

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 18-0882.01 Kip Kolkmeier x4510

HOUSE BILL 18-1180

HOUSE SPONSORSHIP

Melton,

SENATE SPONSORSHIP

Smallwood,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ACCESS BY A MENTAL HEALTH PROFESSIONAL TO THE**
102 **FILES OF A REGULATORY BOARD REGARDING A DISMISSED**
103 **COMPLAINT FILED AGAINST THE MENTAL HEALTH**
104 **PROFESSIONAL.**

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://leg.colorado.gov>.)

Under current law, when a complaint against a mental health professional is dismissed, information contained in the files of a mental health professional regulatory board is exempt from disclosure under the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
February 27, 2018

HOUSE
Amended 2nd Reading
February 23, 2018

open records law. The bill allows a mental health professional who is a respondent to a dismissed complaint to access the information contained in the division of professions and occupations's and applicable regulatory boards' files. The names of the respondent's clients and other recipients of services cannot be redacted from the information provided to the respondent.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-43-224, **amend**
3 (4)(a); and **add** (4)(d) as follows:

4 **12-43-224. Disciplinary proceedings - judicial review - mental**
5 **and physical examinations - multiple licenses.** (4) (a) Except as
6 provided in ~~paragraph (b) of this subsection (4)~~ SUBSECTIONS (4)(b) AND
7 (4)(d) OF THIS SECTION, if a complaint is dismissed, records of
8 investigations, examinations, hearings, meetings, and other proceedings
9 of the board conducted pursuant to this section are exempt from the open
10 records law IN article 72 of title 24. ~~C.R.S.~~

11 (d) THE EXEMPTION FROM THE OPEN RECORDS LAW SPECIFIED IN
12 SUBSECTION (4)(a) OF THIS SECTION DOES NOT APPLY TO A RESPONDENT
13 SEEKING ACCESS TO INFORMATION IN THE DIVISION'S OR A BOARD'S FILES
14 IN ANY ACTION ARISING FROM A COMPLAINT FILED AGAINST THE
15 RESPONDENT. THE RESPONDENT SHALL HAVE ACCESS TO INFORMATION
16 IN THE DIVISION'S OR BOARD'S RECORDS REGARDING THE ~~DISMISSED~~
17 ~~COMPLAINT. THE DIVISION AND BOARD SHALL REDACT THE NAMES OF THE~~
18 ~~RESPONDENT'S CLIENTS OR OTHER RECIPIENTS OF SERVICE AND ANY OTHER~~
19 ~~INFORMATION THAT WOULD IDENTIFY AN INDIVIDUAL PERSON, INCLUDING~~
20 ~~THE COMPLAINANT OR A WITNESS, CONTAINED IN THE MATERIAL PROVIDED~~
21 ~~TO THE RESPONDENT IN ACCORDANCE WITH THIS SUBSECTION (4)(d).~~

22 **SECTION 2. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2018 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.