

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0812.01 Richard Sweetman x4333

HOUSE BILL 19-1125

HOUSE SPONSORSHIP

Melton,

SENATE SPONSORSHIP

(None),

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ACCESS BY A MENTAL HEALTH PROFESSIONAL TO
102 CERTAIN RECORDS REGARDING A DISMISSED COMPLAINT
103 AGAINST THE MENTAL HEALTH PROFESSIONAL.

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>.)

Under current law, when a complaint against a mental health professional is dismissed, information contained in the records of the board that licenses, registers, or certifies the mental health professional (board) is exempt from the disclosure requirements of the state's open records law. The bill allows a mental health professional who is a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

respondent to a dismissed complaint (respondent) to access information in the files of the board and in the files of the division of professions and occupations in the department of regulatory agencies (division). Before allowing the access, the board and the division shall redact from the information the names of the respondent's clients or other recipients of service and any other information that would identify an individual person, including the complainant or a witness.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43-224, **amend**
3 (4)(b) as follows:

4 **12-43-224. Disciplinary proceedings - judicial review - mental**
5 **and physical examinations - multiple licenses.** (4) (b) The exemption
6 from the open records law specified in ~~paragraph (a) of this subsection (4)~~
7 SUBSECTION (4)(a) OF THIS SECTION does not apply:

8 (I) When a decision to proceed with a disciplinary action has been
9 agreed upon by a majority of the members of the applicable board and a
10 notice of formal complaint is drafted and served on the licensee,
11 registrant, or certificate holder by first-class mail; ~~or~~

12 (II) Upon final agency action; OR

13 (III) TO A RESPONDENT SEEKING ACCESS TO INFORMATION IN THE
14 BOARD'S OR THE DIVISION'S RECORDS IN ANY ACTION ARISING FROM A
15 COMPLAINT FILED AGAINST THE RESPONDENT. THE RESPONDENT MAY
16 HAVE ACCESS TO INFORMATION IN THE BOARD'S OR THE DIVISION'S
17 RECORDS REGARDING THE DISMISSED COMPLAINT. BEFORE ALLOWING THE
18 ACCESS, THE BOARD AND THE DIVISION SHALL REDACT FROM THE
19 INFORMATION THE NAMES OF THE RESPONDENT'S CLIENTS OR OTHER
20 RECIPIENTS OF SERVICE AND ANY OTHER INFORMATION THAT WOULD
21 IDENTIFY AN INDIVIDUAL PERSON, INCLUDING THE COMPLAINANT OR A
22 WITNESS.

1 **SECTION 2. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2020 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.