

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0318.01 Christy Chase x2008

HOUSE BILL 22-1213

HOUSE SPONSORSHIP

Young and Pico, Jodeh, Michaelson Jenet

SENATE SPONSORSHIP

(None),

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE REGULATION OF
102 SPEECH-LANGUAGE PATHOLOGISTS BY THE DIRECTOR OF THE
103 DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE
104 DEPARTMENT OF REGULATORY AGENCIES, AND, IN CONNECTION
105 THEREWITH, IMPLEMENTING THE RECOMMENDATIONS IN THE
106 DEPARTMENT'S SUNSET REVIEW.

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 Public and Behavioral Health and

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.

Human Services Committee. The bill implements the recommendations of the department of regulatory agencies (department), as specified in the department's sunset review of the "Speech-language Pathology Practice Act", as follows:

- Continues the practice act for 11 years, until September 1, 2033;
- Allows the director of the division of professions and occupations in the department to extend a provisional certification beyond 24 months; and
- Specifies that insurance fraud and abuse are grounds for discipline.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-305-119
3 as follows:

4 **12-305-119. Repeal of article - review of functions.** This article
5 305 is repealed, effective ~~September 1, 2022~~ SEPTEMBER 1, 2033. Before
6 the repeal, the director's powers, duties, and functions under this article
7 305 are scheduled for review in accordance with section 24-34-104.

8 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
9 (23)(a)(VIII); and **add** (34)(a)(II) as follows:

10 **24-34-104. General assembly review of regulatory agencies**
11 **and functions for repeal, continuation, or reestablishment - legislative**
12 **declaration - repeal.** (23) (a) The following agencies, functions, or both,
13 are scheduled for repeal on September 1, 2022:

14 (VIII) ~~The regulation of speech-language pathologists by the~~
15 ~~director of the division of professions and occupations in accordance with~~
16 ~~article 305 of title 12;~~

17 (34) (a) The following agencies, functions, or both, are scheduled
18 for repeal on September 1, 2033:

19 (II) THE REGULATION OF SPEECH-LANGUAGE PATHOLOGISTS BY

1 THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN
2 ACCORDANCE WITH ARTICLE 305 OF TITLE 12.

3 **SECTION 3.** In Colorado Revised Statutes, 12-305-108, **amend**
4 (4)(a) and (4)(b) as follows:

5 **12-305-108. Provisional certification - qualifications -**
6 **application - expiration - practice - rules. (4) Expiration of**
7 **provisional certification.** (a) EXCEPT AS PROVIDED IN SUBSECTION (4)(b)
8 OF THIS SECTION, a provisional certification expires twenty-four months
9 after issuance or upon the issuance of certification to the applicant under
10 section 12-305-107, whichever occurs first.

11 (b) The director shall not renew a provisional certification, BUT
12 THE DIRECTOR MAY GRANT AN EXTENSION OF A PROVISIONAL
13 CERTIFICATION. THE DIRECTOR MAY ADOPT RULES REGARDING THE
14 PROCESS AND CRITERIA FOR GRANTING PROVISIONAL CERTIFICATION
15 EXTENSIONS.

16 **SECTION 4.** In Colorado Revised Statutes, 12-305-112, **amend**
17 (2)(q) and (2)(r); and **add** (2)(s) as follows:

18 **12-305-112. Grounds for discipline - definitions.** (2) The
19 director may take disciplinary or other action specified in section
20 12-20-404 or 12-305-113 or issue a cease-and-desist order to a certificate
21 holder in accordance with sections 12-20-405 and 12-305-113 (8) upon
22 proof that the certificate holder:

23 (q) Has failed to make essential entries on patient records or
24 falsified or made incorrect entries of an essential nature on patient
25 records; ~~or~~

26 (r) Has otherwise violated any provision of this article 305 or
27 lawful order or rule of the director; OR

1 (s) HAS COMMITTED:

2 (I) A FRAUDULENT INSURANCE ACT, AS SET FORTH IN SECTION
3 10-1-128; OR

4 (II) AN ABUSE OF HEALTH INSURANCE, AS SET FORTH IN SECTION
5 18-13-119.

6 **SECTION 5.** In Colorado Revised Statutes, 10-1-128, **amend** (1)
7 as follows:

8 **10-1-128. Fraudulent insurance acts - immunity for furnishing**
9 **information relating to suspected insurance fraud - legislative**
10 **declaration.** (1) For purposes of this title 10, articles 40 to 47 of title 8,
11 articles 200, 215, 220, 240, 245, 255, 270, 275, 285, 290, ~~and~~ 300, AND
12 305 of title 12, and article 20 of title 44, a fraudulent insurance act is
13 committed if a person knowingly and with intent to defraud presents,
14 causes to be presented, or prepares with knowledge or belief that it will
15 be presented to or by an insurer, a purported insurer, or any INSURANCE
16 producer ~~thereof~~ any written statement as part or in support of an
17 application for the issuance or the rating of an insurance policy or a claim
18 for payment or other benefit pursuant to an insurance policy that the
19 person knows to contain false information concerning any fact material
20 ~~thereto~~ TO THE APPLICATION OR CLAIM or if the person knowingly and
21 with intent to defraud or mislead conceals information concerning any
22 fact material ~~thereto~~ RELATED TO THE APPLICATION OR CLAIM. For
23 purposes of this section, "written statement" includes a client medical
24 record as such term is defined in section 18-4-412 (2)(a) and any bill for
25 medical services.

26 **SECTION 6. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V
3 of the state constitution against this act or an item, section, or part of this
4 act within such period, then the act, item, section, or part will not take
5 effect unless approved by the people at the general election to be held in
6 November 2022 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.