

CHAPTER 330

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 16-1160

BY REPRESENTATIVE(S) Ginal and Lontine, Esgar, Primavera, Ryden, Becker K., Fields, Kraft-Tharp, McCann, Pabon, Priola, Rosenthal, Young;
also SENATOR(S) Tate, Aguilar, Garcia, Heath, Newell, Todd.

AN ACT

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

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

SECTION 1. In Colorado Revised Statutes, 12-43.2-102, **amend** (1) (a) and (2) (a) as follows:

12-43.2-102. Registration - penalty - renewal - database - fees - rules. (1) On and after April 1, 2011:

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

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

12-43.2-104. Employers - requirements - references. (3) AN EMPLOYER WHO REQUIRES A REGISTRANT APPLYING FOR EMPLOYMENT TO SUBMIT TO A DRUG TEST SHALL FORWARD TO THE DIRECTOR ANY CONFIRMED POSITIVE DRUG TEST RESULTS FOR A CONTROLLED SUBSTANCE THAT IS NOT SUBJECT TO A VALID PRESCRIPTION.

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

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

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

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

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

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (47.5) The following agencies, functions, or both, shall terminate on September 1, 2016:

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

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

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

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

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

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

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

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

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

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

SECTION 7. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 10, 2016