

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 17-0722.02 Thomas Morris x4218

HOUSE BILL 17-1165

HOUSE SPONSORSHIP

Lebsock,

SENATE SPONSORSHIP

(None),

House Committees

Business Affairs and Labor
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE RESOLUTION OF DISCIPLINARY ACTIONS BY
102 AGENCIES WITHIN THE DEPARTMENT OF REGULATORY
103 AGENCIES.

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>.)

Section 2 of the bill directs the Colorado dental board to conduct a review of its disciplinary procedures, identify inefficiencies, devise improvements, and implement the improvements.

Section 3 defines "health care prescriber board" to mean the following boards in the department of regulatory agencies: The Colorado

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.

HOUSE
Amended 2nd Reading
March 31, 2017

podiatry board; the Colorado dental board; the Colorado medical board; the state board of nursing; the state board of optometry; and the state board of veterinary medicine. Section 3 also adjusts the boards' disciplinary procedures as follows:

- ! Within 15 days after receipt of a complaint, the board shall provide the complainant with a comprehensive, written summary of the procedures, timelines, and complainant and respondent rights that apply to the processing and resolution of complaints and the contact information for the person who will be coordinating the board's response to the complaint;
- ! Within 30 days after receiving or initiating a complaint, the board shall notify the licensee named in the complaint of the complaint and provide a copy of the notice to the complainant, if any. If patient records are potentially relevant to resolution of the complaint, the notice must state that the licensee shall provide the board with the records within 30 days after the board sent the notice.
- ! Within 30 days after the board sent the notice, the licensee named in the complaint is required to provide a written response to the complaint to the board and include all patient records specified in the notice. If the licensee fails to timely respond, the board is to send the licensee a second notice and include a statement that failure to respond within 30 days will result in license suspension.
- ! If the licensee fails to timely respond to a second notice of complaint, the board is to suspend the licensee's license unless good cause is shown;
- ! The board is to notify the complainant if it receives a response from the licensee or if it suspends the licensee for failure to respond to a second notice of complaint;
- ! If the complainant is a patient, the board must promptly notify the patient of the patient's right to receive a copy of the patient records; and
- ! If an investigation was initiated by a complaint and the board took formal action regarding the alleged misconduct, the board shall provide the complainant, within 30 days after the action, with written notice of any initial disposition or board action, the next steps in the investigation process, and the final disposition of the investigation or complaint, as applicable.

By December 31, 2017, each board shall adopt rules regarding the procedures, timelines, and complainant and respondent rights that apply to the processing and resolution of disciplinary actions. The boards are directed to use their best efforts to make an initial disposition of

disciplinary actions within 6 months after initiation of an investigation or receipt of a complaint. An initial disposition includes a formal determination that more time is needed to resolve the action.

Section 1 requires health insurance companies to update their participating provider lists at least monthly, based on information on the department's health care prescriber boards' websites, to remove a provider whose license has been suspended or revoked.

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

SECTION 1. In Colorado Revised Statutes, **add** 10-16-145 as follows:

10-16-145. Periodic updates to provider directory. EACH CARRIER SHALL, AT LEAST MONTHLY, UPDATE ITS PROVIDER DIRECTORY AS POSTED ON THE CARRIER'S WEBSITE IN ACCORDANCE WITH THE INFORMATION CONTAINED ON THE WEBSITES MAINTAINED BY THE APPLICABLE HEALTH CARE PRESCRIBER BOARD, AS THAT TERM IS DEFINED IN SECTION 24-34-112, TO REMOVE A PROVIDER WHOSE LICENSE HAS BEEN REVOKED OR SUSPENDED BY THE APPLICABLE HEALTH CARE PRESCRIBER BOARD.

SECTION 2. In Colorado Revised Statutes, **add** 24-34-112 as follows:

24-34-112. Health care prescriber boards - disciplinary procedures - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "HEALTH CARE PRESCRIBER BOARD" OR "BOARD" MEANS:

(I) THE COLORADO PODIATRY BOARD CREATED IN SECTION 12-32-103;

(II) THE COLORADO DENTAL BOARD CREATED IN SECTION 12-35-104;

(III) THE COLORADO MEDICAL BOARD CREATED IN SECTION

1 12-36-103;

2 (IV) THE STATE BOARD OF NURSING CREATED IN SECTION
3 12-38-104;

4 (V) THE STATE BOARD OF OPTOMETRY ESTABLISHED IN SECTION
5 12-40-106; AND

6 (VI) THE STATE BOARD OF VETERINARY MEDICINE CREATED IN
7 SECTION 12-64-105.

8 (b) "LICENSEE" MEANS AN INDIVIDUAL WHO IS LICENSED OR
9 OTHERWISE REGULATED BY A BOARD.

10 (2) EXCEPT AS SPECIFIED IN SUBSECTION (4) OF THIS SECTION,
11 NOTWITHSTANDING ANY OTHER PROVISION OF LAW IN THIS TITLE 24 OR
12 TITLE 12, EACH HEALTH CARE PRESCRIBER BOARD SHALL:

13 (a) WITHIN FIFTEEN DAYS AFTER RECEIPT OF A COMPLAINT,
14 PROVIDE THE COMPLAINANT WITH A WRITTEN NOTICE PROVIDING CONTACT
15 INFORMATION FOR THE BOARD AND A SUMMARY OF THE REGULATORY AND
16 STATUTORY PROCEDURES, TIMELINES, AND COMPLAINANT AND
17 RESPONDENT RIGHTS THAT APPLY TO THE PROCESSING AND RESOLUTION
18 OF COMPLAINTS, INCLUDING, IF THE COMPLAINANT IS THE PATIENT OF THE
19 LICENSEE WHO IS THE SUBJECT OF THE COMPLAINT, A NOTICE OF THE
20 PATIENT'S RIGHT TO RECEIVE FROM THE LICENSEE A COPY OF HIS OR HER
21 PATIENT RECORDS PURSUANT TO SECTIONS 25-1-801 AND 25-1-802;

22 (b) IF AN INVESTIGATION WAS INITIATED BY A COMPLAINT AND THE
23 BOARD TOOK PUBLIC FORMAL ACTION REGARDING THE ALLEGED
24 MISCONDUCT, PROVIDE THE COMPLAINANT, WITHIN THIRTY DAYS AFTER
25 THE ACTION, WITH WRITTEN NOTICE OF THE ACTION TAKEN BY THE BOARD;

26 (c) IF A COMPLAINT IS STILL PENDING AFTER SIX MONTHS, NOTIFY
27 THE COMPLAINANT THAT THE COMPLAINT REMAINS PENDING, SUBJECT TO

1 APPLICABLE RESTRICTIONS IN THE BOARD'S GOVERNING LAW; AND

2 (d) UPDATE ITS WEBSITE AT LEAST MONTHLY TO LIST THE STATUS
3 OF EACH LICENSEE SUBJECT TO THE APPLICABLE BOARD'S GOVERNING LAW.

4 (3) IF PATIENT RECORDS ARE POTENTIALLY RELEVANT TO
5 RESOLUTION OF A COMPLAINT AGAINST A LICENSEE AND THE LICENSEE IS
6 THE CUSTODIAN OF THE RECORDS, THE LICENSEE SHALL PROVIDE THE
7 BOARD WITH THE PATIENT RECORDS WITHIN THIRTY DAYS AFTER THE
8 BOARD REQUESTS THE RECORDS.

9 (4) IF ANY PROVISION OF ARTICLE 4 OF THIS TITLE 24 OR ARTICLE
10 32, 35, 36, 38, 40, OR 64 OF TITLE 12 IS MORE PROTECTIVE OF
11 COMPLAINANTS' RIGHTS OR RESULTS IN A MORE EXPEDITIOUS RESOLUTION
12 OF DISCIPLINARY PROCEEDINGS THAN A CORRESPONDING PROVISION OF
13 THIS SECTION, THAT PROVISION APPLIES RATHER THAN THE
14 CORRESPONDING PROVISION OF THIS SECTION.

15 (5) (a) THE DEPARTMENT SHALL INCLUDE IN ITS ANNUAL
16 PRESENTATION MADE PURSUANT TO SECTION 2-7-203 A PERFORMANCE
17 REPORT PREPARED BY THE DIVISION REGARDING CHANGES TO THE BOARDS'
18 PROCESSES AND PROCEDURES.

19 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE SEPTEMBER 1,
20 2018.

21 **SECTION 3. Applicability.** This act applies to disciplinary
22 actions commenced on or after the effective date of this act.

23 **SECTION 4. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.