

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 22-0318.01 Christy Chase x2008

**HOUSE BILL 22-1213**

**HOUSE SPONSORSHIP**

**Young and Pico**, Jodeh, Michaelson Jenet, Boesenecker, Duran, Esgar, Exum, Gonzales-Gutierrez, Gray, Hooton, Lontine, McCluskie, Snyder, Valdez D.

**SENATE SPONSORSHIP**

**Buckner**,

**House Committees**

Public & Behavioral Health & Human Services  
Finance  
Appropriations

**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.*

HOUSE  
3rd Reading Unamended  
March 25, 2022

HOUSE  
2nd Reading Unamended  
March 23, 2022

**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.

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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.