

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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

Health and Human Services
Finance
Appropriations

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.*

HOUSE
3rd Reading Unamended
May 10, 2010

HOUSE
Amended 2nd Reading
May 7, 2010

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, ACTIVE LICENSE, CERTIFICATION, OR REGISTRATION
18 OR TO RENEW, REINSTATE, OR REACTIVATE AN ACTIVE LICENSE,
19 CERTIFICATION, OR 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 OR CLINICAL PRIVILEGES HELD IN
26 hospitals or health care facilities;
- 27 (VIII) Any health care-related business ownership interests;

1 (IX) INFORMATION PERTAINING TO THE APPLICANT'S EMPLOYER,
2 IF ANY, INCLUDING NAME, CURRENT ADDRESS, AND TELEPHONE NUMBER;
3 and

4 (X) Information pertaining to any health care-related employment
5 contracts or contracts establishing an independent contractor relationship
6 with any entities if the annual aggregate value of the contracts exceeds
7 five thousand dollars, as adjusted by the ~~board~~ DIRECTOR during each
8 license, CERTIFICATION, OR REGISTRATION renewal cycle to reflect
9 changes in the United States department of labor, bureau of labor
10 statistics, consumer price index for Denver-Boulder-Greeley, all items, all
11 urban consumers, or its successor index. NOTHING IN THIS
12 SUBPARAGRAPH (X) REQUIRES AN APPLICANT TO REPORT SUCH
13 INFORMATION REGARDING CONTRACTS WITH INSURANCE CARRIERS FOR
14 REIMBURSEMENT OF HEALTH CARE SERVICES PROVIDED TO PATIENTS.

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

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

1 the ~~board~~ DIRECTOR at the time the application is made.

2 (d) (I) Any final action that results in an involuntary limitation or
3 probationary status on, or a reduction, nonrenewal, denial, revocation, or
4 suspension of, the applicant's medical staff membership or clinical
5 privileges at any hospital or health care facility occurring on or after
6 September 1, 1990. The applicant shall not be required to report a
7 precautionary or administrative suspension of medical staff membership
8 or clinical privileges, as defined by the ~~board~~ DIRECTOR by rule, unless
9 the applicant resigns his or her medical staff membership or clinical
10 privileges while the precautionary or administrative suspension is
11 pending. To report the information required by this paragraph (d), the
12 applicant shall complete a form developed by the ~~board~~ DIRECTOR that
13 requires the applicant to report only the following information regarding
14 the action:

- 15 (A) The name of the facility or entity that took the action;
- 16 (B) The date the action was taken;
- 17 (C) The type of action taken, including any terms and conditions
18 of the action;
- 19 (D) The duration of the action; and
- 20 (E) Whether the applicant has fulfilled the terms or conditions of
21 the action, if applicable.

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

1 (e) ANY FINAL ACTION OF AN EMPLOYER THAT RESULTS IN THE
2 APPLICANT'S LOSS OF EMPLOYMENT WHERE THE GROUNDS FOR
3 TERMINATION CONSTITUTE A VIOLATION OF THE LAWS GOVERNING THE
4 APPLICANT'S PRACTICE. TO REPORT THE INFORMATION REQUIRED BY THIS
5 PARAGRAPH (e), THE APPLICANT SHALL COMPLETE A FORM DEVELOPED BY
6 THE DIRECTOR THAT REQUIRES THE APPLICANT TO REPORT ONLY THE
7 FOLLOWING INFORMATION REGARDING THE ACTION:

8 (I) THE NAME OF THE EMPLOYER THAT TERMINATED THE
9 EMPLOYMENT; AND

10 (II) THE DATE THE TERMINATION OCCURRED OR BECAME
11 EFFECTIVE.

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

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

23 ~~(g)~~ (h) Any final judgment against, settlement entered into by, or
24 arbitration award paid on behalf of the applicant on or after September 1,
25 1990, for ~~medical~~ malpractice. To report the information required by this
26 paragraph ~~(g)~~ (h), the applicant shall complete a form developed by the
27 ~~board~~ DIRECTOR that requires the applicant to report only the following

1 information regarding the ~~medical~~ malpractice action:

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

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

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

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

11 ~~(h)~~ (i) Any refusal by an issuer of ~~medical-malpractice~~
12 PROFESSIONAL LIABILITY insurance to issue a ~~medical-malpractice~~
13 ~~insurance~~ policy to the applicant due to past claims experience. The
14 applicant shall provide a copy of the refusal to the ~~board~~ DIRECTOR at the
15 time the application is made.

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

23 ~~(4)~~ (6) The ~~board~~ DIRECTOR shall make the information specified
24 in ~~subsection (3)~~ SUBSECTIONS (4) AND (5) of this section that is submitted
25 by an applicant readily available to the public in a manner that allows the
26 public to search the information by name, license number, board
27 certification or specialty area, IF APPLICABLE, or city of the licensee's

1 APPLICANT'S address of record. The ~~board~~ DIRECTOR may satisfy this
2 requirement by posting and allowing the ability to search the information
3 on the ~~board's~~ DIRECTOR'S WEB SITE OR ON THE web site FOR THE STATE
4 REGULATORY BOARD THAT OVERSEES THE APPLICANT'S PRACTICE. If the
5 information is made available on ~~its~~ EITHER web site, the ~~board~~ DIRECTOR
6 shall ~~update~~ ENSURE THAT the web site IS UPDATED at least monthly and
7 shall ~~indicate on the web site~~ THAT the date ~~when the information was last~~
8 ~~updated~~ ON WHICH THE UPDATE OCCURS IS INDICATED ON THE WEB SITE.

9 (5) (7) When disclosing information regarding a ~~licensee~~ or AN
10 applicant to the public, the DIRECTOR OR APPLICABLE STATE board THAT
11 REGULATES THE APPLICANT'S PROFESSION shall include the following
12 statement or a similar statement that communicates the same meaning:

13 Some studies have shown that there is no significant
14 correlation between malpractice history and a ~~doctor's~~
15 [INSERT APPLICABLE TYPE OF HEALTH CARE PROVIDER]'S
16 competence. At the same time, the ~~state board of medical~~
17 ~~examiners~~ [DIRECTOR OR BOARD OF _____, AS
18 APPLICABLE] believes that consumers should have access to
19 malpractice information. To make the best health care
20 decisions, you should view this information in perspective.
21 You could miss an opportunity for high quality care by
22 selecting a ~~doctor~~ HEALTH CARE PROVIDER based solely on
23 malpractice history. When considering malpractice data,
24 please keep in mind:
25 Malpractice histories tend to vary by PROFESSION AND, AS
26 APPLICABLE, BY specialty. Some PROFESSIONS OR
27 specialties are more likely than others to be the subject of

1 litigation.

2 You should take into account how long the ~~doctor~~ HEALTH
3 CARE PROVIDER has been in practice when considering
4 malpractice averages.

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

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

21 You may wish to discuss information provided by the
22 ~~board~~ [DIRECTOR OR BOARD OF _____, AS
23 APPLICABLE], and malpractice generally, with your ~~doctor~~
24 HEALTH CARE PROVIDER.

25 The information posted on the ~~state board of medical~~
26 ~~examiner's~~ [DIRECTOR'S OR BOARD OF _____]'S, AS
27 APPLICABLE] web site was provided by applicants for a

1 ~~medical~~ license and applicants for renewal, reinstatement,
2 or reactivation of a ~~medical~~ license.

3 ~~(6)~~ (8) (a) ~~A person licensed by the board pursuant to this article~~
4 EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (8), AN
5 APPLICANT, LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT shall ensure
6 that the information required by subsection ~~(3)~~ (4) of this section is
7 current and shall report any updated information and provide copies of
8 the required documentation to the ~~board~~ DIRECTOR within thirty days after
9 the date of the action described in said subsection ~~(3)~~ (4) or as otherwise
10 ~~determined by the board by rule~~ PROVIDED IN THE ARTICLE OF TITLE 12,
11 C.R.S., THAT REGULATES THE APPLICANT'S, LICENSEE'S, CERTIFICATE
12 HOLDER'S, OR REGISTRANT'S PROFESSION to ensure that the information
13 provided to the public is as accurate as possible.

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

21 ~~(7)~~ (9) (a) The ~~board~~ DIRECTOR may impose an administrative fine
22 not to exceed five thousand dollars against an applicant, LICENSEE,
23 CERTIFICATE HOLDER, OR REGISTRANT who fails to comply with this
24 section. THE DIRECTOR SHALL NOTIFY THE APPLICABLE STATE BOARD
25 THAT REGULATES THE PROFESSION WHEN THE DIRECTOR IMPOSES A FINE
26 PURSUANT TO THIS SUBSECTION (9). ANY FINE IMPOSED PURSUANT TO
27 THIS SUBSECTION (9) SHALL BE DEPOSITED IN THE GENERAL FUND.

1 (b) The imposition of an administrative fine pursuant to this
2 subsection ~~(7)~~ (9) shall not constitute a disciplinary action pursuant to
3 ~~section 12-36-118~~ THE LAWS GOVERNING THE APPLICANT'S, LICENSEE'S,
4 CERTIFICATE HOLDER'S, OR REGISTRANT'S PRACTICE AREA and shall not
5 preclude the STATE REGULATORY board THAT OVERSEES THE APPLICANT'S,
6 LICENSEE'S, CERTIFICATE HOLDER'S, OR REGISTRANT'S PRACTICE AREA
7 from taking disciplinary action against an applicant, LICENSEE,
8 CERTIFICATE HOLDER, OR REGISTRANT for failure to comply with this
9 section. ~~The board shall not issue a license to or renew, reinstate, or~~
10 ~~reactivate the license of an applicant who~~ A LICENSE, CERTIFICATION, OR
11 REGISTRATION SHALL NOT BE ISSUED, RENEWED, REINSTATED, OR
12 REACTIVATED IF THE APPLICANT has failed to pay a fine imposed pursuant
13 to this subsection ~~(7)~~ (9).

14 (c) FAILURE OF AN APPLICANT, LICENSEE, CERTIFICATE HOLDER, OR
15 REGISTRANT TO COMPLY WITH THIS SECTION CONSTITUTES
16 UNPROFESSIONAL CONDUCT OR GROUNDS FOR DISCIPLINE UNDER THE
17 SPECIFIC ARTICLE OF TITLE 12, C.R.S., THAT REGULATES THE APPLICANT'S,
18 LICENSEE'S, CERTIFICATE HOLDER'S, OR REGISTRANT'S PROFESSION.

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

25 ~~(8)~~ (11) The ~~board~~ DIRECTOR may adopt rules, as necessary, to
26 implement this section.

27 **SECTION 2. Repeal of provision being relocated in this**

1 **act.** 12-36-111.5, Colorado Revised Statutes, is repealed.

2 **SECTION 3. Appropriation.** (1) In addition to any other
3 appropriation, there is hereby appropriated, out of any moneys in the
4 division of registrations cash fund created in section 24-34-105 (2) (b) (I),
5 Colorado Revised Statutes, not otherwise appropriated, to the department
6 of regulatory agencies, for allocation to the division of registrations, for
7 the fiscal year beginning July 1, 2010, the sum of ninety-eight thousand
8 eight hundred seventy-three dollars (\$98,873) cash funds and 1.0 FTE, or
9 so much thereof as may be necessary, for the implementation of this act.

10 (2) In addition to any other appropriation, there is hereby
11 appropriated to the department of law, for the fiscal year beginning July
12 1, 2010, the sum of seven thousand five hundred thirty-eight dollars
13 (\$7,538), or so much thereof as may be necessary, for the provision of
14 legal services to the department of regulatory agencies related to the
15 implementation of this act. Said sum shall be from reappropriated funds
16 received from the department of regulatory agencies out of the
17 appropriation made in subsection (1) of this section.

18 **SECTION 4. Act subject to petition - effective date.** This act
19 shall take effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part shall not take effect
25 unless approved by the people at the general election to be held in
26 November 2010 and shall take effect on the date of the official declaration
27 of the vote thereon by the governor.