

4 CCR 743-2

DIRECTOR RULE 2

COLORADO DIVISION OF REGISTRATIONS RULE REGARDING THE IMPOSITION OF ADMINISTRATIVE FINES PURSUANT TO THE MICHAEL SKOLNIK MEDICAL TRANSPARENCY ACT OF 2010.

Introduction

Basis: The authority for the promulgation of this rule by the Colorado Division of Registrations is set forth in § 24-34-110 (11), C.R.S.

Purpose: The purpose of this rule is to set forth the procedures for imposition of an administrative fine pursuant to § 24-34-110 (9), C.R.S.

Rule

Introduction:

The Director may impose an administrative fine not to exceed five thousand dollars against any applicant who fails to comply with the requirements of the Michael Skolnik Medical Transparency Act of 2010, § 24-34-110, C.R.S. (the "Transparency Act"). The Transparency Act applies to any applicant for or licensee of a profession listed at §§ 24-34-110(3)(a)(I)-(XVIII), (b), C.R.S., whose application for initial licensure, licensure reactivation, licensure reinstatement or licensure renewal is received by the Division of Registrations on or after July 1, 2011. This rule therefore refers to audiologists, hearing aid providers, acupuncturists, podiatrists, chiropractors, dentists, dental hygienists, physicians, physician assistants, direct-entry midwives, practical nurses, professional nurses, advanced practice nurses, optometrists, physical therapists, psychologists, social workers, marriage and family therapists, professional counselors, addiction counselors, and unlicensed therapists engaged in the practice of psychotherapy as "applicants." For purposes of this rule, "license" includes certificate and registration, and database listing for unlicensed therapists.

The imposition of an administrative fine does not preclude the Director from referring such action to the applicable state board or program that regulates the applicant's or licensee's profession under Title 12, C.R.S. The administrative fine may be in lieu of or in addition to any disciplinary action. Payment of an administrative fine does not exempt the applicant or licensee from compliance with the Transparency Act.

Procedure:

When an applicant fails to comply with the requirements of the Transparency Act, the Director may issue an Order of Administrative Fine in an amount not to exceed five thousand dollars. The Order of Administrative Fine shall be sent by first-class mail, postage prepaid, to the applicant's or licensee's address of record. The Order of Administrative Fine shall set forth a statement of the general nature of the issues underlying the imposition of the administrative fine. The Order of Administrative Fine shall inform the applicant or licensee that the Director shall not

issue a license to or renew, reinstate, or reactivate the license of an applicant or licensee who has failed to pay the administrative fine.

An administrative fine is not a disciplinary action. An applicant or licensee seeking to contest the imposition of an administrative fine must request an administrative hearing within thirty (30) days of the date on which the Order of Administrative Fine is mailed. In the event that a hearing is not requested within thirty (30) days, the Order shall be Final. Any administrative hearing requested shall conform with § 24-4-105, C.R.S. and shall occur in the Office of Administrative Courts.

Revised 1/28/2011; Effective 4/1/2011