

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 21, 2017
Date

Committee on Business Affairs and Labor.

After consideration on the merits, the Committee recommends the following:

HB17-1165 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

5 **10-16-145. Periodic updates to provider directory.** EACH
6 CARRIER SHALL, AT LEAST MONTHLY, UPDATE ITS PROVIDER DIRECTORY
7 AS POSTED ON THE CARRIER'S WEBSITE IN ACCORDANCE WITH THE
8 INFORMATION CONTAINED ON THE WEBSITES MAINTAINED BY THE
9 APPLICABLE HEALTH CARE PRESCRIBER BOARD, AS THAT TERM IS DEFINED
10 IN SECTION 24-34-112, TO REMOVE A PROVIDER WHOSE LICENSE HAS BEEN
11 REVOKED OR SUSPENDED BY THE APPLICABLE HEALTH CARE PRESCRIBER
12 BOARD.

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

15 **24-34-112. Health care prescriber boards - disciplinary**
16 **procedures - definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS
17 THE CONTEXT OTHERWISE REQUIRES:

- 18 (a) "HEALTH CARE PRESCRIBER BOARD" OR "BOARD" MEANS:
19 (I) THE COLORADO PODIATRY BOARD CREATED IN SECTION
20 12-32-103;
21 (II) THE COLORADO DENTAL BOARD CREATED IN SECTION
22 12-35-104;
23 (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
28 APPLICABLE RESTRICTIONS IN THE BOARD'S GOVERNING LAW; AND
29 (d) UPDATE ITS WEBSITE AT LEAST MONTHLY TO LIST THE STATUS
30 OF EACH LICENSEE SUBJECT TO THE APPLICABLE BOARD'S GOVERNING LAW.
31 (3) IF PATIENT RECORDS ARE POTENTIALLY RELEVANT TO
32 RESOLUTION OF A COMPLAINT AGAINST A LICENSEE AND THE LICENSEE IS
33 THE CUSTODIAN OF THE RECORDS, THE LICENSEE SHALL PROVIDE THE
34 BOARD WITH THE PATIENT RECORDS WITHIN THIRTY DAYS AFTER THE
35 BOARD REQUESTS THE RECORDS.
36 (4) IF ANY PROVISION OF ARTICLE 4 OF THIS TITLE 24 OR ARTICLE
37 32, 35, 36, 38, 40, OR 64 OF TITLE 12 IS MORE PROTECTIVE OF
38 COMPLAINANTS' RIGHTS OR RESULTS IN A MORE EXPEDITIOUS RESOLUTION
39 OF DISCIPLINARY PROCEEDINGS THAN A CORRESPONDING PROVISION OF
40 THIS SECTION, THAT PROVISION APPLIES RATHER THAN THE
41 CORRESPONDING PROVISION OF THIS SECTION.

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

5 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE SEPTEMBER 1,
6 2018.

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

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

** ** ** ** **