

HOUSE JOURNAL
SIXTY-EIGHTH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Fifty-second Legislative Day

Friday, March 2, 2012

1 The Speaker called the House to order at 9:00 a.m.
2
3 Prayer by the Reverend Ken Dawdy, Dahlia Street Church of Christ,
4 Denver.
5
6 Pledge of Allegiance led by Kaleb Cain, St. Michael's Preschool, Aurora.
7
8 The roll was called with the following result:
9
10 Present--63.
11 Excused--Representative(s) Duran--1.
12 Absent--Representative(s) Kagan--1.
13 Present after roll call--Representative(s) Duran, Kagan.

14
15 The Speaker declared a quorum present.

16 _____
17
18 On motion of Representative Schafer, the reading of the journal of
19 March 1, 2012, was declared dispensed with and approved as corrected
20 by the Chief Clerk. _____
21

22 On motion of Representative Bradford, the House resolved itself into
23 Committee of the Whole for consideration of General Orders, and she
24 was called to the Chair to act as Chairman.
25 _____
26

GENERAL ORDERS--SECOND READING OF BILLS

27
28
29 The Committee of the Whole having risen, the Chairman reported the
30 titles of the following bills had been read (reading at length had been
31 dispensed with by unanimous consent), the bills considered and action
32 taken thereon as follows:
33

34 (Amendments to the committee amendment are to the printed committee
35 report which was printed and placed in the members' bill file.)
36

37 **HB12-1017** by Representative(s) Swerdfeger and Pace; also Senator(s)
38 Giron--Concerning the extension of the local access to
39 health care pilot program operated under the authority of
40 the board of county commissioners of Pueblo county.
41

42 Ordered engrossed and placed on the Calendar for Third Reading and
43 Final Passage.

1 **HB12-1005** by Representative(s) Pabon; also Senator(s) Harvey--
2 Concerning investment of public funds.
3

4 Amendment No. 1, Finance Report, dated February 2, 2012, and placed
5 in member's bill file; Report also printed in House Journal, February 6,
6 page 157.
7

8 As amended, ordered engrossed and placed on the Calendar for Third
9 Reading and Final Passage.
10

11 **HB12-1026** by Representative(s) Coram; also Senator(s) Roberts--
12 Concerning peace officer status for certain municipality
13 prosecuting attorneys.
14

15 Amendment No. 1, Judiciary Report, dated February 2, 2012, and placed
16 in member's bill file; Report also printed in House Journal, February 6,
17 page 158.
18

19 As amended, ordered engrossed and placed on the Calendar for Third
20 Reading and Final Passage.
21

22 **HB12-1140** by Representative(s) Jones; also Senator(s) Newell--
23 Concerning the duties of the department of public health
24 and environment as coordinator for suicide prevention
25 programs throughout the state.
26

27 Amendment No. 1, Health & Environment Report, dated
28 February 16, 2012, and placed in member's bill file; Report also printed
29 in House Journal, February 17, pages 301-302.
30

31 As amended, ordered engrossed and placed on the Calendar for Third
32 Reading and Final Passage.
33

34
35 **HB12-1228** by Representative(s) DelGrosso, McCann; also Senator(s)
36 Steadman--Concerning criminal background checks for
37 neighborhood youth organizations seeking to obtain a
38 license.
39

40 Amendment No. 1, Economic & Business Development Report, dated
41 February 23, 2012, and placed in member's bill file; Report also printed
42 in House Journal, February 24, page 374.
43

44 As amended, ordered engrossed and placed on the Calendar for Third
45 Reading and Final Passage.
46

47 **HB12-1304** by Representative(s) Barker--Concerning measures to
48 prevent organized retail theft.
49

50 Ordered engrossed and placed on the Calendar for Third Reading and
51 Final Passage.
52

53 **HB12-1036** by Representative(s) Kerr J.--Concerning clarification of
54 the exemption from the "Colorado Open Records Act" for
55 investigative files.
56

1 Amendment No. 1, Judiciary Report, dated February 23, 2012, and
2 placed in member's bill file; Report also printed in House Journal,
3 February 24, page 384.

4
5 As amended, ordered engrossed and placed on the Calendar for Third
6 Reading and Final Passage.

7
8 **HB12-1262** by Representative(s) Gardner B.; also Senator(s) Roberts--
9 Concerning enactment of amendments to the secured
10 transactions provisions of the "Uniform Commercial
11 Code".

12
13 Ordered engrossed and placed on the Calendar for Third Reading and
14 Final Passage.

15
16 **SB12-048** by Senator(s) Schwartz; also Representative(s) Coram--
17 Concerning the creation of the "Colorado Cottage Foods
18 Act" for locally produced home foods sold directly to
19 consumers.

20
21 Ordered revised and placed on the Calendar for Third Reading and Final
22 Passage.

23
24 **SB12-097** by Senator(s) Hodge; also Representative(s) Sonnenberg--
25 Concerning a simplified procedure for the adjudication of
26 certain changes of the points of diversion of water rights.

27
28 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
29 dated February 27, 2012, and placed in member's bill file; Report also
30 printed in House Journal, February 28, page 419.

31
32 As amended, ordered revised and placed on the Calendar for Third
33 Reading and Final Passage.

34
35 **HB12-1220** by Representative(s) Becker; also Senator(s) Bacon--
36 Concerning changes to the governance structure of the
37 board of governors of the Colorado state university
38 system, and, in connection therewith, establishing the
39 governance structure for Colorado state university - global
40 campus.

41
42 Ordered engrossed and placed on the Calendar for Third Reading and
43 Final Passage.

44
45 **HB12-1239** by Representative(s) Vaad; also Senator(s) Carroll--
46 Concerning the amount of approval required for certain
47 special district actions, and, in connection therewith,
48 allowing persons who own property that is outside the
49 boundaries of a special district but within the existing or
50 proposed service area of the special district to vote in
51 special district elections, allowing a special district to
52 expand its service area into a new county only with the
53 approval of the board of county commissioners of the
54 county, and increasing the percentage of the taxpaying
55 electors of a proposed metropolitan district who must sign
56 a petition for organization of the district.

1 Amendment No. 1, Local Government Report, dated February 27, 2012,
2 and placed in member's bill file; Report also printed in House Journal,
3 February 28, pages 419-421.

4
5 As amended, ordered engrossed and placed on the Calendar for Third
6 Reading and Final Passage.

7
8 **SB12-024** by Senator(s) Harvey; also Representative(s) Holbert--
9 Concerning the obligations of a residential nonprofit
10 corporation to its residential members, and, in connection
11 therewith, clarifying open meeting provisions and limiting
12 the conditions under which the corporation must refund
13 moneys paid by a residential member.

14
15 Amendment No. 1, Economic & Business Development Report, dated
16 February 28, 2012, and placed in member's bill file; Report also printed
17 in House Journal, February 29, page 437.

18
19 As amended, ordered revised and placed on the Calendar for Third
20 Reading and Final Passage.

21
22 **SB12-037** by Senator(s) King S., Aguilar; also Representative(s)
23 Young--Concerning the ability to dispense a controlled
24 substance based on an electronically transmitted
25 prescription drug order.

26
27 Amendment No. 1, Health & Environment Report, dated
28 February 28, 2012, and placed in member's bill file; Report also printed
29 in House Journal, February 29, page 460.

30
31 As amended, ordered revised and placed on the Calendar for Third
32 Reading and Final Passage.

33
34 **SB12-029** by Senator(s) Morse, Brophy, Guzman, Roberts,
35 Schwartz; also Representative(s) Gardner B., Labuda,
36 Levy, Murray, Waller--Concerning the enactment of
37 Colorado Revised Statutes 2011 as the positive and
38 statutory law of the state of Colorado.

39
40 Ordered revised and placed on the Calendar for Third Reading and Final
41 Passage.

42
43 **SB12-042** by Senator(s) Spence; also Representative(s) Summers--
44 Concerning bringing certain statutory provisions related
45 to child support into compliance with federal law.

46
47 Ordered revised and placed on the Calendar for Third Reading and Final
48 Passage.

49
50 On motion of Representative Waller, the following bills on the General
51 Orders Calendar were laid over until March 5, retaining place on
52 Calendar: **HB12-1121, 1116, 1175.**

53
54
55
56

1 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

2
3 Passed Second Reading: **HB12-1017, 1005 amended, 1026 amended,**
4 **1140 amended, 1228 amended, 1304, 1036 amended, 1262, SB12-048,**
5 **097 amended, HB12-1220, 1239 amended, SB12-024 amended, 037**
6 **amended, 029, 042.**

7
8 Laid over until date indicated retaining place on Calendar: **HB12-1121,**
9 **1116, 1175--March 5, 2012.**

10
11 The Chairman moved the adoption of the Committee of the Whole
12 Report. As shown by the following roll call vote, a majority of those
13 elected to the House voted in the affirmative, and the Report was
14 **adopted.**

	YES	65	NO	0	EXCUSED	0	ABSENT	0
17	Acree	Y	Fischer	Y	Looper	Y	Solano	Y
18	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
19	Barker	Y	Gerou	Y	McCann	Y	Soper	Y
20	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
21	Becker	Y	Holbert	Y	Miklosi	Y	Summers	Y
22	Beezley	Y	Hullinghorst	Y	Murray	Y	Swalm	Y
23	Bradford	Y	Jones	Y	Nikkel	Y	Swerdfeger	Y
24	Brown	Y	Joshi	Y	Pabon	Y	Szabo	Y
25	Casso	Y	Kagan	Y	Pace	Y	Todd	Y
26	Conti	Y	Kefalas	Y	Peniston	Y	Tyler	Y
27	Coram	Y	Kerr A.	Y	Priola	Y	Vaad	Y
28	Court	Y	Kerr J.	Y	Ramirez	Y	Vigil	Y
29	DelGrosso	Y	Labuda	Y	Ryden	Y	Waller	Y
30	Duran	Y	Lee	Y	Schafer S.	Y	Williams A.	Y
31	Ferrandino	Y	Levy	Y	Scott	Y	Wilson	Y
32	Fields	Y	Liston	Y	Singer	Y	Young	Y
33							Speaker	Y

34
35
36
37
38
39 **CONSIDERATION OF RESOLUTION(S)**

40
41 **SJR12-016** by Senator(s) Morse; also Representative(s) Stephens--
42 Concerning modifications to the Joint Rules of the Senate
43 and the House of Representatives.

44
45 (Printed and placed in members' file)

46
47 On motion of Representative Stephens, the resolution was **adopted** by
48 **viva voce** vote.

49
50 Co-sponsor(s) added: Representative(s) Barker, Bradford, Brown, Coram,
51 Ferrandino, Gerou, Hamner, Kerr J., Labuda, Nikkel, Ramirez, Todd, Vigil,
52 Waller, Speaker.

53
54
55

1 **MESSAGE(S) FROM THE SENATE**

2
3 The Senate has adopted and transmits herewith: SJR12- 017, amended as
4 printed in Senate Journal, March 2, 2012.
5
6

7
8 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

9
10 On motion of Representative Stephens, the rules were suspended and the
11 following resolution was given immediate consideration.
12

13 **SJR12-017** by Senator(s) Williams S. and Spence, Giron, White; also
14 Representative(s) Conti and Labuda, Acree, Looper,
15 Williams A.--Concerning the recognition of National
16 Women's History Month, and, in connection therewith,
17 designating March as Colorado Women's History Month.
18

19 (Printed and placed in member's file).
20

21 On motion of Representative Labuda, the resolution was read at length
22 and **adopted** by **viva voce** vote.
23

24 Current Roll Call added as co-sponsor(s): Representative(s) Balmer, Barker,
25 Baumgardner, Becker, Beezley, Bradford, Brown, Casso, Coram, Court,
26 DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Gerou, Hamner,
27 Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J., Lee, Levy,
28 Liston, Massey, McCann, McKinley, Miklosi, Murray, Nikkel, Pabon, Pace,
29 Peniston, Priola, Ramirez, Ryden, Schafer S., Scott, Singer, Solano,
30 Sonnenberg, Soper, Stephens, Summers, Swalm, Swerdfeger, Szabo, Todd,
31 Tyler, Vaad, Vigil, Waller, Wilson, Young, Speaker.
32
33

34
35 **CONSIDERATION OF RESOLUTION(S)**

36
37 **HR12-1004** by Representative(s) Scott--Concerning a request that the
38 Bureau of Land Management's Colorado River Valley
39 field office prepare a revised resource management plan.
40

41 (Printed and placed in members' file)
42

43 Representative Scott moved that the resolution be adopted and requested
44 that it be read at length.
45

46 **Amendment No. 1**, moved by Representative Hamner.
47

48 Amend printed resolution, page 3, line 2, after "benefits" insert "and
49 impacts".
50

51 The amendment was declared **passed** by **viva voce** vote.
52

53 On motion of Representative Scott, the resolution as amended was
54 **adopted** by the following roll call vote:
55

	YES	39	NO	26	EXCUSED	0	ABSENT	0
1								
2	Acree	Y	Fischer	N	Looper	Y	Solano	N
3	Balmer	Y	Gardner B.	Y	Massey	Y	Sonnenberg	Y
4	Barker	Y	Gerou	Y	McCann	N	Soper	N
5	Baumgardner	Y	Hamner	Y	McKinley	Y	Stephens	Y
6	Becker	Y	Holbert	Y	Miklosi	N	Summers	Y
7	Beezley	Y	Hullinghorst	N	Murray	Y	Swalm	Y
8	Bradford	Y	Jones	N	Nikkel	Y	Swerdfeger	Y
9	Brown	Y	Joshi	Y	Pabon	N	Szabo	Y
10	Casso	Y	Kagan	N	Pace	Y	Todd	N
11	Conti	Y	Kefalas	N	Peniston	N	Tyler	N
12	Coram	Y	Kerr A.	N	Priola	Y	Vaad	Y
13	Court	N	Kerr J.	Y	Ramirez	Y	Vigil	Y
14	DelGrosso	Y	Labuda	N	Ryden	N	Waller	Y
15	Duran	N	Lee	N	Schafer S.	N	Williams A.	N
16	Ferrandino	N	Levy	N	Scott	Y	Wilson	N
17	Fields	N	Liston	Y	Singer	N	Young	Y
18							Speaker	Y

19 Co-sponsor(s) added: Representative(s) Acree, Barker, Baumgardner, Becker,
 20 Beezley, Bradford, Brown, Conti, Coram, DelGrosso, Gardner B., Gerou,
 21 Holbert, Joshi, Kerr J., Liston, Looper, Massey, Nikkel, Priola, Ramirez,
 22 Sonnenberg, Stephens, Summers, Swalm, Swerdfeger, Vaad, Waller, Speaker.

23
 24
 25 House in recess. House reconvened.
 26
 27

28 REPORT(S) OF COMMITTEE(S) OF REFERENCE

29 APPROPRIATIONS

30
 31 After consideration on the merits, the Committee recommends the
 32 following:
 33

34
 35 **HB12-1083** be referred to the Committee of the Whole with favorable
 36 recommendation.
 37

38
 39 **HB12-1103** be referred to the Committee of the Whole with favorable
 40 recommendation.
 41

42
 43 **HB12-1126** be amended as follows, and as so amended, be referred to
 44 the Committee of the Whole with favorable
 45 recommendation:
 46

47 Amend printed bill, page 34, after line 14 insert:

48
 49 **"SECTION 9. Appropriation.** In addition to any other
 50 appropriation, there is hereby appropriated, out of any moneys in the
 51 water quality control fund created in section 25-8-502-(1) (c), Colorado
 52 Revised Statutes, not otherwise appropriated, to the department of public
 53 health and environment, for the fiscal year beginning July 1, 2012, the
 54 sum of \$8,530 and 0.1 FTE, or so much thereof as may be necessary, for
 55 allocation to the water quality control division for the water quality
 56 control commission related to the implementation of this act."

1 Renumber succeeding section accordingly.

2

3 Page 1, line 101, strike "SYSTEMS." and substitute "SYSTEMS, AND, IN
4 CONNECTION THEREWITH, MAKING AN APPROPRIATION."

5

6

7

8 **HB12-1146** be referred to the Committee of the Whole with favorable
9 recommendation.

10

11

12 **HB12-1215** be referred to the Committee of the Whole with favorable
13 recommendation.

14

15

16 **HB12-1226** be amended as follows, and as so amended, be referred to
17 the Committee of the Whole with favorable
18 recommendation:

19

20 Amend printed bill, page 2, line 20, after "JUVENILE" insert "OR WHO IS
21 CONVICTED OF IDENTITY THEFT PURSUANT TO SECTION 18-5-902, WHEN
22 THE VICTIM IS AN AT-RISK ADULT OR AT-RISK JUVENILE,".

23

24 Page 7, after line 5 insert:

25

26 **"SECTION 4. Appropriation.** In addition to any other
27 appropriation, there is hereby appropriated, out of any moneys in the
28 crimes against at-risk persons cash fund created in section 18-6.5-107 (4),
29 Colorado Revised Statutes, not otherwise appropriated, to the department
30 of human services, for the fiscal year beginning July 1, 2012, the sum of
31 \$5,726, or so much thereof as may be necessary, for allocation to adult
32 assistance programs, community services for the elderly, for distributions
33 to a fiscal agent related to the implementation of this act."

34

35 Renumber succeeding section accordingly.

36

37 Page 1, line 102, strike "PERSONS." and substitute "PERSONS, AND, IN
38 CONNECTION THEREWITH, MAKING AN APPROPRIATION."

39

40

41

42 **HB12-1236** be amended as follows, and as so amended, be referred to
43 the Committee of the Whole with favorable
44 recommendation:

45

46 Amend printed bill, page 6, after line 17 insert:

47

48 **"SECTION 5. Appropriation.** In addition to any other
49 appropriation, there is hereby appropriated, out of any moneys in the
50 department of state cash fund created in section 24-21-104 (3) (b),
51 Colorado Revised Statutes, not otherwise appropriated, to the department
52 of state, for the fiscal year beginning July 1, 2012, the sum of \$41,440, or
53 so much thereof as may be necessary, for allocation to information
54 technology services related to the implementation of this act."

55

56 Renumber succeeding section accordingly.

1 Page 1, line 101 strike "**SOLICITATIONS.**" and substitute "**SOLICITATIONS,**
2 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**".
3
4
5

6 **HB12-1290** be referred to the Committee of the Whole with favorable
7 recommendation.
8
9

10 **SB12-111** be referred to the Committee of the Whole with favorable
11 recommendation.
12
13

14 **SB12-112** be referred to the Committee of the Whole with favorable
15 recommendation.
16
17

18 **SB12-113** be referred to the Committee of the Whole with favorable
19 recommendation.
20
21

22 **SB12-114** be referred to the Committee of the Whole with favorable
23 recommendation.
24
25

26 **SB12-115** be referred to the Committee of the Whole with favorable
27 recommendation.
28
29
30
31

32 **ECONOMIC & BUSINESS DEVELOPMENT**

33 After consideration on the merits, the Committee recommends the
34 following:
35

36 **HB12-1145** be postponed indefinitely.
37
38

39 **HB12-1294** be amended as follows, and as so amended, be referred to
40 the Committee on Health & Environment with favorable
41 recommendation:
42

43 Amend printed bill, page 5, line 27, after "(III)" insert "and (2) (b.5)".
44

45 Page 6, line 23, after "SHALL" insert "EXTEND THE SURVEY CYCLE OR" and
46 strike "ONLY".
47

48 Page 7, line 3, after "ESTABLISH" insert "A SCHEDULE FOR EXTENDED
49 SURVEY CYCLES OR".
50

51 Page 9, after line 9 insert:
52

53 "(b.5) "ENFORCEMENT ACTIVITY" MEANS THE IMPOSITION OF
54 REMEDIES SUCH AS CIVIL MONEY PENALTIES; APPOINTMENT OF A RECEIVER
55 OR TEMPORARY MANAGER; CONDITIONAL LICENSURE; SUSPENSION OR
56 REVOCATION OF A LICENSE; A DIRECTED PLAN OF CORRECTION;

- 1 INTERMEDIATE RESTRICTIONS OR CONDITIONS, INCLUDING RETAINING A
2 CONSULTANT, DEPARTMENT MONITORING, OR PROVIDING ADDITIONAL
3 TRAINING TO EMPLOYEES, OWNERS, OR OPERATORS; OR ANY OTHER
4 REMEDY PROVIDED BY STATE OR FEDERAL LAW OR AS AUTHORIZED BY
5 FEDERAL SURVEY, CERTIFICATION, AND ENFORCEMENT REGULATIONS AND
6 AGREEMENTS FOR VIOLATIONS OF FEDERAL OR STATE LAW.".
- 7
8 Page 13, line 12, strike "A CERTIFICATION, ACCREDITATION, OR" and
9 substitute "AN ACCREDITATION".
- 10
11 Page 13, line 13, strike "REGULATION".
- 12
13 Page 13, strike lines 15 and 16 and substitute "EVIDENCE THAT THE
14 HEALTH FACILITY IS ACCREDITED BY THE JOINT".
- 15
16 Page 13, line 18, strike "RECOGNIZED ACCREDITING" and substitute
17 "ACCREDITED".
- 18
19 Page 13, line 19, after "BODY" insert "RECOGNIZED BY THE CENTERS FOR
20 MEDICARE AND MEDICAID SERVICES" and strike "FACILITY;" and substitute
21 "FACILITY.".
- 22
23 Page 13, strike lines 20 through 25.
- 24
25 Page 13, line 27, strike "RECOGNIZED ACCREDITING" and substitute
26 "ACCREDITED" and after "BODY" insert "RECOGNIZED BY THE CENTERS FOR
27 MEDICARE AND MEDICAID SERVICES".
- 28
29 Page 14, strike lines 1 through 3.
- 30
31 Page 14, line 4, strike "FINANCING" and substitute "HEALTH FACILITY".
- 32
33 Page 14, line 5, strike "FACILITY OR PROVIDER," and substitute
34 "FACILITY,".
- 35
36 Page 14, line 8, strike "OR PROVIDER".
- 37
38 Page 14, line 9, strike "ACCREDITATION OR REGULATION PURSUANT" and
39 substitute "ACCREDITATION.".
- 40
41 Page 14, strike lines 10 through 19.
- 42
43 Page 14, before line 20 insert:
44
45 "(III) IF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
46 TAKES AN ENFORCEMENT ACTIVITY, AS DEFINED IN SECTION 25-1.5-103 (2)
47 (b.5), AGAINST A HEALTH FACILITY TO WHICH IT HAS GRANTED DEEMED
48 STATUS PURSUANT TO THIS PARAGRAPH (b), THE DEPARTMENT MAY
49 REVOKE THE HEALTH FACILITY'S DEEMED STATUS.".
- 50
51 Page 16, line 15, strike "~~and indirect~~" and substitute "and indirect".
- 52
53 Page 17, line 7, strike "SHALL NOT" and substitute "MAY".
- 54
55 Page 17, strike line 10 and substitute "SUBPARAGRAPH (I) THAT IS IN".
56

1 Page 17, line 11, strike "(B)." and substitute "(B), UPON THE
2 RECOMMENDATION OF THE HEALTH CARE INDUSTRY FACILITY ADVISORY
3 COUNCIL CREATED IN SECTION 25-3-112, BY AN AMOUNT NOT TO EXCEED
4 THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT
5 OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR
6 DENVER-BOULDER-GREELEY FOR ALL URBAN CONSUMERS, ALL GOODS, OR
7 ITS SUCCESSOR INDEX."

8
9 Page 17, line 19, strike "TEN PERCENT".

10
11 Page 18, line 23, after "(a)" insert "(I)".

12
13 Page 19, after line 4 insert:

14
15 "(II) IN ADDITION TO THE MEMBERS APPOINTED PURSUANT TO
16 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), THE GOVERNOR SHALL
17 APPOINT ONE ADDITIONAL MEMBER TO THE ADVISORY COUNCIL WHO IS A
18 HEALTH CARE CONSUMER."

19
20 Page 21, after line 12 insert:

21
22 "(5) FOR PURPOSES OF SECTION 24-4-103 (2), C.R.S., AS AMENDED
23 BY HOUSE BILL 12-1008, ENACTED IN 2012, THE ADVISORY COUNCIL
24 ESTABLISHED PURSUANT TO THIS SECTION SHALL SERVE AS THE
25 REPRESENTATIVE GROUP FOR THE DEPARTMENT OF PUBLIC HEALTH AND
26 ENVIRONMENT."

27
28 Renumber succeeding subsection accordingly.

29
30 Page 23, line 5, strike "NOT REQUIRE" and substitute "ONLY REGULATE".

31
32 Page 23, line 6, strike "TO PROVIDE".

33
34 Page 23, strike line 7 and substitute "CONSISTENT WITH THE FEDERAL".

35
36 Page 23, line 11, strike "FINANCING." and substitute "FINANCING; EXCEPT
37 THAT THE DEPARTMENT MAY REQUIRE ADDITIONAL INFORMATION FROM
38 THE PROVIDER WITH REGARD TO REPORTING INSTANCES OF ABUSE."

39
40 Page 23, line 14, strike "portion" and substitute "portion; and **add** (7)".

41
42 Page 23, line 21, after "(b)" insert "(I)".

43
44 Page 23, line 24, strike "RECOGNIZED ACCREDITING" and substitute
45 "ACCREDITED".

46
47 Page 23, line 25, after "BODY" insert "RECOGNIZED BY THE CENTERS FOR
48 MEDICARE AND MEDICAID SERVICES".

49
50 Page 24, after line 7 insert:

51
52 "(II) IF THE DEPARTMENT TAKES AN ENFORCEMENT ACTIVITY
53 AGAINST A COMMUNITY RESIDENTIAL HOME TO WHICH IT HAS GRANTED
54 DEEMED STATUS PURSUANT TO THIS PARAGRAPH (b), THE DEPARTMENT
55 MAY REVOKE THE HEALTH FACILITY'S DEEMED STATUS."

56

1 Page 25, line 8, after "SHALL" insert "EXTEND THE SURVEY CYCLE OR" and
2 strike "ONLY".

3
4 Page 25, line 17, after "ESTABLISH" insert "A SCHEDULE FOR AN
5 EXTENDED SURVEY CYCLE OR".

6
7 Page 26, after line 5 insert:

8
9 "(IV) NOTHING IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (c)
10 LIMITS THE ABILITY OF THE DEPARTMENT OF HUMAN SERVICES TO
11 CONDUCT A PERIODIC INSPECTION OR SURVEY THAT IS REQUIRED TO MEET
12 ITS OBLIGATIONS AS A STATE SURVEY AGENCY ON BEHALF OF THE CENTERS
13 FOR MEDICARE AND MEDICAID SERVICES OR THE DEPARTMENT OF HEALTH
14 CARE POLICY AND FINANCING TO ASSURE THAT THE COMMUNITY
15 RESIDENTIAL HOME MEETS THE REQUIREMENTS FOR PARTICIPATION IN THE
16 MEDICARE AND MEDICAID PROGRAMS.".

17
18 Page 26, line 8, strike "TEN".

19
20 Page 26, line 9, strike "PERCENT".

21
22 Page 27, after line 16 insert:

23
24 "(7) AS USED IN THIS SECTION, "ENFORCEMENT ACTIVITY" MEANS
25 THE IMPOSITION OF REMEDIES SUCH AS CIVIL MONEY PENALTIES;
26 APPOINTMENT OF A RECEIVER OR TEMPORARY MANAGER; CONDITIONAL
27 LICENSURE; SUSPENSION OR REVOCATION OF A LICENSE; A DIRECTED PLAN
28 OF CORRECTION; INTERMEDIATE RESTRICTIONS OR CONDITIONS, INCLUDING
29 RETAINING A CONSULTANT, DEPARTMENT MONITORING, OR PROVIDING
30 ADDITIONAL TRAINING TO EMPLOYEES, OWNERS, OR OPERATORS; OR ANY
31 OTHER REMEDY PROVIDED BY STATE OR FEDERAL LAW OR AS AUTHORIZED
32 BY FEDERAL SURVEY, CERTIFICATION, AND ENFORCEMENT REGULATIONS
33 AND AGREEMENTS FOR VIOLATIONS OF FEDERAL OR STATE LAW.".

34
35 Page 27, after line 20 insert:

36
37 "**SECTION 14. Effective date.** This act takes effect upon
38 passage; except that section 25-3-112 (5), Colorado Revised Statutes, as
39 enacted in section 8 of this act, takes effect only if House Bill 12-1008
40 becomes law and takes effect on the effective date of this act or of House
41 Bill 12-1008, whichever is later.".

42
43 Renumber succeeding section accordingly.

44
45
46
47
48 **FINANCE**

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

51
52 **HB12-1142** be amended as follows, and as so amended, be referred to
53 the Committee on Appropriations with favorable
54 recommendation:

55
56 Amend printed bill, page 2, strike lines 19 through 22 and substitute:

1 "(4) For purposes of this part 15:
2

3 (a) PRIOR TO JANUARY 1, 2013, "employer" means the state, the
4 general assembly, the office of a district attorney in a judicial district, any
5 state department that employs an eligible employee, and any community
6 college governed by the state board for community colleges and
7 occupational education. "Employer" shall not include any state college or
8 university as defined in section 24-54.5-102 (7), any institution under the
9 control of the board of regents of the university of Colorado, or an
10 institution governed pursuant to part 5 of article 21 of title 23, C.R.S.
11

12 (b) ON AND AFTER JANUARY 1, 2013, "EMPLOYER" HAS THE SAME
13 MEANING AS SET FORTH IN SECTION 24-51-101 (20), AND IN ADDITION
14 SHALL INCLUDE ANY COMMUNITY COLLEGE GOVERNED BY THE STATE
15 BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION."
16

17 Page 3, strike lines 1 through 20 and substitute:
18

19 "**SECTION 2.** In Colorado Revised Statutes, 24-51-1502, **amend**
20 (3) as follows:
21

22 **24-51-1502. New employees - election - definitions.** (3) An
23 eligible employee hired ~~by an employer~~ on or after May 2, 2009, BY AN
24 EMPLOYER AS DEFINED IN SECTION 24-51-1501 (4) (a) OR HIRED ON OR
25 AFTER JANUARY 1, 2013, BY AN EMPLOYER AS DEFINED IN SECTION
26 24-51-1501 (4) (b) is eligible for the election pursuant to subsection (1)
27 of this section."
28
29
30

31 **HB12-1150** be amended as follows, and as so amended, be referred to
32 the Committee of the Whole with favorable
33 recommendation:
34

35 Amend printed bill, page 2, strike lines 15 and 16 and substitute:
36

37 "(B) FOR A MEMBER OR INACTIVE MEMBER WITH LESS THAN FIVE
38 YEARS OF SERVICE CREDIT ON JANUARY 1, 2013, OR HIRED ON OR AFTER
39 SUCH DATE,"
40

41 Page 3, strike lines 24 and 25 and substitute "MEMBER OR INACTIVE
42 MEMBER WITH LESS THAN FIVE YEARS OF SERVICE CREDIT ON JANUARY 1,
43 2013, OR HIRED ON OR AFTER SUCH DATE, THE ASSOCIATION".
44
45
46
47

48 **JUDICIARY**

49 After consideration on the merits, the Committee recommends the
50 following:
51

52 **HB12-1300** be amended as follows, and as so amended, be referred to
53 the Committee of the Whole with favorable
54 recommendation:
55

56 Amend printed bill, strike everything below the enacting clause and

1 substitute:
2

3 **"SECTION 1.** In Colorado Revised Statutes, **amend** 12-36.5-107
4 as follows:
5

6 **12-36.5-107. Repeal of article.** This article is repealed, effective
7 ~~July 1, 2012~~ SEPTEMBER 1, 2019. Prior to such repeal, THE DEPARTMENT
8 OF REGULATORY AGENCIES SHALL REVIEW the functions of professional
9 review committees and the committee on anticompetitive conduct ~~shall~~
10 ~~be reviewed~~ in accordance with section 24-34-104, C.R.S.
11

12 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **amend**
13 (43) introductory portion and (50.5) introductory portion; **repeal** (43) (g);
14 and **add** (50.5) (e) as follows:
15

16 **24-34-104. General assembly review of regulatory agencies**
17 **and functions for termination, continuation, or reestablishment.**
18 (43) The following agencies, functions, or both, ~~shall~~ terminate on July
19 1, 2012:
20

21 (g) ~~The functions of professional review committees pursuant to~~
22 ~~article 36.5 of title 12, C.R.S.;~~
23

24 (50.5) The following agencies, functions, or both, ~~shall~~ terminate
25 on September 1, 2019:
26

27 (e) THE FUNCTIONS OF PROFESSIONAL REVIEW COMMITTEES
28 PURSUANT TO ARTICLE 36.5 OF TITLE 12, C.R.S.
29

30 **SECTION 3.** In Colorado Revised Statutes, **amend** 12-36.5-101
31 as follows:
32

33 **12-36.5-101. Legislative declaration.** (1) The general assembly
34 hereby finds, determines, and declares that the Colorado medical board
35 created ~~pursuant to~~ IN article 36 of this title ~~acts~~ AND THE STATE BOARD
36 OF NURSING CREATED IN ARTICLE 38 OF THIS TITLE ACT for the state in its
37 sovereign capacity to govern licensure, discipline, and professional
38 review of persons licensed to practice medicine, LICENSED AS PHYSICIAN
39 ASSISTANTS, AND LICENSED TO PRACTICE NURSING AND GRANTED AN
40 AUTHORITY AS ADVANCED PRACTICE NURSES, RESPECTIVELY, in this state.
41 The general assembly further finds, determines, and declares that:
42

43 (a) The authority to ~~practice medicine~~ PROVIDE HEALTH CARE in
44 this state is a privilege granted by the legislative authority of the state; and
45 ~~that~~
46

47 (b) It is necessary for the health, safety, and welfare of the people
48 of this state that the ~~Colorado medical board~~ APPROPRIATE REGULATORY
49 BOARDS exercise ~~its~~ THEIR authority to protect the people of this state
50 from ~~the~~ unauthorized practice of ~~medicine~~ and ~~from~~ unprofessional
51 conduct by persons licensed to ~~practice medicine~~ PROVIDE HEALTH CARE
52 under ~~article 36~~ ARTICLES 36 AND 38 of this title.
53

54 (2) The general assembly recognizes that:
55

56 (a) Many patients of persons licensed to ~~practice medicine~~

1 PROVIDE HEALTH CARE in this state have restricted choices of ~~physicians~~
 2 HEALTH CARE PROVIDERS under a variety of circumstances and
 3 conditions;

4
 5 (b) Many patients lack the knowledge, experience, or education
 6 to properly evaluate the quality of medical OR NURSING practice or the
 7 professional conduct of those licensed to practice medicine, LICENSED TO
 8 ACT AS PHYSICIAN ASSISTANTS, AND LICENSED TO PRACTICE NURSING AND
 9 GRANTED AN AUTHORITY AS ADVANCED PRACTICE NURSES; and

10
 11 (c) It is necessary and proper that the ~~Colorado medical board~~
 12 RESPECTIVE REGULATORY BOARDS exercise ~~its~~ THEIR regulatory authority
 13 to protect the health, safety, and welfare of the people of this state.

14
 15 (3) The general assembly recognizes that, in the proper exercise
 16 of ~~its~~ THEIR authority and responsibilities under this article, the Colorado
 17 medical board AND THE STATE BOARD OF NURSING must, to some extent,
 18 replace competition with regulation, and that ~~such~~ THE replacement of
 19 competition by regulation, particularly with regard to ~~physicians~~ PERSONS
 20 LICENSED UNDER ARTICLE 36 OF THIS TITLE OR LICENSED UNDER ARTICLE
 21 38 OF THIS TITLE AND GRANTED AN AUTHORITY AS ADVANCED PRACTICE
 22 NURSES, is related to a legitimate state interest in the protection of the
 23 health, safety, and welfare of the people of this state.

24
 25 **SECTION 4.** In Colorado Revised Statutes, **amend** 12-36.5-102
 26 as follows:

27
 28 **12-36.5-102. Definitions.** As used in this article, unless the
 29 context otherwise requires:

30
 31 (1) ~~"Medical board" means the Colorado medical board created~~
 32 ~~pursuant to section 12-36-103.~~ "AUTHORIZED ENTITY" MEANS A
 33 CORPORATION, ORGANIZATION, OR ENTITY THAT IS AUTHORIZED TO
 34 ESTABLISH A PROFESSIONAL REVIEW COMMITTEE UNDER SECTION
 35 12-36.5-104 (3) OR (4) OR UNDER RULES OF THE MEDICAL BOARD OR
 36 NURSING BOARD ADOPTED PURSUANT TO SECTION 12-36.5-104 (5).

37
 38 (2) "CMS" MEANS THE FEDERAL CENTERS FOR MEDICARE AND
 39 MEDICAID SERVICES.

40
 41 ~~(2)~~ (3) "Governing board" means ~~any~~ A board, board of trustees,
 42 governing board, or other body, or duly authorized subcommittee thereof,
 43 of ~~any organization of health care providers~~ AN AUTHORIZED ENTITY,
 44 which board or body has final authority pursuant to ~~such organization's~~
 45 THE ENTITY'S written bylaws, policies, or procedures to take final action
 46 regarding the recommendations of ~~any authorized~~ A professional review
 47 committee.

48
 49 (4) "JOINT COMMISSION" MEANS THE JOINT COMMISSION ON THE
 50 ACCREDITATION OF HEALTHCARE ORGANIZATIONS OR ITS SUCCESSOR
 51 ENTITY.

52
 53 (5) "MEDICAL BOARD" MEANS THE COLORADO MEDICAL BOARD
 54 CREATED IN SECTION 12-36-103 (1).

55
 56 ~~(3)~~ (6) "Professional review committee" means any committee

1 authorized under ~~the provisions of~~ this article to review and evaluate the
 2 QUALIFICATIONS, COMPETENCE, AND professional conduct of, and the
 3 quality and appropriateness of patient care provided by, any ~~physician~~
 4 PERSON licensed under article 36 of this title OR LICENSED UNDER ARTICLE
 5 38 OF THIS TITLE AND GRANTED AN AUTHORITY AS AN ADVANCED
 6 PRACTICE NURSE. "PROFESSIONAL REVIEW COMMITTEE" INCLUDES A
 7 GOVERNING BOARD, A HEARING PANEL APPOINTED BY A GOVERNING BODY
 8 TO CONDUCT A HEARING UNDER SECTION 12-36.5-104 (7) (a), AND AN
 9 INDEPENDENT THIRD PARTY DESIGNATED BY A GOVERNING BOARD UNDER
 10 SECTION 12-36.5-104 (8) (b).

11
 12 ~~(4)~~ (7) (a) "Records" means any and all written, ELECTRONIC, or
 13 ~~verbal~~ ORAL communications by any person ~~any member of an~~
 14 ~~investigative body, or any professional review committee or governing~~
 15 ~~board, or the staff thereof~~ arising from any activities of a professional
 16 review committee, INCLUDING A GOVERNING BOARD, ESTABLISHED BY AN
 17 authorized ~~by~~ ENTITY UNDER this article OR BY THE AGENT OR STAFF
 18 THEREOF, including ~~the~~ ANY:

19
 20 (I) REFERENCE;

21
 22 (II) Complaint, response, OR correspondence related ~~thereto~~ TO
 23 THE COMPLAINT OR RESPONSE;

24
 25 (III) INTERVIEWS OR STATEMENTS, REPORTS, MEMORANDA,
 26 ASSESSMENTS, AND PROGRESS REPORTS DEVELOPED TO ASSIST IN
 27 PROFESSIONAL REVIEW ACTIVITIES;

28
 29 (IV) ASSESSMENTS AND PROGRESS REPORTS TO ASSIST IN
 30 PROFESSIONAL REVIEW ACTIVITIES, INCLUDING REPORTS AND
 31 ASSESSMENTS DEVELOPED BY INDEPENDENT CONSULTANTS IN
 32 CONNECTION WITH PROFESSIONAL REVIEW ACTIVITIES; AND

33
 34 (V) Recordings or transcripts of proceedings, minutes, formal
 35 recommendations, decisions, exhibits, and other similar items or
 36 documents RELATED TO PROFESSIONAL REVIEW ACTIVITIES AND typically
 37 constituting the records of administrative proceedings.

38
 39 (b) "RECORDS" DOES NOT INCLUDE ANY WRITTEN, ELECTRONIC, OR
 40 ORAL COMMUNICATIONS BY ANY PERSON THAT ARE OTHERWISE
 41 AVAILABLE FROM AN ORIGINAL SOURCE OUTSIDE THE SCOPE OF
 42 PROFESSIONAL REVIEW ACTIVITIES, INCLUDING MEDICAL RECORDS AND
 43 OTHER HEALTH INFORMATION.

44
 45 (8) "STATE BOARD OF NURSING" OR "NURSING BOARD" MEANS THE
 46 STATE BOARD OF NURSING CREATED IN SECTION 12-38-104.

47
 48 **SECTION 5.** In Colorado Revised Statutes, **amend** 12-36.5-103
 49 as follows:

50
 51 **12-36.5-103. Use of professional review committees.**

52 (1) (a) The general assembly recognizes that:

53
 54 (I) The medical board AND THE NURSING BOARD, while assuming
 55 and retaining ultimate authority for licensure and discipline in accordance
 56 with ~~article~~ ARTICLES 36 AND 38 of this title, RESPECTIVELY, and in

1 accordance with this article, cannot practically and economically assume
 2 responsibility over every single allegation or instance of purported
 3 deviation from the standards of quality for the practice of medicine OR
 4 NURSING, from the standards of professional conduct, or from the
 5 standards of appropriate care; and ~~that~~

6
 7 (II) An attempt to exercise such oversight would result in
 8 extraordinary delays in the determination of the legitimacy of ~~such~~ THE
 9 allegations and would result in the inappropriate and unequal exercise of
 10 ~~its~~ THEIR authority to license and discipline ~~physicians~~ PERSONS LICENSED
 11 UNDER ARTICLE 36 OF THIS TITLE OR LICENSED UNDER ARTICLE 38 OF THIS
 12 TITLE AND GRANTED AUTHORITY AS ADVANCED PRACTICE NURSES.

13
 14 (b) It is therefore the intent of the general assembly that the
 15 medical board AND THE NURSING BOARD utilize and allow professional
 16 review committees and governing boards to assist ~~it~~ THEM in meeting ~~its~~
 17 THEIR responsibilities under ~~article~~ ARTICLES 36 AND 38 of this title,
 18 RESPECTIVELY, and under this article.

19
 20 (2) All ~~physicians~~ PERSONS LICENSED UNDER ARTICLE 36 OF THIS
 21 TITLE OR LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED
 22 AUTHORITY AS ADVANCED PRACTICE NURSES are encouraged to serve
 23 upon ~~such~~ professional review committees when called to do so and to
 24 study and review in ~~good faith~~ AN OBJECTIVELY REASONABLE MANNER the
 25 professional conduct of ~~physicians~~ PERSONS LICENSED UNDER ARTICLE 36
 26 OF THIS TITLE OR LICENSED UNDER ARTICLE 38 OF THIS TITLE AND
 27 GRANTED AUTHORITY AS ADVANCED PRACTICE NURSES, including the
 28 QUALIFICATIONS, COMPETENCE, AND PROFESSIONAL CONDUCT OF, AND
 29 THE quality and appropriateness of patient care PROVIDED BY, THOSE
 30 PERSONS.

31
 32 (3) (a) The use of professional review committees is ~~declared to~~
 33 ~~be~~ an extension of the authority of the medical board AND NURSING
 34 BOARD. However, except as otherwise provided in this article, nothing in
 35 this article ~~shall limit~~ LIMITS the authority of professional review
 36 committees properly constituted under this article.

37
 38 (b) Professional review committees, the members who constitute
 39 ~~such~~ THE committees, governing boards, AUTHORIZED ENTITIES, and
 40 persons who participate directly or indirectly in professional review
 41 ~~proceedings~~ ACTIVITIES are granted certain immunities from SUIT AND
 42 liability FOR DAMAGES arising from actions ~~which~~ THAT are within the
 43 scope of their activities ~~and taken in good faith~~ as provided in section
 44 12-36.5-105. ~~Such~~ THESE grants of immunity from SUIT AND liability FOR
 45 DAMAGES are ~~declared to be~~ necessary to ensure that professional review
 46 committees and governing boards can exercise their professional
 47 knowledge and judgment.

48
 49 **SECTION 6.** In Colorado Revised Statutes, **amend** 12-36.5-104
 50 as follows:

51
 52 **12-36.5-104. Establishment of professional review committees**
 53 **- function - rules.** (1) A professional review committee may be
 54 established pursuant to this section to review and evaluate the
 55 QUALIFICATIONS AND COMPETENCE OF, THE quality and appropriateness
 56 of patient care provided by, and the professional conduct of, any

1 ~~physician licensed under article 36 of this title~~ PERSON LICENSED UNDER
2 ARTICLE 36 OF THIS TITLE OR LICENSED UNDER ARTICLE 38 OF THIS TITLE
3 AND GRANTED AN AUTHORITY AS AN ADVANCED PRACTICE NURSE.
4

5 (2) ~~Persons Licensed to practice medicine under article 36 of this~~
6 ~~title~~ PHYSICIANS who are actively engaged in the practice of medicine in
7 this state ~~shall~~ MUST constitute a majority of THE VOTING MEMBERS OF any
8 professional review committee established pursuant to this section FOR
9 PHYSICIANS AND PHYSICIAN ASSISTANTS; ~~except for those boards~~ THAT
10 PHYSICIANS NEED NOT CONSTITUTE THE MAJORITY OF THE VOTING
11 MEMBERS OF A BOARD authorized by paragraph (g) of subsection (4) of
12 this section OR AN INDEPENDENT THIRD PARTY DESIGNATED BY A
13 GOVERNING BOARD UNDER PARAGRAPH (b) OF SUBSECTION (8) OF THIS
14 SECTION.
15

16 (3) A utilization and quality control peer review organization, as
17 defined pursuant to 42 U.S.C. sec. 1320c-1, or any other organization
18 performing similar review services under federal or state law ~~shall be~~ IS
19 an approved professional review committee under this article.
20

21 (4) ~~Any~~ A professional review committee established by any of
22 the following ~~organizations, entities, or professional societies shall be~~
23 AUTHORIZED ENTITIES IS an approved professional review committee
24 under this article if it operates ~~pursuant to~~ IN SUBSTANTIAL COMPLIANCE
25 WITH written bylaws, policies, or procedures that are in compliance with
26 this article and that have been approved by ~~its~~ THE AUTHORIZED ENTITY'S
27 governing board:
28

29 (a) The medical OR NURSING staff of a hospital licensed pursuant
30 to part 1 of article 3 of title 25, C.R.S., or certified pursuant to section
31 25-1.5-103 (1) (a) (II), C.R.S.;

32
33 (b) The medical OR NURSING staff of a hospital-related
34 corporation. For the purposes of this paragraph (b), ~~a corporation~~ AN
35 ENTITY is A "hospital-related CORPORATION" if the licensed or certified
36 hospital or holding company of ~~such~~ THE LICENSED OR CERTIFIED hospital
37 has ownership or control of ~~such corporation~~ THE ENTITY;
38

39 (c) A society or association of physicians whose membership
40 includes not less than one-third of the doctors of medicine or doctors of
41 osteopathy licensed to practice and residing in this state, if the physician
42 whose services are the subject of the review is a member of ~~such~~ THE
43 society or association;
44

45 (d) A society or association of physicians licensed to practice and
46 residing in this state and specializing in a specific discipline of medicine,
47 whose society or association has been designated by the medical board as
48 ~~the~~ A specialty society or association representative of physicians
49 practicing ~~such~~ THE specific discipline of medicine, if the physician
50 whose services are the subject of the review is a member of ~~such~~ THE
51 specialty society or association;
52

53 (e) An individual practice association or a preferred provider
54 organization ~~comprised~~ CONSISTING of ~~at least twenty-five~~ physicians or
55 a medical group ~~which~~ THAT predominantly serves members of a health
56 maintenance organization licensed pursuant to parts 1 and 4 of article 16

1 of title 10, C.R.S. A professional review committee established pursuant
2 to this paragraph (e) ~~shall have~~ HAS jurisdiction to review only physicians
3 who are members of the association or organization creating and
4 authorizing that committee; except that ~~such~~ THE professional review
5 committee may review the care provided to a particular patient referred
6 by a member of ~~such~~ THE association or organization to another physician
7 who is not a member of ~~such~~ THE association or organization.
8

9 (f) A corporation authorized to insure ~~physicians~~ PERSONS
10 LICENSED UNDER ARTICLE 36 OF THIS TITLE OR LICENSED UNDER ARTICLE
11 38 OF THIS TITLE AND GRANTED AUTHORITY AS ADVANCED PRACTICE
12 NURSES pursuant to article 3 of title 10, C.R.S., or any other ~~corporation~~
13 ORGANIZATION authorized to insure such ~~physicians~~ PERSONS in this state
14 when designated by the medical board OR NURSING BOARD under
15 subsection (5) of this section;
16

17 (g) THE governing ~~boards~~ BOARD of any AUTHORIZED entity ~~which~~
18 THAT has a professional review committee established pursuant to article
19 36 OR ARTICLE 38 of this title;
20

21 (h) Any ~~peer~~ PROFESSIONAL review committee established or
22 created by a combination or pooling of any ~~of the organizations~~
23 authorized ~~by this section to have a professional review committee~~
24 ENTITIES;
25

26 (i) (I) A nonprofit corporation or association ~~comprised~~
27 CONSISTING of representatives from a statewide ~~medical~~ PROFESSIONAL
28 society and a statewide hospital association. ~~Such~~ THE association ~~shall~~
29 ~~be comprised~~ MUST CONSIST of ~~physicians~~ PERSONS LICENSED UNDER
30 ARTICLE 36 OF THIS TITLE OR LICENSED UNDER ARTICLE 38 OF THIS TITLE
31 AND GRANTED AUTHORITY AS ADVANCED PRACTICE NURSES, hospital
32 administrators, and hospital trustees, with a majority of ~~such~~ THE
33 representatives being ~~physicians~~ PERSONS LICENSED UNDER ARTICLE 36 OF
34 THIS TITLE OR LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED
35 AUTHORITY AS ADVANCED PRACTICE NURSES. The association may
36 establish, or contract for, one or more ~~peer~~ PROFESSIONAL review
37 committees to review the care by hospital staff ~~physicians~~ HEALTH CARE
38 PROVIDERS, with priority given to small rural ~~medical~~ HOSPITAL staffs.
39 ~~Such peer~~ THESE PROFESSIONAL review services ~~shall~~ MUST be available
40 statewide on a fee-for-service basis to licensed or certified hospitals at the
41 joint request of the governing ~~body~~ BOARD and the medical OR NURSING
42 staff of the hospital or at the sole request of the governing ~~body~~ BOARD
43 of the hospital. If a ~~physician~~ MEMBER being reviewed specializes in a
44 generally recognized specialty of medicine OR NURSING, at least one of
45 the ~~physicians~~ HEALTH CARE PROVIDERS on the ~~peer~~ PROFESSIONAL
46 review committee ~~shall~~ MUST be a ~~physician practicing~~ PERSON LICENSED
47 UNDER ARTICLE 36 OF THIS TITLE, OR LICENSED UNDER ARTICLE 38 OF THIS
48 TITLE AND GRANTED AUTHORITY AS AN ADVANCED PRACTICE NURSE, WHO
49 PRACTICES such specialty.
50

51 (II) For purposes of the introductory portion to this subsection (4)
52 AND THIS PARAGRAPH (i), the bylaws, policies, ~~and~~ OR procedures ~~shall~~
53 MUST be in SUBSTANTIAL compliance with this article and ~~be~~ approved by
54 the nonprofit corporation or association.
55

56 (j) The medical OR NURSING staff of an ambulatory surgical center

1 licensed pursuant to part 1 of article 3 of title 25, C.R.S.;

2

3 (k) A PROFESSIONAL SERVICES ENTITY ORGANIZED PURSUANT TO
4 SECTION 12-36-134;

5

6 (l) A PROVIDER NETWORK THAT INCLUDES HEALTH CARE
7 PROVIDERS ORGANIZED PURSUANT TO PART 3 OF ARTICLE 18 OF TITLE 6,
8 C.R.S.;

9

10 (m) A HEALTH SYSTEM THAT INCLUDES TWO OR MORE
11 AUTHORIZED ENTITIES WITH A COMMON GOVERNING BOARD;

12

13 (n) A TRUST ORGANIZATION ESTABLISHED UNDER ARTICLE 70 OF
14 TITLE 11, C.R.S.;

15

16 (o) AN ENTITY LICENSED PURSUANT TO PARTS 1 AND 4 OF ARTICLE
17 16 OF TITLE 10, C.R.S.; AND

18

19 (p) AN ACCOUNTABLE CARE ORGANIZATION ESTABLISHED UNDER
20 THE FEDERAL "PATIENT PROTECTION AND AFFORDABLE CARE ACT",
21 PUB.L. 111-148, OR OTHER ORGANIZATION WITH A SIMILAR FUNCTION.

22

23 (5) The medical board AND THE NURSING BOARD, WITH RESPECT
24 TO THE LICENSEES SUBJECT TO THEIR JURISDICTION, may establish by rule
25 procedures necessary to authorize other health care or physician
26 organizations or professional societies to AS AUTHORIZED ENTITIES THAT
27 MAY establish professional review committees.

28

29 (6) (a) A professional review committee acting pursuant to this
30 part 1 may investigate or cause to be investigated:

31

32 (I) The qualifications AND COMPETENCE of any ~~physician licensed~~
33 ~~under article 36 of this title~~ PERSON LICENSED UNDER ARTICLE 36 OF THIS
34 TITLE OR LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED
35 AUTHORITY AS AN ADVANCED PRACTICE NURSE who seeks to subject
36 himself or herself to the authority of any ~~organization, entity, or~~
37 ~~professional society listed in subsection (4) of this section or any~~
38 ~~organization or professional society that has been authorized by the~~
39 ~~medical board to establish a professional review committee pursuant to~~
40 ~~subsection (5) of this section~~ AUTHORIZED ENTITY; or

41

42 (II) The quality or appropriateness of patient care rendered by, or
43 the professional conduct of, any ~~physician licensed under article 36 of this~~
44 ~~title~~ PERSON LICENSED UNDER ARTICLE 36 OF THIS TITLE OR LICENSED
45 UNDER ARTICLE 38 OF THIS TITLE AND GRANTED AUTHORITY AS AN
46 ADVANCED-PRACTICE NURSE who is subject to the authority of ~~such~~
47 ~~organization, entity, or professional society~~ THE AUTHORIZED ENTITY.

48

49 (b) ~~Such~~ THE PROFESSIONAL REVIEW COMMITTEE SHALL CONDUCT
50 THE investigation ~~shall be conducted~~ in SUBSTANTIAL conformity with
51 written bylaws, policies, or procedures adopted by ~~such organization,~~
52 ~~entity, or professional society~~ THE AUTHORIZED ENTITY'S GOVERNING
53 BOARD.

54

55 (7) The written bylaws, policies, or procedures of any professional
56 review committee ~~shall~~ FOR LICENSED PHYSICIANS AND PHYSICIAN

1 ASSISTANTS MUST provide for at least the following:
2

3 (a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
4 PARAGRAPH (a), if the findings of any investigation indicate that the
5 LICENSED physician OR PHYSICIAN ASSISTANT who is the subject of the
6 investigation is lacking in qualifications OR COMPETENCY, has provided
7 substandard or inappropriate patient care, or has exhibited inappropriate
8 professional conduct AND THE PROFESSIONAL REVIEW COMMITTEE TAKES
9 OR RECOMMENDS AN ACTION TO ADVERSELY AFFECT THE PHYSICIAN'S OR
10 PHYSICIAN ASSISTANT'S MEMBERSHIP, AFFILIATION, OR PRIVILEGES WITH
11 THE AUTHORIZED ENTITY, the professional review committee shall hold
12 a hearing ~~unless the physician waives his right to a hearing~~, to consider
13 the findings ~~except that~~, AND RECOMMENDATIONS UNLESS THE PHYSICIAN
14 OR PHYSICIAN ASSISTANT WAIVES, IN WRITING, THE RIGHT TO A HEARING.
15

16 (II) If the professional review committee is submitting its findings
17 AND RECOMMENDATIONS to another professional review committee for
18 review, only one hearing ~~shall be~~ IS necessary prior to any appeal before
19 the governing ~~body~~ BOARD.
20

21 (b) ~~Any~~ A person who has participated in the course of ~~any~~ AN
22 investigation ~~shall be~~ IS disqualified as a member of the PROFESSIONAL
23 REVIEW committee ~~at any~~ THAT CONDUCTS A hearing ~~held~~ pursuant to
24 paragraph (a) of this subsection (7), but ~~such~~ THE person may participate
25 as a witness in ~~such~~ THE hearing.
26

27 (c) ~~The physician~~ AUTHORIZED ENTITY SHALL GIVE REASONABLE
28 NOTICE OF THE HEARING, AND OF ANY FINDING OR RECOMMENDATION
29 THAT WOULD ADVERSELY AFFECT THE PHYSICIAN'S OR PHYSICIAN
30 ASSISTANT'S MEMBERSHIP, AFFILIATION, OR PRIVILEGES WITH THE
31 AUTHORIZED ENTITY TO THE PHYSICIAN OR PHYSICIAN ASSISTANT who is
32 the subject of ~~any~~ AN investigation, ~~shall be given reasonable notice of~~
33 ~~such hearing~~ and ~~shall have~~ THE PHYSICIAN OR PHYSICIAN ASSISTANT HAS
34 a right to be present, to be represented by legal counsel at ~~such~~ THE
35 hearing, and to offer evidence in his OR HER own behalf.
36

37 (d) After ~~such~~ THE hearing, the professional review committee
38 THAT CONDUCTED THE HEARING shall make any recommendations it
39 deems necessary to the governing board, unless OTHERWISE provided by
40 federal law or regulation.
41

42 (e) THE PROFESSIONAL REVIEW COMMITTEE SHALL GIVE a copy of
43 ~~such~~ THE recommendations ~~shall be given~~ to the subject physician OR
44 PHYSICIAN ASSISTANT, who then ~~shall have~~ HAS the right to appeal ~~the~~
45 ~~findings and recommendations of the professional review committee~~ to
46 the governing board to which the recommendations are made WITH
47 REGARD TO ANY FINDING OR RECOMMENDATION THAT WOULD ADVERSELY
48 AFFECT THE PHYSICIAN'S OR PHYSICIAN ASSISTANT'S MEMBERSHIP,
49 AFFILIATION, OR PRIVILEGES WITH THE AUTHORIZED ENTITY.
50

51 (f) THE PROFESSIONAL REVIEW COMMITTEE SHALL FORWARD a
52 copy of any recommendations made pursuant to paragraph (d) of this
53 subsection (7) ~~shall be promptly forwarded~~ to the medical board.
54

55 (8) (a) All governing boards shall adopt written bylaws, policies,
56 or procedures UNDER which ~~provide that~~ a physician OR PHYSICIAN

1 ASSISTANT who is the subject of an adverse recommendation by a
2 professional review committee may appeal to the governing board ~~Such~~
3 FOLLOWING A HEARING IN ACCORDANCE WITH SUBSECTION (7) OF THIS
4 SECTION. THE bylaws, policies, or procedures ~~shall~~ MUST provide that the
5 physician OR PHYSICIAN ASSISTANT ~~shall~~ be given reasonable notice of his
6 OR HER right to appeal and, unless waived by the physician ~~shall have~~ OR
7 PHYSICIAN ASSISTANT, HAS the right to appear before the governing board,
8 to be represented by legal counsel, and to offer ~~such~~ THE argument on the
9 record as he OR SHE deems appropriate.

10

11 (b) The bylaws may provide that a committee of not fewer than
12 three members of the governing board may hear the appeal. ~~such~~ ALSO,
13 THE bylaws may ~~also~~ allow for an appeal to be heard by an independent
14 third party designated by ~~the~~ A GOVERNING board UNDER THIS PARAGRAPH
15 (b).

16

17 (9) THE WRITTEN BYLAWS, POLICIES, OR PROCEDURES OF ANY
18 PROFESSIONAL REVIEW COMMITTEE FOR ADVANCED PRACTICE NURSES
19 MUST PROVIDE FOR AT LEAST THE FOLLOWING:

20

21 (a) ONE OR MORE LICENSED NURSES WHO ARE REGISTERED AS
22 ADVANCED PRACTICE NURSES WHO ARE ACTIVELY ENGAGED IN THE
23 PRACTICE OF NURSING IN THIS STATE MUST BE MEMBERS OF THE
24 PROFESSIONAL REVIEW COMMITTEE ESTABLISHED PURSUANT TO THIS
25 SECTION FOR ADVANCED PRACTICE NURSES, EXCEPT THAT ADVANCED
26 PRACTICE NURSES NEED NOT BE MEMBERS OF A GOVERNING BOARD OR AN
27 INDEPENDENT THIRD PARTY DESIGNATED BY A GOVERNING BOARD, IF
28 APPLICABLE TO THE PROFESSIONAL REVIEW PROCESS.

29

30 (b) THE PROFESSIONAL REVIEW PROCESS FOR ADVANCED PRACTICE
31 NURSES CONDUCTED BY AUTHORIZED ENTITIES THAT ARE NOT LICENSED
32 HEALTH FACILITIES MAY BE SUBSTANTIALLY SIMILAR TO THE PROCESS
33 UNDER SUBSECTIONS (7) AND (8) OF THIS SECTION FOR PHYSICIANS AND
34 PHYSICIAN ASSISTANTS, EXCEPT THAT ADVANCED PRACTICE NURSES WILL
35 SUBSTITUTE FOR PHYSICIAN ASSISTANTS. THE PROFESSIONAL REVIEW
36 COMMITTEE SHALL FORWARD A COPY OF ANY RECOMMENDATIONS TO THE
37 NURSING BOARD.

38

39 (c) THE PROFESSIONAL REVIEW PROCESS FOR ADVANCED PRACTICE
40 NURSES CONDUCTED BY AUTHORIZED ENTITIES THAT ARE LICENSED
41 HEALTH FACILITIES AND THAT PARTICIPATE IN ANY FEDERAL HEALTH CARE
42 PROGRAM, INCLUDING THE FEDERAL MEDICARE AND MEDICAID PROGRAMS,
43 MAY BE ESTABLISHED IN A MANNER TO COMPLY WITH THE APPLICABLE
44 HEALTH FACILITY LICENSING REQUIREMENTS UNDER TITLE 25, C.R.S., AND
45 ASSOCIATED REGULATIONS, THE FEDERAL "SOCIAL SECURITY ACT", AND
46 THE CONDITIONS FOR COVERAGE OR CONDITIONS OF PARTICIPATION
47 PROMULGATED BY THE CMS, AS APPLICABLE TO THE TYPE OF HEALTH
48 FACILITY. THE PROFESSIONAL REVIEW COMMITTEE SHALL FORWARD A
49 COPY OF ANY RECOMMENDATIONS TO THE NURSING BOARD.

50

51 ~~(9)~~ (10) All governing boards that are required to report their final
52 actions to the medical board OR THE NURSING BOARD, AS APPROPRIATE,
53 are not otherwise relieved of ~~such~~ THEIR obligations by virtue of ~~any~~
54 ~~provision~~ of this article.

55

56 ~~(10)~~ (11) (a) EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS

1 SUBSECTION (11), the records of a AN AUTHORIZED ENTITY AND ITS
2 professional review committee, a ITS governing board, or the committee
3 on anticompetitive conduct shall ARE not be subject to subpoena or
4 discovery and shall ARE not be admissible in any civil suit. brought
5 against a physician who is the subject of such records.
6

7 (b) ~~Notwithstanding the provisions of paragraph (a) of this~~
8 ~~subsection (10), such~~ SUBJECT TO SUBSECTION (14) OF THIS SECTION, THE
9 records shall be ARE subject to subpoena and available for use:
10

11 (I) By the committee on anticompetitive conduct;
12

13 (II) By either party in any AN appeal or de novo proceeding
14 brought pursuant to this part 1;
15

16 (III) By a ~~physician~~ PERSON LICENSED UNDER ARTICLE 36 OF THIS
17 TITLE, OR LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED
18 AUTHORITY AS AN ADVANCED PRACTICE NURSE, in a suit seeking judicial
19 review of any AN action by the governing board;
20

21 (IV) BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND
22 ENVIRONMENT IN ACCORDANCE WITH ITS AUTHORITY TO ISSUE OR
23 CONTINUE A HEALTH FACILITY LICENSE OR CERTIFICATION FOR AN
24 AUTHORIZED ENTITY;
25

26 (V) BY THE CMS IN ACCORDANCE WITH ITS EVALUATION PROCESS
27 FOR FEDERAL HEALTH CARE PROGRAM PARTICIPATION BY AN AUTHORIZED
28 ENTITY;
29

30 ~~(IV)~~ (VI) By a governing board seeking judicial review;
31

32 (VII) BY THE MEDICAL BOARD WITHIN THE SCOPE OF ITS
33 AUTHORITY OVER LICENSED PHYSICIANS AND PHYSICIAN ASSISTANTS; AND
34

35 (VIII) BY THE NURSING BOARD WITHIN THE SCOPE OF ITS
36 AUTHORITY OVER ADVANCED PRACTICE NURSES.
37

38 (12) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS
39 SUBSECTION (12), THE RECORDS OF AN AUTHORIZED ENTITY OR ITS
40 PROFESSIONAL REVIEW COMMITTEE MAY BE DISCLOSED TO:
41

42 (I) THE MEDICAL BOARD, AS REQUESTED BY THE MEDICAL BOARD
43 ACTING WITHIN THE SCOPE OF ITS AUTHORITY OR AS REQUIRED OR
44 APPROPRIATE UNDER THIS ARTICLE OR ARTICLE 36 OF THIS TITLE;
45

46 (II) THE NURSING BOARD, AS REQUESTED BY THE NURSING BOARD
47 ACTING WITHIN THE SCOPE OF ITS AUTHORITY OR AS REQUIRED OR
48 APPROPRIATE UNDER THIS ARTICLE OR ARTICLE 38 OF THIS TITLE;
49

50 (III) THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND
51 ENVIRONMENT ACTING WITHIN THE SCOPE OF ITS HEALTH FACILITY
52 LICENSING AUTHORITY OR AS THE AGENT OF CMS;
53

54 (IV) CMS, IN CONNECTION WITH THE SURVEY AND CERTIFICATION
55 PROCESSES FOR FEDERAL HEALTH CARE PROGRAM PARTICIPATION BY AN
56 AUTHORIZED ENTITY; AND

1 (V) THE JOINT COMMISSION OR OTHER ENTITY GRANTED DEEMING
2 AUTHORITY BY CMS, IN CONNECTION WITH A SURVEY OR REVIEW FOR
3 ACCREDITATION.

4
5 (b) THE MEDICAL BOARD, NURSING BOARD, AND COLORADO
6 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL NOT MAKE
7 FURTHER DISCLOSURES OF ANY RECORDS DISCLOSED BY AN AUTHORIZED
8 ENTITY OR ITS PROFESSIONAL REVIEW COMMITTEE UNDER THIS SECTION.

9
10 (13) THE RECORDS OF AN AUTHORIZED ENTITY OR ITS
11 PROFESSIONAL REVIEW COMMITTEE OR GOVERNING BOARD MAY BE
12 SHARED BY AND AMONG AUTHORIZED ENTITIES AND THEIR PROFESSIONAL
13 REVIEW COMMITTEES AND GOVERNING BOARDS CONCERNING THE
14 QUALIFICATIONS, COMPETENCE, AND PROFESSIONAL CONDUCT OF, AND
15 QUALITY AND APPROPRIATENESS OF PATIENT CARE PROVIDED BY, A
16 HEALTH CARE PROVIDER WHO SEEKS TO SUBJECT HIMSELF OR HERSELF TO,
17 OR IS CURRENTLY SUBJECT TO, THE AUTHORITY OF THE AUTHORIZED
18 ENTITY.

19
20 (14) RESPONDING TO A SUBPOENA OR DISCLOSING OR SHARING OF
21 OTHERWISE PRIVILEGED RECORDS AND INFORMATION PURSUANT TO
22 SUBSECTION (11), (12), OR (13) OF THIS SECTION DOES NOT CONSTITUTE A
23 WAIVER OF THE PRIVILEGE SPECIFIED IN PARAGRAPH (a) OF SUBSECTION
24 (11) OF THIS SECTION OR A VIOLATION OF THE CONFIDENTIALITY
25 REQUIREMENTS OF SUBSECTION (15) OF THIS SECTION. RECORDS PROVIDED
26 TO ANY GOVERNMENTAL AGENCY, INCLUDING THE DEPARTMENT OF PUBLIC
27 HEALTH AND ENVIRONMENT, THE MEDICAL BOARD, AND THE NURSING
28 BOARD PURSUANT TO SUBSECTION (11) OR (12) OF THIS SECTION ARE NOT
29 PUBLIC RECORDS SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART
30 2 OF ARTICLE 72 OF TITLE 24, C.R.S. A PERSON PROVIDING THE RECORDS
31 TO AN AUTHORIZED ENTITY OR ITS PROFESSIONAL REVIEW COMMITTEE OR
32 GOVERNING BOARD, THE DEPARTMENT OF PUBLIC HEALTH AND
33 ENVIRONMENT, THE MEDICAL BOARD, THE NURSING BOARD, CMS, THE
34 JOINT COMMISSION, OR OTHER GOVERNMENTAL AGENCY IS ENTITLED TO
35 THE SAME IMMUNITY FROM SUIT AND LIABILITY FOR DAMAGES AS
36 PROVIDED UNDER SECTION 12-36.5-105 FOR THE DISCLOSURE OF THE
37 RECORDS.

38
39 ~~(11) At the request of the medical board, a governing board shall~~
40 ~~provide the medical board with the complete record of all professional~~
41 ~~review proceedings, including, but not limited to, the findings,~~
42 ~~recommendations, and actions taken.~~

43
44 ~~(12)~~ (15) Investigations, examinations, hearings, meetings, ~~or any~~
45 AND other proceedings of a professional review committee or governing
46 board conducted pursuant to ~~the provisions of this part 1 shall be~~ ARE
47 exempt from ~~the provisions of~~ any law requiring that proceedings be
48 conducted publicly or that the ~~minutes or~~ records, INCLUDING ANY
49 MINUTES, be open to public inspection.

50
51 ~~(13)~~ (16) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (11),
52 (12), OR (13) OF THIS SECTION, all proceedings, recommendations, records,
53 and reports involving professional review committees or governing
54 boards ~~shall be~~ ARE confidential.

55
56 ~~(14)~~ (17) A professional review committee or governing board

1 ~~which~~ THAT is constituted and conducts its reviews and activities pursuant
2 ~~to the provisions of~~ SUBSTANTIALLY IN ACCORDANCE WITH this part 1 is
3 ~~declared not to be~~ an unlawful conspiracy in violation of section 6-4-104
4 or 6-4-105, C.R.S.

5
6 **SECTION 7.** In Colorado Revised Statutes, 12-36.5-104.4,
7 **amend** (1) as follows:

8
9 **12-36.5-104.4. Hospital professional review committees.**
10 (1) The quality and appropriateness of patient care rendered by
11 ~~physicians~~ PERSONS LICENSED UNDER ARTICLE 36 OF THIS TITLE, LICENSED
12 UNDER ARTICLE 38 OF THIS TITLE AND GRANTED AUTHORITY AS
13 ADVANCED PRACTICE NURSES, and other licensed health care professionals
14 so influence the total quality of patient care that a review of care provided
15 in a hospital is ineffective without concomitantly reviewing THE overall
16 QUALIFICATIONS, COMPETENCE, AND PROFESSIONAL CONDUCT OF, AND
17 THE quality and appropriateness of care rendered by, ~~physicians and other~~
18 ~~licensed health care professionals~~ SUCH PERSONS.

19
20 **SECTION 8.** In Colorado Revised Statutes, **add** 12-36.5-104.6
21 as follows:

22
23 **12-36.5-104.6. Governing boards to register with medical**
24 **board - annual reports - aggregation and publication of data - rules.**

25 (1) EACH GOVERNING BOARD THAT ESTABLISHES OR USES ONE OR MORE
26 PROFESSIONAL REVIEW COMMITTEES TO REVIEW THE PRACTICE OF
27 PHYSICIANS OR PHYSICIAN ASSISTANTS SHALL:

28
29 (a) REGISTER WITH THE MEDICAL BOARD IN A FORM SATISFACTORY
30 TO THE MEDICAL BOARD ON OR BEFORE JULY 1, 2013, IF THE GOVERNING
31 BOARD HAS EXISTING PROFESSIONAL REVIEW COMMITTEES, OR, IF THE
32 GOVERNING BOARD ESTABLISHES A PROFESSIONAL REVIEW COMMITTEE ON
33 OR AFTER JULY 1, 2013, WITHIN THIRTY DAYS AFTER APPROVING THE
34 WRITTEN BYLAWS, POLICIES, OR PROCEDURES FOR THE PROFESSIONAL
35 REVIEW COMMITTEE; AND

36
37 (b) REPORT ON ITS PROFESSIONAL REVIEW ACTIVITIES DURING THE
38 IMMEDIATELY PRECEDING CALENDAR YEAR IN A FORM SATISFACTORY TO
39 THE MEDICAL BOARD. THESE REPORTS MUST INCLUDE THE NUMBER AND
40 TYPE OF CASES REVIEWED AND THE RESULTS OF SUCH REVIEWS, IN
41 AGGREGATE FORM AND WITHOUT INDIVIDUALLY IDENTIFIABLE
42 INFORMATION CONCERNING THE SUBJECT PHYSICIANS OR PHYSICIAN
43 ASSISTANTS.

44
45 (2) THE MEDICAL BOARD SHALL PUBLISH THE DATA PROVIDED
46 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION IN
47 AGGREGATE FORM AND WITHOUT INDIVIDUALLY IDENTIFIABLE
48 INFORMATION CONCERNING THE SUBJECT PHYSICIANS OR PHYSICIAN
49 ASSISTANTS OR THE AUTHORIZED ENTITY.

50
51 (3) THE MEDICAL BOARD SHALL ADOPT RULES TO IMPLEMENT THIS
52 SECTION AND MAY COLLECT A REASONABLE REGISTRATION FEE TO
53 RECOVER ITS DIRECT AND INDIRECT COSTS OF ADMINISTERING THE
54 REGISTRATION AND PUBLICATION SYSTEMS REQUIRED BY THIS SECTION.

55
56 **SECTION 9.** In Colorado Revised Statutes, **add** 12-36.5-104.8

1 as follows:
2

3 **12-36.5-104.8. Governing boards to register with nursing**
4 **board - annual reports - aggregation and publication of data - rules.**

5 (1) EACH GOVERNING BOARD THAT ESTABLISHES OR USES ONE OR MORE
6 PROFESSIONAL REVIEW COMMITTEES TO REVIEW THE PRACTICE OF
7 ADVANCED PRACTICE NURSES SHALL:

8
9 (a) REGISTER WITH THE NURSING BOARD IN A FORM SATISFACTORY
10 TO THE NURSING BOARD ON OR BEFORE JULY 1, 2013, IF THE GOVERNING
11 BOARD HAS EXISTING PROFESSIONAL REVIEW COMMITTEES, OR, IF THE
12 GOVERNING BOARD ESTABLISHES A PROFESSIONAL REVIEW COMMITTEE ON
13 OR AFTER JULY 1, 2013, WITHIN THIRTY DAYS AFTER APPROVING THE
14 WRITTEN BYLAWS, POLICIES, OR PROCEDURES FOR THE PROFESSIONAL
15 REVIEW COMMITTEE; AND

16
17 (b) REPORT ON ITS PROFESSIONAL REVIEW ACTIVITIES DURING THE
18 IMMEDIATELY PRECEDING CALENDAR YEAR IN A FORM SATISFACTORY TO
19 THE NURSING BOARD. THESE REPORTS MUST INCLUDE THE NUMBER AND
20 TYPE OF CASES REVIEWED AND THE RESULTS OF SUCH REVIEWS, IN
21 AGGREGATE FORM AND WITHOUT INDIVIDUALLY IDENTIFIABLE
22 INFORMATION CONCERNING THE SUBJECT ADVANCED PRACTICE NURSES.
23

24 (2) THE NURSING BOARD SHALL PUBLISH THE DATA PROVIDED
25 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION IN
26 AGGREGATE FORM AND WITHOUT INDIVIDUALLY IDENTIFIABLE
27 INFORMATION CONCERNING THE SUBJECT ADVANCED PRACTICE NURSES OR
28 THE AUTHORIZED ENTITY.
29

30 (3) THE NURSING BOARD SHALL ADOPT RULES TO IMPLEMENT THIS
31 SECTION AND MAY COLLECT A REASONABLE REGISTRATION FEE TO
32 RECOVER ITS DIRECT AND INDIRECT COSTS OF ADMINISTERING THE
33 REGISTRATION AND PUBLICATION SYSTEMS REQUIRED BY THIS SECTION.
34

35 **SECTION 10.** In Colorado Revised Statutes, **amend** 12-36.5-105
36 as follows:
37

38 **12-36.5-105. Immunity from suit and liability.** (1) A member
39 of a professional review committee, GOVERNING BOARD, HEARING PANEL,
40 OR INDEPENDENT THIRD PARTY DESIGNATED BY A GOVERNING BOARD
41 UNDER SECTION 12-36.5-104 (8) (b); A PERSON SERVING ON THE STAFF OF
42 THAT COMMITTEE, BOARD, PANEL, OR THIRD PARTY; a witness OR
43 CONSULTANT before a professional review committee; ~~or~~ AND any person
44 who files a complaint or otherwise participates in the professional review
45 process ~~shall be~~ IS immune from suit in any civil or criminal action,
46 including antitrust actions, ~~brought by a physician who is the subject of~~
47 ~~the review by such professional review committee, if such member made~~
48 ~~a reasonable effort to obtain the facts of the matter as to which he acted,~~
49 ~~acted in the reasonable belief that the action taken by him was warranted~~
50 ~~by the facts, and otherwise acted in good faith within the scope of such~~
51 ~~professional review committee process and if such witness or participant~~
52 ~~acted in good faith within the scope of such professional review~~
53 ~~committee process~~ AND IS IMMUNE FROM LIABILITY FOR DAMAGES UNLESS,
54 IN CONNECTION WITH THE PROFESSIONAL REVIEW PROCESS, THE PERSON
55 PROVIDED FALSE INFORMATION AND KNEW THAT THE INFORMATION WAS
56 FALSE.

1 (2) The governing board ~~the individual members of such board~~
 2 and the AUTHORIZED entity that has established a peer PROFESSIONAL
 3 review committee pursuant to section 12-36.5-104 ~~the board's staff, any~~
 4 ~~person acting as a witness or consultant to the board, any witness~~
 5 ~~testifying in a proceeding authorized under this article, and any person~~
 6 ~~who lodges a complaint pursuant to this article shall be immune from~~
 7 ~~liability in any civil action brought against him or her for acts occurring~~
 8 ~~while acting in his or her capacity as board member, staff, consultant, or~~
 9 ~~witness, respectively, if such individual was acting in good faith within~~
 10 ~~the scope of his or her respective capacity, made a reasonable effort to~~
 11 ~~obtain the facts of the matter as to which he or she acted, and acted in the~~
 12 ~~reasonable belief that the action taken by him or her was warranted by the~~
 13 ~~facts. Any person participating in good faith in lodging a complaint or~~
 14 ~~participating in any investigative or administrative proceeding pursuant~~
 15 ~~to this article shall be immune from any civil or criminal liability that may~~
 16 ~~result from such participation~~ IS IMMUNE FROM SUIT IN ANY CIVIL OR
 17 CRIMINAL ACTION, INCLUDING ANTITRUST ACTIONS, AND IS IMMUNE FROM
 18 LIABILITY FOR DAMAGES IF THE PROFESSIONAL REVIEW ACTION WAS
 19 TAKEN WITHIN THE SCOPE OF THE PROFESSIONAL REVIEW PROCESS AND
 20 WAS TAKEN:

21
 22 (a) IN THE OBJECTIVELY REASONABLE BELIEF THAT THE ACTION
 23 WAS IN THE FURTHERANCE OF QUALITY HEALTH CARE;

24
 25 (b) AFTER AN OBJECTIVELY REASONABLE EFFORT TO OBTAIN THE
 26 FACTS OF THE MATTER;

27
 28 (c) IN THE OBJECTIVELY REASONABLE BELIEF THAT THE ACTION
 29 TAKEN WAS WARRANTED BY THE FACTS; AND

30
 31 (d) IN ACCORDANCE WITH PROCEDURES THAT, UNDER THE
 32 CIRCUMSTANCES, WERE FAIR TO THE PERSON LICENSED UNDER ARTICLE 36
 33 OF THIS TITLE OR LICENSED UNDER ARTICLE 38 OF THIS TITLE AND
 34 GRANTED AN AUTHORITY AS AN ADVANCED PRACTICE NURSE.

35
 36 **SECTION 11.** In Colorado Revised Statutes, 12-36.5-106,
 37 **amend** (2), (5), (7), (8), (9) introductory portion, (9) (a), (9) (b), (9) (e),
 38 (9) (f), (9) (k), (9) (n), (10), (12), and (13) as follows:

39
 40 **12-36.5-106. Committee on anticompetitive conduct - rules.**

41 (2) The committee ~~shall be composed~~ CONSISTS of five persons, none of
 42 whom ~~shall be~~ IS a member of the medical board, APPOINTED AS
 43 FOLLOWS:

44
 45 (a) THE MEDICAL BOARD SHALL APPOINT four members of the
 46 committee, ~~shall~~ WHO MUST be licensed to ~~practice medicine~~ PROVIDE
 47 HEALTH CARE and actively engaged in the practice of medicine in this
 48 state. ~~and shall be appointed by the medical board. No~~ A member
 49 APPOINTED PURSUANT TO THIS PARAGRAPH (a) shall NOT practice in the
 50 same medical subspecialty as any other member ~~nor~~ AND SHALL NOT
 51 conduct his or her primary practice in the same county as any other
 52 member.

53
 54 (b) THE GOVERNOR SHALL APPOINT one member ~~shall be~~
 55 ~~appointed by the governor and shall be~~ WHO IS an attorney licensed to
 56 practice in this state AND who has particular expertise and experience in

1 the area of antitrust law.

2
3 (5) The committee shall annually elect a ~~chairman~~ CHAIR from
4 among its members. Any three members of the committee shall constitute
5 a quorum. Any action of a majority of those present comprising ~~such~~ THE
6 quorum ~~shall be~~ IS the action of the committee. Committee members ~~shall~~
7 ~~be~~ ARE compensated as provided in section 24-34-102 (13), C.R.S. The
8 committee may ~~in its discretion~~, utilize the expertise of consultants,
9 including ~~but not limited to~~, legal, medical, and business specialists. THE
10 COMMITTEE SHALL ASSESS AND COLLECT costs of ~~such~~ THE consultants
11 ~~shall be assessed and collected~~ as provided in subsection (11) of this
12 section.

13
14 (7) ~~Any physician~~ A HEALTH CARE PROVIDER who is the subject
15 of a final action by a governing board, which action results in the denial,
16 termination, or restriction of privileges at or membership ~~in~~ or
17 participation in an organization, and who believes that ~~such~~ THE action
18 resulted from unreasonable anticompetitive conduct ~~shall have, as his sole~~
19 ~~and exclusive remedy~~, MAY SEEK direct review of the record by the
20 committee. ~~such~~ THE review, ~~shall be~~ WHICH IS THE HEALTH CARE
21 PROVIDER'S EXCLUSIVE REMEDY, IS limited to the sole issue of whether
22 ~~such~~ THE final board action resulted from unreasonable anticompetitive
23 conduct. Failure to exhaust this administrative remedy before the
24 committee ~~shall preclude~~ PRECLUDES the right of de novo review on the
25 merits of the issue of unreasonable anticompetitive conduct.

26
27 (8) Nothing in this article ~~shall preclude~~ PRECLUDES a ~~physician~~
28 ~~or~~ health care provider otherwise aggrieved by the final action of a
29 governing board from seeking other remedies available to them by law,
30 except as provided in subsection (7) of this section.

31
32 (9) ~~Review by~~ The committee shall ~~be~~ CONDUCT THE REVIEW in
33 accordance with the following procedures and, to the extent practicable,
34 in accordance with the procedures used in the district courts of this state:

35
36 (a) ~~Review shall be initiated~~ THE AGGRIEVED HEALTH CARE
37 PROVIDER MUST INITIATE THE REVIEW by filing a verified complaint with
38 the committee, no later than thirty days after receipt of a notice of final
39 action by the governing board, alleging, with specificity, all facts
40 disclosed in the record and all additional facts known to the complainant
41 ~~which~~ THAT would support his OR HER allegation that the final action
42 taken by the governing board resulted from unreasonable anticompetitive
43 conduct.

44
45 (b) The committee shall mail a copy of ~~such~~ THE complaint to the
46 governing board and the professional review committee by certified mail,
47 return receipt requested, within five days ~~of~~ AFTER the receipt of ~~such~~ THE
48 complaint by the committee, advising them of their right to file a verified
49 answer to the allegations stated ~~therein~~ Receipt of such complaint by mail
50 ~~shall make~~ IN THE COMPLAINT. The recipients ~~thereof~~ OF THE COMPLAINT
51 BECOME a party to these proceedings UPON RECEIPT OF THE COMPLAINT.

52
53 (e) If the committee finds THAT no ~~such~~ probable cause exists, it
54 shall dismiss the complaint, which dismissal ~~shall constitute~~ CONSTITUTES
55 final administrative action.

56

1 (f) If the committee finds ~~such~~ THAT probable cause exists, it shall
2 schedule a hearing. At ~~such~~ THE hearing, the committee shall review the
3 record below on the sole issue of whether the final action of the
4 governing board resulted from unreasonable anticompetitive conduct and
5 shall take evidence only with regard to the additional facts specifically
6 alleged in the complaint or answer regarding unreasonable
7 anticompetitive conduct, except when, in the discretion of the committee,
8 the interests of a fair hearing demand otherwise.
9

10 (k) If the committee finds by a preponderance of evidence that the
11 final action of the governing board resulted from unreasonable
12 anticompetitive conduct, it shall issue its final order disapproving and
13 setting aside ~~such~~ THE action or modifying the action taken by the
14 governing board in whole or in part, which final order ~~shall be~~ IS binding
15 on the parties. THE COMMITTEE SHALL MAIL a copy of ~~such~~ THE order
16 ~~shall be mailed~~ by certified mail, return receipt requested, to the parties.
17

18 (n) In any case presented to the committee where the ~~medical~~
19 HEALTH CARE practice of the complainant constitutes a clear and present
20 danger to patients, the committee shall refer the case to the medical board
21 OR NURSING BOARD, AS APPLICABLE, for ~~such~~ action as the board deems
22 appropriate.
23

24 (10) (a) Following final administrative action by the committee,
25 ~~such action of the committee may be reviewed only by~~ the court of
26 appeals MAY REVIEW THE ACTION OF THE COMMITTEE through appropriate
27 proceedings brought pursuant to section 24-4-106 (11), C.R.S.
28

29 (b) Following final administrative action by the committee, ~~any~~
30 A party aggrieved by the final action of a governing board who wishes to
31 challenge the action of ~~such~~ THE governing board, rather than the
32 committee's review of ~~such~~ THE action, ~~shall have~~ HAS the right to seek
33 de novo review on the merits in a district court in Colorado. In no event
34 shall the medical board, NURSING BOARD, or the committee be made
35 parties to ~~such a~~ THE district court action.
36

37 (c) As a condition of filing a complaint under paragraph (a) of
38 subsection (9) of this section, the complainant shall post a cash bond or
39 equivalent liquid security of three thousand dollars to cover anticipated
40 costs ~~which~~ THAT may be assessed against him OR HER. Within thirty days
41 ~~of~~ AFTER receipt of service of a complaint on a governing board, or
42 concurrently with the filing of an answer, whichever is earlier, the
43 governing board shall post a cash bond or equivalent liquid security of
44 three thousand dollars to cover anticipated costs ~~which~~ THAT may be
45 assessed against it as a party. The committee may enforce this latter
46 requirement through the district court.
47

48 (12) The committee shall promulgate ~~such rules and regulations~~
49 as ~~may be~~ necessary for the implementation of this section, including
50 mechanisms to secure the payment of costs as provided in paragraph (c)
51 of subsection (10) and subsection (11) of this section.
52

53 (13) ~~Any~~ A member of the committee, ~~any~~ A member of the
54 committee's staff, ~~any~~ A person acting as a witness or consultant to the
55 committee, ~~any~~ A witness testifying in a proceeding authorized under this
56 article, and ~~any~~ A person who lodges a complaint pursuant to this article

1 ~~shall be~~ ARE immune from liability in any civil action brought against him
 2 or her for acts occurring while acting in his or her capacity as committee
 3 member, staff, consultant, or witness, respectively, if ~~such~~ THE individual
 4 was acting in ~~good faith~~ AN OBJECTIVELY REASONABLE MANNER within
 5 the scope of his or her respective capacity, made a reasonable effort to
 6 obtain the facts of the matter as to which he or she acted, and acted in the
 7 reasonable belief that the action taken by him or her was warranted by the
 8 facts. Any person participating in good faith in lodging a complaint or
 9 participating in any investigative or administrative proceeding pursuant
 10 to this article ~~shall be~~ IS immune from any civil or criminal liability that
 11 may result from ~~such~~ THE participation.
 12

13 **SECTION 12.** In Colorado Revised Statutes, **amend** 12-36.5-202
 14 as follows:
 15

16 **12-36.5-202. Rules - compliance with reporting requirements**
 17 **of federal act.** ~~Upon implementation of~~ THE MEDICAL BOARD MAY
 18 PROMULGATE RULES TO COMPLY WITH THE REPORTING REQUIREMENTS OF
 19 the federal "Health Care Quality Improvement Act of 1986", as amended,
 20 42 U.S.C. secs. 11101 through 11152, and ~~upon implementation of~~ TO
 21 PARTICIPATE IN the federal data bank. ~~the medical board shall promulgate~~
 22 ~~rules to comply with such act which rules are consistent with the~~
 23 ~~standards and the reporting requirements of such act.~~
 24

25 **SECTION 13.** In Colorado Revised Statutes, **amend** 12-36.5-203
 26 as follows:
 27

28 **12-36.5-203. Limitations on liability relating to professional**
 29 **review actions.** (1) The following persons ~~shall~~ ARE IMMUNE FROM SUIT
 30 AND not ~~be~~ liable for damages in ~~any~~ A civil action with respect to their
 31 participation in, assistance to, or reporting of information to a
 32 professional review ~~body~~ COMMITTEE in connection with a professional
 33 review action in this state, and ~~such~~ THE persons ~~shall~~ ARE IMMUNE FROM
 34 SUIT AND not ~~be~~ liable for damages in ~~any~~ A civil action with respect to
 35 their participation in, assistance to, or reporting of information to a
 36 professional review ~~body which~~ COMMITTEE THAT meets the standards of
 37 and is in conformity with ~~the provisions of~~ the federal "Health Care
 38 Quality Improvement Act of 1986", as amended, 42 U.S.C. secs. 11101
 39 through 11152: ~~upon implementation of such act by the federal~~
 40 ~~government:~~
 41

42 (a) ~~The~~ AN AUTHORIZED ENTITY, professional review ~~body~~
 43 COMMITTEE, OR GOVERNING BOARD;
 44

45 (b) Any person acting as a member of or staff to the AUTHORIZED
 46 ENTITY, professional review ~~body~~ COMMITTEE, OR GOVERNING BOARD;
 47

48 (c) ~~Any person under a contract or other formal agreement with~~
 49 ~~the professional review body~~ A WITNESS, CONSULTANT, OR OTHER PERSON
 50 WHO PROVIDED INFORMATION TO THE AUTHORIZED ENTITY, PROFESSIONAL
 51 REVIEW COMMITTEE, OR GOVERNING BOARD; AND
 52

53 (d) Any person who participates with or assists the professional
 54 review ~~body~~ COMMITTEE OR GOVERNING BOARD with respect to the
 55 professional review ~~action~~ ACTIVITIES.
 56

1 ~~(2) Notwithstanding any other provision of law, no person,~~
2 ~~whether as a witness or otherwise, who provides information to a~~
3 ~~professional review body regarding the competence or professional~~
4 ~~conduct of a physician shall be held, by reason of having provided such~~
5 ~~information, liable in damages in any civil action unless such information~~
6 ~~is false and the person providing it knew that such information was false.~~
7

8 (3) For the purposes of this section, unless the context otherwise
9 requires:

10
11 (a) "Professional review action" means an action or
12 recommendation of a professional review ~~body~~ ~~which~~ COMMITTEE,
13 INCLUDING A GOVERNING BOARD, THAT is taken or made in the conduct
14 of professional review activity and ~~which~~ THAT is based on the QUALITY
15 AND APPROPRIATENESS OF PATIENT CARE PROVIDED BY, AND THE
16 QUALIFICATIONS, competence, or professional conduct of, an individual
17 ~~physician~~ PERSON LICENSED UNDER ARTICLE 36 OF THIS TITLE OR
18 LICENSED UNDER ARTICLE 38 OF THIS TITLE AND GRANTED AN AUTHORITY
19 AS AN ADVANCED PRACTICE NURSE, ~~which~~ ~~conduct~~ ACTION affects or may
20 affect adversely the PERSON'S clinical privileges of or membership in a
21 ~~professional society of the physician~~ AN AUTHORIZED ENTITY.
22 "Professional review action" includes a formal decision by the
23 professional review ~~body~~ COMMITTEE, INCLUDING A GOVERNING BOARD,
24 not to take an action or make a recommendation as provided in this
25 paragraph (a) and also includes professional review activities relating to
26 a professional review action. An action ~~shall~~ IS not ~~be considered to be~~
27 based upon the competence or professional conduct of a ~~physician~~
28 HEALTH CARE PROVIDER if the action is primarily based on:
29

30 (I) The ~~physician's~~ PERSON'S association or lack of association
31 with a professional society or association;
32

33 (II) The ~~physician's~~ PERSON'S fees or his OR HER advertising or
34 engaging in other competitive acts intended to solicit or retain business;
35

36 (III) The ~~physician's~~ PERSON'S association with, supervision of,
37 delegation of authority to, support for, training of, or participation in a
38 private group practice with a member or members of a particular class of
39 health care practitioners or professionals;
40

41 (IV) The ~~physician's~~ PERSON'S participation in prepaid group
42 health plans, salaried employment, or any other manner of delivering
43 health services whether on a fee-for-service basis or other basis;
44

45 (V) Any other matter that does not relate to the QUALITY AND
46 APPROPRIATENESS OF PATIENT CARE PROVIDED BY, OR THE
47 QUALIFICATIONS, competence, or professional conduct of, a ~~physician~~
48 PERSON LICENSED UNDER ARTICLE 36 OF THIS TITLE OR LICENSED UNDER
49 ARTICLE 38 OF THIS TITLE AND GRANTED AN AUTHORITY AS AN ADVANCED
50 PRACTICE NURSE.
51

52 ~~(b) "Professional review body" means a health care entity and the~~
53 ~~governing body or any committee of a health care entity which conducts~~
54 ~~professional review actions and includes any committee of the medical~~
55 ~~staff of such an entity when assisting the governing body in a professional~~
56 ~~review activity.~~

1 **SECTION 14.** In Colorado Revised Statutes, 12-36-118, **amend**
2 (10) (b) as follows:
3

4 **12-36-118. Disciplinary action by board - immunity - rules.**
5 (10) (b) For purposes of the records related to a complaint filed pursuant
6 to this section against a licensee, the board ~~shall be considered~~ IS a
7 professional review committee, the records related to the complaint ~~shall~~
8 include all records described in section 12-36.5-102 ~~(4)~~ (7), and section
9 12-36.5-104 ~~(10)~~ ~~shall apply~~ (11) APPLIES to those records.
10

11 **SECTION 15. Effective date.** (1) Except as otherwise provided
12 in subsection (2) of this section, this act takes effect July 1, 2012.
13

14 (2) Section 11 of this act takes effect only if House Bill 12-1297
15 does not become law.
16

17 **SECTION 16. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety."
20

21
22

23 **SB12-020** be amended as follows, and as so amended, be referred to
24 the Committee of the Whole with favorable
25 recommendation:
26

27 Amend reengrossed bill, page 3, strike lines 3 and 4 and substitute:
28

29 "intends to encourage:
30

31 (I) Persons who otherwise would be reluctant to report such an
32 event due to a fear of criminal prosecution to do so without delay; and
33

34 (II) Persons who abuse alcohol or drugs to seek treatment and
35 assistance as necessary to obtain a safer, healthier lifestyle."
36

37
38
39

40 **STATE, VETERANS, & MILITARY AFFAIRS**

41 After consideration on the merits, the Committee recommends the
42 following:
43

44 **HB12-1080** be referred favorably to the Committee on Education.
45

46 **HB12-1091** be postponed indefinitely.
47
48

49 **HB12-1234** be postponed indefinitely.
50
51

52 **HB12-1235** be postponed indefinitely.
53
54
55

1 **HB12-1274** be amended as follows, and as so amended, be referred to
2 the Committee on Appropriations with favorable
3 recommendation:
4

5 Amend printed bill, page 4, line 8, after "(5)" insert "and (6)".
6

7 Page 4, after line 20 insert:
8

9 "(6) IN ACCORDANCE WITH SECTION 42-1-211, C.R.S., THE
10 DEPARTMENT OF STATE AND THE DEPARTMENT OF REVENUE SHALL ALLOW
11 FOR THE EXCHANGE OF INFORMATION BETWEEN THE SYSTEMS USED BY
12 THE DEPARTMENTS TO COLLECT INFORMATION ON LEGAL NAMES,
13 RESIDENTIAL ADDRESSES, AND SIGNATURES OF ALL APPLICANTS FOR
14 DRIVER'S LICENSES OR STATE IDENTIFICATION CARDS."
15

16 Page 10, after line 9 insert:
17

18 "**SECTION 11.** In Colorado Revised Statutes, 42-1-211, **add**
19 (1.9) as follows:
20

21 **42-1-211. Colorado state titling and registration system.**

22 (1.9) (a) IN ACCORDANCE WITH SECTION 12-55-104 (6), C.R.S., THE
23 DEPARTMENT OF REVENUE AND THE DEPARTMENT OF STATE SHALL ALLOW
24 FOR THE EXCHANGE OF INFORMATION ON LEGAL NAMES AND SIGNATURES
25 BETWEEN THE SYSTEMS USED BY THE DEPARTMENT OF REVENUE AND THE
26 NOTARY PUBLIC FILING SYSTEM MAINTAINED BY THE DEPARTMENT OF
27 STATE FOR THE PURPOSE OF ELECTRONIC FILING OF NOTARY APPLICATIONS
28 AND RENEWALS.
29

30 (b) FOR PURPOSES OF THIS SUBSECTION (1.9), "SYSTEMS USED BY
31 THE DEPARTMENT OF REVENUE" MEANS, BUT IS NOT LIMITED TO, THE
32 COLORADO STATE TITLING AND REGISTRATION SYSTEM, THE DRIVER'S
33 LICENSE DATABASE, AND THE MOTOR VEHICLE REGISTRATION DATABASE."
34

35 Renumber succeeding section accordingly.
36
37
38

39 **HB12-1279** be postponed indefinitely.
40
41

42 **HB12-1292** be amended as follows, and as so amended, be referred to
43 the Committee on Appropriations with favorable
44 recommendation:
45

46 Amend printed bill, page 7, line 12, strike "**amend** (3)".
47

48 Page 7, strike lines 13 through 22 and substitute "**repeal** (3) (a) and (3)
49 (b) as follows:
50

51 **1-2-703. Violations - penalties.** (3) (a) ~~A voter registration drive~~
52 ~~organizer that willfully fails to deliver a voter registration application to~~
53 ~~the proper county clerk and recorder within the time prescribed by section~~
54 ~~1-2-702 (2) shall be punished by a fine not to exceed fifty dollars for each~~
55 ~~business day of violation.~~
56

1 ~~(b) A voter registration drive organizer that has been fined three~~
 2 ~~times or more under paragraph (a) of this subsection (3) for failure to~~
 3 ~~deliver a voter registration application to the proper county clerk and~~
 4 ~~recorder in the manner and time prescribed by section 1-2-702 (2) shall~~
 5 ~~be punished by an additional fine not to exceed one thousand dollars."~~

6
 7 Page 19, strike lines 19 through 23 and substitute "in which the elector is
 8 fluent and in English. No person, other than an election judge or person
 9 selected by the designated election official to provide assistance, shall be
 10 permitted to assist more than one elector per election unless the person is
 11 the elector's spouse, parent, grandparent, sibling, or child eighteen years
 12 or older."

13
 14 Page 22, line 3, strike "SIXTY" and substitute "NINETY".

15
 16 Page 22, line 10, strike "SIXTY" and substitute "NINETY".

17
 18
 19
 20 **HB12-1298** be postponed indefinitely.

21
 22
 23
 24
 25 **TRANSPORTATION**

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

28
 29 **HB12-1302** be referred favorably to the Committee on Finance.

30
 31
 32 **HB12-1312** be amended as follows, and as so amended, be referred to
 33 the Committee of the Whole with favorable
 34 recommendation:

35
 36 Amend printed bill, page 4, strike lines 10 through 12 and substitute "said
 37 THE duplication upon such terms as are just and reasonable, having due
 38 regard to due process of law and to all the rights of the respective parties
 39 and to public convenience and necessity."

40
 41 Page 4, line 26, after "county." add "NOTHING IN THIS SUBSECTION (3)
 42 RESTRICTS THE RIGHT OF A PUBLIC UTILITY OR POWER AUTHORITY TO
 43 APPEAL TO THE PUBLIC UTILITIES COMMISSION A LOCAL GOVERNMENT
 44 ACTION UNDER SECTION 29-20-108, C.R.S."

45
 46
 47
 48 **DELIVERY OF BILLS TO GOVERNOR**

49
 50 The Chief Clerk of the House of Representatives reports the following
 51 bills have been delivered to the Office of the Governor: **HB12-1073,**
 52 **1100, 1198, 1301** at 9:46 a.m. on March 2, 2012.

53
 54
 55
 56

MESSAGE(S) FROM THE SENATE

1
2
3 The Senate has postponed indefinitely HB12-1024. The bill is returned
4 herewith.

INTRODUCTION OF BILLS
First Reading

5
6
7
8
9
10
11 The following bills were read by title and referred to the committees
12 indicated:

13
14 **HB12-1320** by Representative(s) Acree--Concerning energy-related
15 assistance to low-income households.
16 Committee on Agriculture, Livestock, & Natural Resources

17
18 **SB12-038** by Senator(s) Tochtrop; also Representative(s) Vaad--
19 Concerning measures to protect consumers who engage a
20 roofing contractor to perform roofing services on
21 residential property.
22 Committee on Economic and Business Development

23
24 **SB12-041** by Senator(s) Spence; also Representative(s) Priola--
25 Concerning the continuous appropriation of the moneys in
26 the commercial vehicle enterprise tax fund to the
27 department of revenue for sales and use tax refunds.
28 Committee on Finance

29
30 **SB12-060** by Senator(s) Roberts; also Representative(s) Gerou--
31 Concerning improving medicaid fraud prosecution, and, in
32 connection therewith, making and reducing appropriations.
33 Committee on Health and Environment

34
35 **SB12-093** by Senator(s) Carroll, Boyd; also Representative(s) Duran--
36 Concerning a requirement that a licensed hospital provide
37 notice to patients of any service not provided by the
38 hospital because of moral convictions based on religious
39 beliefs.
40 Committee on State, Veterans, & Military Affairs

41
42 **SB12-148** by Senator(s) Guzman, Newell, Nicholson, King S.; also
43 Representative(s) Duran, Hamner, Hulinghorst, Kerr A.,
44 Massey, Scott, Summers, Todd--Concerning changing the
45 name of Metropolitan state college of Denver to
46 Metropolitan state university of Denver.
47 Committee on Education

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LAY OVER OF CALENDAR ITEM(S)

On motion of Representative Brown, the following item(s) on the Calendar was (were) laid over until March 5, retaining place on Calendar:

Consideration of Senate Amendment(s)--**HB12-1078, 1055, HJR12-1010, HB12-1177, 1212.**

On motion of Representative Brown, the House adjourned until 10:00 a.m., March 5, 2012.

Approved:
FRANK McNULTY,
Speaker

Attest:
MARILYN EDDINS,
Chief Clerk