

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 2, 2017
Date

Committee on Health, Insurance, & Environment.

After consideration on the merits, the Committee recommends the following:

HB17-1121 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 3, strike lines 1 through 3 and substitute:

2 "(h) REQUIRE A LICENSEE WHO DID NOT SUBMIT TO A CRIMINAL
3 HISTORY RECORD CHECK THROUGH INITIAL APPLICATION TO THE BOARD TO
4 SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND
5 MANNER DESCRIBED IN SECTION 12-32-108.1 UPON THE LICENSEE'S FIRST
6 RENEWAL AFTER SEPTEMBER 1, 2017."

7 Page 3, strike lines 9 through 27 and substitute "EACH APPLICANT SHALL
8 HAVE HIS OR HER FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT
9 AGENCY OR ANOTHER AGENCY DESIGNATED BY THE DEPARTMENT FOR THE
10 PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
11 CHECK. THE APPLICANT IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED
12 CHECK OR MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL
13 COSTS OF THE RECORD CHECK AT THE TIME THE FINGERPRINTS ARE
14 SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT
15 OF FINGERPRINTS AND RECEIPT OF THE PAYMENT FOR COSTS, THE
16 COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND
17 NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
18 UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND
19 THE FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE
20 RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE BOARD. THE
21 BOARD SHALL USE THE INFORMATION RESULTING FROM THE
22 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE
23 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A

1 LICENSE PURSUANT TO THIS ARTICLE 32. THE BOARD MAY VERIFY THE
2 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT."

3 Page 4, strike line 1.

4 Page 4, line 2, strike "INVESTIGATION."

5 Page 4, after line 19, insert:

6 "(3) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT
7 SPECIFIED IN SUBSECTION (1) OF THIS SECTION DOES NOT REMOVE OR
8 ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO
9 EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND
10 RETENTION OF ITS EMPLOYEES."

11 Page 4, strike lines 25 through 27 and substitute:

12 "(j) REQUIRE A LICENSEE LICENSED PURSUANT TO SECTION
13 12-35-117, 12-35-117.5, 12-35-120, 12-35-121, 12-35-126, OR
14 12-35-127.5 WHO DID NOT SUBMIT TO A CRIMINAL HISTORY RECORD
15 CHECK THROUGH INITIAL APPLICATION TO THE BOARD TO SUBMIT TO A
16 CRIMINAL HISTORY RECORD CHECK IN THE FORM AND MANNER DESCRIBED
17 IN SECTION 12-35-123.5 UPON THE LICENSEE'S FIRST RENEWAL AFTER
18 SEPTEMBER 1, 2017."

19 Page 5, strike lines 6 through 26 and substitute "12-35-117, 12-35-117.5,
20 12-35-120, 12-35-126, OR 12-35-127.5, EACH APPLICANT SHALL HAVE HIS
21 OR HER FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR
22 ANOTHER AGENCY DESIGNATED BY THE DEPARTMENT FOR THE PURPOSE OF
23 OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE
24 APPLICANT IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR
25 MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE
26 RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE
27 COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS
28 AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF
29 INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL
30 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING
31 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE
32 FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS
33 OF THE CRIMINAL HISTORY RECORD CHECK TO THE BOARD. THE BOARD
34 SHALL USE THE INFORMATION RESULTING FROM THE FINGERPRINT-BASED

1 CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE
2 WHETHER AN APPLICANT IS QUALIFIED TO HOLD A LICENSE PURSUANT TO
3 THIS ARTICLE 35. THE BOARD MAY VERIFY THE INFORMATION AN
4 APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF THE CRIMINAL".

5 Page 6, after line 17, insert:

6 "(3) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT
7 SPECIFIED IN SUBSECTION (1) OF THIS SECTION DOES NOT REMOVE OR
8 ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO
9 EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND
10 RETENTION OF ITS EMPLOYEES."

11 Page 6, strike lines 23 through 25 and substitute:

12 "(f) REQUIRE A LICENSEE WHO DID NOT SUBMIT TO A CRIMINAL
13 HISTORY RECORD CHECK THROUGH INITIAL APPLICATION TO THE BOARD TO
14 SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND
15 MANNER DESCRIBED IN SECTION 12-36-111 (3) UPON THE LICENSEE'S FIRST
16 RENEWAL AFTER SEPTEMBER 1, 2017."

17 Page 6, line 26, strike "(3)" and substitute "(3), (4), and (5) as follows:".

18 Page 6, strike line 27.

19 Page 7, strike lines 4 through 24 and substitute "EACH APPLICANT SHALL
20 HAVE HIS OR HER FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT
21 AGENCY OR ANOTHER AGENCY DESIGNATED BY THE DEPARTMENT FOR THE
22 PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
23 CHECK. THE APPLICANT IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED
24 CHECK OR MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL
25 COSTS OF THE RECORD CHECK AT THE TIME THE FINGERPRINTS ARE
26 SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT
27 OF FINGERPRINTS AND RECEIPT OF THE PAYMENT FOR COSTS, THE
28 COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND
29 NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
30 UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND
31 THE FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE
32 RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE BOARD. THE
33 BOARD SHALL USE THE INFORMATION RESULTING FROM THE
34 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE

1 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A
2 LICENSE PURSUANT TO THIS ARTICLE 36. THE BOARD MAY VERIFY THE
3 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF
4 THE CRIMINAL HISTORY RECORD CHECK".

5 Page 8, after line 14, insert:

6 "(5) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT
7 SPECIFIED IN SUBSECTION (3) OF THIS SECTION DOES NOT REMOVE OR
8 ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO
9 EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND
10 RETENTION OF ITS EMPLOYEES."

11 Page 8, strike lines 19 through 21 and substitute:

12 "(I) (I) (D) TO REQUIRE A LICENSEE WHO DID NOT SUBMIT TO A
13 CRIMINAL HISTORY RECORD CHECK THROUGH INITIAL APPLICATION TO THE
14 BOARD TO SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM
15 AND MANNER DESCRIBED IN SECTION 12-38-115.5 UPON THE LICENSEE'S
16 FIRST RENEWAL AFTER SEPTEMBER 1, 2017."

17 Page 9, strike lines 2 through 15 and substitute:

18 "(III) REQUIRE AN APPLICANT FOR LICENSURE UNDER THE
19 COMPACT TO HAVE HIS OR HER FINGERPRINTS TAKEN BY A LOCAL LAW
20 ENFORCEMENT AGENCY OR ANOTHER AGENCY DESIGNATED BY THE
21 DEPARTMENT FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED
22 CRIMINAL HISTORY RECORD CHECK. THE APPLICANT IS REQUIRED TO
23 SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER FOR THE
24 FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD CHECK AT THE
25 TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF
26 INVESTIGATION. UPON RECEIPT OF FINGERPRINTS AND RECEIPT OF THE
27 PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL
28 CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY
29 RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF
30 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL
31 FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE
32 BOARD. THE BOARD SHALL USE THE INFORMATION RESULTING FROM THE
33 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE
34 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A
35 LICENSE PURSUANT TO THE COMPACT. THE BOARD MAY VERIFY THE

1 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF
2 THE CRIMINAL".

3 Page 9, line 17, strike "PUBLIC" and substitute "PUBLIC, THE INTERSTATE
4 COMMISSION OF NURSE LICENSURE COMPACT ADMINISTRATORS,".

5 Page 9, strike lines 24 and 25 and substitute:

6 "(n) TO FINE EMPLOYERS THAT FAIL TO REPORT AS REQUIRED BY
7 SECTION 12-38-116.5 (3)(b)(I) NOT LESS THAN FIVE HUNDRED DOLLARS
8 AND NOT MORE THAN FIVE THOUSAND DOLLARS FOR EACH VIOLATION.".

9 Page 10, strike lines 4 through 24 and substitute "EACH APPLICANT SHALL
10 HAVE HIS OR HER FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT
11 AGENCY OR ANOTHER AGENCY DESIGNATED BY THE DEPARTMENT FOR THE
12 PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
13 CHECK. THE APPLICANT IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED
14 CHECK OR MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL
15 COSTS OF THE RECORD CHECK AT THE TIME THE FINGERPRINTS ARE
16 SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT
17 OF FINGERPRINTS AND RECEIPT OF THE PAYMENT FOR COSTS, THE
18 COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND
19 NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
20 UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND
21 THE FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE
22 RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE BOARD. THE
23 BOARD SHALL USE THE INFORMATION RESULTING FROM THE
24 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE
25 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A
26 LICENSE PURSUANT TO THIS ARTICLE 38. THE BOARD MAY VERIFY THE
27 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF
28 THE CRIMINAL HISTORY RECORD CHECK".

29 Page 11, after line 14, insert:

30 "(3) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT
31 SPECIFIED IN SUBSECTION (1) OF THIS SECTION DOES NOT REMOVE OR
32 ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO
33 EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND
34 RETENTION OF ITS EMPLOYEES.

1 **SECTION 9.** In Colorado Revised Statutes, 12-38-117, **amend**
2 (1) introductory portion and (1)(j) as follows:

3 **12-38-117. Grounds for discipline.** (1) "Grounds for discipline",
4 as used in this ~~article~~ ARTICLE 38, means any action by any person who:

5 (j) (I) ~~Has a physical or mental disability which renders him~~
6 ~~unable to practice nursing with reasonable skill and safety to the patients~~
7 ~~and which may endanger the health or safety of persons under his care;~~

8 FAILS TO NOTIFY THE BOARD OF A PHYSICAL OR MENTAL ILLNESS OR
9 CONDITION THAT AFFECTS THE PERSON'S ABILITY TO TREAT CLIENTS WITH
10 REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER THE HEALTH OR
11 SAFETY OF PERSONS UNDER HIS OR HER CARE;

12 (II) FAILS TO ACT WITHIN THE LIMITATIONS CREATED BY A
13 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE PERSON
14 UNABLE TO TREAT CLIENTS WITH REASONABLE SKILL AND SAFETY OR THAT
15 MAY ENDANGER THE HEALTH OR SAFETY OF PERSONS UNDER HIS OR HER
16 CARE; OR

17 (III) FAILS TO COMPLY WITH THE LIMITATIONS AGREED TO UNDER
18 A CONFIDENTIAL AGREEMENT ENTERED INTO PURSUANT TO SECTION
19 12-38-117.5;

20 **SECTION 10.** In Colorado Revised Statutes, **add** 12-38-117.5 as
21 follows:

22 **12-38-117.5. Confidential agreements to limit practice -**
23 **violation grounds for discipline.** (1) IF A PROFESSIONAL NURSE,
24 PRACTICAL NURSE, OR RETIRED VOLUNTEER NURSE SUFFERS FROM A
25 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE
26 LICENSEE UNABLE TO PRACTICE AS A PROFESSIONAL NURSE, PRACTICAL
27 NURSE, OR RETIRED VOLUNTEER NURSE WITH REASONABLE SKILL AND
28 WITH SAFETY TO PATIENTS, THE PROFESSIONAL NURSE, PRACTICAL NURSE,
29 OR RETIRED VOLUNTEER NURSE SHALL NOTIFY THE BOARD OF THE ILLNESS
30 OR CONDITION IN A MANNER AND WITHIN A PERIOD DETERMINED BY THE
31 BOARD. THE BOARD MAY REQUIRE THE LICENSEE TO SUBMIT TO AN
32 EXAMINATION OR REFER THE LICENSEE TO A PEER HEALTH ASSISTANCE
33 PROGRAM PURSUANT TO SECTION 12-38-131 TO EVALUATE THE EXTENT OF
34 THE ILLNESS OR CONDITION AND ITS IMPACT ON THE LICENSEE'S ABILITY TO
35 PRACTICE WITH REASONABLE SKILL AND WITH SAFETY TO PATIENTS.

36 (2) (a) UPON DETERMINING THAT A PROFESSIONAL NURSE,
37 PRACTICAL NURSE, OR RETIRED VOLUNTEER NURSE WITH A PHYSICAL OR
38 MENTAL ILLNESS OR CONDITION IS ABLE TO RENDER LIMITED NURSING
39 SERVICES WITH REASONABLE SKILL AND WITH SAFETY TO PATIENTS, THE
40 BOARD MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE
41 PROFESSIONAL NURSE, PRACTICAL NURSE, OR RETIRED VOLUNTEER NURSE

1 IN WHICH THE PROFESSIONAL NURSE, PRACTICAL NURSE, OR RETIRED
2 VOLUNTEER NURSE AGREES TO LIMIT HIS OR HER PRACTICE BASED ON THE
3 RESTRICTION IMPOSED BY THE ILLNESS OR CONDITION, AS DETERMINED BY
4 THE BOARD.

5 (b) AS PART OF THE AGREEMENT, THE LICENSEE SHALL BE SUBJECT
6 TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED
7 APPROPRIATE BY THE BOARD. THE BOARD MAY REFER THE LICENSEE TO
8 THE PEER ASSISTANCE HEALTH PROGRAM FOR REEVALUATION OR
9 MONITORING.

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

13 (3) BY ENTERING INTO THE AGREEMENT WITH THE BOARD
14 PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, THE LICENSEE
15 IS NOT ENGAGING IN AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINE,
16 AND THE AGREEMENT IS AN ADMINISTRATIVE ACTION AND IS NOT A
17 RESTRICTION OR DISCIPLINE BY THE BOARD. HOWEVER, IF THE LICENSEE
18 FAILS TO COMPLY WITH THE TERMS OF AN AGREEMENT ENTERED INTO
19 PURSUANT TO THIS SECTION, THE FAILURE IS GROUNDS FOR DISCIPLINE
20 PURSUANT TO SECTION 12-38-117 (1)(j)(III), AND THE LICENSEE IS
21 SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-38-116.5.

22 (4) THIS SECTION DOES NOT APPLY TO A LICENSEE SUBJECT TO
23 DISCIPLINE AS DESCRIBED IN SECTION 12-38-117 (1)(i)."

24 Renumber succeeding sections accordingly.

25 Page 13, line 15, strike "and (4.7)".

26 Page 13, strike lines 17 through 22 and substitute "(4.5) THE BOARD MAY
27 REQUIRE A CERTIFICATE HOLDER WHO DID NOT SUBMIT TO A CRIMINAL
28 HISTORY RECORD CHECK THROUGH INITIAL APPLICATION TO THE BOARD TO
29 SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND
30 MANNER DESCRIBED IN SECTION 12-38.1-106.5 UPON THE CERTIFICATE
31 HOLDER'S FIRST RENEWAL AFTER SEPTEMBER 1, 2017."

32 Page 14, strike lines 2 through 21 and substitute "APPLICANT SHALL HAVE
33 HIS OR HER FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY
34 OR ANOTHER AGENCY DESIGNATED BY THE DEPARTMENT FOR THE PURPOSE
35 OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.
36 THE APPLICANT IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR
37 MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE

1 RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE
2 COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS
3 AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF
4 INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL
5 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING
6 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE
7 FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS
8 OF THE CRIMINAL HISTORY RECORD CHECK TO THE BOARD. THE BOARD
9 SHALL USE THE INFORMATION RESULTING FROM THE FINGERPRINT-BASED
10 CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE
11 WHETHER AN APPLICANT IS QUALIFIED TO HOLD A LICENSE PURSUANT TO
12 THIS ARTICLE 38.1. THE BOARD MAY VERIFY THE INFORMATION AN
13 APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF".

14 Page 15, after line 12, insert:

15 "(3) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT
16 SPECIFIED IN SUBSECTION (1) OF THIS SECTION DOES NOT REMOVE OR
17 ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO
18 EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND
19 RETENTION OF ITS EMPLOYEES.

20 **SECTION 14.** In Colorado Revised Statutes, 12-38.1-114, **repeal**
21 (12) as follows:

22 **12-38.1-114. Disciplinary proceedings - hearing officers.**
23 ~~(12) An employer of a nurse aide shall report to the board any~~
24 ~~disciplinary action taken against the nurse aide or any resignation in lieu~~
25 ~~of a disciplinary action for conduct which constitutes a violation of this~~
26 ~~article."~~

27 Renumber succeeding sections accordingly.

28 Page 15, line 16, strike "ACTION" and substitute "VIOLATION OF THIS
29 ARTICLE 38.1".

30 Page 15, strike line 27 and substitute:

31 "(o) TO REQUIRE A LICENSEE WHO DID NOT SUBMIT TO A CRIMINAL
32 HISTORY RECORD CHECK THROUGH INITIAL APPLICATION TO THE BOARD TO
33 SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND
34 MANNER DESCRIBED IN SECTION 12-40-107.2 (2)(b)(V) OR 12-40-108 (4),

1 AS APPLICABLE, UPON THE LICENSEE'S FIRST RENEWAL AFTER SEPTEMBER
2 1, 2017."

3 Page 16, strike lines 1 through 3.

4 Page 16, line 5, strike "(2)(b)(V) and (7)" and substitute "(2)(b)(V), (7),
5 and (8)".

6 Page 16, strike lines 15 through 27 and substitute:

7 "(V) ON AND AFTER SEPTEMBER 1, 2017, HAVE HIS OR HER
8 FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR
9 ANOTHER AGENCY DESIGNATED BY THE DEPARTMENT FOR THE PURPOSE OF
10 OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE
11 APPLICANT IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR
12 MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE
13 RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE
14 COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS
15 AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF
16 INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL
17 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING
18 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE
19 FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS
20 OF THE CRIMINAL HISTORY RECORD CHECK TO THE BOARD. THE BOARD
21 SHALL USE THE INFORMATION RESULTING FROM THE FINGERPRINT-BASED
22 CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE
23 WHETHER AN APPLICANT IS QUALIFIED TO HOLD A LICENSE PURSUANT TO
24 THIS ARTICLE 40. THE BOARD MAY VERIFY THE INFORMATION AN
25 APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF THE CRIMINAL
26 HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD SHALL NOT
27 RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE LICENSING
28 BOARDS."

29 Page 17, strike lines 1 through 10.

30 Page 17, after line 25, insert:

31 "(8) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT
32 SPECIFIED IN SUBSECTION (2)(b)(V) OF THIS SECTION DOES NOT REMOVE
33 OR ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO
34 EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND

1 RETENTION OF ITS EMPLOYEES."

2 Page 17, line 26, strike "(4)" and substitute "(4), (5), and (6) as follows:".

3 Page 17, strike line 27.

4 Page 18, strike lines 4 through 23 and substitute "HAVE HIS OR HER
5 FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR
6 ANOTHER AGENCY DESIGNATED BY THE DEPARTMENT FOR THE PURPOSE OF
7 OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE
8 APPLICANT IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR
9 MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE
10 RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE
11 COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS
12 AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF
13 INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL
14 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING
15 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE
16 FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS
17 OF THE CRIMINAL HISTORY RECORD CHECK TO THE BOARD. THE BOARD
18 SHALL USE THE INFORMATION RESULTING FROM THE FINGERPRINT-BASED
19 CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE
20 WHETHER AN APPLICANT IS QUALIFIED TO HOLD A LICENSE PURSUANT TO
21 THIS ARTICLE 40. THE BOARD MAY VERIFY THE INFORMATION AN
22 APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF THE CRIMINAL".

23 Page 19, after line 14, insert:

24 "(6) THE CRIMINAL HISTORY RECORD CHECK REQUIREMENT
25 SPECIFIED IN SUBSECTION (4) OF THIS SECTION DOES NOT REMOVE OR
26 ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO
27 EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND
28 RETENTION OF ITS EMPLOYEES."

29 Page 19, strike lines 19 through 21 and substitute:

30 "(n) REQUIRE A LICENSEE WHO DID NOT SUBMIT TO A CRIMINAL
31 HISTORY RECORD CHECK THROUGH INITIAL APPLICATION TO THE BOARD TO
32 SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM AND
33 MANNER DESCRIBED IN SECTION 12-64-110.3 UPON THE LICENSEE'S FIRST
34 RENEWAL AFTER SEPTEMBER 1, 2017."

1 Page 20, strike lines 17 through 27 and substitute "EACH APPLICANT
2 SHALL HAVE HIS OR HER FINGERPRINTS TAKEN BY A LOCAL LAW
3 ENFORCEMENT AGENCY OR ANOTHER AGENCY DESIGNATED BY THE
4 DEPARTMENT FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED
5 CRIMINAL HISTORY RECORD CHECK. THE APPLICANT IS REQUIRED TO
6 SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER FOR THE
7 FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD CHECK AT THE
8 TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF
9 INVESTIGATION. UPON RECEIPT OF FINGERPRINTS AND RECEIPT OF THE
10 PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL
11 CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY
12 RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF
13 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL
14 FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE
15 BOARD. THE BOARD SHALL USE THE INFORMATION RESULTING FROM THE
16 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE
17 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A
18 LICENSE PURSUANT TO THIS ARTICLE 64. THE BOARD MAY VERIFY THE
19 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF
20 THE CRIMINAL HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD
21 SHALL NOT RELEASE THE RESULTS TO THE PUBLIC OR OTHER STATE
22 LICENSING BOARDS."

23 Page 21, strike lines 1 through 12.

24 Page 21, after line 25, insert:

25 "(3) THE CRIMINAL HISTORY BACKGROUND CHECK REQUIREMENT
26 SPECIFIED IN SUBSECTION (1) OF THIS SECTION DOES NOT REMOVE OR
27 ELIMINATE ANY SEPARATE OR INDEPENDENT DUTY OF AN EMPLOYER TO
28 EXERCISE REASONABLE CARE IN THE HIRING, SUPERVISION, AND
29 RETENTION OF ITS EMPLOYEES."

30 Page 52, strike lines 14 and 15 and substitute:

31 **"24-60-3203. Effective date - notification to the revisor of**
32 **statutes.** THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY
33 AGENCIES SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING WHEN THE
34 CONDITION SPECIFIED IN ARTICLE X a. OF THIS PART 32 HAS OCCURRED BY
35 E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@STATE.CO.US. THE
36 REPEAL AND REENACTMENT OF THIS PART 32 TAKES EFFECT UPON THE

1 NOTICE THAT THE COMPACT HAS BEEN ENACTED BY TWENTY-SIX STATES
2 OR DECEMBER 31, 2018, WHICHEVER OCCURS FIRST."

** ** ** ** **