



Colorado Legislative Council Staff Fiscal Note
NO FISCAL IMPACT

Drafting Number: LLS 11-0383**Date:** January 27, 2011**Prime Sponsor(s):** Rep. Riesberg
Sen. Williams S.**Bill Status:** House Judiciary**Fiscal Analyst:** Josh Abram (303-866-3561)

TITLE: CONCERNING THE PROTECTION FROM DISCOVERY IN A CIVIL LAWSUIT AGAINST A STATE-REGULATED PROFESSIONAL OF DOCUMENTS RESULTING FROM A COMPLAINT ABOUT THE PROFESSIONAL THAT ARE HELD BY THE BOARD THAT REGULATES THE PROFESSIONAL.

Summary of Legislation

This bill protects from discovery or subpoena in a civil lawsuit certain documents in the possession of the Department of Regulatory Agencies (DORA) resulting from a formal complaint against a state-regulated professional. The protected documents include the complaint, response, investigation reports, notes, and memoranda. These protections do not apply in cases involving a criminal investigation by a law enforcement agency, or by another state regulatory or license board.

The following named boards and regulated professions in the DORA are affected by the bill:

- ▶ Division of Registrations
- ▶ Addiction Counselors
- ▶ Board of Accountancy
- ▶ Board of Pharmacy
- ▶ Podiatry Board
- ▶ Board of Chiropractic Examiners
- ▶ Board of Dental Examiners
- ▶ Board of Nursing
- ▶ Nurse Aide Advisory Committee
- ▶ Board of Examiners of Nursing Home Administrators
- ▶ Board of Psychologist Examiners
- ▶ Board of Social Work Examiners
- ▶ Board of Licensed Professional Counselor Examiners
- ▶ Board of Marriage and Family Therapist Examiners
- ▶ State Grievance Board

The bill takes effect August 10, 2011, assuming the General Assembly adjourns May 11, 2011 as scheduled, and no referendum petition is filed.

Assessment

This bill is assessed as having no fiscal impact. The bill modifies current law to exempt from discovery certain documents the DORA has in its possession related to a complaint against a regulated professional. Protecting these documents from discovery or subpoena will have no impact on the operations of the DORA and will have no affect on state revenue or expenditures.

Departments Contacted

Law

Regulatory Agencies