



**Dora**  
Department of Regulatory Agencies

**Executive Director's Office**

Barbara J. Kelley  
Executive Director

John W. Hickenlooper  
Governor

January 13, 2012

The Honorable Lois Tochtrop, Chair, Senate Business, Labor and Technology Committee  
The Honorable Larry Liston, Chair, House Economic and Business Development Committee

Dear Senator Tochtrop and Representative Liston,

Pursuant to the statutory section noted below, attached is a spreadsheet documenting the number of Confidential Letters of Concern (LOC) issued by each board/program in calendar year 2011. As a bit of history, this provision was added to the statute during the 2006 legislative session as a result of a Consistency Bill where the division requested that LOC authority be added to those boards and programs that did not have the authority. As a compromise for providing the boards and programs with this authority, the legislature requested data on an annual basis as to how many LOCs were issued. 2007 was the first full year of data.

§ 24-34-101(13) The executive director shall include in the presentation to the legislative committee of reference pursuant to section 2-7-201, C.R.S., the number of confidential letters of concern issued in the twelve months prior to the presentation by the director of the division of registrations and any board pursuant to title 12, C.R.S.

You will note that this year there was an overall decrease in the number of LOCs issued. The changes can generally be attributed to the following:

- (1) In the Allied Health program areas, overall LOC numbers dropped in 2011, but not dramatically. This overall decrease may be attributed, in part, to a general increase in the seriousness of complaints, particularly for the Chiropractic Board. This may have resulted in a greater willingness to issue public discipline rather than LOCs. The 2-year renewal cycle was the primary reason for the drop in the Mental Health LOC's for 2011. The 2-year renewal cycle caused a spike of LOCs in 2010 (the Boards typically issue LOCs when a professional fails to renew and practices on a lapsed license for less than one year).
- (2) While Health Care, a section in the Division, has seen an overall decrease in the number of LOCs issued, the Veterinary Board's data is trending upward. This trend is also primarily a result of the renewal cycle. The Pharmacy Board deals with non-compliance of reporting to the Prescription Drug Monitoring Program, and the LOC is the second step before moving to issuing a fine for the third or subsequent non-compliance (the first step is a warning letter). In 2010 the Pharmacy Board issued warning letters and LOCs to non-compliant pharmacies. In 2011 the Pharmacy Board still saw significant incidents of non-compliance from those who received an LOC from the previous year so the Pharmacy Board began using fining as a compliance tool. This is the primary reason for the reduced number of LOCs.

- (3) In the Business and Technical program areas, LOCs dropped. The Barbers & Cosmetologists Program only issues LOCs for first-time offenders. As the program is prone to repeat offenders, many of the licensees that were issued LOCs in 2010 were subsequently issued formal discipline in the following year.

Please let me know if you have any questions.

A handwritten signature in blue ink, reading "Barbara Kelley". The signature is fluid and cursive, with the first name "Barbara" and last name "Kelley" clearly legible.

Barbara Kelley, Executive Director  
Department of Regulatory Agencies

**NUMBER OF LETTERS OF CONCERN  
ISSUED BY CALENDAR YEAR**

<b>BOARD</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>Allied Health</b>					
Acupuncture	1	3	1	5	6
Audiologists	1	1	0	5	0
Hearing Aid Assc.	0	1	0	0	0
Hearing Aid Prov.	2	2	2	2	0
Midwives	1	0	2	3	1
Physical Therapy	3	1	7	3	4
Respiratory Therapy	2	2	1	1	3
Chiropractic	5	57	18	34	25
Occupational Therapy	0	0	0	2	0
Optometric	2	6	9	1	4
<b>Mental Health</b>					
Addiction Counselor	9	14	5	26	17
MFT	2	9	0	7	5
LPC	12	43	3	35	8
Psychologists	12	20	2	25	13
Registered/Unlicensed Psychotherapist	23	30	5	22	4
Social Work	22	37	5	36	11
<b>Health Care</b>					
Pharmacy	59	124	100	237	139
Funeral Home & Crematory	0	0	0	1	4
Medical	137	118	122	125	135
Podiatry	1	4	4	8	6
Dental	57	111	63	119	32
NHA	2	3	3	2	2
Veterinarian	2	7	8	11	48
Nursing	114	100	131	151	146
NAAC	25	68	65	56	59
<b>Business &amp; Technical</b>					
AES	12	4	59	78	65
Electrical	66	5	11	20	18
Landscape Arch.	0	0	1	1	0
Plumbing	9	2	1	41	9
Tramway	0	0	0	0	0
Boxing	0	0	0	0	0
Accountancy	9	3	9	75	101
Barber/Cosmetology	0	1	0	257	167
<b>TOTAL</b>	<b>590</b>	<b>776</b>	<b>637</b>	<b>1389</b>	<b>1032</b>

Notes: Outfitters omitted because does not have LOC authority