

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE SURGICAL ASSISTANT AND**
102 **SURGICAL TECHNOLOGIST REGISTRATION PROGRAM.**

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.*

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
27 THAT IS NOT SUBJECT TO A VALID PRESCRIPTION.

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

3 **12-43.2-105.5. Criminal history record check required.** EACH
4 APPLICANT FOR REGISTRATION SHALL HAVE HIS OR HER FINGERPRINTS
5 TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF
6 OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE
7 APPLICANT IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR
8 MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE
9 RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE
10 COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS
11 AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF
12 INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL
13 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING
14 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE
15 FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS
16 OF THE CRIMINAL HISTORY RECORD CHECK TO THE DIRECTOR.

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

19 **12-43.2-107. Repeal of article.** This article is repealed, effective
20 September 1, ~~2016~~ 2021. Prior to such repeal, the registration of surgical
21 assistants and surgical technologists shall be reviewed as provided in
22 section 24-34-104, C.R.S.

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

25 **24-34-104. General assembly review of regulatory agencies**
26 **and functions for termination, continuation, or reestablishment.**
27 (47.5) The following agencies, functions, or both, shall terminate on

1 September 1, 2016:

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

4 (52.5) The following agencies, functions, or both, terminate on
5 September 1, 2021:

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

8 **SECTION 6. 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.