

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 10-0448.01 Christy Chase

SENATE BILL 10-124

SENATE SPONSORSHIP

Carroll M.,

HOUSE SPONSORSHIP

Ryden,

Senate Committees

Health and Human Services
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT CERTAIN HEALTH CARE**
102 **PROVIDERS DISCLOSE INFORMATION ABOUT THEIR PRACTICE**
103 **HISTORY, AND MAKING AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Pursuant to the "Michael Skolnik Medical Transparency Act", enacted in 2007, physicians licensed in Colorado are required to report information pertaining to their practice history, including the following:

! The physician's name, address, and telephone number;

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.

SENATE
3rd Reading Unamended
March 26, 2010

SENATE
Amended 2nd Reading
March 25, 2010

- ! Information pertaining to any license to practice medicine held by the physician at any time;
- ! Any board certifications and specialties;
- ! Any affiliations with hospitals or health care facilities;
- ! Any health care-related business ownership interests or employment contracts if the aggregate value of the contracts exceeds \$5,000 annually;
- ! Any public disciplinary action taken by the state board or the regulatory body of another state or country;
- ! Any agreement or stipulation to temporarily cease or restrict practice or any board order restricting or suspending the physician's license;
- ! Any final action resulting in an involuntary limitation or probationary status on, or reduction, nonrenewal, denial, revocation, or suspension of the physician's medical staff membership or clinical privileges at a hospital or health care facility on or after September 1, 1990;
- ! Any involuntary surrender of the physician's United States drug enforcement administration registration;
- ! Any final criminal conviction or plea arrangement relating to the commission or alleged commission of a felony or crime of moral turpitude;
- ! Any final judgment, settlement, or arbitration award in a medical malpractice claim; and
- ! The refusal of an insurance carrier to issue a medical malpractice insurance policy to the physician due to past claims experience.

The bill enacts the "Michael Skolnik Medical Transparency Act of 2010" to extend similar reporting requirements, as applicable, to the following health care professionals who apply for a new license, certification, or registration or to renew, reinstate, or reactivate a license, certification, or registration, on or after July 1, 2011:

- ! Audiologists and licensed hearing aid providers;
- ! Acupuncturists;
- ! Podiatrists;
- ! Chiropractors;
- ! Dentists and dental hygienists;
- ! Physician assistants;
- ! Direct-entry midwives;
- ! Practical nurses, professional nurses, and advanced practice nurses;
- ! Optometrists;
- ! Physical therapists; and
- ! Psychologists, social workers, marriage and family therapists, professional counselors, addiction counselors,

and unlicensed psychotherapists.

The reporting requirements, as enacted in the original "Michael Skolnik Medical Transparency Act" of 2007, are modified to require all impacted professionals, including physicians, to:

- ! Report the location of the applicant's practice if different than the applicant's address of record;
- ! Report information about the education and training the person received pertaining to his or her profession;
- ! Provide information about other licenses, certifications, or registrations to practice the applicant's profession that were issued in the previous 10 years, rather than those issued at any time in the person's career; and
- ! Comply with their responsibility to report adverse actions to the appropriate regulatory body as otherwise required by law.

The requirement to report the license number, type, original issue date, last renewal date, and expiration date of any other license, certification, or registration issued to the person is eliminated.

In addition to the information required to be reported, an impacted professional is also permitted to submit information pertaining to relevant awards and recognitions received by the person.

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

2 **SECTION 1.** Part 1 of article 34 of title 24, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION
4 CONTAINING A RELOCATED PROVISION, WITH AMENDMENTS,
5 to read:

6 **24-34-110. [Formerly 12-36-111.5] Medical transparency act**
7 **of 2010 - disclosure of information about health care licensees - fines**
8 **- rules - short title - legislative declaration.** (1) This section shall be
9 known and may be cited as the "Michael Skolnik Medical Transparency
10 Act of 2010".

11 (2) (a) The general assembly hereby finds and determines that:

12 (I) The people of Colorado need to be fully informed about the
13 past practices of persons practicing ~~medicine~~ A HEALTHCARE PROFESSION

1 in this state in order to make informed decisions when choosing a ~~medical~~
2 HEALTH care provider and determining whether to proceed with a
3 particular regimen of care recommended by a ~~medical~~ HEALTH care
4 provider;

5 (II) The purpose of this section is to provide transparency to the
6 public regarding the competency of persons engaged in the practice of
7 ~~medicine~~ CERTAIN HEALTH CARE PROFESSIONS in this state to assist
8 citizens in making informed health care decisions.

9 (b) The general assembly further finds and declares that it is
10 important to make information about persons engaged in the practice of
11 ~~medicine~~ A HEALTH CARE PROFESSION available to the public in a manner
12 that is efficient, cost-effective, and maintains the integrity of the
13 information, and to that end, the general assembly encourages persons to
14 file the required information with the ~~state board of medical examiners~~
15 DIVISION OF REGISTRATIONS electronically, to the extent possible.

16 (3) (a) AS USED IN THIS SECTION, "APPLICANT" MEANS A PERSON
17 APPLYING FOR A NEW LICENSE, CERTIFICATION, OR REGISTRATION OR TO
18 RENEW, REINSTATE, OR REACTIVATE A LICENSE, CERTIFICATION, OR
19 REGISTRATION TO PRACTICE:

20 (I) AUDIOLOGY PURSUANT TO PART 1 OF ARTICLE 5.5 OF TITLE 12,
21 C.R.S.;

22 (II) AS A LICENSED HEARING AID PROVIDER PURSUANT TO PART 2
23 OF ARTICLE 5.5 OF TITLE 12, C.R.S.;

24 (III) ACUPUNCTURE PURSUANT TO ARTICLE 29.5 OF TITLE 12,
25 C.R.S.;

26 (IV) PODIATRY PURSUANT TO ARTICLE 32 OF TITLE 12, C.R.S.;

27 (V) CHIROPRACTIC PURSUANT TO ARTICLE 33 OF TITLE 12, C.R.S.;

- 1 (VI) DENTISTRY PURSUANT TO ARTICLE 35 OF TITLE 12, C.R.S.;
- 2 (VII) DENTAL HYGIENE PURSUANT TO ARTICLE 35 OF TITLE 12,
- 3 C.R.S.;
- 4 (VIII) MEDICINE PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S.;
- 5 (IX) AS A PHYSICIAN ASSISTANT PURSUANT TO ARTICLE 36 OF
- 6 TITLE 12, C.R.S.;
- 7 (X) DIRECT-ENTRY MIDWIFERY PURSUANT TO ARTICLE 37 OF TITLE
- 8 12, C.R.S.;
- 9 (XI) PRACTICAL NURSING, PROFESSIONAL NURSING, OR ADVANCED
- 10 PRACTICE NURSING PURSUANT TO ARTICLE 38 OF TITLE 12, C.R.S.;
- 11 (XII) OPTOMETRY PURSUANT TO ARTICLE 40 OF TITLE 12, C.R.S.;
- 12 (XIII) PHYSICAL THERAPY PURSUANT TO ARTICLE 41 OF TITLE 12,
- 13 C.R.S.;
- 14 (XIV) PSYCHOLOGY PURSUANT TO PART 3 OF ARTICLE 43 OF TITLE
- 15 12, C.R.S.;
- 16 (XV) SOCIAL WORK PURSUANT TO PART 4 OF ARTICLE 43 OF TITLE
- 17 12, C.R.S.;
- 18 (XVI) MARRIAGE AND FAMILY THERAPY PURSUANT TO PART 5 OF
- 19 ARTICLE 43 OF TITLE 12, C.R.S.;
- 20 (XVII) PROFESSIONAL COUNSELING PURSUANT TO PART 6 OF
- 21 ARTICLE 43 OF TITLE 12, C.R.S.; AND
- 22 (XVIII) ADDICTION COUNSELING PURSUANT TO PART 8 OF ARTICLE
- 23 43 OF TITLE 12, C.R.S.
- 24 (b) "APPLICANT" INCLUDES AN UNLICENSED THERAPIST ENGAGED
- 25 IN THE PRACTICE OF PSYCHOTHERAPY WHO IS OBLIGATED TO COMPLY WITH
- 26 RECORDING REQUIREMENTS PURSUANT TO SECTION 12-43-702.5, C.R.S.
- 27 ~~(3)~~ (4) On and after January 1, 2008, any person applying for a

1 new license or to renew, reinstate, or reactivate a license to practice
2 medicine in this state, AND ON AND AFTER JULY 1, 2011, EACH APPLICANT
3 FOR A NEW LICENSE, CERTIFICATION, OR REGISTRATION OR TO RENEW,
4 REINSTATE, OR REACTIVATE A LICENSE, CERTIFICATION, OR REGISTRATION
5 IN THIS STATE, shall provide the following information to the ~~board~~
6 DIRECTOR OF THE DIVISION OF REGISTRATIONS, in a form and manner
7 determined by the ~~board that is consistent with the requirements of~~
8 ~~section 12-36-111 (1) or 12-36-123 (1)~~ DIRECTOR, AS APPLICABLE TO
9 EACH PROFESSION:

- 10 (a) (I) The applicant's full name, including any known aliases;
- 11 (II) THE APPLICANT'S current address of record and telephone
12 number;
- 13 (III) THE APPLICANT'S LOCATION OF PRACTICE, IF DIFFERENT THAN
14 THE ADDRESS OF RECORD;
- 15 (IV) THE APPLICANT'S EDUCATION AND TRAINING RELATED TO HIS
16 OR HER PROFESSION;
- 17 (V) Information pertaining to any license, CERTIFICATION, OR
18 REGISTRATION to practice ~~medicine held by the applicant at any time~~ IN
19 THE PROFESSION FOR WHICH THE APPLICANT SEEKS LICENSURE,
20 CERTIFICATION, OR REGISTRATION, ISSUED OR HELD DURING THE
21 IMMEDIATELY PRECEDING TEN YEARS, including the license, ~~number, type~~
22 CERTIFICATION, OR REGISTRATION status ~~original issue date, last renewal~~
23 ~~date, and expiration date~~ YEAR OF ISSUANCE;
- 24 (VI) Any board certifications and specialties, if applicable;
- 25 (VII) Any affiliations with hospitals or health care facilities;
- 26 (VIII) Any health care-related business ownership interests;
- 27 (IX) INFORMATION PERTAINING TO THE APPLICANT'S EMPLOYER,

1 INCLUDING NAME, CURRENT ADDRESS, AND TELEPHONE NUMBER; and

2 (X) Information pertaining to any health care-related employment
3 contracts or contracts establishing an independent contractor relationship
4 with any entities if the annual aggregate value of the contracts exceeds
5 five thousand dollars, as adjusted by the ~~board~~ DIRECTOR during each
6 license, CERTIFICATION, OR REGISTRATION renewal cycle to reflect
7 changes in the United States department of labor, bureau of labor
8 statistics, consumer price index for Denver-Boulder-Greeley, all items, all
9 urban consumers, or its successor index;

10 (b) Any public disciplinary action taken against the applicant by
11 the DIRECTOR, THE APPLICABLE STATE board THAT REGULATES THE
12 APPLICANT'S PROFESSION, or ~~by~~ the board or licensing agency of any other
13 state or country. The applicant shall provide a copy of the action to the
14 ~~board~~ DIRECTOR at the time the application is made.

15 (c) Any agreement or stipulation entered into between the
16 APPLICANT AND THE DIRECTOR, THE APPLICABLE STATE board THAT
17 REGULATES THE APPLICANT'S PROFESSION, or the board or licensing
18 agency of any other state or country ~~and the applicant~~ whereby the
19 applicant agrees to temporarily cease or restrict his or her practice, ~~of~~
20 ~~medicine~~ or any DIRECTOR OR board order restricting or suspending the
21 applicant's ~~medical~~ license, CERTIFICATION, OR REGISTRATION. The
22 applicant shall provide a copy of the agreement, stipulation, or order to
23 the ~~board~~ DIRECTOR at the time the application is made.

24 (d) (I) Any final action that results in an involuntary limitation or
25 probationary status on, or a reduction, nonrenewal, denial, revocation, or
26 suspension of, the applicant's medical staff membership or clinical
27 privileges at any hospital or health care facility occurring on or after

1 September 1, 1990. The applicant shall not be required to report a
2 precautionary or administrative suspension of medical staff membership
3 or clinical privileges, as defined by the ~~board~~ DIRECTOR by rule, unless
4 the applicant resigns his or her medical staff membership or clinical
5 privileges while the precautionary or administrative suspension is
6 pending. To report the information required by this paragraph (d), the
7 applicant shall complete a form developed by the ~~board~~ DIRECTOR that
8 requires the applicant to report only the following information regarding
9 the action:

- 10 (A) The name of the facility or entity that took the action;
- 11 (B) The date the action was taken;
- 12 (C) The type of action taken, including any terms and conditions
13 of the action;
- 14 (D) The duration of the action; and
- 15 (E) Whether the applicant has fulfilled the terms or conditions of
16 the action, if applicable.

17 (II) Notwithstanding article 36.5 of ~~this~~ title 12, and article 3 of
18 title 25, C.R.S., AND ANY PROVISION OF LAW TO THE CONTRARY, the form
19 completed by the applicant pursuant to this paragraph (d) ~~shall be~~ IS a
20 public record and ~~shall~~ IS not ~~be~~ confidential. Compliance with this
21 paragraph (d) ~~shall~~ DOES not constitute a waiver of any privilege or
22 confidentiality conferred by any applicable state or federal law.

23 (e) ANY FINAL ACTION OF AN EMPLOYER THAT RESULTS IN THE
24 APPLICANT'S LOSS OF EMPLOYMENT WHERE THE GROUNDS FOR
25 TERMINATION CONSTITUTE A VIOLATION OF THE LAWS GOVERNING THE
26 APPLICANT'S PRACTICE. TO REPORT THE INFORMATION REQUIRED BY THIS
27 PARAGRAPH (e), THE APPLICANT SHALL COMPLETE A FORM DEVELOPED BY

1 THE DIRECTOR THAT REQUIRES THE APPLICANT TO REPORT ONLY THE
2 FOLLOWING INFORMATION REGARDING THE ACTION:

3 (I) THE NAME OF THE EMPLOYER THAT TERMINATED THE
4 EMPLOYMENT; AND

5 (II) THE DATE THE TERMINATION OCCURRED OR BECAME
6 EFFECTIVE.

7 ~~(e)~~ (f) Any involuntary surrender of the applicant's United States
8 drug enforcement administration registration. The applicant shall provide
9 a copy of the order requiring the surrender of such registration to the
10 ~~board~~ DIRECTOR at the time the application is made.

11 ~~(f)~~ (g) Any final criminal conviction or plea arrangement resulting
12 from the commission or alleged commission of a felony or crime of moral
13 turpitude in any jurisdiction at any time after the person has been issued
14 a license, CERTIFICATION, OR REGISTRATION to practice ~~medicine~~ HIS OR
15 HER HEALTH CARE PROFESSION in any state or country. The applicant
16 shall provide a copy of the final conviction or plea arrangement to the
17 ~~board~~ DIRECTOR at the time the application is made.

18 ~~(g)~~ (h) Any final judgment against, settlement entered into by, or
19 arbitration award paid on behalf of the applicant on or after September 1,
20 1990, for ~~medical~~ malpractice. To report the information required by this
21 paragraph ~~(g)~~ (h), the applicant shall complete a form developed by the
22 ~~board~~ DIRECTOR that requires the applicant to report only the following
23 information regarding the ~~medical~~ malpractice action:

24 (I) Whether the action was resolved by a final judgment against,
25 settlement entered into by, or arbitration award paid on behalf of the
26 applicant;

27 (II) The date of the judgment, settlement, or arbitration award;

1 (III) The location or jurisdiction in which the action occurred or
2 was resolved; and

3 (IV) The court in which the final judgment was ordered, the
4 mediator that aided in the settlement, if applicable, or the arbitrator that
5 granted the arbitration award.

6 ~~(h)~~ (i) Any refusal by an issuer of ~~medical-malpractice~~
7 PROFESSIONAL LIABILITY insurance to issue a ~~medical-malpractice~~
8 ~~insurance~~ policy to the applicant due to past claims experience. The
9 applicant shall provide a copy of the refusal to the ~~board~~ DIRECTOR at the
10 time the application is made.

11 (5) IN ADDITION TO THE INFORMATION REQUIRED BY SUBSECTION
12 (4) OF THIS SECTION, AN APPLICANT MAY SUBMIT INFORMATION
13 REGARDING AWARDS AND RECOGNITIONS HE OR SHE HAS RECEIVED OR
14 CHARITY CARE HE OR SHE HAS PROVIDED. THE DIRECTOR MAY REMOVE
15 INFORMATION REGARDING AWARDS AND RECOGNITIONS THAT THE
16 DIRECTOR FINDS TO BE UNRELATED TO THE APPLICANT'S PROFESSION OR
17 OFFENSIVE OR INAPPROPRIATE.

18 ~~(4)~~ (6) The ~~board~~ DIRECTOR shall make the information specified
19 in ~~subsection (3)~~ SUBSECTIONS (4) AND (5) of this section that is submitted
20 by an applicant readily available to the public in a manner that allows the
21 public to search the information by name, license number, board
22 certification or specialty area, IF APPLICABLE, or city of the ~~licensee's~~
23 APPLICANT'S address of record. The ~~board~~ DIRECTOR may satisfy this
24 requirement by posting and allowing the ability to search the information
25 on the ~~board's~~ DIRECTOR'S WEB SITE OR ON THE web site FOR THE STATE
26 REGULATORY BOARD THAT OVERSEES THE APPLICANT'S PRACTICE. If the
27 information is made available on ~~its~~ EITHER web site, the ~~board~~ DIRECTOR

1 shall ~~update~~ ENSURE THAT the web site IS UPDATED at least monthly and
2 shall indicate on the web site THAT the date when the information was last
3 updated ON WHICH THE UPDATE OCCURS IS INDICATED ON THE WEB SITE.

4 (5) (7) When disclosing information regarding a licensee or AN
5 applicant to the public, the DIRECTOR OR APPLICABLE STATE board THAT
6 REGULATES THE APPLICANT'S PROFESSION shall include the following
7 statement or a similar statement that communicates the same meaning:

8 Some studies have shown that there is no significant
9 correlation between malpractice history and a doctor's
10 [INSERT APPLICABLE TYPE OF HEALTH CARE PROVIDER]'S
11 competence. At the same time, the ~~state board of medical~~
12 ~~examiners~~ [DIRECTOR OR BOARD OF _____, AS
13 APPLICABLE] believes that consumers should have access to
14 malpractice information. To make the best health care
15 decisions, you should view this information in perspective.
16 You could miss an opportunity for high quality care by
17 selecting a ~~doctor~~ HEALTH CARE PROVIDER based solely on
18 malpractice history. When considering malpractice data,
19 please keep in mind:

20 Malpractice histories tend to vary by PROFESSION AND, AS
21 APPLICABLE, BY specialty. Some PROFESSIONS OR
22 specialties are more likely than others to be the subject of
23 litigation.

24 You should take into account how long the ~~doctor~~ HEALTH
25 CARE PROVIDER has been in practice when considering
26 malpractice averages.

27 The incident causing the malpractice claim may have

1 happened years before a ~~payment~~ MALPRACTICE ACTION is
2 finally ~~made~~ RESOLVED. Sometimes, it takes a long time
3 for a malpractice lawsuit to move through the legal system.
4 Some ~~doctors~~ HEALTH CARE PROVIDERS work primarily
5 with high-risk patients. These ~~doctors~~ HEALTH CARE
6 PROVIDERS may have malpractice histories that are higher
7 than average because they specialize in cases or patients
8 who are at very high risk for problems.

9 Settlement of a claim may occur for a variety of reasons
10 that do not necessarily reflect negatively on the
11 professional competence or conduct of the ~~physician~~
12 HEALTH CARE PROVIDER. A payment in settlement of a
13 ~~medical~~ malpractice action or claim should not be
14 construed as creating a presumption that ~~medical~~
15 malpractice has occurred.

16 You may wish to discuss information provided by the
17 ~~board~~ [DIRECTOR OR BOARD OF _____, AS
18 APPLICABLE], and malpractice generally, with your ~~doctor~~
19 HEALTH CARE PROVIDER.

20 The information posted on the ~~state board of medical~~
21 ~~examiner's~~ [DIRECTOR'S OR BOARD OF _____]'S, AS
22 APPLICABLE] web site was provided by applicants for a
23 ~~medical~~ license and applicants for renewal, reinstatement,
24 or reactivation of a ~~medical~~ license.

25 ~~(6) (8) (a) A person licensed by the board pursuant to this article~~
26 EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (8), AN
27 APPLICANT, LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT shall ensure

1 that the information required by subsection ~~(3)~~ (4) of this section is
2 current and shall report any updated information and provide copies of
3 the required documentation to the ~~board~~ DIRECTOR within thirty days after
4 the date of the action described in said subsection ~~(3)~~ (4) or as otherwise
5 determined by the ~~board~~ DIRECTOR by rule to ensure that the information
6 provided to the public is as accurate as possible.

7 (b) ~~Notwithstanding the requirements of paragraph (a) of this~~
8 ~~subsection (6), a licensee~~ AN APPLICANT shall report updated information
9 regarding THE APPLICANT'S EMPLOYER, any health care-related business
10 ownership interests, and any health care-related employment contracts or
11 contracts establishing an independent contractor relationship, as required
12 by paragraph (a) of subsection ~~(3)~~ (4) of this section, within one year after
13 a change in that information.

14 ~~(7)~~ (9) (a) The ~~board~~ DIRECTOR may impose an administrative fine
15 not to exceed five thousand dollars against an applicant, LICENSEE,
16 CERTIFICATE HOLDER, OR REGISTRANT who fails to comply with this
17 section. THE DIRECTOR SHALL NOTIFY THE APPLICABLE STATE BOARD
18 THAT REGULATES THE PROFESSION WHEN THE DIRECTOR IMPOSES A FINE
19 PURSUANT TO THIS SUBSECTION (9). ANY FINE IMPOSED PURSUANT TO
20 THIS SUBSECTION (9) SHALL BE DEPOSITED IN THE GENERAL FUND.

21 (b) The imposition of an administrative fine pursuant to this
22 subsection ~~(7)~~ (9) shall not constitute a disciplinary action pursuant to
23 ~~section 12-36-118~~ THE LAWS GOVERNING THE APPLICANT'S, LICENSEE'S,
24 CERTIFICATE HOLDER'S, OR REGISTRANT'S PRACTICE AREA and shall not
25 preclude the STATE REGULATORY board THAT OVERSEES THE APPLICANT'S,
26 LICENSEE'S, CERTIFICATE HOLDER'S, OR REGISTRANT'S PRACTICE AREA
27 from taking disciplinary action against an applicant, LICENSEE,

1 CERTIFICATE HOLDER, OR REGISTRANT for failure to comply with this
2 section. ~~The board shall not issue a license to or renew, reinstate, or~~
3 ~~reactivate the license of an applicant who~~ A LICENSE, CERTIFICATION, OR
4 REGISTRATION SHALL NOT BE ISSUED, RENEWED, REINSTATED, OR
5 REACTIVATED IF THE APPLICANT has failed to pay a fine imposed pursuant
6 to this subsection ~~(7)~~ (9).

7 (c) FAILURE OF AN APPLICANT, LICENSEE, CERTIFICATE HOLDER, OR
8 REGISTRANT TO COMPLY WITH THIS SECTION CONSTITUTES
9 UNPROFESSIONAL CONDUCT OR GROUNDS FOR DISCIPLINE UNDER THE
10 SPECIFIC ARTICLE OF TITLE 12, C.R.S., THAT REGULATES THE APPLICANT'S,
11 LICENSEE'S, CERTIFICATE HOLDER'S, OR REGISTRANT'S PROFESSION.

12 (10) NOTHING IN THIS SECTION RELIEVES AN APPLICANT, LICENSEE,
13 CERTIFICATE HOLDER, OR REGISTRANT FROM HIS OR HER OBLIGATION TO
14 REPORT ADVERSE ACTIONS TO THE DIRECTOR OR APPLICABLE STATE
15 BOARD THAT REGULATES THE APPLICANT'S PROFESSION, AS REQUIRED BY
16 THE APPLICABLE LAWS IN TITLE 12, C.R.S., REGULATING THAT
17 PROFESSION.

18 ~~(8)~~ (11) The ~~board~~ DIRECTOR may adopt rules, as necessary, to
19 implement this section.

20 **SECTION 2. Repeal of provision being relocated in this**
21 **act.** 12-36-111.5, Colorado Revised Statutes, is repealed.

22 **SECTION 3. Appropriation.** (1) In addition to any other
23 appropriation, there is hereby appropriated, out of any moneys in the
24 division of registrations cash fund created in section 24-34-105 (2) (b) (I),
25 Colorado Revised Statutes, not otherwise appropriated, to the department
26 of regulatory agencies, for allocation to the division of registrations, for
27 the fiscal year beginning July 1, 2010, the sum of ninety-eight thousand

1 eight hundred seventy-three dollars (\$98,873) cash funds and 1.0 FTE, or
2 so much thereof as may be necessary, for the implementation of this act.

3 (2) In addition to any other appropriation, there is hereby
4 appropriated to the department of law, for the fiscal year beginning July
5 1, 2010, the sum of seven thousand five hundred thirty-eight dollars
6 (\$7,538), or so much thereof as may be necessary, for the provision of
7 legal services to the department of regulatory agencies related to the
8 implementation of this act. Said sum shall be from reappropriated funds
9 received from the department of regulatory agencies out of the
10 appropriation made in subsection (1) of this section.

11 **SECTION 4. Act subject to petition - effective date.** This act
12 shall take effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part shall not take effect
18 unless approved by the people at the general election to be held in
19 November 2010 and shall take effect on the date of the official declaration
20 of the vote thereon by the governor.