

**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REVISED

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

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

Education
Finance
Appropriations

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.*

SENATE
Am ended 2nd Reading
May 1, 2012

HOUSE
3rd Reading Unam ended
March 27, 2012

HOUSE
Am ended 2nd Reading
March 23, 2012

tasked with oversight, regulation, and discipline of speech-language pathologists. An exemption from the certification requirement is provided for speech-language pathologists who are licensed and speech-language pathology assistants who are authorized by the Colorado department of education and who provide speech-language pathology services that are paid for by an administrative unit or state-operated program, as those terms are defined in the "Exceptional Children's Educational Act".

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 43.5 to
3 title 12 as follows:

4 **ARTICLE 43.5**

5 **Speech-language Pathologists**

6 **12-43.5-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND
7 MAY BE CITED AS THE "SPEECH-LANGUAGE PATHOLOGY PRACTICE ACT".

8 **12-43.5-102. Legislative declaration.** (1) THE GENERAL
9 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

10 (a) SPEECH-LANGUAGE PATHOLOGY SERVICES ARE PROVIDED FOR
11 THE PURPOSE OF IMPROVING THE ABILITIES OF THOSE WHO HAVE
12 CONGENITAL OR ACQUIRED SPEECH, LANGUAGE, COGNITIVE, FEEDING, AND
13 SWALLOWING DEFICITS;

14 (b) SPEECH-LANGUAGE PATHOLOGISTS PROVIDE SPECIFIC THERAPY
15 AND TREATMENTS THAT ARE RELATED TO THE EFFECTS OF MEDICAL OR
16 DENTAL DIAGNOSES OR CONGENITAL, GENETIC, OR DEVELOPMENTAL
17 CONDITIONS BUT DO NOT PROVIDE MEDICAL OR DENTAL PROCEDURES,
18 MEDICATIONS, OR INTERVENTIONS THAT CONSTITUTE THE PRACTICE OF
19 MEDICINE OR DENTISTRY;

20 (c) THE PROFESSIONAL ROLES AND ACTIVITIES IN
21 SPEECH-LANGUAGE PATHOLOGY INCLUDE CLINICAL AND EDUCATIONAL
22 SERVICES, WHICH INCLUDE EVALUATION, ASSESSMENT, PLANNING, AND

1 TREATMENT; PREVENTION AND ADVOCACY; EDUCATION; ADMINISTRATION;
2 AND RESEARCH;

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


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

8 (a) REGULATE PERSONS WHO ARE REPRESENTING OR HOLDING
9 THEMSELVES OUT AS SPEECH-LANGUAGE PATHOLOGISTS OR WHO ARE
10 PERFORMING SERVICES THAT CONSTITUTE SPEECH-LANGUAGE
11 PATHOLOGY; AND

12 (b) EXCLUDE FROM REGULATION UNDER THIS ARTICLE THOSE
13 SCHOOL SPEECH-LANGUAGE PATHOLOGISTS WHO ARE PAID SOLELY BY AN
14 ADMINISTRATIVE UNIT OR STATE-OPERATED PROGRAM.

15 **12-43.5-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
16 CONTEXT OTHERWISE REQUIRES:

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

19 
20 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF REGULATORY
21 AGENCIES.

22 (3) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF
23 REGISTRATIONS OR THE DIRECTOR'S DESIGNEE.

24 (4) "DIVISION" MEANS THE DIVISION OF REGISTRATIONS IN THE
25 DEPARTMENT CREATED IN SECTION 24-34-102, C.R.S.

26 (5) "SCHOOL SPEECH-LANGUAGE PATHOLOGIST" MEANS A PERSON
27 LICENSED BY THE DEPARTMENT OF EDUCATION TO PROVIDE

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

8 (6) [REDACTED] "SPEECH-LANGUAGE PATHOLOGIST" OR "CERTIFICATE
9 HOLDER" MEANS A PERSON CERTIFIED TO PRACTICE SPEECH-LANGUAGE
10 PATHOLOGY UNDER THIS ARTICLE.

11 [REDACTED]
12 (7)(a) "SPEECH-LANGUAGE PATHOLOGY" MEANS THE APPLICATION
13 OF PRINCIPLES, METHODS, AND PROCEDURES RELATED TO THE
14 DEVELOPMENT, DISORDERS, AND EFFECTIVENESS OF HUMAN
15 COMMUNICATION AND RELATED FUNCTIONS, WHICH INCLUDES PROVIDING
16 PREVENTION, SCREENING, CONSULTATION, ASSESSMENT OR EVALUATION,
17 TREATMENT, INTERVENTION, MANAGEMENT, COUNSELING,
18 COLLABORATION, AND REFERRAL SERVICES FOR DISORDERS OF:

19 (I) SPEECH, SUCH AS SPEECH SOUND PRODUCTION, FLUENCY,
20 RESONANCE, AND VOICE;

21 (II) LANGUAGE, SUCH AS PHONOLOGY, MORPHOLOGY, SYNTAX,
22 SEMANTICS, PRAGMATIC AND SOCIAL COMMUNICATION SKILLS, AND
23 LITERACY SKILLS;

24 (III) FEEDING AND SWALLOWING; AND

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

27 (b) "SPEECH-LANGUAGE PATHOLOGY" ALSO INCLUDES

1 ESTABLISHING AUGMENTATIVE AND ALTERNATIVE COMMUNICATION
2 TECHNIQUES AND STRATEGIES, INCLUDING THE FOLLOWING:

3 (I) DEVELOPING, SELECTING, AND PRESCRIBING AUGMENTATIVE OR
4 ALTERNATIVE COMMUNICATION SYSTEMS AND DEVICES, SUCH AS SPEECH
5 GENERATING DEVICES;

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

9 (III) SCREENING INDIVIDUALS FOR HEARING LOSS OR MIDDLE EAR
10 PATHOLOGY USING CONVENTIONAL PURE-TONE AIR CONDUCTION
11 METHODS, INCLUDING OTOSCOPIC INSPECTION; OTOACOUSTIC EMISSIONS;
12 OR SCREENING TYMPANOMETRY;

13 (IV) USING INSTRUMENTATION SUCH AS VIDEOFLUROSCOPY,
14 ENDOSCOPY, OR STROBOSCOPY TO OBSERVE, COLLECT DATA, AND
15 MEASURE PARAMETERS OF COMMUNICATION AND SWALLOWING;

16 (V) SELECTING, FITTING, AND ESTABLISHING EFFECTIVE USE OF
17 PROSTHETIC OR ADAPTIVE DEVICES FOR COMMUNICATION, SWALLOWING,
18 OR OTHER UPPER AERODIGESTIVE FUNCTIONS, NOT INCLUDING SENSORY
19 DEVICES USED BY INDIVIDUALS WITH HEARING LOSS OR THE ORTHODONTIC
20 MOVEMENT OF TEETH FOR THE PURPOSE OF CORRECTION OF SPEECH
21 PATHOLOGY CONDITIONS; AND

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

25 (8) "STATE-OPERATED PROGRAM" HAS THE SAME MEANING AS SET
26 FORTH IN SECTION 22-20-103 (28), C.R.S.

27 **12-43.5-104. Use of titles restricted.** (1) ONLY A PERSON

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

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

18 **12-43.5-105. Certification required - exception.** (1) EXCEPT AS
19 OTHERWISE PROVIDED IN THIS ARTICLE, ON AND AFTER JULY 1, 2013, A
20 PERSON SHALL NOT PRACTICE SPEECH-LANGUAGE PATHOLOGY OR
21 REPRESENT OR HOLD HIMSELF OR HERSELF OUT AS BEING ABLE TO
22 PRACTICE SPEECH-LANGUAGE PATHOLOGY IN THIS STATE WITHOUT
23 POSSESSING A VALID CERTIFICATION ISSUED BY THE DIRECTOR IN
24 ACCORDANCE WITH THIS ARTICLE AND ANY RULES ADOPTED UNDER THIS
25 ARTICLE.

26 (2) A PERSON DESCRIBED IN SECTION 12-43.5-108 (1) IS NOT
27 REQUIRED TO OBTAIN CERTIFICATION UNDER THIS ARTICLE.

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

5 (a) SUCCESSFULLY COMPLETED A MASTER'S OR HIGHER DEGREE IN
6 COMMUNICATION SCIENCES AND DISORDERS GRANTED BY AN ACCREDITED
7 INSTITUTION OF HIGHER EDUCATION RECOGNIZED BY THE UNITED STATES
8 DEPARTMENT OF EDUCATION;

9 (b) SUCCESSFULLY COMPLETED A SPEECH-LANGUAGE PATHOLOGY
10 CLINICAL FELLOWSHIP APPROVED BY THE DIRECTOR, AS DOCUMENTED BY
11 THE SUPERVISING CLINICIAN OR A NATIONAL CERTIFYING BODY APPROVED
12 BY THE DIRECTOR; AND

13 (c) PASSED THE NATIONAL EXAMINATION ADOPTED BY THE
14 AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION OR ITS SUCCESSOR
15 ASSOCIATION OR ANY OTHER EXAMINATION APPROVED BY THE DIRECTOR.

16 (2) **Application.** WHEN AN APPLICANT HAS FULFILLED THE
17 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, THE APPLICANT MAY
18 APPLY FOR CERTIFICATION IN THE MANNER REQUIRED BY THE DIRECTOR.
19 THE APPLICANT SHALL SUBMIT AN APPLICATION FEE WITH HIS OR HER
20 APPLICATION IN AN AMOUNT DETERMINED BY THE DIRECTOR.
21 ADDITIONALLY, IF THE APPLICANT WILL PROVIDE SPEECH-LANGUAGE
22 PATHOLOGY SERVICES TO PATIENTS, THE APPLICANT SHALL SUBMIT TO THE
23 DIRECTOR PROOF THAT THE APPLICANT HAS PURCHASED AND IS
24 MAINTAINING OR IS COVERED BY PROFESSIONAL LIABILITY INSURANCE IN
25 AN AMOUNT DETERMINED BY THE DIRECTOR BY RULE.

26 (3) **Certification.** (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF
27 THIS SUBSECTION (3), WHEN AN APPLICANT HAS FULFILLED THE

1 REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION, THE
2 DIRECTOR SHALL ISSUE A CERTIFICATION TO THE APPLICANT.

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

6 (4) **Certification by endorsement.** (a) AN APPLICANT FOR
7 CERTIFICATION BY ENDORSEMENT SHALL FILE AN APPLICATION AND PAY
8 A FEE AS DETERMINED BY THE DIRECTOR AND SHALL HOLD A CURRENT,
9 VALID LICENSE OR CERTIFICATION IN A JURISDICTION THAT REQUIRES
10 QUALIFICATIONS SUBSTANTIALLY EQUIVALENT TO THOSE REQUIRED FOR
11 CERTIFICATION BY SUBSECTION (1) OF THIS SECTION.

12 (b) AN APPLICANT FOR CERTIFICATION BY ENDORSEMENT SHALL
13 SUBMIT WITH THE APPLICATION VERIFICATION THAT THE APPLICANT HAS
14 ACTIVELY PRACTICED FOR A PERIOD OF TIME DETERMINED BY RULES OF
15 THE DIRECTOR OR OTHERWISE MAINTAINED ████████ COMPETENCY AS
16 DETERMINED BY THE DIRECTOR. ADDITIONALLY, IF THE APPLICANT WILL
17 PROVIDE SPEECH-LANGUAGE PATHOLOGY SERVICES TO PATIENTS, THE
18 APPLICANT SHALL SUBMIT TO THE DIRECTOR PROOF THAT THE APPLICANT
19 HAS PURCHASED AND IS MAINTAINING OR IS COVERED BY PROFESSIONAL
20 LIABILITY INSURANCE IN AN AMOUNT DETERMINED BY THE DIRECTOR BY
21 RULE.

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

26 (d) THE DIRECTOR MAY DENY THE CERTIFICATION BY
27 ENDORSEMENT IF THE APPLICANT HAS COMMITTED AN ACT THAT WOULD

1 BE GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-43.5-110.

2 (5) **Certification renewal.** (a) A CERTIFICATE HOLDER SHALL
3 RENEW THE CERTIFICATION ISSUED UNDER THIS ARTICLE ACCORDING TO
4 A SCHEDULE OF RENEWAL DATES ESTABLISHED BY THE DIRECTOR. THE
5 CERTIFICATE HOLDER SHALL SUBMIT AN APPLICATION IN THE MANNER
6 REQUIRED BY THE DIRECTOR AND SHALL PAY A RENEWAL FEE IN AN
7 AMOUNT DETERMINED BY THE DIRECTOR.

8 (b) CERTIFICATIONS SHALL BE RENEWED OR REINSTATED IN
9 ACCORDANCE WITH THE SCHEDULE ESTABLISHED BY THE DIRECTOR, AND
10 THE RENEWAL OR REINSTATEMENT SHALL BE GRANTED PURSUANT TO
11 SECTION 24-34-102 (8), C.R.S. THE DIRECTOR MAY ESTABLISH RENEWAL
12 FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION
13 24-34-105, C.R.S. IF A CERTIFICATE HOLDER FAILS TO RENEW HIS OR HER
14 CERTIFICATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE
15 DIRECTOR, THE CERTIFICATION EXPIRES. ANY PERSON WHOSE
16 CERTIFICATION HAS EXPIRED AND WHO CONTINUES TO PRACTICE
17 SPEECH-LANGUAGE PATHOLOGY IS SUBJECT TO THE PENALTIES PROVIDED
18 IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S., FOR REINSTATEMENT.

19 (6) **Fees.** (a) THE DIRECTOR SHALL ESTABLISH AND COLLECT FEES
20 UNDER THIS ARTICLE PURSUANT TO SECTION 24-34-105, C.R.S., AND
21 SHALL BASE THE FEES CHARGED TO SPEECH-LANGUAGE PATHOLOGISTS
22 CERTIFIED UNDER THIS ARTICLE ON THE COST TO ADMINISTER THE
23 PROGRAM DIVIDED BY THE TOTAL NUMBER OF SPEECH-LANGUAGE
24 PATHOLOGISTS, AS REQUIRED BY SECTION 24-34-105, C.R.S. ALL FEES
25 COLLECTED UNDER THIS ARTICLE SHALL BE DETERMINED, COLLECTED, AND
26 APPROPRIATED IN THE SAME MANNER AS SET FORTH IN SECTION 24-34-105,
27 C.R.S., AND PERIODICALLY ADJUSTED IN ACCORDANCE WITH SECTION

1 24-75-402, C.R.S.

2 (b) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THE
3 DIVISION SHALL TRANSMIT ALL FEES COLLECTED PURSUANT TO THIS
4 ARTICLE TO THE STATE TREASURER, WHO SHALL CREDIT THE FEES TO THE
5 DIVISION OF REGISTRATIONS CASH FUND CREATED PURSUANT TO SECTION
6 24-34-105 (2) (b), C.R.S. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL
7 APPROPRIATIONS FROM THE DIVISION OF REGISTRATIONS CASH FUND FOR
8 EXPENDITURES OF THE DIVISION INCURRED IN THE PERFORMANCE OF ITS
9 DUTIES UNDER THIS ARTICLE.

10 **12-43.5-107. Continuing professional competency - rules.**

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

13 (b) THE DIRECTOR SHALL ESTABLISH A CONTINUING PROFESSIONAL
14 COMPETENCY PROGRAM THAT INCLUDES, AT A MINIMUM, THE FOLLOWING
15 ELEMENTS:

16 (I) A SELF-ASSESSMENT OF THE KNOWLEDGE AND SKILLS OF A
17 SPEECH-LANGUAGE PATHOLOGIST SEEKING TO RENEW OR REINSTATE A
18 CERTIFICATION;

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

21 (III) PERIODIC DEMONSTRATION OF KNOWLEDGE AND SKILLS
22 THROUGH DOCUMENTATION OF ACTIVITIES NECESSARY TO ENSURE AT
23 LEAST MINIMAL ABILITY TO SAFELY PRACTICE THE PROFESSION; EXCEPT
24 THAT A SPEECH-LANGUAGE PATHOLOGIST CERTIFIED PURSUANT TO THIS
25 ARTICLE NEED NOT RETAKE ANY EXAMINATION REQUIRED BY SECTION
26 12-43.5-106 FOR INITIAL CERTIFICATION.

27 (2) THE DIRECTOR SHALL ESTABLISH THAT A SPEECH-LANGUAGE

1 PATHOLOGIST SATISFIES THE CONTINUING COMPETENCY REQUIREMENTS
2 OF THIS SECTION IF THE SPEECH-LANGUAGE PATHOLOGIST MEETS THE
3 CONTINUING PROFESSIONAL COMPETENCY REQUIREMENTS OF ONE OF THE
4 FOLLOWING ENTITIES:

5

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

7 (b) AN ENTITY APPROVED BY THE DIRECTOR.

8 (3) (a) AFTER THE PROGRAM IS ESTABLISHED, A
9 SPEECH-LANGUAGE PATHOLOGIST SHALL SATISFY THE REQUIREMENTS OF
10 THE PROGRAM IN ORDER TO RENEW OR REINSTATE A CERTIFICATION TO
11 PRACTICE SPEECH-LANGUAGE PATHOLOGY.

12 (b) THE REQUIREMENTS OF THIS SECTION APPLY TO INDIVIDUAL
13 SPEECH-LANGUAGE PATHOLOGISTS, AND NOTHING IN THIS SECTION
14 REQUIRES A PERSON WHO EMPLOYS OR CONTRACTS WITH A
15 SPEECH-LANGUAGE PATHOLOGIST TO COMPLY WITH THIS SECTION.

16 (4) RECORDS OF ASSESSMENTS OR OTHER DOCUMENTATION
17 DEVELOPED OR SUBMITTED IN CONNECTION WITH THE CONTINUING
18 PROFESSIONAL COMPETENCY PROGRAM ARE CONFIDENTIAL AND NOT
19 SUBJECT TO INSPECTION BY THE PUBLIC OR DISCOVERY IN CONNECTION
20 WITH A CIVIL ACTION AGAINST A SPEECH-LANGUAGE PATHOLOGIST OR
21 OTHER PROFESSIONAL REGULATED UNDER THIS TITLE. A PERSON OR THE
22 DIRECTOR SHALL NOT USE THE RECORDS OR DOCUMENTS UNLESS USED BY
23 THE DIRECTOR TO DETERMINE WHETHER A SPEECH-LANGUAGE
24 PATHOLOGIST IS MAINTAINING CONTINUING PROFESSIONAL COMPETENCY
25 TO ENGAGE IN THE PROFESSION.

26 (5) AS USED IN THIS SECTION, "CONTINUING PROFESSIONAL
27 COMPETENCY" MEANS THE ONGOING ABILITY OF A SPEECH-LANGUAGE

1 PATHOLOGIST TO LEARN, INTEGRATE, AND APPLY THE KNOWLEDGE, SKILL,
2 AND JUDGMENT TO PRACTICE AS A SPEECH-LANGUAGE PATHOLOGIST
3 ACCORDING TO GENERALLY ACCEPTED STANDARDS AND PROFESSIONAL
4 ETHICAL STANDARDS.

5 **12-43.5-108. Scope of article - exclusions.** (1) THIS ARTICLE
6 DOES NOT PREVENT OR RESTRICT THE PRACTICE, SERVICES, OR ACTIVITIES
7 OF:

8 (a) A SCHOOL SPEECH-LANGUAGE PATHOLOGIST WHOSE
9 COMPENSATION FOR SPEECH-LANGUAGE PATHOLOGY SERVICES IS PAID
10 SOLELY BY AN ADMINISTRATIVE UNIT OR STATE-OPERATED PROGRAM;

11 (b) A PERSON LICENSED OR OTHERWISE REGULATED IN THIS STATE
12 BY ANY OTHER LAW FROM ENGAGING IN HIS OR HER PROFESSION OR
13 OCCUPATION AS DEFINED IN THE LAW UNDER WHICH HE OR SHE IS
14 REGULATED;

15 (c) A PERSON PURSUING A COURSE OF STUDY LEADING TO A
16 DEGREE IN SPEECH-LANGUAGE PATHOLOGY AT AN EDUCATIONAL
17 INSTITUTION WITH AN ACCREDITED SPEECH-LANGUAGE PATHOLOGY
18 PROGRAM IF THAT PERSON IS DESIGNATED BY A TITLE THAT CLEARLY
19 INDICATES HIS OR HER STATUS AS A STUDENT AND IF HE OR SHE ACTS
20 UNDER APPROPRIATE INSTRUCTION AND SUPERVISION;

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

25 (e) ANY LEGALLY QUALIFIED SPEECH-LANGUAGE PATHOLOGIST
26 FROM ANOTHER STATE OR COUNTRY WHEN PROVIDING SERVICES ON
27 BEHALF OF A TEMPORARILY ABSENT SPEECH-LANGUAGE PATHOLOGIST

1 CERTIFIED IN THIS STATE, SO LONG AS THE UNCERTIFIED
2 SPEECH-LANGUAGE PATHOLOGIST IS ACTING IN ACCORDANCE WITH RULES
3 ADOPTED BY THE DIRECTOR. THE UNCERTIFIED PRACTICE MUST NOT
4 OCCUR MORE THAN ONCE IN ANY TWELVE-MONTH PERIOD.

5 (2) NOTHING IN THIS ARTICLE REQUIRES OR ALLOWS THE
6 DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HEALTH CARE POLICY
7 AND FINANCING, OR ANY OTHER STATE DEPARTMENT TO ADOPT OR APPLY
8 THE STANDARDS CONTAINED IN THIS ARTICLE:

9 (a) AS THE STANDARDS FOR ENDORSING OR OTHERWISE
10 AUTHORIZING SCHOOL SPEECH-LANGUAGE PATHOLOGISTS TO PROVIDE
11 SPEECH-LANGUAGE PATHOLOGY SERVICES THAT ARE PAID FOR BY AN
12 ADMINISTRATIVE UNIT OR STATE-OPERATED PROGRAM; OR

13 (b) FOR PURPOSES OF DETERMINING WHETHER MEDICAID
14 REIMBURSEMENT MAY BE OBTAINED FOR SPEECH-LANGUAGE PATHOLOGY
15 SERVICES.

16 (3) NOTHING IN THIS ARTICLE REQUIRES A PROFESSIONAL
17 LICENSED, CERTIFIED, REGISTERED, OR OTHERWISE REGULATED UNDER
18 THIS TITLE OR TITLE 22, C.R.S., TO OBTAIN CERTIFICATION UNDER THIS
19 ARTICLE, OR SUBJECTS THE PROFESSIONAL TO DISCIPLINE UNDER THIS
20 ARTICLE, FOR ENGAGING IN ACTIVITIES THAT ARE WITHIN HIS OR HER
21 PROFESSIONAL SCOPE OF PRACTICE.

22 **12-43.5-109. Limitations on authority.** NOTHING IN THIS
23 ARTICLE AUTHORIZES A SPEECH-LANGUAGE PATHOLOGIST TO ENGAGE IN
24 THE PRACTICE OF MEDICINE, AS DEFINED IN SECTION 12-36-106,
25 DENTISTRY, AS DEFINED IN SECTIONS 12-35-103 (5) AND 12-35-113, OR
26 ANY OTHER PROFESSION FOR WHICH LICENSURE, CERTIFICATION, OR
27 REGISTRATION IS REQUIRED BY THIS ARTICLE.

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

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

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

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

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

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

25 (c) EXCESSIVELY OR HABITUALLY USES OR ABUSES ALCOHOL OR
26 HABIT-FORMING DRUGS OR HABITUALLY USES A CONTROLLED SUBSTANCE,
27 AS DEFINED IN SECTION 18-18-102, C.R.S., OR OTHER DRUGS HAVING

1 SIMILAR EFFECTS; EXCEPT THAT THE DIRECTOR HAS THE DISCRETION NOT
2 TO DISCIPLINE THE CERTIFICATE HOLDER IF HE OR SHE IS PARTICIPATING IN
3 GOOD FAITH IN A PROGRAM APPROVED BY THE DIRECTOR DESIGNED TO END
4 THE USE OR ABUSE;

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

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

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

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

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

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

1 PLEA. IN CONSIDERING THE DISCIPLINARY ACTION, THE DIRECTOR IS
2 GOVERNED BY SECTION 24-5-101, C.R.S.

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

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

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

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

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

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

27 (n) HAS FAILED TO MAINTAIN OR IS NOT COVERED BY

1 PROFESSIONAL LIABILITY INSURANCE AS REQUIRED BY SECTION
2 12-43.5-106 (2) OR (4) IN THE AMOUNT DETERMINED BY THE DIRECTOR BY
3 RULE;

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

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

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

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

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

21 **12-43.5-111. Disciplinary actions - judicial review.** (1) (a) THE
22 DIRECTOR MAY COMMENCE A PROCEEDING TO DISCIPLINE A CERTIFICATE
23 HOLDER WHEN THE DIRECTOR HAS REASONABLE GROUNDS TO BELIEVE
24 THAT THE CERTIFICATE HOLDER HAS COMMITTED AN ACT ENUMERATED IN
25 SECTION 12-43.5-110 OR HAS VIOLATED A LAWFUL ORDER OR RULE OF THE
26 DIRECTOR.

27 (b) IN ANY PROCEEDING UNDER THIS SECTION, THE DIRECTOR MAY

1 ACCEPT AS EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION ANY
2 DISCIPLINARY ACTION TAKEN AGAINST A CERTIFICATE HOLDER IN
3 ANOTHER JURISDICTION IF THE VIOLATION THAT PROMPTED THE
4 DISCIPLINARY ACTION IN THE OTHER JURISDICTION WOULD BE GROUNDS
5 FOR DISCIPLINARY ACTION UNDER THIS ARTICLE.

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

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

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

24 (II) IN ORDER TO AID THE DIRECTOR IN ANY HEARING OR
25 INVESTIGATION INSTITUTED PURSUANT TO THIS SECTION, THE DIRECTOR OR
26 AN ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO PARAGRAPH (c)
27 OF THIS SUBSECTION (3) MAY ADMINISTER OATHS, TAKE AFFIRMATIONS OF

1 WITNESSES, AND ISSUE SUBPOENAS COMPELLING THE ATTENDANCE OF
2 WITNESSES AND THE PRODUCTION OF ALL RELEVANT RECORDS, PAPERS,
3 BOOKS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING,
4 INVESTIGATION, ACCUSATION, OR OTHER MATTER BEFORE THE DIRECTOR
5 OR AN ADMINISTRATIVE LAW JUDGE.

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

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

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

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

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

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

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

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

1 SEND A CONFIDENTIAL LETTER OF CONCERN TO THE CERTIFICATE HOLDER.

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

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

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

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

1 HOLDER COMPLIES WITH THE CONDITIONS.

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

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

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

26 (b) THE DIRECTOR SHALL PROMPTLY NOTIFY A PERSON AGAINST
27 WHOM HE OR SHE ISSUES AN ORDER TO SHOW CAUSE PURSUANT TO

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

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

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

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

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

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

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

27 (13) IF ANY PERSON FAILS TO COMPLY WITH A FINAL

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

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

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

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

26 **12-43.5-113. Rule-making authority.** THE DIRECTOR SHALL
27 PROMULGATE RULES AS NECESSARY FOR THE ADMINISTRATION OF THIS

1 ARTICLE.

2 **12-43.5-114. Mental and physical examination of certificate**

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

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

26 (3) THE CERTIFICATE HOLDER MAY SUBMIT TO THE DIRECTOR
27 TESTIMONY OR EXAMINATION REPORTS FROM A PHYSICIAN CHOSEN BY THE

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

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

11 **12-43.5-115. Confidential agreement to limit practice -**
12 **violation grounds for discipline.** (1) IF A SPEECH-LANGUAGE
13 PATHOLOGIST SUFFERS FROM A PHYSICAL OR MENTAL ILLNESS OR
14 CONDITION THAT RENDERS THE PERSON UNABLE TO PRACTICE
15 SPEECH-LANGUAGE PATHOLOGY OR PRACTICE AS A SPEECH-LANGUAGE
16 PATHOLOGIST WITH REASONABLE SKILL AND PATIENT SAFETY, THE
17 SPEECH-LANGUAGE PATHOLOGIST SHALL NOTIFY THE DIRECTOR OF THE
18 ILLNESS OR CONDITION IN A MANNER AND WITHIN A PERIOD OF TIME
19 DETERMINED BY THE DIRECTOR. THE DIRECTOR MAY REQUIRE THE
20 SPEECH-LANGUAGE PATHOLOGIST TO SUBMIT TO AN EXAMINATION TO
21 EVALUATE THE EXTENT OF THE ILLNESS OR CONDITION AND ITS IMPACT ON
22 THE SPEECH-LANGUAGE PATHOLOGIST'S ABILITY TO PRACTICE WITH
23 REASONABLE SKILL AND SAFETY TO PATIENTS.

24 (2) (a) UPON DETERMINING THAT A SPEECH-LANGUAGE
25 PATHOLOGIST WITH A PHYSICAL OR MENTAL ILLNESS OR CONDITION IS
26 ABLE TO RENDER LIMITED SPEECH-LANGUAGE PATHOLOGY SERVICES WITH
27 REASONABLE SKILL AND PATIENT SAFETY, THE DIRECTOR MAY ENTER INTO

1 A CONFIDENTIAL AGREEMENT WITH THE SPEECH-LANGUAGE PATHOLOGIST
2 IN WHICH THE SPEECH-LANGUAGE PATHOLOGIST AGREES TO LIMIT HIS OR
3 HER PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY THE ILLNESS OR
4 CONDITION, AS DETERMINED BY THE DIRECTOR.

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

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

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

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

25 **12-43.5-116. Protection of medical records - certificate**
26 **holder's obligations - verification of compliance - noncompliance**
27 **grounds for discipline - rules.** (1) EACH SPEECH-LANGUAGE

1 PATHOLOGIST RESPONSIBLE FOR PATIENT RECORDS SHALL DEVELOP A
2 WRITTEN PLAN TO ENSURE THE SECURITY OF PATIENT MEDICAL RECORDS.
3 THE PLAN MUST ADDRESS AT LEAST THE FOLLOWING:

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

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

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

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

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

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

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

26 **12-43.5-117. Severability.** IF ANY PROVISION OF THIS ARTICLE IS
27 HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OF

1 THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID
2 PROVISION.

3 **12-43.5-118. Repeal of article - review of functions.** THIS
4 ARTICLE IS REPEALED, EFFECTIVE SEPTEMBER 1, 2017. PRIOR TO THE
5 REPEAL, THE DIRECTOR'S POWERS, DUTIES, AND FUNCTIONS UNDER THIS
6 ARTICLE SHALL BE REVIEWED AS PROVIDED IN SECTION 24-34-104, C.R.S.

7 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **amend**
8 (48.5) as follows:

9 **24-34-104. General assembly review of regulatory agencies**
10 **and functions for termination, continuation, or reestablishment.**

11 (48.5) The following agencies, functions, or both, shall terminate on
12 September 1, 2017:

13 (a) The domestic violence offender management board created in
14 section 16-11.8-103, C.R.S.;

15 (b) THE REGULATION OF SPEECH-LANGUAGE PATHOLOGISTS BY
16 THE DIRECTOR OF THE DIVISION OF REGISTRATIONS PURSUANT TO ARTICLE
17 43.5 OF TITLE 12, C.R.S.

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

20 **24-34-110. Medical transparency act of 2010 - disclosure of**
21 **information about health care licensees - fines - rules - short title -**
22 **legislative declaration.** (3) (a) As used in this section, "applicant" means
23 a person applying for a new, active license, certification, or registration
24 or to renew, reinstate, or reactivate an active license, certification, or
25 registration to practice:

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

1 (XIX) Addiction counseling pursuant to part 8 of article 43 of title
2 12, C.R.S.; AND

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

5 **SECTION 4. Appropriation.** (1) In addition to any other
6 appropriation, there is hereby appropriated, out of any moneys in the
7 division of registrations cash fund created in section 24-34-105 (2) (b) (I),
8 Colorado Revised Statutes, not otherwise appropriated, to the department
9 of regulatory agencies, for the fiscal year beginning July 1, 2012, the sum
10 of \$111,148 and 1.1 FTE, or so much thereof as may be necessary, to be
11 allocated for the implementation of this act as follows:

12 (a) \$57,428 and 1.1 FTE for the division of registrations for
13 personal services;

14 (b) \$27,971 for the division of registrations for temporary contract
15 labor;

16 (c) \$7,909 for the division of registrations for operating expenses;

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

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

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

27 (3) In addition to any other appropriation, there is hereby

1 appropriated to the governor - lieutenant governor - state planning and
2 budgeting, for the fiscal year beginning July 1, 2012, the sum of \$1,184,
3 or so much thereof as may be necessary, for allocation to the office of
4 information technology, for the provision of computer center services for
5 the department of regulatory agencies related to the implementation of
6 this act. Said sum is from reappropriated funds received from the
7 department of regulatory agencies out of the appropriation made in
8 paragraph (e) of subsection (1) of this section.

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