

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0023.01 Christy Chase x2008

HOUSE BILL 12-1303

HOUSE SPONSORSHIP

Schafer S., Hamner, Kerr J., Peniston, Summers, Young

SENATE SPONSORSHIP

Spence, Jahn

House Committees

Health and Environment
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF SPEECH-LANGUAGE PATHOLOGISTS**
102 **BY THE DEPARTMENT OF REGULATORY AGENCIES, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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>.)

On and after July 1, 2013, the bill requires speech-language pathologists to obtain a certification from the division of registrations (division) in the department of regulatory agencies in order to practice speech-language pathology in Colorado. The director of the division is

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.

1 AND RESEARCH;

2 (d) THIS ARTICLE IS NECESSARY TO SAFEGUARD PUBLIC HEALTH,
3 SAFETY, AND WELFARE AND TO PROTECT THE PUBLIC FROM INCOMPETENT,
4 UNETHICAL, OR UNAUTHORIZED PERSONS.

5 (2) THE GENERAL ASSEMBLY FURTHER DETERMINES THAT IT IS THE
6 PURPOSE OF THIS ARTICLE TO:

7 (a) REGULATE PERSONS WHO ARE REPRESENTING OR HOLDING
8 THEMSELVES OUT AS SPEECH-LANGUAGE PATHOLOGISTS OR WHO ARE
9 PERFORMING SERVICES THAT CONSTITUTE SPEECH-LANGUAGE
10 PATHOLOGY, EXCLUDING SCHOOL SPEECH-LANGUAGE PATHOLOGISTS WHO
11 PRACTICE IN A PUBLIC SCHOOL SETTING; AND

12 (b) EXCLUDE FROM REGULATION UNDER THIS ARTICLE THOSE
13 SPEECH-LANGUAGE PATHOLOGISTS WHO ARE LICENSED AND
14 SPEECH-LANGUAGE PATHOLOGY ASSISTANTS WHO ARE AUTHORIZED BY
15 THE COLORADO DEPARTMENT OF EDUCATION AND PROVIDE
16 SPEECH-LANGUAGE PATHOLOGY SERVICES THAT ARE PAID FOR BY AN
17 ADMINISTRATIVE UNIT.

18 **12-43.5-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "ADMINISTRATIVE UNIT" HAS THE SAME MEANING AS SET
21 FORTH IN SECTION 22-20-103 (1), C.R.S.

22

23 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF REGULATORY
24 AGENCIES.

25 (3) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF
26 REGISTRATIONS OR THE DIRECTOR'S DESIGNEE.

27 (4) "DIVISION" MEANS THE DIVISION OF REGISTRATIONS IN THE

1 DEPARTMENT CREATED IN SECTION 24-34-102, C.R.S.

2 (5) "SCHOOL SPEECH-LANGUAGE PATHOLOGIST" MEANS A PERSON
3 LICENSED BY THE DEPARTMENT OF EDUCATION TO PROVIDE
4 SPEECH-LANGUAGE PATHOLOGY SERVICES THAT ARE PAID FOR BY AN
5 ADMINISTRATIVE UNIT OR A STATE-OPERATED PROGRAM. "SCHOOL
6 SPEECH-LANGUAGE PATHOLOGIST" INCLUDES A SCHOOL
7 SPEECH-LANGUAGE PATHOLOGY ASSISTANT AUTHORIZED BY THE
8 DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-60.5-111 (10),
9 C.R.S., TO PROVIDE SPEECH-LANGUAGE PATHOLOGY SERVICES THAT ARE
10 PAID FOR BY AN ADMINISTRATIVE UNIT OR A STATE-OPERATED PROGRAM.

11 (6) (a) "SPEECH-LANGUAGE PATHOLOGIST" OR "CERTIFICATE
12 HOLDER" MEANS A PERSON CERTIFIED TO PRACTICE SPEECH-LANGUAGE
13 PATHOLOGY UNDER THIS ARTICLE.

14 (b) "SPEECH-LANGUAGE PATHOLOGIST" DOES NOT INCLUDE A
15 SCHOOL SPEECH-LANGUAGE PATHOLOGIST.

16 (7) (a) "SPEECH-LANGUAGE PATHOLOGY" MEANS THE APPLICATION
17 OF PRINCIPLES, METHODS, AND PROCEDURES RELATED TO THE
18 DEVELOPMENT, DISORDERS, AND EFFECTIVENESS OF HUMAN
19 COMMUNICATION AND RELATED FUNCTIONS, WHICH INCLUDES PROVIDING
20 PREVENTION, SCREENING, CONSULTATION, ASSESSMENT OR EVALUATION,
21 TREATMENT, INTERVENTION, MANAGEMENT, COUNSELING,
22 COLLABORATION, AND REFERRAL SERVICES FOR DISORDERS OF:

23 (I) SPEECH, SUCH AS SPEECH SOUND PRODUCTION, FLUENCY,
24 RESONANCE, AND VOICE;

25 (II) LANGUAGE, SUCH AS PHONOLOGY, MORPHOLOGY, SYNTAX,
26 SEMANTICS, PRAGMATIC AND SOCIAL COMMUNICATION SKILLS, AND
27 LITERACY SKILLS;

1 (III) FEEDING AND SWALLOWING; AND

2 (IV) COGNITIVE ASPECTS OF COMMUNICATION, SUCH AS
3 ATTENTION, MEMORY, EXECUTIVE FUNCTIONING, AND PROBLEM SOLVING.

4 (b) "SPEECH-LANGUAGE PATHOLOGY" ALSO INCLUDES
5 ESTABLISHING AUGMENTATIVE AND ALTERNATIVE COMMUNICATION
6 TECHNIQUES AND STRATEGIES, INCLUDING THE FOLLOWING:

7 (I) DEVELOPING, SELECTING, AND PRESCRIBING AUGMENTATIVE OR
8 ALTERNATIVE COMMUNICATION SYSTEMS AND DEVICES, SUCH AS SPEECH
9 GENERATING DEVICES;

10 (II) PROVIDING SERVICES TO INDIVIDUALS WITH HEARING LOSS
11 AND THEIR FAMILIES, SUCH AS AUDITORY TRAINING, SPEECH READING, OR
12 SPEECH AND LANGUAGE INTERVENTION SECONDARY TO HEARING LOSS;

13 (III) SCREENING INDIVIDUALS FOR HEARING LOSS OR MIDDLE EAR
14 PATHOLOGY USING CONVENTIONAL PURE-TONE AIR CONDUCTION
15 METHODS, INCLUDING OTOSCOPIC INSPECTION; OTOACOUSTIC EMISSIONS;
16 OR SCREENING TYMPANOMETRY;

17 (IV) USING INSTRUMENTATION SUCH AS VIDEOFLUROSCOPY,
18 ENDOSCOPY, OR STROBOSCOPY TO OBSERVE, COLLECT DATA, AND
19 MEASURE PARAMETERS OF COMMUNICATION AND SWALLOWING;

20 (V) SELECTING, FITTING, AND ESTABLISHING EFFECTIVE USE OF
21 PROSTHETIC OR ADAPTIVE DEVICES FOR COMMUNICATION, SWALLOWING,
22 OR OTHER UPPER AERODIGESTIVE FUNCTIONS, NOT INCLUDING SENSORY
23 DEVICES USED BY INDIVIDUALS WITH HEARING LOSS; AND

24 (VI) PROVIDING SERVICES TO MODIFY OR ENHANCE
25 COMMUNICATION PERFORMANCE, SUCH AS ACCENT MODIFICATION AND
26 PERSONAL OR PROFESSIONAL COMMUNICATION EFFICACY.

27 (8) "STATE-OPERATED PROGRAM" HAS THE SAME MEANING AS SET

1 FORTH IN SECTION 22-20-103 (28), C.R.S.

2 **12-43.5-104. Use of titles restricted.** (1) ONLY A PERSON
3 REQUIRED TO BE AND WHO IS CERTIFIED AS A SPEECH-LANGUAGE
4 PATHOLOGIST UNDER THIS ARTICLE OR LICENSED BY THE COLORADO
5 DEPARTMENT OF EDUCATION TO PROVIDE SPEECH-LANGUAGE PATHOLOGY
6 SERVICES MAY ADVERTISE AS OR USE THE TITLE "SPEECH-LANGUAGE
7 PATHOLOGIST", "SPEECH PATHOLOGIST", "SPEECH THERAPIST", "SPEECH
8 CORRECTIONIST", "SPEECH CLINICIAN", "LANGUAGE PATHOLOGIST",
9 "VOICE THERAPIST", "VOICE PATHOLOGIST", "APHASIOLOGIST", OR ANY
10 OTHER GENERALLY ACCEPTED TERMS, LETTERS, OR FIGURES THAT
11 INDICATE THAT THE PERSON IS A CERTIFIED SPEECH-LANGUAGE
12 PATHOLOGIST.

13 (2) FOR A CERTIFICATE HOLDER WHO HAS SUCCESSFULLY
14 COMPLETED A DOCTORAL DEGREE IN COMMUNICATION SCIENCES AND
15 DISORDERS AS DESCRIBED IN SECTION 12-43.5-106 (1) (a), A
16 CERTIFICATION TO PRACTICE SPEECH-LANGUAGE PATHOLOGY ISSUED
17 PURSUANT TO THIS ARTICLE ENTITLES THE CERTIFICATE HOLDER TO USE
18 THE TITLE "DOCTOR" OR "DR." WHEN ACCOMPANIED BY THE TERMS
19 "SPEECH-LANGUAGE PATHOLOGY" OR THE LETTERS "S.L.P.".

20 **12-43.5-105. Certification required - exception.** (1) EXCEPT AS
21 OTHERWISE PROVIDED IN THIS ARTICLE, ON AND AFTER JULY 1, 2013, A
22 PERSON SHALL NOT PRACTICE SPEECH-LANGUAGE PATHOLOGY OR
23 REPRESENT OR HOLD HIMSELF OR HERSELF OUT AS BEING ABLE TO
24 PRACTICE SPEECH-LANGUAGE PATHOLOGY IN THIS STATE WITHOUT
25 POSSESSING A VALID CERTIFICATION ISSUED BY THE DIRECTOR IN
26 ACCORDANCE WITH THIS ARTICLE AND ANY RULES ADOPTED UNDER THIS
27 ARTICLE.

1 (2) (a) A SCHOOL SPEECH-LANGUAGE PATHOLOGIST IS NOT
2 REQUIRED TO OBTAIN CERTIFICATION FROM THE DIRECTOR AS LONG AS THE
3 SCHOOL SPEECH-LANGUAGE PATHOLOGIST PROVIDES SPEECH-LANGUAGE
4 PATHOLOGY SERVICES THAT ARE PAID FOR BY AN ADMINISTRATIVE UNIT
5 OR STATE-OPERATED PROGRAM.

6 (b) IF A SCHOOL SPEECH-LANGUAGE PATHOLOGIST PROVIDES
7 SPEECH-LANGUAGE PATHOLOGY SERVICES THAT ARE NOT PAID FOR BY AN
8 ADMINISTRATIVE UNIT OR STATE-OPERATED PROGRAM, THE
9 SPEECH-LANGUAGE PATHOLOGIST SHALL OBTAIN A CERTIFICATION
10 PURSUANT TO THIS ARTICLE PRIOR TO PROVIDING THOSE SERVICES.

11 **12-43.5-106. Certification - application - qualifications -**
12 **provisional certification - renewal - fees - rules. (1) Educational and**
13 **experiential requirements.** EVERY APPLICANT FOR A CERTIFICATION AS
14 A SPEECH-LANGUAGE PATHOLOGIST MUST HAVE:

15 (a) SUCCESSFULLY COMPLETED A MASTER'S OR HIGHER DEGREE IN
16 COMMUNICATION SCIENCES AND DISORDERS GRANTED BY AN ACCREDITED
17 INSTITUTION OF HIGHER EDUCATION RECOGNIZED BY THE UNITED STATES
18 DEPARTMENT OF EDUCATION;

19 (b) SUCCESSFULLY COMPLETED A SPEECH-LANGUAGE PATHOLOGY
20 CLINICAL FELLOWSHIP APPROVED BY THE DIRECTOR, AS DOCUMENTED BY
21 THE SUPERVISING CLINICIAN OR A NATIONAL CERTIFYING BODY APPROVED
22 BY THE DIRECTOR; AND

23 (c) PASSED THE NATIONAL EXAMINATION ADOPTED BY THE
24 AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION OR ITS SUCCESSOR
25 ASSOCIATION OR ANY OTHER EXAMINATION APPROVED BY THE DIRECTOR.

26 (2) **Application.** WHEN AN APPLICANT HAS FULFILLED THE
27 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, THE APPLICANT MAY

1 APPLY FOR CERTIFICATION IN THE MANNER REQUIRED BY THE DIRECTOR.
2 THE APPLICANT SHALL SUBMIT AN APPLICATION FEE WITH HIS OR HER
3 APPLICATION IN AN AMOUNT DETERMINED BY THE DIRECTOR.
4 ADDITIONALLY, IF THE APPLICANT WILL PROVIDE SPEECH-LANGUAGE
5 PATHOLOGY SERVICES TO PATIENTS, THE APPLICANT SHALL SUBMIT TO THE
6 DIRECTOR PROOF THAT THE APPLICANT HAS PURCHASED AND IS
7 MAINTAINING OR IS COVERED BY PROFESSIONAL LIABILITY INSURANCE IN
8 AN AMOUNT DETERMINED BY THE DIRECTOR BY RULE.

9 (3) **Certification.** (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF
10 THIS SUBSECTION (3), WHEN AN APPLICANT HAS FULFILLED THE
11 REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION, THE
12 DIRECTOR SHALL ISSUE A CERTIFICATION TO THE APPLICANT.

13 (b) THE DIRECTOR MAY DENY A CERTIFICATION IF THE APPLICANT
14 HAS COMMITTED ANY ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY
15 ACTION UNDER SECTION 12-43.5-110.

16 (4) **Certification by endorsement.** (a) AN APPLICANT FOR
17 CERTIFICATION BY ENDORSEMENT SHALL FILE AN APPLICATION AND PAY
18 A FEE AS DETERMINED BY THE DIRECTOR AND SHALL HOLD A CURRENT,
19 VALID LICENSE OR CERTIFICATION IN A JURISDICTION THAT REQUIRES
20 QUALIFICATIONS SUBSTANTIALLY EQUIVALENT TO THOSE REQUIRED FOR
21 CERTIFICATION BY SUBSECTION (1) OF THIS SECTION.

22 (b) AN APPLICANT FOR CERTIFICATION BY ENDORSEMENT SHALL
23 SUBMIT WITH THE APPLICATION VERIFICATION THAT THE APPLICANT HAS
24 ACTIVELY PRACTICED FOR A PERIOD OF TIME DETERMINED BY RULES OF
25 THE DIRECTOR OR OTHERWISE MAINTAINED ████████ COMPETENCY AS
26 DETERMINED BY THE DIRECTOR. ADDITIONALLY, IF THE APPLICANT WILL
27 PROVIDE SPEECH-LANGUAGE PATHOLOGY SERVICES TO PATIENTS, THE

1 APPLICANT SHALL SUBMIT TO THE DIRECTOR PROOF THAT THE APPLICANT
2 HAS PURCHASED AND IS MAINTAINING OR IS COVERED BY PROFESSIONAL
3 LIABILITY INSURANCE IN AN AMOUNT DETERMINED BY THE DIRECTOR BY
4 RULE.

5 (c) UPON RECEIPT OF ALL DOCUMENTS REQUIRED BY PARAGRAPHS
6 (a) AND (b) OF THIS SUBSECTION (4), THE DIRECTOR SHALL REVIEW THE
7 APPLICATION AND MAKE A DETERMINATION OF THE APPLICANT'S
8 QUALIFICATION TO BE CERTIFIED BY ENDORSEMENT.

9 (d) THE DIRECTOR MAY DENY THE CERTIFICATION BY
10 ENDORSEMENT IF THE APPLICANT HAS COMMITTED AN ACT THAT WOULD
11 BE GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-43.5-110.

12 (5) **Certification renewal.** (a) A CERTIFICATE HOLDER SHALL
13 RENEW THE CERTIFICATION ISSUED UNDER THIS ARTICLE ACCORDING TO
14 A SCHEDULE OF RENEWAL DATES ESTABLISHED BY THE DIRECTOR. THE
15 CERTIFICATE HOLDER SHALL SUBMIT AN APPLICATION IN THE MANNER
16 REQUIRED BY THE DIRECTOR AND SHALL PAY A RENEWAL FEE IN AN
17 AMOUNT DETERMINED BY THE DIRECTOR.

18 (b) CERTIFICATIONS SHALL BE RENEWED OR REINSTATED IN
19 ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE DIRECTOR, AND
20 THE RENEWAL OR REINSTATEMENT SHALL BE GRANTED PURSUANT TO
21 SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL
22 FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION
23 24-34-105, C.R.S. IF A CERTIFICATE HOLDER FAILS TO RENEW HIS OR HER
24 CERTIFICATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE
25 DIRECTOR, THE CERTIFICATION EXPIRES. ANY PERSON WHOSE
26 CERTIFICATION HAS EXPIRED AND WHO CONTINUES TO PRACTICE
27 SPEECH-LANGUAGE PATHOLOGY IS SUBJECT TO THE PENALTIES PROVIDED

1 IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S., FOR REINSTATEMENT.

2 (6) **Fees.** (a) THE DIRECTOR SHALL ESTABLISH AND COLLECT FEES
3 UNDER THIS ARTICLE PURSUANT TO SECTION 24-34-105, C.R.S., AND
4 SHALL BASE THE FEES CHARGED TO SPEECH-LANGUAGE PATHOLOGISTS
5 CERTIFIED UNDER THIS ARTICLE ON THE COST TO ADMINISTER THE
6 PROGRAM DIVIDED BY THE TOTAL NUMBER OF SPEECH-LANGUAGE
7 PATHOLOGISTS, AS REQUIRED BY SECTION 24-34-105, C.R.S. ALL FEES
8 COLLECTED UNDER THIS ARTICLE SHALL BE DETERMINED, COLLECTED, AND
9 APPROPRIATED IN THE SAME MANNER AS SET FORTH IN SECTION 24-34-105,
10 C.R.S., AND PERIODICALLY ADJUSTED IN ACCORDANCE WITH SECTION
11 24-75-402, C.R.S.

12 (b) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THE
13 DIVISION SHALL TRANSMIT ALL FEES COLLECTED PURSUANT TO THIS
14 ARTICLE TO THE STATE TREASURER, WHO SHALL CREDIT THE FEES TO THE
15 DIVISION OF REGISTRATIONS CASH FUND CREATED PURSUANT TO SECTION
16 24-34-105 (2) (b), C.R.S. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL
17 APPROPRIATIONS FROM THE DIVISION OF REGISTRATIONS CASH FUND FOR
18 EXPENDITURES OF THE DIVISION INCURRED IN THE PERFORMANCE OF ITS
19 DUTIES UNDER THIS ARTICLE.

20 **12-43.5-107. Continuing professional competency - rules.**

21 (1)(a) A SPEECH-LANGUAGE PATHOLOGIST SHALL MAINTAIN CONTINUING
22 PROFESSIONAL COMPETENCY TO PRACTICE.

23 (b) THE DIRECTOR SHALL ESTABLISH A CONTINUING PROFESSIONAL
24 COMPETENCY PROGRAM THAT INCLUDES, AT A MINIMUM, THE FOLLOWING
25 ELEMENTS:

26 (I) A SELF-ASSESSMENT OF THE KNOWLEDGE AND SKILLS OF A
27 SPEECH-LANGUAGE PATHOLOGIST SEEKING TO RENEW OR REINSTATE A

1 CERTIFICATION;

2 (II) DEVELOPMENT, EXECUTION, AND DOCUMENTATION OF A
3 LEARNING PLAN BASED ON THE ASSESSMENT; AND

4 (III) PERIODIC DEMONSTRATION OF KNOWLEDGE AND SKILLS
5 THROUGH DOCUMENTATION OF ACTIVITIES NECESSARY TO ENSURE AT
6 LEAST MINIMAL ABILITY TO SAFELY PRACTICE THE PROFESSION; EXCEPT
7 THAT A SPEECH-LANGUAGE PATHOLOGIST CERTIFIED PURSUANT TO THIS
8 ARTICLE NEED NOT RETAKE ANY EXAMINATION REQUIRED BY SECTION
9 12-43.5-106 FOR INITIAL CERTIFICATION.

10 (2) THE DIRECTOR SHALL ESTABLISH THAT A SPEECH-LANGUAGE
11 PATHOLOGIST SATISFIES THE CONTINUING COMPETENCY REQUIREMENTS
12 OF THIS SECTION IF THE SPEECH-LANGUAGE PATHOLOGIST MEETS THE
13 CONTINUING PROFESSIONAL COMPETENCY REQUIREMENTS OF ONE OF THE
14 FOLLOWING ENTITIES:

15

16 (a) AN ACCREDITING BODY APPROVED BY THE DIRECTOR; OR

17 (b) AN ENTITY APPROVED BY THE DIRECTOR.

18 (3) (a) AFTER THE PROGRAM IS ESTABLISHED, A
19 SPEECH-LANGUAGE PATHOLOGIST SHALL SATISFY THE REQUIREMENTS OF
20 THE PROGRAM IN ORDER TO RENEW OR REINSTATE A CERTIFICATION TO
21 PRACTICE SPEECH-LANGUAGE PATHOLOGY.

22 (b) THE REQUIREMENTS OF THIS SECTION APPLY TO INDIVIDUAL
23 SPEECH-LANGUAGE PATHOLOGISTS, AND NOTHING IN THIS SECTION
24 REQUIRES A PERSON WHO EMPLOYS OR CONTRACTS WITH A
25 SPEECH-LANGUAGE PATHOLOGIST TO COMPLY WITH THIS SECTION.

26 (4) RECORDS OF ASSESSMENTS OR OTHER DOCUMENTATION
27 DEVELOPED OR SUBMITTED IN CONNECTION WITH THE CONTINUING

1 PROFESSIONAL COMPETENCY PROGRAM ARE CONFIDENTIAL AND NOT
2 SUBJECT TO INSPECTION BY THE PUBLIC OR DISCOVERY IN CONNECTION
3 WITH A CIVIL ACTION AGAINST A SPEECH-LANGUAGE **PATHOLOGIST OR**
4 **OTHER PROFESSIONAL REGULATED UNDER THIS TITLE.** A PERSON OR THE
5 DIRECTOR SHALL NOT USE THE RECORDS OR DOCUMENTS UNLESS USED BY
6 THE DIRECTOR TO DETERMINE WHETHER A SPEECH-LANGUAGE
7 PATHOLOGIST IS MAINTAINING CONTINUING PROFESSIONAL COMPETENCY
8 TO ENGAGE IN THE PROFESSION.

9 (5) AS USED IN THIS SECTION, "CONTINUING PROFESSIONAL
10 COMPETENCY" MEANS THE ONGOING ABILITY OF A SPEECH-LANGUAGE
11 PATHOLOGIST TO LEARN, INTEGRATE, AND APPLY THE KNOWLEDGE, SKILL,
12 AND JUDGMENT TO PRACTICE AS A SPEECH-LANGUAGE PATHOLOGIST
13 ACCORDING TO GENERALLY ACCEPTED STANDARDS AND PROFESSIONAL
14 ETHICAL STANDARDS.

15 **12-43.5-108. Scope of article - exclusions.** (1) THIS ARTICLE
16 DOES NOT PREVENT OR RESTRICT THE PRACTICE, SERVICES, OR ACTIVITIES
17 OF:

18 (a) A SCHOOL SPEECH-LANGUAGE PATHOLOGIST;

19 (b) A PERSON LICENSED OR OTHERWISE REGULATED IN THIS STATE
20 BY ANY OTHER LAW FROM ENGAGING IN HIS OR HER PROFESSION OR
21 OCCUPATION AS DEFINED IN THE LAW UNDER WHICH HE OR SHE IS
22 **REGULATED;**

23 (c) A PERSON PURSUING A COURSE OF STUDY LEADING TO A
24 DEGREE IN SPEECH-LANGUAGE PATHOLOGY AT AN EDUCATIONAL
25 INSTITUTION WITH AN ACCREDITED SPEECH-LANGUAGE PATHOLOGY
26 PROGRAM IF THAT PERSON IS DESIGNATED BY A TITLE THAT CLEARLY
27 INDICATES HIS OR HER STATUS AS A STUDENT AND IF HE OR SHE ACTS

1 UNDER APPROPRIATE INSTRUCTION AND SUPERVISION;

2 (d) A PERSON PARTICIPATING IN GOOD FAITH IN A CLINICAL
3 FELLOWSHIP IF THE EXPERIENCE CONSTITUTES A PART OF THE EXPERIENCE
4 NECESSARY TO MEET THE REQUIREMENT OF SECTION 12-43.5-106 (1) AND
5 THE PERSON ACTS UNDER APPROPRIATE SUPERVISION; OR

6 (e) ANY LEGALLY QUALIFIED SPEECH-LANGUAGE PATHOLOGIST
7 FROM ANOTHER STATE OR COUNTRY WHEN PROVIDING SERVICES ON
8 BEHALF OF A TEMPORARILY ABSENT SPEECH-LANGUAGE PATHOLOGIST
9 CERTIFIED IN THIS STATE, SO LONG AS THE UNCERTIFIED
10 SPEECH-LANGUAGE PATHOLOGIST IS ACTING IN ACCORDANCE WITH RULES
11 ADOPTED BY THE DIRECTOR. THE UNCERTIFIED PRACTICE MUST NOT
12 OCCUR MORE THAN ONCE IN ANY TWELVE-MONTH PERIOD.

13 (2) NOTHING IN THIS ARTICLE REQUIRES OR ALLOWS THE
14 DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HEALTH CARE POLICY
15 AND FINANCING, OR ANY OTHER STATE DEPARTMENT TO ADOPT OR APPLY
16 THE STANDARDS CONTAINED IN THIS ARTICLE:

17 (a) AS THE STANDARDS FOR ENDORSING OR OTHERWISE
18 AUTHORIZING SCHOOL SPEECH-LANGUAGE PATHOLOGISTS TO PROVIDE
19 SPEECH-LANGUAGE PATHOLOGY SERVICES THAT ARE PAID FOR BY AN
20 ADMINISTRATIVE UNIT OR STATE-OPERATED PROGRAM; OR

21 (b) FOR PURPOSES OF DETERMINING WHETHER MEDICAID
22 REIMBURSEMENT MAY BE OBTAINED FOR SPEECH-LANGUAGE PATHOLOGY
23 SERVICES.

24 **12-43.5-109. Limitations on authority.** NOTHING IN THIS
25 ARTICLE AUTHORIZES A SPEECH-LANGUAGE PATHOLOGIST TO ENGAGE IN
26 THE PRACTICE OF MEDICINE, AS DEFINED IN SECTION 12-36-106, OR ANY
27 OTHER PROFESSION FOR WHICH LICENSURE, CERTIFICATION, OR

1 REGISTRATION IS REQUIRED BY THIS ARTICLE.

2 **12-43.5-110. Grounds for discipline.** (1) THE DIRECTOR MAY
3 TAKE DISCIPLINARY ACTION AGAINST A CERTIFICATE HOLDER PURSUANT
4 TO SECTION 12-43.5-111 IF THE DIRECTOR FINDS THAT THE CERTIFICATE
5 HOLDER HAS REPRESENTED OR HELD HIMSELF OR HERSELF OUT AS A
6 CERTIFIED SPEECH-LANGUAGE PATHOLOGIST AFTER THE EXPIRATION,
7 SUSPENSION, OR REVOCATION OF HIS OR HER CERTIFICATION.

8 (2) THE DIRECTOR MAY REVOKE, SUSPEND, OR DENY A
9 CERTIFICATION, PLACE A CERTIFICATE HOLDER ON PROBATION, ISSUE A
10 LETTER OF ADMONITION OR A CONFIDENTIAL LETTER OF CONCERN, IMPOSE
11 A FINE AGAINST A CERTIFICATE HOLDER, OR ISSUE A CEASE-AND-DESIST
12 ORDER TO A CERTIFICATE HOLDER IN ACCORDANCE WITH SECTION
13 12-43.5-111 UPON PROOF THAT THE CERTIFICATE HOLDER:

14 (a) HAS ENGAGED IN A SEXUAL ACT WITH A PERSON RECEIVING
15 SERVICES WHILE A THERAPEUTIC RELATIONSHIP EXISTED OR WITHIN SIX
16 MONTHS IMMEDIATELY FOLLOWING TERMINATION OF THE THERAPEUTIC
17 RELATIONSHIP IN WRITING. FOR THE PURPOSES OF THIS PARAGRAPH (a):

18 (I) "SEXUAL ACT" MEANS SEXUAL CONTACT, SEXUAL INTRUSION,
19 OR SEXUAL PENETRATION, AS DEFINED IN SECTION 18-3-401, C.R.S.

20 (II) "THERAPEUTIC RELATIONSHIP" MEANS THE PERIOD BEGINNING
21 WITH THE INITIAL EVALUATION AND ENDING UPON THE WRITTEN
22 TERMINATION OF TREATMENT.

23 (b) HAS FALSIFIED INFORMATION IN AN APPLICATION OR HAS
24 ATTEMPTED TO OBTAIN OR HAS OBTAINED A CERTIFICATION BY FRAUD,
25 DECEPTION, OR MISREPRESENTATION;

26 (c) EXCESSIVELY OR HABITUALLY USES OR ABUSES ALCOHOL OR
27 HABIT-FORMING DRUGS OR HABITUALLY USES A CONTROLLED SUBSTANCE,

1 AS DEFINED IN SECTION 18-18-102, C.R.S., OR OTHER DRUGS HAVING
2 SIMILAR EFFECTS; EXCEPT THAT THE DIRECTOR HAS THE DISCRETION NOT
3 TO DISCIPLINE THE CERTIFICATE HOLDER IF HE OR SHE IS PARTICIPATING IN
4 GOOD FAITH IN A PROGRAM APPROVED BY THE DIRECTOR DESIGNED TO END
5 THE USE OR ABUSE;

6 (d) (I) FAILED TO NOTIFY THE DIRECTOR, AS REQUIRED BY SECTION
7 12-43.5-115, OF A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT
8 IMPACTS THE SPEECH-LANGUAGE PATHOLOGIST'S ABILITY TO PERFORM
9 SPEECH-LANGUAGE PATHOLOGY WITH REASONABLE SKILL AND SAFETY TO
10 PATIENTS;

11 (II) FAILED TO ACT WITHIN THE LIMITATIONS CREATED BY A
12 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE
13 CERTIFICATE HOLDER UNABLE TO PERFORM SPEECH-LANGUAGE
14 PATHOLOGY WITH REASONABLE SKILL AND SAFETY TO THE PATIENT; OR

15 (III) FAILED TO COMPLY WITH THE LIMITATIONS AGREED TO UNDER
16 A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION
17 12-43.5-115;

18 (e) HAS VIOLATED THIS ARTICLE OR AIDED OR ABETTED OR
19 KNOWINGLY PERMITTED ANY PERSON TO VIOLATE THIS ARTICLE, A RULE
20 ADOPTED UNDER THIS ARTICLE, OR ANY LAWFUL ORDER OF THE DIRECTOR;

21 (f) HAS FAILED TO RESPOND TO A REQUEST OR ORDER OF THE
22 DIRECTOR;

23 (g) HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO
24 CONTENDERE TO A FELONY OR ANY CRIME RELATED TO THE CERTIFICATE
25 HOLDER'S PRACTICE OF SPEECH-LANGUAGE PATHOLOGY, OR HAS
26 COMMITTED AN ACT SPECIFIED IN SECTION 12-43.5-112. A CERTIFIED COPY
27 OF THE JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF THE

1 CONVICTION OR PLEA IS CONCLUSIVE EVIDENCE OF THE CONVICTION OR
2 PLEA. IN CONSIDERING THE DISCIPLINARY ACTION, THE DIRECTOR IS
3 GOVERNED BY SECTION 24-5-101, C.R.S.

4 (h) HAS FRAUDULENTLY OBTAINED, FURNISHED, OR SOLD ANY
5 SPEECH-LANGUAGE PATHOLOGY DIPLOMA, CERTIFICATE, CERTIFICATION,
6 RENEWAL OF CERTIFICATION, OR RECORD OR AIDED OR ABETTED SUCH
7 ACT;

8 (i) HAS FAILED TO NOTIFY THE DIRECTOR OF THE SUSPENSION OR
9 REVOCATION OF THE PERSON'S PAST OR CURRENTLY HELD LICENSE,
10 CERTIFICATE, OR CERTIFICATION REQUIRED TO PRACTICE
11 SPEECH-LANGUAGE PATHOLOGY IN THIS OR ANY OTHER JURISDICTION;

12 (j) HAS FAILED TO RESPOND IN AN HONEST, MATERIALLY
13 RESPONSIVE, AND TIMELY MANNER TO A COMPLAINT AGAINST THE
14 CERTIFICATE HOLDER;

15 (k) HAS RESORTED TO FRAUD, MISREPRESENTATION, OR DECEPTION
16 IN APPLYING FOR, SECURING, RENEWING, OR SEEKING REINSTATEMENT OF
17 A CERTIFICATION IN THIS OR ANY OTHER STATE, IN APPLYING FOR
18 PROFESSIONAL LIABILITY COVERAGE, OR IN TAKING THE EXAMINATION
19 REQUIRED BY THIS ARTICLE;

20 (l) HAS FAILED TO REFER A PATIENT TO THE APPROPRIATE
21 LICENSED HEALTH CARE PROFESSIONAL WHEN THE SERVICES REQUIRED BY
22 THE PATIENT ARE BEYOND THE LEVEL OF COMPETENCE OF THE
23 SPEECH-LANGUAGE PATHOLOGIST OR BEYOND THE SCOPE OF
24 SPEECH-LANGUAGE PATHOLOGY PRACTICE;

25 (m) HAS REFUSED TO SUBMIT TO A PHYSICAL OR MENTAL
26 EXAMINATION WHEN ORDERED BY THE DIRECTOR PURSUANT TO SECTION
27 12-43.5-114;

1 (n) HAS FAILED TO MAINTAIN OR IS NOT COVERED BY
2 PROFESSIONAL LIABILITY INSURANCE AS REQUIRED BY SECTION
3 12-43.5-106 (2) OR (4) IN THE AMOUNT DETERMINED BY THE DIRECTOR BY
4 RULE;

5 (o) HAS WILLFULLY OR NEGLIGENTLY ACTED IN A MANNER
6 INCONSISTENT WITH THE HEALTH OR SAFETY OF PERSONS UNDER HIS OR
7 HER CARE;

8 (p) HAS NEGLIGENTLY OR WILLFULLY PRACTICED
9 SPEECH-LANGUAGE PATHOLOGY IN A MANNER THAT FAILS TO MEET
10 GENERALLY ACCEPTED STANDARDS FOR SPEECH-LANGUAGE PATHOLOGY
11 PRACTICE;

12 (q) HAS FAILED TO MAKE ESSENTIAL ENTRIES ON PATIENT RECORDS
13 OR FALSIFIED OR MADE INCORRECT ENTRIES OF AN ESSENTIAL NATURE ON
14 PATIENT RECORDS; OR

15 (r) HAS OTHERWISE VIOLATED ANY PROVISION OF THIS ARTICLE OR
16 LAWFUL ORDER OR RULE OF THE DIRECTOR.

17 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
18 SECTION, THE DIRECTOR NEED NOT FIND THAT THE ACTIONS THAT ARE
19 GROUNDS FOR DISCIPLINE WERE WILLFUL BUT MAY CONSIDER WHETHER
20 THE ACTIONS WERE WILLFUL WHEN DETERMINING THE NATURE OF
21 DISCIPLINARY SANCTIONS TO IMPOSE.

22 **12-43.5-111. Disciplinary actions - judicial review.** (1) (a) THE
23 DIRECTOR MAY COMMENCE A PROCEEDING TO DISCIPLINE A CERTIFICATE
24 HOLDER WHEN THE DIRECTOR HAS REASONABLE GROUNDS TO BELIEVE
25 THAT THE CERTIFICATE HOLDER HAS COMMITTED AN ACT ENUMERATED IN
26 SECTION 12-43.5-110 OR HAS VIOLATED A LAWFUL ORDER OR RULE OF THE
27 DIRECTOR.

1 (b) IN ANY PROCEEDING UNDER THIS SECTION, THE DIRECTOR MAY
2 ACCEPT AS EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION ANY
3 DISCIPLINARY ACTION TAKEN AGAINST A CERTIFICATE HOLDER IN
4 ANOTHER JURISDICTION IF THE VIOLATION THAT PROMPTED THE
5 DISCIPLINARY ACTION IN THE OTHER JURISDICTION WOULD BE GROUNDS
6 FOR DISCIPLINARY ACTION UNDER THIS ARTICLE.

7 (2) THE DIRECTOR SHALL CONDUCT DISCIPLINARY PROCEEDINGS
8 IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND THE DIRECTOR
9 OR AN ADMINISTRATIVE LAW JUDGE, AS DETERMINED BY THE DIRECTOR,
10 SHALL CONDUCT THE HEARING AND OPPORTUNITY FOR REVIEW PURSUANT
11 TO THAT ARTICLE. THE DIRECTOR MAY EXERCISE ALL POWERS AND DUTIES
12 CONFERRED BY THIS ARTICLE DURING THE DISCIPLINARY PROCEEDINGS.

13 (3) (a) THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL TO
14 SEEK AN INJUNCTION, IN ANY COURT OF COMPETENT JURISDICTION, TO
15 ENJOIN A PERSON FROM COMMITTING AN ACT PROHIBITED BY THIS
16 ARTICLE. WHEN SEEKING AN INJUNCTION UNDER THIS PARAGRAPH (a), THE
17 ATTORNEY GENERAL IS NOT REQUIRED TO ALLEGE OR PROVE THE
18 INADEQUACY OF ANY REMEDY AT LAW OR THAT SUBSTANTIAL OR
19 IRREPARABLE DAMAGE IS LIKELY TO RESULT FROM A CONTINUED
20 VIOLATION OF THIS ARTICLE.

21 (b) (I) IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND
22 THIS ARTICLE, THE DIRECTOR MAY INVESTIGATE, HOLD HEARINGS, AND
23 GATHER EVIDENCE IN ALL MATTERS RELATED TO THE EXERCISE AND
24 PERFORMANCE OF THE POWERS AND DUTIES OF THE DIRECTOR.

25 (II) IN ORDER TO AID THE DIRECTOR IN ANY HEARING OR
26 INVESTIGATION INSTITUTED PURSUANT TO THIS SECTION, THE DIRECTOR OR
27 AN ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO PARAGRAPH (c)

1 OF THIS SUBSECTION (3) MAY ADMINISTER OATHS, TAKE AFFIRMATIONS OF
2 WITNESSES, AND ISSUE SUBPOENAS COMPELLING THE ATTENDANCE OF
3 WITNESSES AND THE PRODUCTION OF ALL RELEVANT RECORDS, PAPERS,
4 BOOKS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING,
5 INVESTIGATION, ACCUSATION, OR OTHER MATTER BEFORE THE DIRECTOR
6 OR AN ADMINISTRATIVE LAW JUDGE.

7 (III) UPON FAILURE OF ANY WITNESS OR CERTIFICATE HOLDER TO
8 COMPLY WITH A SUBPOENA OR PROCESS AND UPON APPLICATION BY THE
9 DIRECTOR WITH NOTICE TO THE SUBPOENAED PERSON OR CERTIFICATE
10 HOLDER, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED
11 PERSON OR CERTIFICATE HOLDER RESIDES OR CONDUCTS BUSINESS MAY
12 ISSUE AN ORDER REQUIRING THE PERSON OR CERTIFICATE HOLDER TO
13 APPEAR BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS,
14 BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS; OR TO GIVE
15 EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION.
16 IF THE PERSON OR CERTIFICATE HOLDER FAILS TO OBEY THE ORDER OF THE
17 COURT, THE DISTRICT COURT MAY HOLD THE PERSON OR CERTIFICATE
18 HOLDER IN CONTEMPT OF COURT.

19 (c) THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE
20 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO CONDUCT
21 HEARINGS, TAKE EVIDENCE, AND MAKE AND REPORT FINDINGS TO THE
22 DIRECTOR.

23 (4) (a) THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING
24 AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS
25 TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY
26 PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE IS IMMUNE
27 FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR

1 ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR,
2 STAFF, CONSULTANT, WITNESS, OR COMPLAINANT, RESPECTIVELY, IF THE
3 INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER
4 RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE
5 FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE
6 REASONABLE BELIEF THAT HIS OR HER ACTION WAS WARRANTED BY THE
7 FACTS.

8 (b) A PERSON PARTICIPATING IN GOOD FAITH IN MAKING A
9 COMPLAINT OR REPORT OR IN AN INVESTIGATIVE OR ADMINISTRATIVE
10 PROCEEDING PURSUANT TO THIS SECTION IS IMMUNE FROM ANY CIVIL OR
11 CRIMINAL LIABILITY THAT OTHERWISE MIGHT RESULT BY REASON OF THE
12 PARTICIPATION.

13 (5) A FINAL ACTION OF THE DIRECTOR IS SUBJECT TO JUDICIAL
14 REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11),
15 C.R.S. THE DIRECTOR MAY INSTITUTE A JUDICIAL PROCEEDING IN
16 ACCORDANCE WITH SECTION 24-4-106, C.R.S., TO ENFORCE AN ORDER OF
17 THE DIRECTOR.

18 (6) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN
19 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,
20 WARRANTS FORMAL ACTION, THE DIRECTOR SHALL NOT RESOLVE THE
21 COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR
22 PROSECUTION.

23 (7) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
24 INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE
25 DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE COMPLAINT
26 SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED INDICATIONS OF
27 POSSIBLE ERRANT CONDUCT BY THE CERTIFICATE HOLDER THAT COULD

1 LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, THE DIRECTOR MAY
2 SEND A CONFIDENTIAL LETTER OF CONCERN TO THE CERTIFICATE HOLDER.

3 (8) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
4 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES
5 NOT WARRANT FORMAL ACTION BUT SHOULD NOT BE DISMISSED AS BEING
6 WITHOUT MERIT, THE DIRECTOR MAY SEND A LETTER OF ADMONITION TO
7 THE CERTIFICATE HOLDER.

8 (b) WHEN THE DIRECTOR SENDS A LETTER OF ADMONITION TO A
9 CERTIFICATE HOLDER, THE DIRECTOR SHALL NOTIFY THE CERTIFICATE
10 HOLDER OF HIS OR HER RIGHT TO REQUEST IN WRITING, WITHIN TWENTY
11 DAYS AFTER RECEIPT OF THE LETTER, THAT THE DIRECTOR INITIATE
12 FORMAL DISCIPLINARY PROCEEDINGS TO ADJUDICATE THE PROPRIETY OF
13 THE CONDUCT DESCRIBED IN THE LETTER OF ADMONITION.

14 (c) IF THE CERTIFICATE HOLDER TIMELY REQUESTS ADJUDICATION,
15 THE DIRECTOR SHALL VACATE THE LETTER OF ADMONITION AND SHALL
16 PROCESS THE MATTER BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

17 (9) THE DIRECTOR MAY INCLUDE IN A DISCIPLINARY ORDER THAT
18 ALLOWS THE CERTIFICATE HOLDER TO CONTINUE TO PRACTICE ON
19 PROBATION ANY CONDITIONS THE DIRECTOR DEEMS APPROPRIATE TO
20 ASSURE THAT THE CERTIFICATE HOLDER IS PHYSICALLY, MENTALLY,
21 MORALLY, AND OTHERWISE QUALIFIED TO PRACTICE SPEECH-LANGUAGE
22 PATHOLOGY IN ACCORDANCE WITH GENERALLY ACCEPTED PROFESSIONAL
23 STANDARDS OF PRACTICE. IF THE CERTIFICATE HOLDER FAILS TO COMPLY
24 WITH ANY CONDITIONS IMPOSED BY THE DIRECTOR PURSUANT TO THIS
25 SUBSECTION (9), AND THE FAILURE TO COMPLY IS NOT DUE TO CONDITIONS
26 BEYOND THE CERTIFICATE HOLDER'S CONTROL, THE DIRECTOR MAY ORDER
27 SUSPENSION OF THE CERTIFICATE HOLDER'S CERTIFICATION TO PRACTICE

1 SPEECH-LANGUAGE PATHOLOGY IN THIS STATE UNTIL THE CERTIFICATE
2 HOLDER COMPLIES WITH THE CONDITIONS.

3 (10) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
4 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT
5 A CERTIFICATE HOLDER IS ACTING IN A MANNER THAT IS AN IMMINENT
6 THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS
7 ACTING OR HAS ACTED WITHOUT THE REQUIRED CERTIFICATION, THE
8 DIRECTOR MAY ISSUE AN ORDER TO CEASE AND DESIST THE ACTIVITY. THE
9 ORDER MUST SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE
10 BEEN VIOLATED, THE FACTS ALLEGED TO CONSTITUTE THE VIOLATION, AND
11 THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNCERTIFIED PRACTICES
12 IMMEDIATELY CEASE.

13 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND
14 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (10), THE
15 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER
16 ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. THE
17 DIRECTOR SHALL CONDUCT THE HEARING PURSUANT TO SECTIONS
18 24-4-104 AND 24-4-105, C.R.S.

19 (11) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
20 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT
21 A PERSON HAS VIOLATED ANY OTHER PROVISION OF THIS ARTICLE, IN
22 ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE,
23 THE DIRECTOR MAY ISSUE TO THE PERSON AN ORDER TO SHOW CAUSE AS
24 TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE
25 PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNCERTIFIED
26 PRACTICE.

27 (b) THE DIRECTOR SHALL PROMPTLY NOTIFY A PERSON AGAINST

1 WHOM HE OR SHE ISSUES AN ORDER TO SHOW CAUSE PURSUANT TO
2 PARAGRAPH (a) OF THIS SUBSECTION (11) AND SHALL INCLUDE IN THE
3 NOTICE A COPY OF THE ORDER, A STATEMENT OF THE FACTUAL AND LEGAL
4 BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A
5 HEARING ON THE ORDER. THE DIRECTOR MAY SERVE THE NOTICE ON THE
6 PERSON AGAINST WHOM THE ORDER HAS BEEN ISSUED BY PERSONAL
7 SERVICE, BY FIRST-CLASS, POSTAGE PREPAID UNITED STATES MAIL, OR IN
8 ANOTHER MANNER AS MAY BE PRACTICABLE. PERSONAL SERVICE OR
9 MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS PARAGRAPH (b)
10 CONSTITUTES NOTICE OF THE ORDER TO THE PERSON.

11 (c) (I) THE DIRECTOR SHALL CONDUCT THE HEARING ON AN ORDER
12 TO SHOW CAUSE NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE
13 CALENDAR DAYS AFTER THE DATE THE DIRECTOR TRANSMITS OR SERVES
14 THE NOTIFICATION AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION
15 (11). THE DIRECTOR MAY CONTINUE THE HEARING BY AGREEMENT OF ALL
16 PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF
17 PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER,
18 BUT IN NO EVENT SHALL THE DIRECTOR CONDUCT THE HEARING LATER
19 THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR
20 SERVICE OF THE NOTIFICATION.

21 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS
22 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11) DOES
23 NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE
24 THAT NOTIFICATION WAS PROPERLY SENT OR SERVED ON THE PERSON
25 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (11) AND ANY OTHER
26 EVIDENCE RELATED TO THE MATTER THAT THE DIRECTOR DEEMS
27 APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS

1 AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE
2 ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER BECOMES FINAL
3 AS TO THAT PERSON BY OPERATION OF LAW. THE DIRECTOR SHALL
4 CONDUCT THE HEARING PURSUANT TO SECTIONS 24-4-104 AND 24-4-105,
5 C.R.S.

6 (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON
7 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR
8 HAS ACTED WITHOUT THE REQUIRED CERTIFICATION, OR HAS OR IS ABOUT
9 TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING A VIOLATION OF THIS
10 ARTICLE, THE DIRECTOR MAY ISSUE A FINAL CEASE-AND-DESIST ORDER
11 DIRECTING THE PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL
12 ACTS OR UNCERTIFIED PRACTICES.

13 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET
14 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (11), OF THE FINAL
15 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE
16 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON
17 AGAINST WHOM THE FINAL ORDER IS ISSUED. THE FINAL ORDER ISSUED
18 PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) IS EFFECTIVE
19 WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

20 (12) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE
21 EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED OR
22 IS ABOUT TO ENGAGE IN AN UNCERTIFIED ACT OR PRACTICE; AN ACT OR
23 PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, A RULE
24 PROMULGATED PURSUANT TO THIS ARTICLE, OR AN ORDER ISSUED
25 PURSUANT TO THIS ARTICLE; OR AN ACT OR PRACTICE CONSTITUTING
26 GROUNDS FOR ADMINISTRATIVE SANCTION PURSUANT TO THIS ARTICLE,
27 THE DIRECTOR MAY ENTER INTO A STIPULATION WITH THE PERSON.

1 (13) IF ANY PERSON FAILS TO COMPLY WITH A FINAL
2 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY
3 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE
4 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING,
5 AND IF SO REQUESTED THE ATTORNEY SHALL BRING, SUIT FOR A
6 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO
7 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

8 (14) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST
9 ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION
10 OR OF THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SUBSECTION (5) OF
11 THIS SECTION.

12 (15) ANY PERSON WHOSE CERTIFICATION IS REVOKED OR WHO
13 SURRENDERS HIS OR HER CERTIFICATION TO AVOID DISCIPLINE IS
14 INELIGIBLE TO APPLY FOR CERTIFICATION UNDER THIS ARTICLE FOR AT
15 LEAST TWO YEARS AFTER THE DATE OF REVOCATION OF THE
16 CERTIFICATION. THE DIRECTOR SHALL TREAT A SUBSEQUENT APPLICATION
17 FOR CERTIFICATION FROM A PERSON WHOSE CERTIFICATION WAS REVOKED
18 AS AN APPLICATION FOR A NEW CERTIFICATION UNDER THIS ARTICLE.

19 **12-43.5-112. Unauthorized practice - penalties.** A PERSON WHO
20 PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE SPEECH-LANGUAGE
21 PATHOLOGY WITHOUT AN ACTIVE CERTIFICATION ISSUED UNDER THIS
22 ARTICLE COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS
23 PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE. FOR
24 THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A
25 CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
26 18-1.3-501, C.R.S.

27 **12-43.5-113. Rule-making authority.** THE DIRECTOR SHALL

1 PROMULGATE RULES AS NECESSARY FOR THE ADMINISTRATION OF THIS
2 ARTICLE.

3 **12-43.5-114. Mental and physical examination of certificate**
4 **holders.** (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT
5 A CERTIFICATE HOLDER IS UNABLE TO PRACTICE WITH REASONABLE SKILL
6 AND SAFETY, THE DIRECTOR MAY ORDER THE CERTIFICATE HOLDER TO
7 TAKE A MENTAL OR PHYSICAL EXAMINATION ADMINISTERED BY A
8 PHYSICIAN OR OTHER LICENSED HEALTH CARE PROFESSIONAL DESIGNATED
9 BY THE DIRECTOR. EXCEPT WHERE DUE TO CIRCUMSTANCES BEYOND THE
10 CERTIFICATE HOLDER'S CONTROL, IF THE CERTIFICATE HOLDER FAILS OR
11 REFUSES TO UNDERGO A MENTAL OR PHYSICAL EXAMINATION, THE
12 DIRECTOR MAY SUSPEND THE CERTIFICATE HOLDER'S CERTIFICATION UNTIL
13 THE DIRECTOR HAS MADE A DETERMINATION OF THE CERTIFICATE
14 HOLDER'S FITNESS TO PRACTICE. THE DIRECTOR SHALL PROCEED WITH AN
15 ORDER FOR EXAMINATION AND SHALL MAKE HIS OR HER DETERMINATION
16 IN A TIMELY MANNER.

17 (2) THE DIRECTOR SHALL INCLUDE IN AN ORDER REQUIRING A
18 CERTIFICATE HOLDER TO UNDERGO A MENTAL OR PHYSICAL EXAMINATION
19 THE BASIS OF THE DIRECTOR'S REASONABLE CAUSE TO BELIEVE THAT THE
20 CERTIFICATE HOLDER IS UNABLE TO PRACTICE WITH REASONABLE SKILL
21 AND SAFETY. FOR PURPOSES OF A DISCIPLINARY PROCEEDING AUTHORIZED
22 UNDER THIS ARTICLE, THE CERTIFICATE HOLDER IS DEEMED TO HAVE
23 WAIVED ALL OBJECTIONS TO THE ADMISSIBILITY OF THE EXAMINING
24 PHYSICIAN'S OR LICENSED HEALTH CARE PROFESSIONAL'S TESTIMONY OR
25 EXAMINATION REPORTS ON THE GROUNDS THAT THEY ARE PRIVILEGED
26 COMMUNICATION.

27 (3) THE CERTIFICATE HOLDER MAY SUBMIT TO THE DIRECTOR

1 TESTIMONY OR EXAMINATION REPORTS FROM A PHYSICIAN CHOSEN BY THE
2 CERTIFICATE HOLDER AND PERTAINING TO ANY CONDITION THAT THE
3 DIRECTOR HAS ALLEGED MAY PRECLUDE THE CERTIFICATE HOLDER FROM
4 PRACTICING WITH REASONABLE SKILL AND SAFETY. THE DIRECTOR MAY
5 CONSIDER THE TESTIMONY AND REPORTS SUBMITTED BY THE CERTIFICATE
6 HOLDER IN CONJUNCTION WITH, BUT NOT IN LIEU OF, THE TESTIMONY AND
7 EXAMINATION REPORTS OF THE PHYSICIAN DESIGNATED BY THE DIRECTOR.

8 (4) THE RESULTS OF A MENTAL OR PHYSICAL EXAMINATION
9 ORDERED BY THE DIRECTOR SHALL NOT BE USED AS EVIDENCE IN ANY
10 PROCEEDING OTHER THAN ONE BEFORE THE DIRECTOR, ARE NOT A PUBLIC
11 RECORD, AND ARE NOT AVAILABLE TO THE PUBLIC.

12 **12-43.5-115. Confidential agreement to limit practice -**
13 **violation grounds for discipline.** (1) IF A SPEECH-LANGUAGE
14 PATHOLOGIST SUFFERS FROM A PHYSICAL OR MENTAL ILLNESS OR
15 CONDITION THAT RENDERS THE PERSON UNABLE TO PRACTICE
16 SPEECH-LANGUAGE PATHOLOGY OR PRACTICE AS A SPEECH-LANGUAGE
17 PATHOLOGIST WITH REASONABLE SKILL AND PATIENT SAFETY, THE
18 SPEECH-LANGUAGE PATHOLOGIST SHALL NOTIFY THE DIRECTOR OF THE
19 ILLNESS OR CONDITION IN A MANNER AND WITHIN A PERIOD OF TIME
20 DETERMINED BY THE DIRECTOR. THE DIRECTOR MAY REQUIRE THE
21 SPEECH-LANGUAGE PATHOLOGIST TO SUBMIT TO AN EXAMINATION TO
22 EVALUATE THE EXTENT OF THE ILLNESS OR CONDITION AND ITS IMPACT ON
23 THE SPEECH-LANGUAGE PATHOLOGIST'S ABILITY TO PRACTICE WITH
24 REASONABLE SKILL AND SAFETY TO PATIENTS.

25 (2) (a) UPON DETERMINING THAT A SPEECH-LANGUAGE
26 PATHOLOGIST WITH A PHYSICAL OR MENTAL ILLNESS OR CONDITION IS
27 ABLE TO RENDER LIMITED SPEECH-LANGUAGE PATHOLOGY SERVICES WITH

1 REASONABLE SKILL AND PATIENT SAFETY, THE DIRECTOR MAY ENTER INTO
2 A CONFIDENTIAL AGREEMENT WITH THE SPEECH-LANGUAGE PATHOLOGIST
3 IN WHICH THE SPEECH-LANGUAGE PATHOLOGIST AGREES TO LIMIT HIS OR
4 HER PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY THE ILLNESS OR
5 CONDITION, AS DETERMINED BY THE DIRECTOR.

6 (b) THE AGREEMENT MUST SPECIFY THAT THE SPEECH-LANGUAGE
7 PATHOLOGIST IS SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING
8 AS DETERMINED APPROPRIATE BY THE DIRECTOR.

9 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS
10 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR OF
11 MONITORING.

12 (d) BY ENTERING INTO AN AGREEMENT WITH THE DIRECTOR
13 PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, THE
14 SPEECH-LANGUAGE PATHOLOGIST IS NOT ENGAGING IN ACTIVITIES THAT
15 CONSTITUTE GROUNDS FOR DISCIPLINE PURSUANT TO SECTION
16 12-43.5-110. THE AGREEMENT IS AN ADMINISTRATIVE ACTION AND DOES
17 NOT CONSTITUTE A RESTRICTION OR DISCIPLINE BY THE DIRECTOR.
18 HOWEVER, IF THE SPEECH-LANGUAGE PATHOLOGIST FAILS TO COMPLY
19 WITH THE TERMS OF AN AGREEMENT ENTERED INTO PURSUANT TO THIS
20 SECTION, THE FAILURE CONSTITUTES GROUNDS FOR DISCIPLINARY ACTION
21 UNDER SECTION 12-43.5-110 (2) (d), AND THE SPEECH-LANGUAGE
22 PATHOLOGIST IS SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION
23 12-43.5-111.

24 (3) THIS SECTION DOES NOT APPLY TO A LICENSEE SUBJECT TO
25 DISCIPLINE UNDER SECTION 12-43.5-110 (2) (c).

26 **12-43.5-116. Protection of medical records - certificate**
27 **holder's obligations - verification of compliance - noncompliance**

1 **grounds for discipline - rules.** (1) EACH SPEECH-LANGUAGE
2 PATHOLOGIST RESPONSIBLE FOR PATIENT RECORDS SHALL DEVELOP A
3 WRITTEN PLAN TO ENSURE THE SECURITY OF PATIENT MEDICAL RECORDS.
4 THE PLAN MUST ADDRESS AT LEAST THE FOLLOWING:

5 (a) THE STORAGE AND PROPER DISPOSAL OF PATIENT MEDICAL
6 RECORDS;

7 (b) THE DISPOSITION OF PATIENT MEDICAL RECORDS IN THE EVENT
8 THE CERTIFICATE HOLDER DIES, RETIRES, OR OTHERWISE CEASES TO
9 PRACTICE OR PROVIDE SPEECH-LANGUAGE PATHOLOGY SERVICES TO
10 PATIENTS; AND

11 (c) THE METHOD BY WHICH PATIENTS MAY ACCESS OR OBTAIN
12 THEIR MEDICAL RECORDS PROMPTLY IF ANY OF THE EVENTS DESCRIBED IN
13 PARAGRAPH (b) OF THIS SUBSECTION (1) OCCURS.

14 (2) UPON INITIAL CERTIFICATION UNDER THIS ARTICLE AND UPON
15 RENEWAL OF A CERTIFICATION, THE APPLICANT OR CERTIFICATE HOLDER
16 SHALL ATTEST TO THE DIRECTOR THAT HE OR SHE HAS DEVELOPED A PLAN
17 IN COMPLIANCE WITH THIS SECTION.

18 (3) A CERTIFICATE HOLDER SHALL INFORM EACH PATIENT IN
19 WRITING OF THE METHOD BY WHICH THE PATIENT MAY ACCESS OR OBTAIN
20 HIS OR HER MEDICAL RECORDS IF AN EVENT DESCRIBED IN PARAGRAPH (b)
21 OF SUBSECTION (1) OF THIS SECTION OCCURS.

22 (4) A SPEECH-LANGUAGE PATHOLOGIST WHO FAILS TO COMPLY
23 WITH THIS SECTION IS SUBJECT TO DISCIPLINE IN ACCORDANCE WITH
24 SECTION 12-43.5-111.

25 (5) THE DIRECTOR MAY ADOPT RULES REASONABLY NECESSARY TO
26 IMPLEMENT THIS SECTION.

27 **12-43.5-117. Severability.** IF ANY PROVISION OF THIS ARTICLE IS

1 HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OF
2 THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID
3 PROVISION.

4 **12-43.5-118. Repeal of article - review of functions.** THIS
5 ARTICLE IS REPEALED, EFFECTIVE SEPTEMBER 1, 2019. PRIOR TO THE
6 REPEAL, THE DIRECTOR'S POWERS, DUTIES, AND FUNCTIONS UNDER THIS
7 ARTICLE SHALL BE REVIEWED AS PROVIDED IN SECTION 24-34-104, C.R.S.

8 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **amend**
9 (50.5) introductory portion; and **add** (50.5) (e) as follows:

10 **24-34-104. General assembly review of regulatory agencies**
11 **and functions for termination, continuation, or reestablishment.**

12 (50.5) The following agencies, functions, or both, shall terminate on
13 September 1, 2019:

14 (e) THE REGULATION OF SPEECH-LANGUAGE PATHOLOGISTS BY THE
15 DIRECTOR OF THE DIVISION OF REGISTRATIONS PURSUANT TO ARTICLE 43.5
16 OF TITLE 12, C.R.S.

17 **SECTION 3.** In Colorado Revised Statutes, 24-34-110, **amend**
18 (3) (a) (XVIII) and (3) (a) (XIX); and **add** (3) (a) (XX) as follows:

19 **24-34-110. Medical transparency act of 2010 - disclosure of**
20 **information about health care licensees - fines - rules - short title -**

21 **legislative declaration.** (3) (a) As used in this section, "applicant" means
22 a person applying for a new, active license, certification, or registration
23 or to renew, reinstate, or reactivate an active license, certification, or
24 registration to practice:

25 (XVIII) Psychotherapy pursuant to part 7 of article 43 of title 12,
26 C.R.S.; and

27 (XIX) Addiction counseling pursuant to part 8 of article 43 of title

1 12, C.R.S.; AND

2 (XX) SPEECH-LANGUAGE PATHOLOGY PURSUANT TO ARTICLE 43.5
3 OF TITLE 12, C.R.S.

4 **SECTION 4. Appropriation.** (1) In addition to any other
5 appropriation, there is hereby appropriated, out of any moneys in the
6 division of registrations cash fund created in section 24-34-105 (2) (b) (I),
7 Colorado Revised Statutes, not otherwise appropriated, to the department
8 of regulatory agencies, for the fiscal year beginning July 1, 2012, the sum
9 of \$111,148 and 1.2 FTE, or so much thereof as may be necessary, to be
10 allocated for the implementation of this act as follows:

11 (a) \$57,428 and 1.1 FTE for personal services;

12 (b) \$27,971 for temporary contract labor;

13 (c) \$7,909 for operating expenses;

14 (d) \$16,656 for the purchase of legal services; and

15 (e) \$1,184 for the purchase of computer center services.

16 (2) In addition to any other appropriation, there is hereby
17 appropriated to the department of law, for the fiscal year beginning July
18 1, 2012, the sum of \$16,656 and 0.1 FTE, or so much thereof as may be
19 necessary, for the provision of legal services for the department of
20 regulatory agencies related to the implementation of this act. Said sum is
21 from reappropriated funds received from the department of regulatory
22 agencies out of the appropriation made in paragraph (d) of subsection (1)
23 of this section.

24 (3) In addition to any other appropriation, there is hereby
25 appropriated to the governor - lieutenant governor - state planning and
26 budgeting, for the fiscal year beginning July 1, 2012, the sum of \$1,184,
27 or so much thereof as may be necessary, for allocation to the office of

1 information technology, for the provision of computer center services for
2 the department of regulatory agencies related to the implementation of
3 this act. Said sum is from reappropriated funds received from the
4 department of regulatory agencies out of the appropriation made in
5 paragraph (e) of subsection (1) of this section.

6 **SECTION 5. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2012 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.