

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 17-1011

BY REPRESENTATIVE(S) Melton, Exum, Ginal, Hansen, Herod, Hooton, Humphrey, Jackson, Lontine, Michaelson Jenet, Pettersen, Ransom, Rosenthal, Valdez, Young, Duran, Becker K.;
also SENATOR(S) Tate, Cooke, Fields, Kefalas, Lambert, Martinez Humenik, Merrifield, Scott, Smallwood, Todd, Williams A., Grantham.

CONCERNING A LIMITATION ON WHEN CERTAIN DISCIPLINARY ACTIONS MAY BE COMMENCED AGAINST A MENTAL HEALTH PROFESSIONAL, AND, IN CONNECTION THEREWITH, REQUIRING THAT A MENTAL HEALTH PROFESSIONAL PROVIDE NOTICE TO FORMER CLIENTS REGARDING RECORD RETENTION AND THAT ALL COMPLAINTS BE RESOLVED BY THE AGENCY WITHIN TWO YEARS AFTER THE DATE THE COMPLAINT WAS FILED.

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

SECTION 1. In Colorado Revised Statutes, 12-43-224, **amend** (1)(a) as follows:

12-43-224. Disciplinary proceedings - judicial review - mental and physical examinations - multiple licenses. (1) (a) (I) A proceeding for discipline of a licensee, registrant, or certificate holder may be

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

commenced when the board that licenses, registers, or certifies the licensee, registrant, or certificate holder has reasonable grounds to believe that the licensee, registrant, or certificate holder under the board's jurisdiction has committed any act or failed to act pursuant to the grounds established in section 12-43-222 or 12-43-226.

(II) (A) ANY PERSON WHO ALLEGES THAT A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER VIOLATED A PROVISION OF THIS ARTICLE 43 RELATED TO MAINTENANCE OF RECORDS OF A CLIENT EIGHTEEN YEARS OF AGE OR OLDER MUST FILE A COMPLAINT OR OTHER NOTICE WITH THE BOARD WITHIN SEVEN YEARS AFTER THE PERSON DISCOVERED OR REASONABLY SHOULD HAVE DISCOVERED THE MISCONDUCT. A LICENSEE, REGISTRANT, OR CERTIFICATE HOLDER SHALL NOTIFY A CLIENT THAT THE CLIENT'S RECORDS MAY NOT BE MAINTAINED AFTER THE SEVEN-YEAR PERIOD FOR FILING A COMPLAINT PURSUANT TO THIS SECTION. THE REQUIRED NOTICE MUST BE PROVIDED TO THE CLIENT IN WRITING NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE END OF THE CLIENT'S TREATMENT. THE NOTICE MAY BE INCLUDED WITH THE LICENSEE'S DISCLOSURES PURSUANT TO SECTION 12-43-214 (1) OR SENT TO THE CLIENT'S LAST-KNOWN MAILING ADDRESS. CONSISTENT WITH ALL PROCEDURAL REQUIREMENTS OF THIS ARTICLE 43, OR OTHERWISE REQUIRED BY LAW, THE BOARD MUST EITHER TAKE DISCIPLINARY ACTION ON THE COMPLAINT OR DISMISS THE COMPLAINT NO LATER THAN TWO YEARS AFTER THE DATE THE COMPLAINT OR NOTICE WAS FILED WITH THE BOARD.

(B) THE SEVEN-YEAR LIMITATION PERIOD SPECIFIED IN SUBSECTION (1)(a)(II)(A) OF THIS SECTION DOES NOT APPLY TO THE FILING OF A COMPLAINT OR OTHER NOTICE WITH THE BOARD FOR ANY OTHER VIOLATION OF THIS ARTICLE 43, INCLUDING THE ACTS DESCRIBED IN SECTION 12-43-222 OR 12-43-226.

SECTION 2. Effective date - applicability. This act takes effect July 1, 2017, and applies to complaints or notices filed with a board within the division of professions and occupations on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO