

Colorado's Health Care Professions



Background

The 2020 session included many legislative sunset reviews and bills on practice acts regarding health care professions, certifications and licensure. This issue brief highlights information hospitals and health systems need to know regarding nurse aides, mental health professionals, naturopathic doctors, nurses, hearing aid providers, audiologists and occupational therapists.

HB 20-1183: Sunset Continue Certification of Nurse Aides

This bill continues the regulation of nurse aides by the Department of Regulatory Agencies (DORA), which is scheduled to repeal on July 1, 2021. This bill extends the regulation of nurse aides until Sept. 1, 2027.

What You Need to Know

- Relocates provisions related to certified nurse aides to the Nurse Practice Act;
- Modifies the grounds for discipline related to excessive use of alcohol and drugs:
 - The State Board of Nursing may suspend, revoke or deny any person's certification to practice as a nurse aide or authority to practice as a medication or may issue to the person a letter of admonition upon proof that a person: excessively uses or abuses alcohol, any habit-forming drug, any controlled substance or other drugs having similar effects or is diverting controlled substances or other drugs having similar effects from the person's place of employment;
- Changes the waiting period for recertification after a certificate is revoked to two years;
- Repeals the requirement that the State Board of Nursing send notifications of action taken by certified mail; and,
- Clarifies that the regulation of certified nurse aides does not apply to a person directly employed by a medical facility for the first four months, if the employment is part of an approved training program and the certification is not through endorsement.

Additional Resources

HB 20-1183: [Final Bill](#) and [Fiscal Note](#)

Effective Date: June 29, 2020

For questions or more information, contact Kevin Caudill, CHA policy analyst, at 720.330.6056.

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HB 20-1206: Sunset Mental Health Professionals

The bill continues the regulation of mental health professionals, including psychologists, social workers, professional counselors, marriage and family therapists, registered psychotherapists and addiction counselors for nine years, through 2029.

What You Need to Know

This bill implements regulatory changes, including:

- Allowing the staff of a mental health board to approve applications for licensure, certification and registration without board ratification unless the board deems ratification necessary;
- Requiring mental health professionals to disclose to clients that medical records may not be maintained after seven years;
- Expanding the number of mental health professions covered by title protection;
- Making conviction of a crime related to a mental health practice and the failure to report a felony conviction a violation of the Mental Health Practice Acts;
- Permitting the appropriate regulatory board to suspend a mental health professional's license, certification or registration for failure to comply with a board-ordered mental or physical health examination;
- Repealing the requirement that a candidate for a social work license be supervised by a licensed social worker and allowing supervision of an applicant for a social work license to be done virtually;
- Requiring applicants for initial psychology licensure to complete a criminal history record check;
- Repealing the requirement that members of mental health boards be United States citizens; and,
- Granting rule-making authority to the State Board of Addiction Counselor Examiners and requiring the State Board of Human Services in the Department of Human Services to establish education requirements for addiction counselors.

This bill also clarifies that:

- Mental health professionals may administer opiate antagonists;
- Students practicing in a school program are exempt from licensing, certification and registration requirements;
- Mental health professionals are not prohibited from offering or accepting payment for services provided from a referral;
- Mental health professionals may disclose confidential communications if there is a threat to a school or its employees; and,
- Course work is the only professional competency activity that fulfills all continuing competency requirements for licensed social workers and licensed clinical social workers.

Additional Resources

HB 20-1206: [Final Bill](#) and [Fiscal Note](#)

Effective Date: July 14, 2020

For questions or more information, contact Kevin Caudill,
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HB 20-1212: Sunset Naturopathic Doctors

The bill continues the regulation of naturopathic doctors by DORA for nine years until Sept. 1, 2029.

What You Need to Know

This bill makes several changes, including:

- Provides department staff, consultants and complainants with immunity from liability for acts occurring while acting in their capacity;
- Amends the makeup and meeting requirements of the Naturopathic Medicine Advisory Committee; and,
- Broadens title protection for registered or licensed naturopathic doctors.

HB 20-1216: Sunset Continue Nurse Practice Act

This bill extends the repeal date of the State Board of Nursing within DORA, which regulates nurses, until Sept. 1, 2027.

What You Need to Know

This bill makes several changes, including:

- Allowing nurses to enter into confidential agreement with the State Board of Nursing to limit their practice;
- Modifies the grounds for discipline related to alcohol and drug use, diverting controlled substances, failing to report certain actions to the Board of Nursing, failing to act within the limitations created by a physical or mental illness, failing to comply to limitations agreed to under a confidential agreement and engaging in a sexual act with a patient during the course of care or within six months of care;
- Requiring malpractice insurance companies to send information to the State Board of Nursing related to any malpractice claims against a licensed nurse;
- Eliminating the requirement for an articulated plan for advance practice registered nurses who have completed the provisional prescriptive authority period;
- Allowing, instead of requiring, the State Board of Nursing to conduct random audits of articulated plans;
- Changes and updates references to Advanced Practice Nurse (APN) to Advanced Practice Registered Nurse (APRN);
- Removing the age requirement to apply for a volunteer nursing license; and,
- Removing the requirement that the director of DORA consult with the Board of Nursing when appointing an executive administrator and that one member of the board serve on a panel to interview candidates for the position.

Additional Resources

HB 20-1212: [Final Bill](#) and [Fiscal Note](#)
Effective Date: July 2, 2020

HB 20-1216: [Final Bill](#) and [Fiscal Note](#)
Effective Date: June 30, 2020

For questions or more information, contact Kevin Caudill,
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HB 20-1219: Sunset Continue Licensing Audiologists

The bill continues the licensing of audiologists for 11 years by DORA until Sept. 1, 2031.

What You Need to Know

This bill makes several changes to how audiologists are regulated, including:

- Requiring insurance companies and licensees to report malpractice settlements or judgments to DORA;
- Amending the grounds for discipline regarding alcohol or controlled substance use;
- Adding continuing education requirements; and,
- Restoring deceptive trade practice provisions related to the sale of hearing aids.

HB 20-1230: Sunset Occupational Therapy Practice Act

This bill continues the licensing of occupational therapists and assistants until Sept. 1, 2030.

What You Need to Know

This bill makes the following changes:

- Adds occupational therapy consultant and occupational therapy assistant to the list of titles a person can use if they are licensed in the state and allows occupational therapy assistants to use the abbreviation O.T.A. or C.O.T.A.;
- Clarifies that the law does not restrict the activities of a person fulfilling an occupational therapy doctoral capstone experience under appropriate supervision;
- Adds failing to make essential or falsifying entries on a patient record committing abuse of health insurance, and adds committing a fraudulent insurance act to the grounds of discipline;
- Adds additional definitions concerning the scope of practice for occupational therapists; and,
- Reorganizes sections of statute and makes other technical changes.

Additional Resources

HB 20-1219: [Final Bill](#) and [Fiscal Note](#)

Effective Date: July 14, 2020

HB 20-1230: [Final Bill](#) and [Fiscal Note](#)

Effective Date: Not signed as of July 7, 2020

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