

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 16-0429.01 Kristen Forrestal x4217

HOUSE BILL 16-1160

HOUSE SPONSORSHIP

Ginal and Lontine, Esgar, Primavera, Ryden

SENATE SPONSORSHIP

Tate,

Senate Committees

Health, Insurance, & Environment
Appropriations

House Committees

Finance
Appropriations

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE SURGICAL ASSISTANT AND
102 SURGICAL TECHNOLOGIST REGISTRATION PROGRAM, AND, IN
103 CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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/billsummaries>.)

Sunset Process - House Health, Insurance, and Environment Committee. The bill continues the requirement that surgical technicians and surgical assistants register with the director of the division of professions and occupations in the department of regulatory agencies.

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.

SENATE
2nd Reading Unamended
May 5, 2016

HOUSE
3rd Reading Unamended
April 14, 2016

HOUSE
Amended 2nd Reading
April 12, 2016

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43.2-102, **amend**

3 (1) (a) and (2) (a) as follows:

4 **12-43.2-102. Registration - penalty - renewal - database - fees**

5 **- rules.** (1) On and after April 1, 2011:

6 (a) ~~No~~ A person may NOT perform the duties of a surgical
7 assistant or surgical technologist unless the person is registered by the
8 director. PRIOR TO REGISTRATION, A PERSON SHALL SUBMIT TO A CRIMINAL
9 HISTORY RECORD CHECK IN THE FORM AND MANNER AS DESCRIBED IN
10 SECTION 12-43.2-105.5.

11 (2) (a) Registrations made pursuant to this article are valid for the
12 period of time established by the director. Each registrant shall renew his
13 or her registration according to a schedule set by the director. If a
14 registrant does not renew his or her registration according to the schedule,
15 the registration expires. A person whose registration has expired shall not
16 perform the duties of a surgical assistant or surgical technologist until he
17 or she reinstates the registration. THE DIRECTOR SHALL NOT REINSTATE
18 THE REGISTRATION UNTIL THE PERSON SUBMITS TO A CRIMINAL HISTORY
19 RECORD CHECK IN THE FORM AND MANNER AS DESCRIBED IN SECTION
20 12-43.2-105.5.

21 **SECTION 2.** In Colorado Revised Statutes, 12-43.2-104, **add** (3)
22 as follows:

23 **12-43.2-104. Employers - requirements - references.** (3) AN
24 EMPLOYER WHO REQUIRES A REGISTRANT APPLYING FOR EMPLOYMENT TO
25 SUBMIT TO A DRUG TEST SHALL FORWARD TO THE DIRECTOR ANY
26 CONFIRMED POSITIVE DRUG TEST RESULTS FOR A CONTROLLED SUBSTANCE

1 THAT IS NOT SUBJECT TO A VALID PRESCRIPTION.

2 **SECTION 3.** In Colorado Revised Statutes, **add** 12-43.2-105.5
3 as follows:

4 **12-43.2-105.5. Criminal history record check required.** EACH
5 APPLICANT FOR REGISTRATION SHALL HAVE HIS OR HER FINGERPRINTS
6 TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF
7 OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE
8 APPLICANT IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR
9 MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE
10 RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE
11 COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS
12 AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF
13 INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL
14 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING
15 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE
16 FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS
17 OF THE CRIMINAL HISTORY RECORD CHECK TO THE DIRECTOR.

18 **SECTION 4.** In Colorado Revised Statutes, **amend** 12-43.2-107
19 as follows:

20 **12-43.2-107. Repeal of article.** This article is repealed, effective
21 September 1, ~~2016~~ 2021. Prior to such repeal, the registration of surgical
22 assistants and surgical technologists shall be reviewed as provided in
23 section 24-34-104, C.R.S.

24 **SECTION 5.** In Colorado Revised Statutes, 24-34-104, **repeal**
25 (47.5) (b); and **add** (52.5) (f) as follows:

26 **24-34-104. General assembly review of regulatory agencies**
27 **and functions for termination, continuation, or reestablishment.**

1 (47.5) The following agencies, functions, or both, shall terminate on
2 September 1, 2016:

3 (b) ~~The registration of surgical assistants and surgical~~
4 ~~technologists pursuant to article 43.2 of title 12, C.R.S.;~~

5 (52.5) The following agencies, functions, or both, terminate on
6 September 1, 2021:

7 (f) THE REGISTRATION OF SURGICAL ASSISTANTS AND SURGICAL
8 TECHNOLOGISTS PURSUANT TO ARTICLE 43.2 OF TITLE 12, C.R.S.

9 **SECTION 6. Appropriation.** (1) For the 2016-17 state fiscal
10 year, \$114,188 is appropriated to the department of public safety for use
11 by the Colorado bureau of investigation. This appropriation is from the
12 Colorado bureau of investigation identification unit fund created in
13 section 24-33.5-426, C.R.S. To implement this act, the bureau may use
14 this appropriation as follows:

15 (a) \$29,835 for personal services related to identification, which
16 amount is based on an assumption that the unit will require an additional
17 0.6 FTE; and

18 (b) \$84,353 for operating expense related to identification.

19 (2) For the 2016-17 state fiscal year, \$32,342 is appropriated to
20 the department of regulatory agencies. This appropriation is from the
21 division of professions and occupations cash fund created in section
22 24-34-105 (2) (b) (I), C.R.S. To implement this act, the department may
23 use this appropriation as follows:

24 (a) \$17,140 for use by the division of professions and occupations
25 for personal services, which amount is based on an assumption that the
26 division will require an additional 0.3 FTE; and

27 (b) \$15,202 for the purchase of legal services.

1 (3) For the 2016-17 state fiscal year, \$15,202 is appropriated to
2 the department of law. This appropriation is from reappropriated funds
3 received from the department of regulatory agencies under paragraph (b)
4 of subsection (2) of this section and is based on an assumption that the
5 department of law will require an additional 0.1 FTE. To implement this
6 act, the department of law may use this appropriation to provide legal
7 services for the department of regulatory agencies.

8 **SECTION 7. 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 10, 2016, if adjournment sine die is on May 11, 2016); 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 2016 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.