

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 06-0258.01 Christy Chase

HOUSE BILL 06-1048

HOUSE SPONSORSHIP

Vigil, Coleman, Schultheis, and White

SENATE SPONSORSHIP

Takis, Hanna, and Taylor

House Committees

Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE DISCIPLINE OF PERSONS ENGAGED IN AN**
102 **OCCUPATION REGULATED BY THE DIVISION OF REGISTRATIONS**
103 **IN THE DEPARTMENT OF REGULATORY AGENCIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Legislative Audit Committee. Makes the unauthorized practice of the following occupations or professions a class 2 misdemeanor for the first offense and a class 6 felony for a second or subsequent offense:

Public accounting;
Architecture;
Audiology services;

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

HOUSE
3rd Reading Unamended
February 7, 2006

HOUSE
Amended 2nd Reading
February 6, 2006

Hearing device sales;
Barbering, hairstyling, esthetics, manicuring, or cosmetology;
Live boxing or kickboxing;
Pharmacy;
Electrician;
Professional engineering;
Professional land surveying;
Acupuncture;
Podiatry;
Chiropractic;
Dentistry or dental hygiene;
Physician assistant;
Practice of medicine;
Direct-entry midwifery;
Practical or professional nursing;
Nursing aide practice or medication administration;
Nursing home administrator;
Optometry;
Physical therapy;
Respiratory therapy;
Psychiatric technician;
Social worker, marriage and family therapist, professional counselor, or psychologist;
Psychotherapy;
Outfitter;
Residential, journeyman, master, or apprentice plumber;
Veterinary medicine; and
Passenger tramway operation.

Decriminalizes the violation of any provision of the practice act for public accounting, boxing and kickboxing, pharmacy, professional engineering, professional land surveying, podiatry, chiropractic, dentistry or dental hygiene, the practice of medicine, and optometry.

Eliminates the requirement that 3 types of professional licensees pay the costs incurred in bringing and conducting an administrative proceeding when the licensee is found to have violated the practice act for the profession or occupation.

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

2 **SECTION 1.** 12-2-129, Colorado Revised Statutes, is amended

3 to read:

4 **12-2-129. Unauthorized practice - penalties.** Any person who

1 violates any provision of this article or violates a cease and desist order
2 issued pursuant to section 12-2-126 SECTION 12-2-120 (1), (2),
3 (5), OR (6) (a) commits a class 3 CLASS 2 misdemeanor and shall be
4 punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST
5 OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE
6 PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS
7 PROVIDED IN SECTION 18-1.3-401, C.R.S.

8 SECTION 2. 12-4-112, Colorado Revised Statutes, is amended
9 BY THE ADDITION OF A NEW SUBSECTION CONTAINING A
10 RELOCATED PROVISION, WITH AMENDMENTS, to read:

11 12-4-112. Exemptions. (7) [Formerly 12-4-113 (1.5)] Nothing
12 in this section ARTICLE shall prohibit a person who is licensed to practice
13 architecture in another jurisdiction of the United States from soliciting
14 work in Colorado. Such THE person shall not perform the practice of
15 architecture in this state without first having obtained a license from the
16 board or having associated with an architect licensed in this state who is
17 associated with the project at all stages of the project.

18 SECTION 3. 12-4-111 (2), Colorado Revised Statutes, is
19 amended BY THE ADDITION OF THE FOLLOWING NEW
20 PARAGRAPHS CONTAINING RELOCATED PROVISIONS, WITH
21 AMENDMENTS, to read:

22 12-4-111. Discipline. (2) Grounds for disciplinary action
23 include:

24 (p) [Formerly 12-4-113 (1) (a)] Sell SELLING or fraudulently
25 obtain OBTAINING or furnish FURNISHING a license or renewal of a license
26 to practice architecture; or

27 (q) [Formerly 12-4-113 (1) (b)] Engage ENGAGING in conduct

1 which THAT is intended or reasonably might be expected to mislead the
2 public into believing that such THE person is an architect; or

3 (r) [Formerly 12-4-113 (1) (c) (IV)] Engage ENGAGING in the
4 practice of an architect as a corporation or partnership or group of
5 persons, unless such entity meets the requirements of section 12-4-110.

6 SECTION 4. The introductory portion to 12-4-113 (1), Colorado
7 Revised Statutes, is amended to read:

8 12-4-113. Unauthorized practice - penalties. (1) ~~It is a class 3~~
9 ~~misdemeanor for any person, including any corporation, association, or~~
10 ~~partnership, to:~~ ANY PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO
11 PRACTICE ARCHITECTURE WITHOUT AN ACTIVE LICENSE ISSUED UNDER
12 THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED
13 AS PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND
14 FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A
15 CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION
16 18-1.3-401, C.R.S.

17 SECTION 5. Repeal of provisions being relocated in this
18 act. 12-4-113 (1) (a), (1) (b), (1) (c) (IV), and (1.5), Colorado Revised
19 Statutes, are repealed.

20 SECTION 6. Repeal. 12-4-113 (1) (c) (I), (1) (c) (II), (1) (c)
21 (III), and (2), Colorado Revised Statutes, are repealed.

22 SECTION 7. 12-5.5-107, Colorado Revised Statutes, is amended
23 BY THE ADDITION OF A NEW SUBSECTION to read:

24 12-5.5-107. Cease and desist orders - unauthorized practice -
25 penalties. (5) ANY PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO
26 PRACTICE AUDIOLOGY SERVICES WITHOUT AN ACTIVE REGISTRATION
27 ISSUED UNDER THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR AND

1 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR THE
2 FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE
3 PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS
4 PROVIDED IN SECTION 18-1.3-401, C.R.S.

5 **SECTION 8.** 12-5.5-205.5, Colorado Revised Statutes, is
6 amended BY THE ADDITION OF A NEW SUBSECTION to read:

7 **12-5.5-205.5. Cease and desist orders - unauthorized practice**
8 **- penalties.** (5) ANY PERSON WHO SELLS OR DIRECTLY OR INDIRECTLY
9 NEGOTIATES TO SELL ANY HEARING DEVICE FOR THE HEARING IMPAIRED
10 WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER THIS ARTICLE COMMITS
11 A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN
12 SECTION 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE
13 SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6
14 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401,
15 C.R.S.

16 **SECTION 9.** 12-8-127 (1), Colorado Revised Statutes, is
17 amended to read:

18 **12-8-127. Unauthorized practice - penalties.** (1) Any person
19 practicing WHO PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE
20 barbering, hairstyling, ESTHETICS, MANICURING, or cosmetology ~~or any of~~
21 ~~the practices thereof, or providing esthetician or manicurist services,~~
22 ~~acting in any capacity wherein a license is required without a license~~
23 ~~provided for in this article; any person knowingly employing a barber,~~
24 ~~hairstylist, cosmetologist, esthetician, or manicurist who has not obtained~~
25 ~~such license; any person who falsely pretends to be qualified to practice~~
26 ~~such occupation; any person who permits anyone in such person's employ~~
27 ~~or under his or her supervision or control to practice barbering,~~

1 ~~hairstyling, or cosmetology or to practice as an esthetician or a manicurist~~
2 ~~without a license issued by the director; any person who obtains or~~
3 ~~attempts to obtain a license for money other than the required fee or other~~
4 ~~thing of value~~ WITHOUT AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE
5 commits a class 2 misdemeanor and shall be punished as provided in
6 section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND
7 OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY
8 AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

9 **SECTION 10.** 12-10-110 (2), Colorado Revised Statutes, is
10 amended to read:

11 **12-10-110. Violations. (2) Criminal penalties.** Any person who
12 engages in a ~~willful violation of this article~~ OR OFFERS OR ATTEMPTS TO
13 ENGAGE IN THE CONDUCT, PROMOTION, OR PERFORMANCE OF LIVE BOXING
14 OR KICKBOXING MATCHES WITHOUT AN ACTIVE LICENSE OR PERMIT ISSUED
15 UNDER THIS ARTICLE commits a class 2 misdemeanor ~~and shall be subject~~
16 ~~to prosecution by the attorney general or the district attorney of the~~
17 ~~district in which the violation is alleged to have occurred~~ and shall be
18 punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST
19 OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE
20 PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS
21 PROVIDED IN SECTION 18-1.3-401, C.R.S.

22 **SECTION 11.** 12-22-127, Colorado Revised Statutes, is amended
23 to read:

24 **12-22-127. Unauthorized practice - penalties.** Any person who
25 ~~violates any of the provisions of this part 1~~ PRACTICES OR OFFERS OR
26 ATTEMPTS TO PRACTICE PHARMACY WITHOUT AN ACTIVE LICENSE ISSUED
27 UNDER THIS ARTICLE commits a class 2 misdemeanor and shall be

1 punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST
2 OFFENSE, and any person committing a second or subsequent offense
3 commits a class 6 felony and shall be punished as provided in section
4 18-1.3-401, C.R.S.

5 **SECTION 12.** 12-23-118 (1), Colorado Revised Statutes, is
6 amended BY THE ADDITION OF THE FOLLOWING NEW
7 PARAGRAPHS CONTAINING RELOCATED PROVISIONS, WITH
8 AMENDMENTS, to read:

9 **12-23-118. Violations - citations - settlement agreements -**
10 **hearings - fines.** (1) The board may deny, suspend, revoke, refuse to
11 renew, or issue a letter of admonition in regard to any license or
12 registration issued or applied for under the provisions of this article, may
13 place a licensee or registrant on probation, or may issue a citation to a
14 licensee, registrant, or applicant for licensure for any of the following
15 reasons:

16 (n) **[Formerly 12-23-119 (1) (b)]** ~~To practice~~ PRACTICING as a
17 residential wireman, journeyman, master, contractor, or apprentice during
18 a period when the licensee's license or the registrant's registration has
19 been suspended or revoked;

20 (o) **[Formerly 12-23-119 (1) (c)]** ~~To sell~~ SELLING or fraudulently
21 ~~obtain or furnish~~ OBTAINING OR FURNISHING a license to practice as a
22 residential wireman, journeyman, or master or ~~to aid or abet~~ AIDING OR
23 ABETTING therein;

24 (p) **[Formerly 12-23-119 (1) (d)]** In conjunction with any
25 construction or building project requiring the services of any person
26 regulated by this article, ~~to willfully disregard or violate~~ DISREGARDING
27 OR VIOLATING:

- 1 (I) Any building or construction law of this state or any of its
2 political subdivisions;
- 3 (II) Any safety or labor law;
- 4 (III) Any health law;
- 5 (IV) Any workers' compensation insurance law;
- 6 (V) Any state or federal law governing withholdings from
7 employee income, including but not limited to income taxes,
8 unemployment taxes, or social security taxes; or
- 9 (VI) Any reporting, notification, or filing law of this state or the
10 federal government.

11 **SECTION 13.** 12-23-119 (2), Colorado Revised Statutes, is
12 amended to read:

13 **12-23-119. Unauthorized practice - penalties.** (2) Any person
14 who ~~violates any provision of this section~~ PRACTICES OR OFFERS OR
15 ATTEMPTS TO PRACTICE THE PROFESSION OF AN ELECTRICIAN WITHOUT AN
16 ACTIVE LICENSE ISSUED UNDER THIS ARTICLE commits a ~~class 1~~ CLASS 2
17 misdemeanor and shall ~~pay a fine~~ BE PUNISHED as provided in section
18 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY
19 SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND
20 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

21 **SECTION 14. Repeal.** 12-23-118 (5) (c), the introductory
22 portion to 12-23-119 (1), and 12-23-119 (1) (a), Colorado Revised
23 Statutes, are repealed.

24 **SECTION 15. Repeal of provisions being relocated in this**
25 **act.** 12-23-119 (1) (b), (1) (c), and (1) (d), Colorado Revised Statutes, are
26 repealed.

27 **SECTION 16.** The introductory portion to 12-25-105 (6) and

1 12-25-105 (7), Colorado Revised Statutes, are amended to read:

2 **12-25-105. Unauthorized practice - penalties.** (6) The practice
3 of professional engineering in violation of any of the provisions of this
4 part 1 ~~shall be deemed a class 3 misdemeanor and~~ shall be either:

5 (7) Any ~~individual, partnership, professional association, joint~~
6 ~~stock company, limited liability company, or corporation who violates any~~
7 ~~of the provisions of this part 1~~ PERSON WHO PRACTICES OR OFFERS OR
8 ATTEMPTS TO PRACTICE PROFESSIONAL ENGINEERING WITHOUT AN ACTIVE
9 LICENSE ISSUED UNDER THIS PART 1 commits a ~~class 3~~ CLASS 2
10 misdemeanor and shall be punished as provided in section 18-1.3-501,
11 C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY
12 SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND
13 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

14 **SECTION 17.** 12-25-108 (1), Colorado Revised Statutes, is
15 amended BY THE ADDITION OF A NEW PARAGRAPH
16 CONTAINING A RELOCATED PROVISION, WITH AMENDMENTS,
17 to read:

18 **12-25-108. Disciplinary actions - grounds for discipline.**

19 (1) The board has the power to deny, suspend, revoke, or refuse to renew
20 the license and certificate of licensure or enrollment of, limit the scope of
21 practice of, or place on probation, any professional engineer or
22 engineer-intern who is found guilty of:

23 (n) [**Formerly 12-25-105 (4)**] ~~It is unlawful for any individual to~~
24 ~~use~~ USING in any manner an expired, suspended, or revoked license,
25 certificate, or seal, ~~to practice or offer~~ PRACTICING OR OFFERING to
26 practice when not qualified, or ~~to falsely claim~~ CLAIMING that ~~such~~ THE
27 individual is licensed.

1 **SECTION 18. Repeal of provision being relocated in this**
2 **act.** 12-25-105 (4), Colorado Revised Statutes, is repealed.

3 **SECTION 19.** The introductory portion to 12-25-205 (3.5) and
4 12-25-205 (4), Colorado Revised Statutes, are amended to read:

5 **12-25-205. Unauthorized practice - penalties.** (3.5) The
6 practice of professional land surveying in violation of any of the
7 provisions of this part 2 ~~shall be deemed a class 3 misdemeanor and shall~~
8 be either:

9 (4) Any ~~individual who violates any of the provisions of this part~~
10 ~~2~~ PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE
11 PROFESSIONAL LAND SURVEYING WITHOUT AN ACTIVE LICENSE ISSUED
12 UNDER THIS PART 2 commits a ~~class 3~~ CLASS 2 misdemeanor and shall be
13 punished as provided in section 18-1.3-501, C.R.S., ~~In case of damage to~~
14 ~~others caused by such misdemeanor, the court of jurisdiction shall~~
15 ~~consider restitution in each case.~~ FOR THE FIRST OFFENSE, AND FOR THE
16 SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6
17 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401,
18 C.R.S.

19 **SECTION 20.** 12-25-208 (1), Colorado Revised Statutes, is
20 amended BY THE ADDITION OF THE FOLLOWING NEW
21 PARAGRAPHS CONTAINING A RELOCATED PROVISION, WITH
22 AMENDMENTS, to read:

23 **12-25-208. Disciplinary actions - grounds for discipline.**
24 (1) The board has the power to deny, suspend, revoke, or refuse to renew
25 the license of, or place on probation, limit the scope of practice of, or
26 require additional training of any professional land surveyor or land
27 surveyor-intern who is found guilty of:

1 (n) [~~Formerly 12-25-205 (3)~~] ~~It is unlawful for any individual to~~
2 ~~attempt~~ ATTEMPTING to use an expired, revoked, suspended, or
3 nonexistent license, ~~to practice or offer~~ PRACTICING OR OFFERING to
4 practice when not qualified, or ~~to falsely claim~~ CLAIMING that ~~such~~ THE
5 individual is licensed; ~~It is unlawful for an individual to use in any~~
6 ~~manner a certificate or certificate number that has not been issued to the~~
7 ~~individual by the board.~~ OR

8 (o) USING IN ANY MANNER A CERTIFICATE OR CERTIFICATE
9 NUMBER THAT HAS NOT BEEN ISSUED TO THE INDIVIDUAL BY THE BOARD.

10 **SECTION 21. Repeal of provision being relocated in this**
11 **act.** 12-25-205 (3), Colorado Revised Statutes, is repealed.

12 **SECTION 22.** 12-29.5-108, Colorado Revised Statutes, is
13 amended to read:

14 **12-29.5-108. Unauthorized practice - penalties.** (1) Any person
15 who ~~violates any of the provisions of section 12-29.5-106(1)(a) to (1)(i)~~
16 PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE ACUPUNCTURE WITHOUT
17 AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE commits a ~~class 3~~ CLASS
18 2 misdemeanor and shall be punished as provided in section 18-1.3-501,
19 C.R.S., ~~Any person who subsequently violates any provision of said~~
20 ~~paragraphs within three years after the date of a conviction for any~~
21 ~~violation of the said paragraphs commits a class 5 felony and shall be~~
22 ~~punished as provided in section 18-1.3-401, C.R.S.~~ FOR THE FIRST
23 OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE
24 PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS
25 PROVIDED IN SECTION 18-1.3-401, C.R.S.

26 (2) Any person who violates the provision of section 12-29.5-106
27 (1) (j) by engaging in sexual contact with a patient during the course of

1 patient care commits a class 1 misdemeanor and shall be ~~punished as~~
2 ~~provided in section 18-1.3-501, C.R.S.~~ REFERRED FOR CRIMINAL
3 PROSECUTION.

4 (3) Any person who violates the provisions of section 12-29.5-106
5 (1) (j) by engaging in sexual intrusion or sexual penetration with a patient
6 during the course of patient care commits a class 4 felony and shall be
7 ~~punished as provided in section 18-1.3-401, C.R.S.~~ REFERRED FOR
8 CRIMINAL PROSECUTION.

9 **SECTION 23.** 12-32-109 (1), Colorado Revised Statutes, is
10 amended to read:

11 **12-32-109. Unauthorized practice - penalties.** (1) ~~Except as~~
12 ~~provided in subsections (1.5), (5), (6), and (7) of this section, if~~ Any
13 ~~person association, or corporation~~ WHO PRACTICES OR OFFERS OR ATTEMPTS
14 TO PRACTICE podiatry within this state without ~~complying with the~~
15 ~~provisions of this article, or if any person, association, or corporation~~
16 ~~otherwise violates any provision of this article, such person or any officer~~
17 ~~or director of any such association or corporation~~ AN ACTIVE LICENSE
18 ISSUED UNDER THIS ARTICLE commits a ~~class 3~~ CLASS 2 misdemeanor and
19 shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE
20 FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE
21 PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS
22 PROVIDED IN SECTION 18-1.3-401, C.R.S. ~~Each day's failure to comply~~
23 ~~with, or each day's violation of, the provisions of this article shall~~
24 constitute a separate offense.

25 **SECTION 24.** 12-33-120, Colorado Revised Statutes, is amended
26 to read:

27 **12-33-120. Unauthorized practice - penalties.** Any person who

1 ~~violates any of the provisions of this article~~ PRACTICES OR OFFERS OR
2 ATTEMPTS TO PRACTICE CHIROPRACTIC WITHOUT AN ACTIVE LICENSE
3 ISSUED UNDER THIS ARTICLE commits a ~~class 3~~ CLASS 2 misdemeanor and
4 shall be punished as provided in section 18-1.3-501, C.R.S., FOR THE
5 FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE
6 PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS
7 PROVIDED IN SECTION 18-1.3-401, C.R.S.

8 **SECTION 25.** 12-35-135 (1), Colorado Revised Statutes, is
9 amended to read:

10 **12-35-135. Unauthorized practice - penalties.** (1) Any person
11 who ~~violates any of the provisions of this article~~ PRACTICES OR OFFERS OR
12 ATTEMPTS TO PRACTICE DENTISTRY OR DENTAL HYGIENE WITHOUT AN
13 ACTIVE LICENSE ISSUED UNDER THIS ARTICLE commits a ~~class 3~~ CLASS 2
14 misdemeanor and shall be liable to prosecution by the attorney general or
15 the district attorney of the district in which the violation is alleged to have
16 occurred and shall be punished as provided in section 18-1.3-501, C.R.S.,
17 FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT
18 OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE
19 PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

20 **SECTION 26.** 12-36-106 (5), Colorado Revised Statutes, is
21 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22 **12-36-106. Practice of medicine defined - exemptions from**
23 **licensing requirements - unauthorized practice by physician**
24 **assistants - penalties - repeal.** (5) (k) ANY PERSON WHO PRACTICES OR
25 OFFERS OR ATTEMPTS TO PRACTICE AS A PHYSICIAN ASSISTANT WITHOUT
26 AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE COMMITS A CLASS 2
27 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION

1 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY
2 SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND
3 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

4 **SECTION 27.** 12-36-129 (1), Colorado Revised Statutes, is
5 amended to read:

6 **12-36-129. Unauthorized practice - penalties.** (1) ~~Except as~~
7 ~~provided in subsections (2) and (2.5) of this section, if~~ Any person
8 ~~association, or corporation~~ WHO practices OR OFFERS OR ATTEMPTS TO
9 PRACTICE medicine within this state without ~~complying with the~~
10 ~~provisions of this article or if any person, association, or corporation~~
11 ~~otherwise violates any provision of this article, such person or any officer~~
12 ~~or director of any such association or corporation~~ AN ACTIVE LICENSE
13 ISSUED UNDER THIS ARTICLE commits a class 2 misdemeanor and shall be
14 punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST
15 OFFENSE; and any person committing a second or subsequent offense
16 commits a class 6 felony and shall be punished as provided in section
17 18-1.3-401, C.R.S.

18 **SECTION 28.** 12-37-108, Colorado Revised Statutes, is amended
19 to read:

20 **12-37-108. Unauthorized practice - penalties.** Any person who
21 practices or offers or attempts to practice direct-entry midwifery without
22 ~~first complying with the registration requirements of section 12-37-103~~
23 ~~and the disclosure requirements of section 12-37-104~~ AN ACTIVE
24 REGISTRATION ISSUED UNDER THIS ARTICLE commits a class 2
25 misdemeanor and shall be punished as provided in section 18-1.3-501,
26 C.R.S., for the first offense, and for the second or any subsequent offense,
27 such person commits a class 6 felony and shall be punished as provided

1 in section 18-1.3-401, C.R.S.

2 **SECTION 29.** 12-38-117 (1), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF THE FOLLOWING NEW
4 PARAGRAPHS CONTAINING RELOCATED PROVISIONS, WITH
5 AMENDMENTS, to read:

6 **12-38-117. Grounds for discipline.** (1) "Grounds for
7 discipline", as used in this article, means any action by any person who:

8 (w) (I) [**Formerly 12-38-123 (1) (b) (I)**] ~~To represent~~
9 REPRESENTS himself or herself to an individual or to the general public
10 by use of any word or abbreviation to indicate or induce others to believe
11 that he or she is a licensed practical or professional nurse unless the
12 person is actually licensed as a practical nurse or professional nurse,
13 respectively; OR

14 (II) [**Formerly 12-38-123 (1) (b) (II)**] ~~To use~~ USES the title
15 "nurse", "registered nurse", "R.N.", "practical nurse", "trained practical
16 nurse", "licensed vocational nurse", "licensed practical nurse", or
17 "L.P.N." unless the person is licensed by the board.

18 (x) [**Formerly 12-38-123 (1) (c)**] ~~To practice~~ PRACTICES as a
19 practical or professional nurse during a period when ~~his~~ THE PERSON'S
20 license has been suspended or revoked;

21 (y) [**Formerly 12-38-123 (1) (d)**] ~~To sell~~ SELLS or fraudulently
22 ~~obtain or furnish~~ OBTAINS OR FURNISHES a license to practice as a nurse
23 or ~~to aid or abet~~ AIDS OR ABETS therein.

24 **SECTION 30.** 12-38-123 (2), Colorado Revised Statutes, is
25 amended to read:

26 **12-38-123. Unauthorized practice - penalties.** (2) Any person
27 who ~~violates the provisions of this section~~ PRACTICES OR OFFERS OR

1 ATTEMPTS TO PRACTICE PRACTICAL OR PROFESSIONAL NURSING WITHOUT
2 AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE commits a ~~class 3~~ CLASS
3 2 misdemeanor and shall be punished as provided in section 18-1.3-501,
4 C.R.S., ~~Any person who subsequently violates any provision of this~~
5 ~~section within three years after the date of the first conviction~~ FOR THE
6 FIRST OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE
7 PERSON commits a class 6 felony and shall be punished as provided in
8 section 18-1.3-401, C.R.S.

9 **SECTION 31.** 12-38-125 (1), Colorado Revised Statutes, is
10 amended BY THE ADDITION OF A NEW PARAGRAPH
11 CONTAINING A RELOCATED PROVISION, WITH AMENDMENTS,
12 to read:

13 **12-38-125. Exclusions - repeal.** (1) No provision of this article
14 shall be construed to prohibit:

15 (m) **[Formerly 12-38-123 (1) (b) (III)]** ~~Notwithstanding any~~
16 ~~provision of this paragraph (b) to the contrary,~~ A person who provides
17 nonmedical support services ~~may use~~ FROM USING the title "Christian
18 Science nurse" when offering or providing services to a member of his or
19 her own religious organization.

20 **SECTION 32. Repeal of provisions being relocated in this**
21 **act.** 12-38-123 (1) (b), (1) (c), and (1) (d), Colorado Revised Statutes, are
22 repealed.

23 **SECTION 33.** 12-38.1-111 (1), Colorado Revised Statutes, is
24 amended BY THE ADDITION OF THE FOLLOWING NEW
25 PARAGRAPHS CONTAINING RELOCATED PROVISIONS, WITH
26 AMENDMENTS, to read:

27 **12-38.1-111. Grounds for discipline.** (1) The board may

1 suspend, revoke, or deny any certification to practice as a nurse aide or
2 any authority to practice as a medication aide or issue a letter of
3 admonition upon proof that such person:

4 (s) [Formerly 12-38.1-118 (1) (a)] ~~On or after January 1, 1990,~~
5 ~~to practice~~ HAS PRACTICED in a medical facility as a nurse aide except as
6 provided pursuant to IN this article;

7 (t) [Formerly 12-38.1-118 (1) (b)] ~~To use~~ HAS USED any
8 designation in connection with his OR HER name that tends to imply that
9 he OR SHE is a certified nurse aide unless he OR SHE is so certified under
10 this article;

11 (u) [Formerly 12-38.1-118 (1) (c)] ~~To practice~~ HAS PRACTICED
12 as a nurse aide during any period when his OR HER certificate has been
13 suspended or revoked;

14 (v) [Formerly 12-38.1-118 (1) (d)] ~~To sell~~ HAS SOLD or
15 fraudulently ~~obtain or furnish~~ OBTAINED OR FURNISHED a certificate to
16 practice as a nurse aide or ~~to aid or abet~~ HAS AIDED OR ABETTED therein.

17 **SECTION 34.** 12-38.1-118 (2), Colorado Revised Statutes, is
18 amended to read:

19 **12-38.1-118. Unauthorized practice - penalties.** (2) Any person
20 who ~~violates the provisions of subsection (1) of this section~~ PRACTICES OR
21 OFFERS OR ATTEMPTS NURSING AIDE PRACTICE OR MEDICATION
22 ADMINISTRATION WITHOUT AN ACTIVE CERTIFICATE OR AUTHORITY ISSUED
23 UNDER THIS ARTICLE commits a class 2 misdemeanor and shall be
24 punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST
25 OFFENSE, and any person committing a SECOND OR subsequent offense
26 commits a class 6 felony and shall be punished as provided in section
27 18-1.3-401, C.R.S.

1 **SECTION 35. Repeal of provision being relocated in this**
2 **act.** 12-38.1-118 (1), Colorado Revised Statutes, is repealed.

3 **SECTION 36.** 12-39-111 (1), Colorado Revised Statutes, is
4 amended BY THE ADDITION OF THE FOLLOWING NEW
5 PARAGRAPHS CONTAINING RELOCATED PROVISIONS, WITH
6 AMENDMENTS, to read:

7 **12-39-111. Grounds for discipline.** (1) The board has the power
8 to revoke, suspend, withhold, or refuse to renew any license, to place on
9 probation a licensee or temporary license holder, or to issue a letter of
10 admonition to a licensee in accordance with the procedures set forth in
11 subsection (3) of this section, upon proof that such person:

12 (1) **[Formerly 12-39-116 (1) (a)]** ~~To practice~~ HAS PRACTICED as
13 a nursing home administrator ~~unless licensed therefor~~ WITHOUT A
14 LICENSE;

15 (m) **[Formerly 12-39-116 (1) (b)]** ~~To use~~ HAS USED in
16 connection with ~~such~~ THE person's name any designations tending to
17 imply that ~~such~~ THE person is a licensed nursing home administrator,
18 unless ~~such~~ THE person in fact holds a valid license; ~~therefor~~;

19 (n) **[Formerly 12-39-116 (1) (c)]** ~~To practice~~ HAS PRACTICED as
20 a nursing home administrator during a period when ~~such~~ THE person's
21 license has been suspended or revoked; OR

22 (o) **[Formerly 12-39-116 (1) (d)]** ~~To sell~~ HAS SOLD, fraudulently
23 ~~obtain, or furnish~~ OBTAINED, OR FURNISHED a license to practice as a
24 nursing home administrator, or ~~to aid or abet~~ HAS AIDED OR ABETTED
25 therein.

26 **SECTION 37.** 12-39-116 (2), Colorado Revised Statutes, is
27 amended to read:

1 **12-39-116. Unauthorized practice - penalties.** (2) Any person
2 who ~~violates the provisions of this section~~ PRACTICES OR OFFERS OR
3 ATTEMPTS TO PRACTICE AS A NURSING HOME ADMINISTRATOR WITHOUT
4 AN ACTIVE LICENSE ISSUED UNDER THIS ARTICLE commits a ~~class 3~~ CLASS
5 2 misdemeanor and shall be punished as provided in section 18-1.3-501,
6 C.R.S., FOR THE FIRST OFFENSE, AND any person who ~~subsequently~~
7 ~~violates any provision of this section within three years after the date of~~
8 ~~the first conviction~~ commits a second or subsequent offense commits a
9 class 6 felony and shall be punished as provided in section 18-1.3-401,
10 C.R.S.

11 **SECTION 38. Repeal of provision being relocated in this**
12 **act.** 12-39-116 (1), Colorado Revised Statutes, is repealed.

13 **SECTION 39.** 12-40-124, Colorado Revised Statutes, is amended
14 to read:

15 **12-40-124. Unauthorized practice - penalties.** Any person who
16 ~~violates any of the provisions of~~ PRACTICES OR OFFERS OR ATTEMPTS TO
17 PRACTICE OPTOMETRY WITHOUT AN ACTIVE LICENSE ISSUED UNDER this
18 article commits a ~~class 3~~ CLASS 2 misdemeanor and shall be punished as
19 provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND any
20 person ~~committing~~ WHO COMMITS a second OR ANY SUBSEQUENT offense
21 commits a ~~class 1 misdemeanor~~ CLASS 6 FELONY and shall be punished as
22 provided in ~~section 18-1.3-501~~ SECTION 18-1.3-401, C.R.S. ~~Any person~~
23 ~~committing a subsequent offense commits a class 6 felony and shall be~~
24 ~~punished as provided in section 18-1.3-401, C.R.S.~~

25 **SECTION 40.** The introductory portion to 12-41-115 (1),
26 Colorado Revised Statutes, is amended, and the said 12-41-115 (1) is
27 further amended BY THE ADDITION OF THE FOLLOWING NEW

1 PARAGRAPHS CONTAINING RELOCATED PROVISIONS, WITH
2 AMENDMENTS, to read:

3 **12-41-115. Grounds for disciplinary action.** (1) The director
4 is authorized to take disciplinary action in accordance with section
5 12-41-116 ~~if the licensee~~ AGAINST ANY PERSON WHO has:

6 (r) [**Formerly 12-41-121 (1) (a)**] ~~Fraudulently obtain, furnish, or~~
7 ~~sell~~ OBTAINED, FURNISHED, OR SOLD any physical therapy diploma,
8 certificate, license, renewal of license, or record, or ~~to aid or abet~~ AIDED
9 OR ABETTED any such act;

10 (s) [**Formerly 12-41-121 (1) (b)**] ~~Advertise, represent, or hold~~
11 ~~oneself~~ ADVERTISED, REPRESENTED, OR HELD HIMSELF OR HERSELF out,
12 in any manner, as a physical therapist or ~~to practice~~ PRACTICED physical
13 therapy ~~unless licensed~~ WITHOUT A LICENSE or UNLESS otherwise
14 authorized under this article;

15 (t) [**Formerly 12-41-121 (1) (c)**] ~~Use~~ USED in connection with
16 ~~such~~ THE person's name any designation tending to imply that ~~such~~ THE
17 person is a physical therapist without being licensed under this article; or

18 (u) [**Formerly 12-41-121 (1) (d)**] ~~Practice~~ PRACTICED physical
19 therapy during the time ~~such~~ THE person's license ~~is~~ WAS suspended or
20 revoked.

21 **SECTION 41.** 12-41-121 (2), (3), and (4), Colorado Revised
22 Statutes, are amended to read:

23 **12-41-121. Unauthorized practice - penalties.** (2) Any person
24 who ~~commits any act specified in subsection (1) of this section~~ PRACTICES
25 OR OFFERS OR ATTEMPTS TO PRACTICE PHYSICAL THERAPY WITHOUT AN
26 ACTIVE LICENSE ISSUED UNDER THIS ARTICLE commits a ~~class 3~~ CLASS 2
27 misdemeanor and shall be punished as provided in section 18-1.3-501,

1 C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY
2 SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND
3 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

4 (3) ~~It is necessary to prove in any prosecution under this article~~
5 ~~only a single act prohibited by this article including, but not limited to, a~~
6 ~~single holding out, without proving a general course of conduct, in order~~
7 ~~to constitute a violation.~~

8 (4) ~~Such misdemeanor shall be prosecuted by the district attorney~~
9 ~~of the judicial district in which the offense is committed in the name of~~
10 ~~the people of the state of Colorado. If the district attorney does not~~
11 ~~prosecute the offense, the director may request the attorney general to~~
12 ~~prosecute said offense.~~

13 **SECTION 42. Repeal of provision being relocated in this**
14 **act.** 12-41-121 (1), Colorado Revised Statutes, is repealed.

15 **SECTION 43.** 12-41.5-109 (2), Colorado Revised Statutes, is
16 amended BY THE ADDITION OF THE FOLLOWING NEW
17 PARAGRAPHS CONTAINING RELOCATED PROVISIONS, WITH
18 AMENDMENTS, to read:

19 **12-41.5-109. Grounds for action - disciplinary proceedings.**

20 (2) The director has the power to revoke, suspend, deny, or refuse to
21 renew a license, place on probation a licensee, or issue a cease and desist
22 order or letter of admonition to a licensee in accordance with subsections
23 (3), (4), (5), and (6) of this section upon proof that such person:

24 (1) **[Formerly 12-41.5-112 (1) (a)]** ~~Practice~~ HAS PRACTICED
25 respiratory therapy ~~unless licensed to do so~~ WITHOUT POSSESSING A VALID
26 LICENSE ISSUED BY THE DIRECTOR IN ACCORDANCE WITH THIS ARTICLE
27 AND ANY RULES ADOPTED under this article;

1 (m) ~~[Formerly 12-41.5-112 (1) (b)] Use~~ HAS USED in connection
2 with his or her name any designation that implies that he or she is a
3 certified, registered, or licensed respiratory therapist, unless ~~such~~ THE
4 person is licensed pursuant to this article;

5 (n) ~~[Formerly 12-41.5-112 (1) (c)] Practice~~ HAS PRACTICED
6 respiratory therapy as a licensed respiratory therapist during the time that
7 his or her license ~~is~~ WAS suspended, revoked, or expired;

8 (o) ~~[Formerly 12-41.5-112 (1) (d)] Sell~~ HAS SOLD, fraudulently
9 ~~obtain, or furnish~~ OBTAINED, OR FURNISHED a license to practice as a
10 licensed respiratory therapist, or ~~aid or abet~~ HAS AIDED OR ABETTED such
11 activity;

12 (p) ~~[Formerly 12-41.5-112 (1) (e)] Fail~~ HAS FAILED to notify the
13 director of the suspension, probation, or revocation of any of ~~such~~ THE
14 person's past or currently held licenses, certificates, or registrations
15 required to practice respiratory therapy in this or any other jurisdiction;

16 OR

17 (q) ~~[Formerly 12-41.5-112 (1) (f)]~~ HAS knowingly ~~employ~~
18 EMPLOYED any person who is not licensed in the practice of respiratory
19 therapy in the capacity of a respiratory therapist.

20 **SECTION 44.** 12-41.5-112 (2), Colorado Revised Statutes, is
21 amended to read:

22 **12-41.5-112. Unauthorized practice - penalties.** (2) A person
23 who ~~violates any provision of this section~~ PRACTICES OR OFFERS OR
24 ATTEMPTS TO PRACTICE RESPIRATORY THERAPY WITHOUT AN ACTIVE
25 LICENSE ISSUED UNDER THIS ARTICLE commits a ~~class 1~~ CLASS 2
26 misdemeanor and shall be punished as provided in section 18-1.3-501,
27 C.R.S., ~~except that imprisonment shall not be imposed for any such~~

1 ~~violation~~ FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY
2 SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND
3 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

4 **SECTION 45. Repeal of provisions being relocated in this**
5 **act.** 12-41.5-112 (1) (a), (1) (b), (1) (c), (1) (d), (1) (e), and (1) (f),
6 Colorado Revised Statutes, are repealed.

7 **SECTION 46. Repeal.** The introductory portion to 12-41.5-112
8 (1) and 12-41.5-112 (1) (g) and (1) (h), Colorado Revised Statutes, are
9 repealed.

10 **SECTION 47.** 12-42-113 (1), Colorado Revised Statutes, is
11 amended BY THE ADDITION OF THE FOLLOWING NEW
12 PARAGRAPHS CONTAINING RELOCATED PROVISIONS, WITH
13 AMENDMENTS, to read:

14 **12-42-113. Grounds for discipline.** (1) "Grounds for
15 discipline", as used in this article, means any action by any person who:

16 (n) [**Formerly 12-42-119 (1) (a)**] ~~Fraudulently obtain, sell,~~
17 ~~transfer, or furnish~~ OBTAINS, SELLS, TRANSFERS, OR FURNISHES any
18 psychiatric technician diploma, license, renewal of license, or record, or
19 ~~aid or abet~~ AIDS OR ABETS another ~~therein~~ IN SUCH ACTIVITY; or

20 (o) [**Formerly 12-42-119 (1) (b)**] ~~Advertise, represent, or hold~~
21 ~~himself~~ ADVERTISES, REPRESENTS, OR HOLDS HIMSELF OR HERSELF out in
22 any manner as a psychiatric technician or ~~to practice~~ PRACTICES as a
23 psychiatric technician without having a license to practice as a psychiatric
24 technician issued under this article; or

25 (p) [**Formerly 12-42-119 (1) (c)**] ~~Use~~ USES in connection with
26 his OR HER name any designation tending to imply that he OR SHE is a
27 licensed psychiatric technician without having a license issued under this

1 article; or

2 (q) [Formerly 12-42-119 (1) (d)] Practice PRACTICES as a
3 psychiatric technician during the time his OR HER license is suspended or
4 revoked. ~~or~~

5 **SECTION 48.** 12-42-119 (2) and (3), Colorado Revised Statutes,
6 are amended to read:

7 **12-42-119. Unauthorized practice - penalties.** (2) ~~Such~~ ANY
8 person WHO PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE AS A
9 PSYCHIATRIC TECHNICIAN WITHOUT AN ACTIVE LICENSE ISSUED UNDER
10 THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR AND shall be punished
11 as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND
12 FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A
13 CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION
14 18-1.3-401, C.R.S.

15 (3) ~~It is necessary to prove in any prosecution under this article~~
16 ~~only a single violation of this article or a single holding out without~~
17 ~~proving a general course of conduct in order to constitute a violation.~~

18 **SECTION 49. Repeal of provisions being relocated in this**
19 **act.** 12-42-119 (1) (a), (1) (b), (1) (c), and (1) (d), Colorado Revised
20 Statutes, are repealed.

21 **SECTION 50. Repeal.** The introductory portion to 12-42-119 (1)
22 and 12-42-119 (1) (e), Colorado Revised Statutes, are repealed.

23 **SECTION 51.** 12-43-222 (1), Colorado Revised Statutes, is
24 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25 **12-43-222. Prohibited activities - related provisions.** (1) A
26 person licensed, registered, or regulated under part 3, 4, 5, 6, or 7 of this
27 article is in violation of this article if such person:

1 (w) HAS SOLD OR FRAUDULENTLY OBTAINED OR FURNISHED A
2 LICENSE OR REGISTRATION TO PRACTICE AS A SOCIAL WORKER, MARRIAGE
3 AND FAMILY THERAPIST, PROFESSIONAL COUNSELOR, OR PSYCHOLOGIST OR
4 HAS AIDED OR ABETTED THEREIN.

5 **SECTION 52.** 12-43-226 (2), Colorado Revised Statutes, is
6 amended to read:

7 **12-43-226. Unauthorized practice - penalties.** (2) Any person
8 who ~~violates any provision of subsection (1) of this section~~ PRACTICES OR
9 OFFERS OR ATTEMPTS TO PRACTICE AS A SOCIAL WORKER, MARRIAGE AND
10 FAMILY THERAPIST, PROFESSIONAL COUNSELOR, OR PSYCHOLOGIST
11 WITHOUT AN ACTIVE LICENSE OR REGISTRATION ISSUED UNDER THIS
12 ARTICLE commits a ~~class 3~~ CLASS 2 misdemeanor and shall be punished
13 as provided in section 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE. Any
14 person who ~~subsequently violates any provision of subsection (1) of this~~
15 ~~section within three years after the date of a conviction for a violation of~~
16 ~~subsection (1) of this section~~ COMMITS A SECOND OR ANY SUBSEQUENT
17 OFFENSE commits a ~~class 5~~ CLASS 6 felony and shall be punished as
18 provided in section 18-1.3-401, C.R.S.

19 **SECTION 53. Repeal.** 12-43-226 (1) and (3) Colorado Revised
20 Statutes, are repealed as follows:

21 **12-43-226. Unlawful acts.** (1) ~~It is unlawful for any person:~~

22 (a) ~~To violate the provisions of section 12-43-214, 12-43-216,~~
23 ~~12-43-222 (1) (h), or 12-43-222 (1) (t) (IV);~~

24 (b) ~~To use in connection with such person's name any designation~~
25 ~~tending to imply that such person is licensed pursuant to this article, or~~
26 ~~registered as a psychologist candidate pursuant to section 12-43-304,~~
27 ~~during a period when such person's license or registration has been~~

1 ~~suspended or revoked;~~

2 ~~(c) To sell or fraudulently obtain or furnish a license or~~
3 ~~registration to practice as a social worker, marriage and family therapist,~~
4 ~~professional counselor, or psychologist or to aid or abet therein.~~

5 ~~(3) Such misdemeanor or felony shall be prosecuted by the district~~
6 ~~attorney of the judicial district in which the offense was committed in the~~
7 ~~name of the people of the state of Colorado.~~

8

9 **SECTION 54.** 12-43-702.5 (3), Colorado Revised Statutes, is
10 amended, and the said 12-43-702.5 is further amended BY THE
11 ADDITION OF A NEW SUBSECTION, to read:

12 **12-43-702.5. Data base of unlicensed psychotherapists -**
13 **unauthorized practice - penalties - data collection.** (3) No unlicensed
14 person may practice psychotherapy if such person is not included in the
15 data base required by this section. ~~Any person who violates the~~
16 ~~provisions of this subsection (3) commits a class 3 misdemeanor and shall~~
17 ~~be punished as provided in section 18-1.3-501, C.R.S.~~ Notwithstanding
18 the requirements of this section, no unlicensed psychotherapist may use
19 the term "registered", "regulated", "certified", "clinical",
20 "state-registered", "state-approved", or any other term or abbreviation that
21 would falsely give the impression that the psychotherapist or the service
22 that is being provided is recommended by the state, based solely on
23 inclusion in the data base.

24 (5) ANY UNLICENSED PERSON WHO PRACTICES PSYCHOTHERAPY
25 WITHOUT FIRST COMPLYING WITH THE RECORDING REQUIREMENTS OF THIS
26 SECTION COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS
27 PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND

1 FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A
2 CLASS 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION
3 18-1.3-401, C.R.S.

4 **SECTION 55.** 12-55.5-108, Colorado Revised Statutes, is
5 amended BY THE ADDITION OF A NEW SUBSECTION to read:

6 **12-55.5-108. Cease and desist orders - unauthorized practice**
7 **- penalties.** (4) ANY PERSON WHO ENGAGES OR OFFERS OR ATTEMPTS TO
8 ENGAGE IN ACTIVITIES AS AN OUTFITTER WITHOUT AN ACTIVE
9 REGISTRATION ISSUED UNDER THIS ARTICLE COMMITS A CLASS 2
10 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
11 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY
12 SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND
13 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

14 **SECTION 56.** 12-55.5-107, Colorado Revised Statutes, is
15 amended BY THE ADDITION OF A NEW SUBSECTION
16 CONTAINING RELOCATED PROVISIONS to read:

17 **12-55.5-107. Penalties - distribution of fines.** (5) [Formerly
18 **12-55.5-107.5 (2)]** All fines collected pursuant to this article shall be
19 distributed as follows:

20 (a) Fifty percent divided by the court between any federal, state,
21 or local law enforcement agency assisting with an investigation;

22 (b) Fifty percent to the division for the cost of administering this
23 article.

24 **SECTION 57. Repeal of provision being relocated in this**
25 **act.** 12-55.5-107.5 (2), Colorado Revised Statutes, is repealed.

26 **SECTION 58. Repeal.** 12-55.5-107.5 (1), Colorado Revised
27 Statutes, is repealed.

1 **SECTION 59.** 12-58-110 (1), Colorado Revised Statutes, is
2 amended BY THE ADDITION OF THE FOLLOWING NEW
3 PARAGRAPHS CONTAINING RELOCATED PROVISIONS, WITH
4 AMENDMENTS, to read:

5 **12-58-110. Disciplinary action by board - licenses or**
6 **registrations denied, suspended, or revoked - cease and desist orders.**

7 (1) The board may deny, suspend, revoke, or refuse to renew any license
8 or registration issued or applied for under the provisions of this article or
9 place a licensee on probation for any of the following reasons:

10 (o) **[Formerly 12-58-116 (1) (b)]** ~~To practice~~ PRACTICING as a
11 residential, journeyman, or master plumber during a period when ~~his~~ THE
12 PERSON'S license has been suspended or revoked;

13 (p) **[Formerly 12-58-116 (1) (c)]** ~~To sell~~ SELLING or fraudulently
14 ~~obtain or furnish~~ OBTAINING OR FURNISHING a license to practice as a
15 residential, journeyman, or master plumber or ~~to aid or abet therein~~
16 AIDING OR ABETTING IN SUCH ACTIVITY.

17 **SECTION 60.** 12-58-116 (2), Colorado Revised Statutes, is
18 amended to read:

19 **12-58-116. Unauthorized practice - penalties.** (2) Any person
20 who ~~violates any provision of this section~~ ENGAGES IN OR WORKS AT OR
21 OFFERS OR ATTEMPTS TO ENGAGE IN OR WORK AT THE BUSINESS, TRADE,
22 OR CALLING OF A RESIDENTIAL, JOURNEYMAN, MASTER, OR APPRENTICE
23 PLUMBER WITHOUT AN ACTIVE LICENSE, PERMIT, OR REGISTRATION ISSUED
24 UNDER THIS ARTICLE commits a ~~class 3~~ CLASS 2 misdemeanor and shall
25 be punished as provided in section 18-1.3-501, C.R.S., FOR THE FIRST
26 OFFENSE, AND FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE
27 PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS

1 PROVIDED IN SECTION 18-1.3-401, C.R.S.

2 **SECTION 61. Repeal of provisions being relocated in this**
3 **act.** 12-58-116 (1) (b) and (1) (c), Colorado Revised Statutes, are
4 repealed.

5 **SECTION 62. Repeal.** The introductory portion to 12-58-116 (1)
6 and 12-58-116 (1) (a), Colorado Revised Statutes, are repealed.

7 **SECTION 63.** 12-64-114 (2), Colorado Revised Statutes, is
8 amended to read:

9 **12-64-114. Unauthorized practice - penalties.** (2) Any person
10 who practices OR OFFERS OR ATTEMPTS TO PRACTICE veterinary medicine
11 without a AN ACTIVE license ISSUED UNDER THIS ARTICLE commits a class
12 3 CLASS 2 misdemeanor and shall be punished as provided in section
13 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE, AND FOR THE SECOND OR ANY
14 SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 6 FELONY AND
15 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S. ~~Each act~~
16 ~~of such unlawful practice shall constitute a distinct and separate offense.~~

17 **SECTION 64.** 25-5-706 (3), Colorado Revised Statutes, is
18 amended BY THE ADDITION OF THE FOLLOWING NEW
19 PARAGRAPHS to read:

20 **25-5-706. Disciplinary action - administrative sanctions -**
21 **grounds.** (3) The board may take disciplinary action for any of the
22 following acts or omissions:

23 (f) OPERATION OF A PASSENGER TRAMWAY BY AN OPERATOR
24 WHOSE LICENSE HAS BEEN SUSPENDED;

25 (g) FAILURE TO COMPLY WITH AN ORDER ISSUED UNDER SECTION
26 25-5-707 OR 25-5-716.

27 

1 **SECTION 65.** 25-5-714, Colorado Revised Statutes, is amended
2 to read:

3 **25-5-714. Disposition of fees and fines.** (1) All fees collected
4 by the board under the provisions of this part 7 shall be transmitted to the
5 state treasurer, who shall credit the same pursuant to section 24-34-105,
6 C.R.S., and the general assembly shall make annual appropriations
7 pursuant to said section for expenditures of the board incurred in the
8 performance of its duties under this part 7, which expenditures shall be
9 made from such appropriations upon vouchers and warrants drawn
10 pursuant to law.

11 (2) FINES COLLECTED PURSUANT TO SECTION 25-5-707 SHALL BE
12 DEPOSITED IN THE GENERAL FUND OF THE STATE.

13 **SECTION 66.** 12-10-107.1 (2) (a), Colorado Revised Statutes, is
14 amended to read:

15 **12-10-107.1. Grounds for discipline.** (2) (a) Any proceeding to
16 deny, suspend, revoke, or place on probation a license shall be conducted
17 pursuant to sections 24-4-104 and 24-4-105, C.R.S. ~~Any person whose~~
18 ~~license is denied, suspended, placed on probation, or revoked shall pay~~
19 ~~for the costs incurred in bringing and conducting such proceeding.~~

20 **SECTION 67. Repeal.** 12-8-127 (3), Colorado Revised Statutes,
21 is repealed as follows:

22 **12-8-127. Penalty.** (3) ~~Any person who is found to have~~
23 ~~committed a violation pursuant to subsection (2) of this section shall pay~~
24 ~~for the costs incurred in bringing and conducting such administrative~~
25 ~~proceeding.~~

26 **SECTION 68. Repeal.** 12-55.5-107 (1.5), Colorado Revised
27 Statutes, is repealed as follows:

1 **12-55.5-107. Penalties.** (1.5) ~~Any person who is found to have~~
2 ~~committed a violation pursuant to subsection (1) of this section shall pay~~
3 ~~for the costs incurred in bringing and conducting such administrative~~
4 ~~proceeding.~~

5 **SECTION 69. Effective date - applicability.** (1) This act shall
6 take effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly that is
8 allowed for submitting a referendum petition pursuant to article V,
9 section 1 (3) of the state constitution (August 9, 2006, if adjournment sine
10 die is on May 10, 2006); except that, if a referendum petition is filed
11 against this act or an item, section, or part of this act within such period,
12 then the act, item, section, or part, if approved by the people, shall take
13 effect on the date of the official declaration of the vote thereon by
14 proclamation of the governor.

15 (2) The provisions of this act shall apply to offenses committed on
16 or after the applicable effective date of this act.