17 (I) Completed at least six months of training with an audiologist
18 or licensed hearing aid provider pursuant to section ~~12-230-204~~
19 12-210-209; or

20 (II) Have an associate's degree in hearing aid fitting and
21 dispensing that, at the time the applicant was enrolled and graduated, was
22 offered by an institution of higher education or a postsecondary education
23 program accredited by a national, regional, or state agency recognized by
24 the United States department of education, or a program approved by the
25 director.

26 **12-210-207. [Formerly 12-230-202] Licensure - expiration -**
27 **renewal - reinstatement - fees.** (1) (a) The director shall license all

1 applicants who meet the requirements for licensure in this ~~article 230~~
2 PART 2.

3 (b) The director shall issue or deny a license within sixty days
4 after the date the application is received.

5 (c) The director shall give each licensee a license bearing a unique
6 license number. The licensee shall include the license number on all
7 written contracts and receipts.

8 (2) Licenses issued pursuant to this ~~article 230~~ PART 2 are subject
9 to the renewal, expiration, reinstatement, and delinquency fee provisions
10 specified in section 12-20-202 (1) and (2). A person whose license has
11 expired is subject to the penalties set forth in this ~~article 230~~ PART 2 or in
12 section 12-20-202 (1).

13 **12-210-208. [Formerly 12-230-203] Licensure by endorsement**
14 **- rules.** (1) The director shall issue a license by endorsement to practice
15 as a hearing aid provider in this state to an individual who possesses an
16 active license in good standing to practice in that profession in another
17 state or territory of the United States or in a foreign country if the
18 applicant:

19 (a) Presents proof satisfactory to the director that the individual
20 possesses a valid license from another state or jurisdiction that requires
21 qualifications substantially equivalent to the qualifications for licensure
22 in this state and meets all other requirements for licensure pursuant to this
23 ~~article 230~~ PART 2; and

24 (b) Pays the licensure fee established under section 12-20-105.

25 (2) The director may specify by rule what constitutes substantially
26 equivalent qualifications for the purposes of this section.

27 **12-210-209. [Formerly 12-230-204] Apprenticeship license -**

1 **expiration - rules.** (1) A person training to be a licensed hearing aid
2 provider shall submit to the director an application containing the
3 information described in subsection (2) of this section and shall pay an
4 apprentice license fee determined and collected pursuant to section
5 12-20-105.

6 (2) ~~On and after June 1, 2014,~~ The director shall issue an
7 apprentice license to a person who provides, to the director's satisfaction,
8 verification of training to become a licensed hearing aid provider, which
9 training is under the direct supervision of a licensed hearing aid provider
10 whose license is in good standing.

11 (3) During the training period:

12 (a) An apprentice is not permitted to sell hearing aids
13 independently of the supervising licensed hearing aid provider; AND

14 (b) A supervising licensed hearing aid provider retains ultimate
15 responsibility for the care provided by the apprentice and is subject to
16 disciplinary action by the director for failure to provide adequate
17 supervision.

18 (4) Any person issued an apprentice license under this section is
19 subject to:

20 (a) Discipline under section ~~12-230-302~~ 12-210-212 for engaging
21 in an act that constitutes grounds for discipline under section ~~12-230-401~~
22 12-210-214; and

23 (b) A cease-and-desist order under sections 12-20-405 and
24 ~~12-230-303~~ 12-210-213 for engaging in behavior set forth in section
25 ~~12-20-405~~ 12-210-213.

26 (5) An apprentice license issued under this section is renewable
27 and is subject to section ~~12-230-202 (2)~~ 12-210-207 (2).

1 (6) A person in this state training to be a licensed hearing aid
2 provider must possess a valid apprentice license issued by the director
3 pursuant to this ~~article 230~~ PART 2 and rules promulgated pursuant to this
4 ~~article 230~~ PART 2.

5 **12-210-210. [Formerly 12-230-205] Retention of records -**
6 **licensee's obligation.** Each licensee who sells a hearing aid or provides
7 goods or services to a customer shall develop a written plan to ensure the
8 maintenance of customer records. The records must be retained for at
9 least seven years and identify the customer by name; the goods or
10 services, except batteries, minor parts, and accessories, provided to each
11 customer; and the date and price of each transaction.

12 **12-210-211. [Formerly 12-230-301] Director - powers - duties**
13 **- rules.** (1) The director, in accordance with section 12-20-403, may
14 make investigations and inspections as necessary to determine whether an
15 applicant or licensee has violated this ~~article 230~~ PART 2 or any rule
16 adopted by the director.

17 (2) The director may apply for injunctive relief in accordance with
18 section 12-20-406 to enjoin any act or practice that constitutes a violation
19 of this ~~article 230~~ PART 2. Upon a showing that a person is engaging in or
20 intends to engage in the act or practice, the court shall grant an injunction,
21 restraining order, or other appropriate order, regardless of the existence
22 of another remedy.

23 (3) ~~No later than December 31, 2013, and thereafter as necessary,~~
24 The director shall adopt rules pursuant to section 12-20-204.

25 **12-210-212. [Formerly 12-230-302] Disciplinary actions.** (1) If
26 the director determines that an applicant or licensee has committed any
27 of the acts specified in section ~~12-230-401~~ 12-210-214, the director may:

1 (a) Issue a letter of admonition under the circumstances specified
2 in and in accordance with section 12-20-404 (4);

3 (b) Place a licensee on probation pursuant to section 12-20-404
4 (1)(b);

5 (c) Impose an administrative fine not to exceed two thousand five
6 hundred dollars for each separate offense; or

7 (d) Take disciplinary action as authorized in section 12-20-404
8 (1)(d).

9 (2) The director may send a licensee a confidential letter of
10 concern under the circumstances specified in section 12-20-404 (5).

11 (3) The director shall not enforce any provisions of this ~~article 230~~
12 PART 2 or rules promulgated pursuant to this ~~article 230~~ PART 2 that are
13 held unconstitutional, invalid, or inconsistent with federal laws or
14 regulations, including regulations promulgated by the United States food
15 and drug administration.

16 **12-210-213. [Formerly 12-230-303] Cease-and-desist orders -**
17 **unauthorized practice - penalties.** (1) If it appears to the director, based
18 upon credible evidence as presented in a written complaint by any person,
19 that a licensee is acting in a manner that is a threat to the health and safety
20 of the public, or a person is acting or has acted without the required
21 license, the director, in accordance with the procedures specified in
22 section 12-20-405, may issue an order to cease and desist the activity. The
23 order must set forth the statutes and rules alleged to have been violated,
24 the facts alleged to have constituted the violation, the specific harm that
25 threatens the health and safety of the public, and the requirement that all
26 unlawful acts or unlicensed practices immediately cease.

27 (2) A person who practices or offers or attempts to practice as a

1 hearing aid provider or who engages in the practice of dispensing, fitting,
2 or dealing in hearing aids without an active hearing aid provider license
3 issued under this ~~article 230~~ PART 2 is subject to penalties pursuant to
4 section 12-20-407 (1)(a).

5 **12-210-214. [Formerly 12-230-401] Grounds for discipline.**

6 (1) The following acts constitute grounds for discipline:

7 (a) Making a false or misleading statement or omission in an
8 application for licensure;

9 (b) Violating any provision of this ~~article 230~~ PART 2, an
10 applicable provision of article 20 or 30 of this title 12, a rule promulgated
11 by the director under this ~~article 230~~ PART 2, or an order issued by the
12 director under this ~~article 230~~ PART 2;

13 (c) Using false or misleading advertising;

14 (d) Representing that the service or advice of a person licensed to
15 practice medicine will be used or made available in the selection, fitting,
16 adjustment, maintenance, or repair of hearing aids when that is not true
17 or using the terms "doctor", "clinic", "state-licensed clinic",
18 "state-registered", "state-certified", "state-approved", or any other term,
19 abbreviation, or symbol when it would give the false impression that
20 service is being provided by persons trained in medicine or that the
21 licensee's service has been recommended by the state when that is not the
22 case, or when it would be false or misleading;

23 (e) Directly or indirectly giving or offering to give money or
24 anything of value to any person who advises another in a professional
25 capacity as an inducement to influence the person or have the person
26 influence others to purchase or contract to purchase products sold or
27 offered for sale by a licensee, or influencing persons to refrain from

- 1 dealing in the products of competitors;
- 2 (f) Employing a device, a scheme, or AN artifice with the intent to
3 defraud a purchaser of a hearing aid;
- 4 (g) Selling a hearing aid to a child under eighteen years of age
5 without receiving documentation that the child has been examined by a
6 licensed physician and an audiologist within six months prior to the
7 fitting;
- 8 (h) Intentionally disposing of, concealing, diverting, converting,
9 or otherwise failing to account for any funds or assets of a purchaser of
10 a hearing aid that is under the applicant's, licensee's, or apprentice's
11 control;
- 12 (i) Making a false or misleading statement of fact concerning
13 goods or services or the buyer's right to cancel with the intention or effect
14 of deterring or preventing the buyer from exercising the buyer's right to
15 cancel, or refusing to honor a buyer's request to cancel a contract for the
16 purchase of a hearing aid, if the request was made during the rescission
17 period set forth in section 6-1-701 (2)(e);
- 18 (j) Charging, collecting, or recovering any cost or fee for any good
19 or service that has been represented by the licensee as free;
- 20 (k) Failing to adequately supervise a licensed hearing aid provider
21 apprentice or any employee pursuant to section ~~12-230-103 (4)(a)~~ or
22 ~~12-230-204 (2)~~ 12-210-203 (3)(b)(I) OR 12-210-209 (2);
- 23 (l) Employing a sales agent or employee who violates any
24 provision of this ~~article 230~~ PART 2, a rule promulgated by the director
25 under this ~~article 230~~ PART 2, or an order issued by the director under this
26 ~~article 230~~ PART 2;
- 27 (m) Failing to comply with a stipulation or agreement made with

1 the director or with a final agency order;

2 (n) Failing to respond in an honest, materially responsive, and
3 timely manner to a complaint issued pursuant to this ~~article 230~~ PART 2;

4 (o) Being convicted of, accepting a plea of guilty or nolo
5 contendere to, or receipt of a deferred sentence in any court for a felony
6 or for any crime involving fraud, deception, false pretense, theft,
7 misrepresentation, false advertising, or dishonest dealing;

8 (p) Selling, dispensing, adjusting, providing training or teaching
9 in regard to, or otherwise servicing surgically implanted hearing devices
10 unless the hearing aid provider is an audiologist or a physician; and

11 (q) Violating the "Colorado Consumer Protection Act", article 1
12 of title 6.

13 **SECTION 4.** In Colorado Revised Statutes, **add** part 3 to article
14 210 of title 12 as follows:

15 **PART 3**

16 **DECEPTIVE TRADE PRACTICES**

17 **12-210-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE
18 CONTEXT OTHERWISE REQUIRES:

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

22 **12-210-302. Dispensing hearing aids - deceptive trade**
23 **practices.** (1) IN ADDITION TO ANY OTHER DECEPTIVE TRADE PRACTICES
24 UNDER SECTION 6-1-105, A DISPENSER ENGAGES IN A DECEPTIVE TRADE
25 PRACTICE WHEN THE DISPENSER:

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

1 (I) BEARS THE BUSINESS ADDRESS OF THE DISPENSER, TOGETHER
2 WITH SPECIFICATIONS AS TO THE MAKE AND SERIAL NUMBER OF THE
3 HEARING AID FURNISHED AND THE FULL TERMS OF THE SALE CLEARLY
4 STATED. IF THE DISPENSER DISPENSES A HEARING AID THAT IS NOT NEW,
5 THE DISPENSER SHALL CLEARLY MARK ON THE HEARING AID CONTAINER
6 AND THE RECEIPT THE TERM "USED" OR "RECONDITIONED", WHICHEVER IS
7 APPLICABLE, WITHIN THE TERMS OF THE GUARANTEE, IF ANY.

8 (II) BEARS, IN NO SMALLER TYPE THAN THE LARGEST USED IN THE
9 BODY OF THE RECEIPT, IN SUBSTANCE, A PROVISION THAT THE BUYER HAS
10 BEEN ADVISED AT THE OUTSET OF THE BUYER'S RELATIONSHIP WITH THE
11 DISPENSER THAT ANY EXAMINATION OR REPRESENTATION MADE BY A
12 DISPENSER IN CONNECTION WITH THE PRACTICE OF DISPENSING, FITTING,
13 OR DEALING IN HEARING AIDS IS NOT AN EXAMINATION, DIAGNOSIS, OR
14 PRESCRIPTION BY A PERSON LICENSED TO PRACTICE MEDICINE IN THIS
15 STATE AND, THEREFORE, MUST NOT BE REGARDED AS MEDICAL OPINION OR
16 ADVICE;

17 (III) BEARS, IN NO SMALLER TYPE THAN THE LARGEST USED IN THE
18 BODY OF THE RECEIPT, A PROVISION INDICATING THAT DISPENSERS WHO
19 ARE LICENSED BY THE DEPARTMENT ARE REGULATED BY THE DIVISION;
20 AND

21 (IV) BEARS A PROVISION LABELED "WARRANTY" IN WHICH THE
22 EXACT WARRANTY TERMS AND PERIODS AVAILABLE FROM THE
23 MANUFACTURER ARE DOCUMENTED, OR INCLUDES AN ORIGINAL OR
24 PHOTOCOPY OF THE ORIGINAL MANUFACTURER'S WARRANTY WITH THE
25 RECEIPT;

26 (b) DISPENSES A HEARING AID TO A CHILD UNDER EIGHTEEN YEARS
27 OF AGE WITHOUT RECEIVING DOCUMENTATION THAT THE CHILD HAS BEEN

1 EXAMINED BY A LICENSED PHYSICIAN AND AN AUDIOLOGIST WITHIN SIX
2 MONTHS PRIOR TO THE FITTING;

3 (c) (I) FAILS TO RECEIVE FROM A LICENSED PHYSICIAN, BEFORE
4 DISPENSING, FITTING, OR SELLING A HEARING AID TO ANY PERSON, A
5 WRITTEN PRESCRIPTION OR RECOMMENDATION, ISSUED WITHIN THE
6 PREVIOUS SIX MONTHS, THAT SPECIFIES THAT THE PERSON IS A CANDIDATE
7 FOR A HEARING AID; EXCEPT THAT ANY PERSON EIGHTEEN YEARS OF AGE
8 OR OLDER WHO OBJECTS TO MEDICAL EVALUATION ON THE BASIS OF
9 RELIGIOUS OR PERSONAL BELIEFS MAY WAIVE THE REQUIREMENT BY
10 DELIVERING TO THE DISPENSER A WRITTEN WAIVER;

11 (II) DISPENSES, ADJUSTS, PROVIDES TRAINING OR TEACHING IN
12 REGARD TO, OR OTHERWISE SERVICES SURGICALLY IMPLANTED HEARING
13 DEVICES UNLESS THE DISPENSER IS AN AUDIOLOGIST OR PHYSICIAN;

14 (d) FAILS TO RECOMMEND IN WRITING, PRIOR TO FITTING OR
15 DISPENSING A HEARING AID, THAT THE BEST INTERESTS OF THE
16 PROSPECTIVE USER WOULD BE SERVED BY CONSULTING A LICENSED
17 PHYSICIAN SPECIALIZING IN DISEASES OF THE EAR, OR ANY LICENSED
18 PHYSICIAN, IF ANY OF THE FOLLOWING CONDITIONS EXIST:

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

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

22 (III) HISTORY OF SUDDEN OR RAPIDLY PROGRESSIVE HEARING
23 LOSS;

24 (IV) ACUTE OR CHRONIC DIZZINESS;

25 (V) UNILATERAL HEARING LOSS OF SUDDEN ONSET WITHIN THE
26 PREVIOUS NINETY DAYS;

27 (VI) AUDIOMETRIC AIR-BONE GAP EQUAL TO OR GREATER THAN

1 FIFTEEN DECIBELS AT 500 HERTZ (Hz), 1,000 Hz, AND 2,000 Hz;

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

4 (VIII) PAIN OR DISCOMFORT IN THE EAR;

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

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

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

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

25 **THE BUYER HAS THE RIGHT TO CANCEL**
26 **THIS PURCHASE FOR ANY REASON AT ANY**
27 **TIME PRIOR TO 12 MIDNIGHT ON THE [INSERT**

1 APPLICABLE RESCISSION PERIOD, WHICH MUST BE NO
2 SHORTER THAN THIRTY DAYS AFTER RECEIPT OF THE
3 HEARING AID] **CALENDAR DAY AFTER RECEIPT OF**
4 **THE HEARING AID BY GIVING OR MAILING THE**
5 **DISPENSER WRITTEN NOTICE OF**
6 **CANCELLATION AND BY RETURNING THE**
7 **HEARING AID, UNLESS THE HEARING AID HAS**
8 **BEEN SIGNIFICANTLY DAMAGED BEYOND**
9 **REPAIR WHILE THE HEARING AID WAS IN THE**
10 **BUYER'S CONTROL.**

11 (B) THE WRITTEN CONTRACT OR RECEIPT PROVIDED TO THE BUYER
12 MUST ALSO CONTAIN A STATEMENT, IN PRINT SIZE NO SMALLER THAN
13 TEN-POINT TYPE, THAT THE SALE IS VOID AND UNENFORCEABLE IF THE
14 HEARING AID BEING PURCHASED IS NOT DELIVERED TO THE CONSUMER
15 WITHIN THIRTY DAYS AFTER THE DATE THE WRITTEN CONTRACT IS SIGNED
16 OR THE RECEIPT IS ISSUED, WHICHEVER OCCURS LATER. THE WRITTEN
17 CONTRACT OR RECEIPT MUST ALSO INCLUDE THE DISPENSER'S LICENSE
18 NUMBER, IF THE DISPENSER IS REQUIRED TO BE LICENSED BY THE STATE,
19 AND A STATEMENT THAT THE DISPENSER WILL PROMPTLY REFUND ALL
20 MONEY PAID FOR THE PURCHASE OF THE HEARING AID IF IT IS NOT
21 DELIVERED TO THE CONSUMER WITHIN THE THIRTY-DAY PERIOD. THE
22 BUYER CANNOT WAIVE THIS REQUIREMENT, AND ANY ATTEMPT TO WAIVE
23 IT IS VOID.

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

1 PERSON OR HAVE THE PERSON INFLUENCE OTHERS TO PURCHASE OR
2 CONTRACT TO PURCHASE PRODUCTS SOLD OR OFFERED FOR SALE BY THE
3 DISPENSER; EXCEPT THAT A DISPENSER DOES NOT VIOLATE THIS
4 SUBSECTION (1)(g)(I) IF THE DISPENSER PAYS AN INDEPENDENT
5 ADVERTISING OR MARKETING AGENT COMPENSATION FOR ADVERTISING OR
6 MARKETING SERVICES THE AGENT RENDERED ON THE DISPENSER'S BEHALF,
7 INCLUDING COMPENSATION THAT IS PAID FOR THE RESULTS OR
8 PERFORMANCE OF THE SERVICES ON A PER-PATIENT BASIS; OR

9 (II) INFLUENCES OR ATTEMPTS TO INFLUENCE ANY PERSON TO
10 REFRAIN FROM DEALING IN THE PRODUCTS OF COMPETITORS;

11 (h) DISPENSES A HEARING AID TO A PERSON WHO HAS NOT BEEN
12 GIVEN TESTS UTILIZING APPROPRIATE ESTABLISHED PROCEDURES AND
13 INSTRUMENTATION IN THE FITTING OF HEARING AIDS, EXCEPT WHEN
14 SELLING A REPLACEMENT HEARING AID WITHIN ONE YEAR AFTER THE DATE
15 OF THE ORIGINAL PURCHASE;

16 (i) MAKES A FALSE OR MISLEADING STATEMENT OF FACT
17 CONCERNING GOODS OR SERVICES OR THE BUYER'S RIGHT TO CANCEL WITH
18 THE INTENTION OR EFFECT OF DETERRING OR PREVENTING THE BUYER
19 FROM EXERCISING THE BUYER'S RIGHT TO CANCEL, OR REFUSES TO HONOR
20 A BUYER'S REQUEST TO CANCEL A CONTRACT FOR THE PURCHASE OF A
21 HEARING AID, IF THE REQUEST WAS MADE DURING THE RESCISSION PERIOD
22 SET FORTH IN SUBSECTION (1)(e) OF THIS SECTION;

23 (j) EMPLOYS A DEVICE, A SCHEME, OR AN ARTIFICE WITH THE
24 INTENT TO DEFRAUD A BUYER OF A HEARING AID;

25 (k) INTENTIONALLY DISPOSES OF, CONCEALS, DIVERTS, CONVERTS,
26 OR OTHERWISE FAILS TO ACCOUNT FOR ANY FUNDS OR ASSETS OF A BUYER
27 OF A HEARING AID THAT IS UNDER THE DISPENSER'S CONTROL; OR

1 (1) CHARGES, COLLECTS, OR RECOVERS ANY COST OR FEE FOR ANY
2 GOOD OR SERVICE THAT HAS BEEN REPRESENTED BY THE DISPENSER AS
3 FREE.

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

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

10 **SECTION 5.** In Colorado Revised Statutes, **add** part 4 to article
11 210 of title 12 as follows:

12 PART 4

13 REPEAL OF ARTICLE

14 **12-210-401. Repeal of article.** THIS ARTICLE 210 IS REPEALED,
15 EFFECTIVE SEPTEMBER 1, 2031. BEFORE THE REPEAL, THIS ARTICLE 210 IS
16 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

17 **SECTION 6.** In Colorado Revised Statutes, 24-34-104, **repeal**
18 (19)(a)(V); and **add** (32) as follows:

19 **24-34-104. General assembly review of regulatory agencies**
20 **and functions for repeal, continuation, or reestablishment - legislative**
21 **declaration - repeal.**

22 (19) (a) The following agencies, functions, or both, are scheduled
23 for repeal on September 1, 2020:

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

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

1 (I) NOTWITHSTANDING SUBSECTION (7) OF THIS SECTION, THE
2 LICENSING OF AUDIOLOGISTS AND HEARING AID PROVIDERS BY THE
3 DIVISION OF PROFESSIONS AND OCCUPATIONS IN ACCORDANCE WITH
4 ARTICLE 210 OF TITLE 12.

5 (b) THIS SUBSECTION (32) IS REPEALED, EFFECTIVE SEPTEMBER 1,
6 2033.

7 **SECTION 7.** In Colorado Revised Statutes, **amend** 6-1-114 as
8 follows:

9 **6-1-114. Criminal penalties.** Upon a first conviction, any person
10 who promotes a pyramid promotional scheme in this state or who violates
11 ~~article 230~~ PART 2 OF ARTICLE 210 of title 12 or section 6-1-701 or
12 6-1-717 is guilty of a class 1 misdemeanor, as defined in section
13 18-1.3-501, and, upon a second or subsequent conviction for a violation
14 of ~~article 230~~ PART 2 OF ARTICLE 210 of title 12 or section 6-1-701, is
15 guilty of a class 6 felony, as defined in section 18-1.3-401.

16 **SECTION 8.** In Colorado Revised Statutes, 6-1-701, **amend**
17 (2)(a)(III) and (2)(e)(III)(B) as follows:

18 **6-1-701. Dispensing hearing aids - deceptive trade practices -**
19 **definitions.** (2) In addition to any other deceptive trade practices under
20 section 6-1-105, a dispenser engages in a deceptive trade practice when
21 the dispenser:

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

24 (III) Bears, in no smaller type than the largest used in the body of
25 the receipt, a provision indicating that dispensers who are licensed
26 ~~certified, or registered~~ by the department of regulatory agencies are
27 regulated by the division of professions and occupations in the

1 department of regulatory agencies; AND

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

4 (III) (B) The written contract or receipt provided to the buyer must
5 also contain a statement, in print size no smaller than ten-point type, that
6 the sale is void and unenforceable if the hearing aid being purchased is
7 not delivered to the consumer within thirty days after the date the written
8 contract is signed or the receipt is issued, whichever occurs later. The
9 written contract or receipt must also include the dispenser's license
10 ~~certification, or registration~~ number, if the dispenser is required to be
11 licensed ~~certified or registered~~ by the state, and a statement that the
12 dispenser will promptly refund all ~~moneys~~ MONEY paid for the purchase
13 of a hearing aid if it is not delivered to the consumer within the thirty-day
14 period. The buyer cannot waive this requirement, and any attempt to
15 waive it is void.

16 **SECTION 9.** In Colorado Revised Statutes, 8-2-111.6, **amend** (5)
17 as follows:

18 **8-2-111.6. Health care employers - immunity from civil**
19 **liability - requirements - exception to blacklisting prohibition -**
20 **legislative declaration - definition.** (5) For the purposes of this section,
21 "health care worker" means any person registered, certified, or licensed
22 pursuant to ~~articles 200 to 225, 235 to 300~~ ARTICLES 200 AND 205, PART
23 1 OF ARTICLE 210, ARTICLES 215 TO 300, and ARTICLE 310 of title 12 or
24 article 3.5 of title 25, or any person who interacts directly with a patient
25 or assists with the patient care process, who is currently employed by, or
26 WHO is a prospective employee of, the employer making the inquiry.

27 **SECTION 10.** In Colorado Revised Statutes, 10-16-104, **amend**

1 (19)(b) introductory portion as follows:

2 **10-16-104. Mandatory coverage provisions - definitions -**
3 **rules. (19) Hearing aids for children - legislative declaration.** (b) Any
4 health benefit plan that provides hospital, surgical, or medical expense
5 insurance, except supplemental policies covering a specified disease or
6 other limited benefit, must provide coverage for hearing aids for minor
7 children who have a hearing loss that has been verified by a physician
8 licensed pursuant to article 240 of title 12 and by an audiologist licensed
9 pursuant to PART 1 OF article 210 of title 12. The hearing aids must be
10 medically appropriate to meet the needs of the child according to accepted
11 professional standards. Coverage must include the purchase of the
12 following:

13 **SECTION 11.** In Colorado Revised Statutes, 12-20-402, **amend**
14 (3)(b)(II) as follows:

15 **12-20-402. Immunity.** (3) (b) The immunity granted by
16 subsection (1) of this section to a person who lodges a complaint does not
17 apply to proceedings under:

18 (II) ~~Article 230~~ PART 2 OF ARTICLE 210 of this title 12 concerning
19 hearing aid providers.

20 **SECTION 12.** In Colorado Revised Statutes, 12-20-404, **amend**
21 (3)(a)(II)(E) and (3)(a)(II)(F) as follows:

22 **12-20-404. Disciplinary actions - regulator powers -**
23 **disposition of fines. (3) Waiting period after revocation or surrender.**
24 (a) (II) In addition, the waiting period specified in subsection (3)(a)(I) of
25 this section applies when a person regulated under any of the following
26 articles surrenders a license, certification, or registration to avoid
27 discipline:

1 (E) PART 1 OF article 210 of this title 12 concerning audiologists;

2 (F) ~~Article 230~~ PART 2 OF ARTICLE 210 of this title 12 concerning
3 hearing aid providers;

4 **SECTION 13.** In Colorado Revised Statutes, 12-20-406, **amend**
5 (2)(b)(V) and (2)(b)(VII) as follows:

6 **12-20-406. Injunctive relief.** (2) (b) Subsection (2)(a) of this
7 section does not apply to the following:

8 (V) PART 1 OF article 210 of this title 12 concerning audiologists;

9 (VII) ~~Article 230~~ PART 2 OF ARTICLE 210 of this title 12
10 concerning hearing aid providers;

11 **SECTION 14.** In Colorado Revised Statutes, 12-20-407, **amend**
12 (1)(a)(V)(H) and (1)(a)(V)(L) as follows:

13 **12-20-407. Unauthorized practice of profession or occupation**
14 **- penalties - exclusions.** (1) (a) A person commits a class 2 misdemeanor
15 and shall be punished as provided in section 18-1.3-501 for the first
16 offense and, for the second or any subsequent offense, commits a class 6
17 felony and shall be punished as provided in section 18-1.3-401, if the
18 person:

19 (V) Practices or offers or attempts to practice any of the following
20 professions or occupations without an active license, certification, or
21 registration issued under the part or article of this title 12 governing the
22 particular profession or occupation:

23 (H) Audiology, as regulated under PART 1 OF article 210 of this
24 title 12;

25 (L) Practice as a hearing aid provider or engages in the practice
26 of dispensing, fitting, or dealing in hearing aids, as regulated under ~~article~~
27 ~~230~~ PART 2 OF ARTICLE 210 of this title 12;

1 **SECTION 15.** In Colorado Revised Statutes, 12-30-102, **amend**
2 (3)(a)(I) and (3)(a)(II) as follows:

3 **12-30-102. Medical transparency act of 2010 - disclosure of**
4 **information about health care licensees - fines - rules - short title -**
5 **legislative declaration - definition - review of functions - repeal.**

6 (3) (a) As used in this section, "applicant" means a person applying for
7 a new, active license, certification, or registration or to renew, reinstate,
8 or reactivate an active license, certification, or registration to practice:

9 (I) Audiology pursuant to PART 1 OF article 210 of this title 12;

10 (II) As a licensed hearing aid provider pursuant to part 2 of ~~article~~
11 ~~230~~ ARTICLE 210 of this title 12;

12 **SECTION 16.** In Colorado Revised Statutes, 12-30-103, **amend**
13 (4)(a)(II) as follows:

14 **12-30-103. Solicitation of accident victims - waiting period -**
15 **definitions.** (4) As used in this section:

16 (a) "Health care practitioner" means:

17 (II) An audiologist licensed under PART 1 OF article 210 of this
18 title 12;

19 **SECTION 17.** In Colorado Revised Statutes, 12-30-108, **amend**
20 (4)(a)(I)(B) as follows:

21 **12-30-108. Confidential agreement to limit practice - violation**
22 **grounds for discipline.** (4) (a) This section does not apply to:

23 (I) The following health care professionals:

24 (B) Hearing aid providers regulated pursuant to ~~article 230~~ PART
25 2 OF ARTICLE 210 of this title 12;

26 **SECTION 18.** In Colorado Revised Statutes, **amend** 12-210-101
27 as follows:

1 **12-210-101. Applicability of common provisions.** Articles 1, 20,
2 and 30 of this title 12 apply, according to their terms, to this ~~article 210~~
3 PART 1.

4 **SECTION 19.** In Colorado Revised Statutes, 12-210-103, **amend**
5 (1) introductory portion, (1)(a), and (2) as follows:

6 **12-210-103. Scope of article - exemption.** (1) This ~~article 210~~
7 PART 1 does not apply to a person who is:

8 (a) NOT LICENSED UNDER THIS PART 1 BUT IS licensed pursuant to
9 section 22-60.5-210 ~~and not licensed under this article 210~~ for work
10 undertaken as part of ~~his or her~~ THE PERSON'S employment by, or
11 contractual agreement with, the public schools;

12 (2) Nothing in this ~~article 210~~ PART 1 authorizes an audiologist to
13 engage in the practice of medicine as defined in section 12-240-107.

14 **SECTION 20.** In Colorado Revised Statutes, 12-210-104, **amend**
15 (1) as follows:

16 **12-210-104. Title protection - use of title.** (1) It is unlawful for
17 any person to use the following titles unless ~~he or she~~ THE PERSON is
18 licensed pursuant to this ~~article 210~~ PART 1: "Audiologist", "hearing and
19 balance audiologist", "vestibular audiologist", or any other title or
20 abbreviation that implies that the person is an audiologist.

21 **SECTION 21.** In Colorado Revised Statutes, 12-210-105, **amend**
22 (2) introductory portion, (3), and (4) introductory portion as follows:

23 **12-210-105. License required - application - fee - liability**
24 **insurance - disclosure - exemption.** (2) To qualify for licensure as an
25 audiologist under this ~~article 210~~ PART 1, a person must have:

26 (3) An audiologist desiring to be licensed pursuant to this ~~article~~
27 ~~210~~ PART 1 must submit to the director an application containing the

1 information described in subsection (4) of this section and must pay to the
2 director all required fees in the amounts determined and collected by the
3 director pursuant to section 12-20-105. The director may deny an
4 application for a license if the required information and fees are not
5 submitted. If an applicant or licensee fails to notify the director of a
6 change in the submitted information within thirty days after the change,
7 the failure is grounds for disciplinary action pursuant to section
8 12-210-108.

9 (4) An applicant must include the following information in an
10 application for a license as an audiologist under this ~~article 210~~ PART 1:

11 **SECTION 22.** In Colorado Revised Statutes, **amend** 12-210-106
12 as follows:

13 **12-210-106. Licensure - expiration - renewal - reinstatement**
14 **- fees.** (1) The director shall issue a license to an applicant who satisfies
15 the requirements of this ~~article 210~~ PART 1.

16 (2) Licenses issued under this ~~article 210~~ PART 1 are subject to the
17 renewal, expiration, reinstatement, and delinquency fee provisions
18 specified in section 12-20-202 (1) and (2). A person whose license has
19 expired is subject to the penalties set forth in this ~~article 210~~ PART 1 or in
20 section 12-20-202 (1).

21 **SECTION 23.** In Colorado Revised Statutes, 12-210-107, **amend**
22 (1)(a) as follows:

23 **12-210-107. Licensure by endorsement - rules.** (1) The director
24 shall issue a license by endorsement to engage in the practice of
25 audiology in this state to an individual who possesses an active license in
26 good standing to practice audiology in another state or territory of the
27 United States or in a foreign country if the applicant:

1 (a) Presents satisfactory proof to the director that the individual
2 possesses a valid license from another state or jurisdiction that requires
3 qualifications substantially equivalent to the qualifications for licensure
4 in this state and meets all other requirements for licensure pursuant to this
5 ~~article 210~~ PART 1; and

6 **SECTION 24.** In Colorado Revised Statutes, 12-210-108, **amend**
7 (2)(c), (2)(d), (2)(e), (2)(m), (2)(q), (2)(t), (2)(u), and (4); and **add** (2)(v)
8 as follows:

9 **12-210-108. Disciplinary actions - grounds for discipline.**

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

11 (c) Violating any provision of this ~~article 210~~ PART 1, including
12 failure to comply with the license requirements of section 12-210-105 or
13 failure to report information as required under section 12-30-102 or
14 12-210-105 (5), or violating an applicable provision of article 20 or 30 of
15 this title 12;

16 (d) Violating any rule promulgated by the director under this
17 ~~article 210~~ PART 1;

18 (e) Aiding or abetting a violation, or conspiring to violate, any
19 provision of this ~~article 210~~ PART 1, an applicable provision of article 20
20 or 30 of this title 12, OR any rule promulgated or ~~any~~ order issued under
21 this ~~article 210~~ PART 1 by the director;

22 (m) Employing a sales agent or employee who violates any
23 provision of this ~~article 210~~ PART 1;

24 ~~(q) Having an alcohol use disorder, as defined in section~~
25 ~~27-81-102, or a substance use disorder, as defined in section 27-82-102,~~
26 ~~or~~ Excessively or habitually using or abusing alcohol or habit-forming
27 drugs or habitually using a controlled substance, as defined in section

1 18-18-102 (5), or other drugs or substances having similar effects; except
2 that the director has the discretion not to discipline the licensee if ~~he or~~
3 ~~she~~ THE LICENSEE is participating in good faith in an alcohol or substance
4 use disorder treatment program approved by the director;

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

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

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

19 (4) Any disciplinary action taken by another state, A local
20 jurisdiction, or the federal government against an applicant or licensee
21 constitutes prima facie evidence of grounds for disciplinary action,
22 including denial of a license under this ~~article 210~~ PART 1; except that this
23 subsection (4) applies only to discipline for acts or omissions that are
24 substantially similar to those set out as grounds for disciplinary action
25 under this ~~article 210~~ PART 1.

26 **SECTION 25.** In Colorado Revised Statutes, 12-210-109, **amend**
27 (1) and (2) as follows:

1 **12-210-109. Director - powers - duties - rules.** (1) The director
2 may conduct investigations and inspections in accordance with section
3 12-20-403 as necessary to determine whether an applicant or licensee has
4 violated this ~~article 210~~ PART 1 or any rule adopted by the director under
5 this ~~article 210~~ PART 1.

6 (2) The director may seek an injunction in accordance with section
7 12-20-406 to enjoin any act or practice that constitutes a violation of this
8 ~~article 210~~ PART 1.

9 **SECTION 26.** In Colorado Revised Statutes, 12-210-110, **amend**
10 (2) as follows:

11 **12-210-110. Cease-and-desist orders - unauthorized practice**
12 **- penalties.** (2) A person who practices or offers or attempts to practice
13 audiology services without an active audiologist license issued under this
14 ~~article 210~~ PART 1 is subject to penalties pursuant to section 12-20-407
15 (1)(a).

16 **SECTION 27.** In Colorado Revised Statutes, 12-210-111, **amend**
17 (2) as follows:

18 **12-210-111. Professional liability insurance required - rules.**
19 (2) The professional liability insurance required by this section must
20 cover all acts ~~with~~ WITHIN the scope of practice of an audiologist as
21 defined in this ~~article 210~~ PART 1.

22 **SECTION 28.** In Colorado Revised Statutes, 12-210-112, **amend**
23 (1) as follows:

24 **12-210-112. Confidential agreements to limit practice -**
25 **violation grounds for discipline.** (1) Except as specified in subsection
26 (2) of this section, section 12-30-108 concerning confidential agreements
27 to limit practice applies to this ~~article 210~~ PART 1.

1 **SECTION 29.** In Colorado Revised Statutes, 12-210-113, **amend**
2 (2) as follows:

3 **12-210-113. Mental and physical examination of licensees.**

4 (2) The director shall include in an order issued to a licensee under
5 subsection (1) of this section the basis of the director's reasonable cause
6 to believe that the licensee is unable to practice with reasonable skill and
7 safety. For the purposes of a disciplinary proceeding authorized by this
8 ~~article 210~~ PART 1, the licensee is deemed to have waived all objections
9 to the admissibility of the examining health care provider's testimony or
10 examination reports on the ground that they are privileged
11 communications.

12 **SECTION 30.** In Colorado Revised Statutes, 12-210-114, **amend**
13 (2) as follows:

14 **12-210-114. Protection of medical records - licensee's**
15 **obligations - verification of compliance - noncompliance grounds for**
16 **discipline - rules.** (2) Upon initial licensure under this ~~article 210~~ PART
17 1, the licensee shall attest to the director that the licensee has developed
18 a plan in compliance with this section.

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

21 **13-64-303. Judgments and settlements - reported.** Any final
22 judgment, settlement, or arbitration award against any health care
23 professional or health care institution for medical malpractice shall be
24 reported within fourteen days by ~~such~~ THE professional's or institution's
25 medical malpractice insurance carrier in accordance with section
26 10-1-120, 10-1-121, 10-1-124, ~~or~~ 10-1-125, ~~C.R.S.~~ OR 10-1-125.7, or by
27 ~~such~~ THE professional or institution if there is no commercial medical

1 malpractice insurance coverage, to the licensing agency of the health care
2 professional or health care institution for review, investigation, and,
3 where appropriate, disciplinary or other action. Any health care
4 professional, health care institution, or insurance carrier that knowingly
5 fails to report as required by this section shall be subject to a civil penalty
6 of not more than two thousand five hundred dollars. Such penalty shall
7 be determined and collected by the district court in the city and county of
8 Denver. All penalties collected pursuant to this section shall be
9 transmitted to the state treasurer, who shall credit the same to the general
10 fund.

11 **SECTION 32.** In Colorado Revised Statutes, 25-1.5-604, **amend**
12 (c)(2) as follows:

13 **25-1.5-604. Regulation of services during emergency.** (c) A
14 host entity that uses volunteer health practitioners to provide health or
15 veterinary services in this state shall:

16 (2) Comply with any laws other than this part 6 relating to the
17 management of emergency health or veterinary services, including section
18 12-30-103, part 2 of article 30 of title 12, and ~~articles 200 to 225~~
19 ~~ARTICLES 200 AND 205, PART 1 OF ARTICLE 210, and 235~~ ARTICLES 215 to
20 300 of title 12.

21 **SECTION 33.** In Colorado Revised Statutes, 25-51-104, **amend**
22 (1)(c) as follows:

23 **25-51-104. Payment and financial resolution.** (1) If a patient
24 accepts an offer of compensation made pursuant to section 25-51-103 (5)
25 and receives the compensation, the payment of compensation to the
26 patient is not a payment resulting from:

27 (c) A malpractice claim settled or in which judgment is rendered

1 against a professional for purposes of reporting by malpractice insurance
2 companies under section 10-1-120, 10-1-121, 10-1-124, 10-1-125, or
3 10-1-125.5, OR 10-1-125.7;

4 **SECTION 34.** In Colorado Revised Statutes, **repeal** 12-210-115.

5 **SECTION 35. Repeal of relocated and nonrelocated**
6 **provisions in this act.** In Colorado Revised Statutes, **repeal** article 230
7 of title 12; except that 12-230-106 is not relocated.

8 **SECTION 36. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2020 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.