

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0750.01 Jerry Barry x4341

HOUSE BILL 16-1062

HOUSE SPONSORSHIP

Melton,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A LIMITATION ON WHEN CERTAIN DISCIPLINARY ACTIONS
102 MAY BE COMMENCED AGAINST A MENTAL HEALTH
103 PROFESSIONAL.

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://www.leg.state.co.us/bills summaries>.)

The bill requires that any complaint filed with the division of professions and occupations in the department of regulatory agencies against a mental health professional alleging a maintenance of records violation must be commenced within 7 years after the alleged act or failure to act giving rise to the complaint.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43-224, **amend**
3 (1) (a) as follows:

4 **12-43-224. Disciplinary proceedings - judicial review - mental**
5 **and physical examinations - multiple licenses.** (1) (a) A proceeding for
6 discipline of a licensee, registrant, or certificate holder may be
7 commenced when the board that licenses, registers, or certifies the
8 licensee, registrant, or certificate holder has reasonable grounds to believe
9 that the licensee, registrant, or certificate holder under the board's
10 jurisdiction has committed any act or failed to act pursuant to the grounds
11 established in section 12-43-222 or 12-43-226. ANY PERSON WHO
12 ALLEGES THAT A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER
13 VIOLATED A PROVISION OF THIS ARTICLE RELATED TO MAINTENANCE OF
14 RECORDS OF A CLIENT EIGHTEEN YEARS OF AGE OR OLDER MUST FILE A
15 COMPLAINT OR OTHER NOTICE WITH THE DIVISION WITHIN SEVEN YEARS
16 AFTER THE PERSON DISCOVERED OR REASONABLY SHOULD HAVE
17 DISCOVERED THE MISCONDUCT. THE SEVEN-YEAR LIMITATION DOES NOT
18 APPLY TO THE FILING OF A COMPLAINT OR OTHER NOTICE WITH THE
19 DIVISION FOR ANY OTHER VIOLATION OF THIS ARTICLE, INCLUDING THE
20 ACTS DESCRIBED IN SECTION 12-43-222 OR 12-43-226.

21 **SECTION 2. Effective date - applicability.** This act takes effect
22 July 1, 2016, and applies to complaints or notices filed with the division
23 of professions and occupations on or after said date.

24 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.