



## OFFICE OF SURGICAL ASSISTANT AND SURGICAL TECHNOLOGIST REGISTRATION

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### TIPS FOR RESPONDING TO COMPLAINTS

You've received a letter from the Director asking for a response to a filed or initiated complaint. For most registered professionals, this is a huge deal. Your first reaction may be a mixture of fear and anger. You may be tempted to either respond right away in the midst of emotional stress or you may set the letter aside and forget it arrived. Yet, responding in an unprofessional way or failing to timely respond will portray you in a negative light to the body charged with the responsibility to address complaints.

Keep in mind that obtaining your response is the first step in the complaint process. Many complaints filed with the Director are fully resolved during the early stages of the process. The manner in which you respond to that first letter requesting your side of the story can make a significant difference. No matter what you think about the complaint itself, always keep your audience in mind when drafting a response. The following tips may seem obvious. However, registrants do not always keep them in mind when responding to the complaint.

#### 1. Be courteous, responsive, and professional

When responding to a complaint—especially one alleging unprofessional behavior—craft your response in a professional manner. This is your opportunity to make a good first impression.

You may be surprised how often the Director receives a response from a registrant that fails to address the issues raised in the complaint. Ranting and raving is unlikely to convey the impression you want to make. If anything, such behavior may lend credence to the complaint.

#### 2. Be honest

Everyone makes mistakes, including registered professionals. At times, the

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#### Contact us:

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**Consumer protection is our mission**

### DORA'S NEW AND IMPROVED WEBSITE

DORA launched our new website this quarter! You will see many changes to the Division of Professions and Occupations web pages. Bookmark these new url's:

Division's Homepage: [www.dora.colorado.gov/professions](http://www.dora.colorado.gov/professions)

Renewals: [www.dora.colorado.gov/professions/renewal](http://www.dora.colorado.gov/professions/renewal)

Online Services: [www.dora.colorado.gov/professions/onlineservices](http://www.dora.colorado.gov/professions/onlineservices)

Office of Surgical Assistant and Surgical Technologist Registration

Home Page: [www.dora.colorado.gov/professions/sast](http://www.dora.colorado.gov/professions/sast)

## TIPS FOR RESPONDING TO COMPLAINTS

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strength of a true professional emerges when acknowledging an error and reporting steps taken to assure future compliance. There is a difference, of course, between a complaint alleging stolen funds and one complaining about unreturned phone calls or rude behavior. If there is a bit of truth in a routine complaint, however, don't shy away from acknowledging that you should have handled a situation in a different manner and will in the future. Remember, surgical assistants and surgical technologists are held to high standards of professional conduct.

### **3. Take responsibility**

It is common to hear registrants blame secretaries, relatives, co-workers, etc. when responding to complaints that are administrative in nature. While you may report the missteps of another if they contributed to an issue, don't attempt to place blame on someone else for a matter you are legally responsible for. Remember, the registration is issued to you.

### **4. Provide facts**

Be factual in your response. Please remember, the Director needs to clearly understand the situation and the facts surrounding the matter in the complaint. If necessary, provide copies of any supporting documents that you think are relevant to your response.

### **5. Legal counsel**

You are not required to seek the assistance of legal counsel when responding to a complaint letter. If you choose to retain an attorney, please have the attorney enter their appearance with the Director when responding to the complaint or in a separate letter. Division staff cannot discuss any complaint with anyone other than the respondent unless notification of representation is received in writing. Should you elect to seek the assistance of legal counsel, you should do so in a timely manner. A delay in your response based on a delay in retaining counsel is not sufficient grounds for requesting an extension of time to reply. Please remember that division staff cannot provide legal advice on how you should respond and what information you should or shouldn't provide.

### **6. Respond even if you disagree with the nature of the complaint**

The Director does not have control over who files complaints or the content of the complaint. Unless a complaint is blatantly frivolous or outside the program's jurisdiction, you will likely be asked to respond. Complaints alleging rude behavior may seem "frivolous" to you, but from the public's perspective, how people are treated is important. Patterns of unprofessional or neglectful behavior may, in fact, warrant further investigation. Don't add credence to the complaint by responding in an unprofessional manner. Also, don't assume that any conclusions have been reached solely because you've been asked to respond.

### **7. Be timely**

If you are unable to respond within the time provided, contact the division staff before the date identified for response in the letter. Please note that delays in retaining counsel will not result in additional time to respond.

### **8. Don't cause grounds for additional violations**

If you fail to respond to the initial letter, you may face discipline for failure to respond to communication from the Director. This holds true whether you are the target of the investigation or someone with knowledge of the matter. Holding a registration to practice imposes certain duties and expectations as a registered professional, including the duty to assist the Director when requested.

### **9. Do not retaliate**

If a registrant is found to have retaliated against someone for filing a complaint, the registrant may raise new grounds for discipline. As long as the complainant does not act with malice, a complainant is generally immune from liability for filing a complaint and protected from retaliation.

## TIPS FOR RESPONDING TO COMPLAINTS

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### 10. Do not take it personally

The Director has the authority to initiate complaints violating statutes and rules. If the Director initiates a complaint for failing to renew, keeping accurate records, violating standards of practice, practicing without a registration, etc. do not take it personally. The Director is charged with upholding the laws and the rules related to the profession and ensuring that the law is applied fairly and consistently to the regulated community.

*This newsletter was created by the Division of Professions and Occupations to improve communications between the Division and its registrants*

## HOW DOES THE PROGRAM INVESTIGATE AND RESOLVE COMPLAINTS?

Once a written complaint is received or a complaint is initiated by the Director and/or Division staff, a letter is sent to the surgical assistant or surgical technologist (respondent) with a request to respond. All complaints are confidential by law until discipline is imposed.

Regardless of whether a response is received, the matter is reviewed by the Director. The Director and Division staff will review the basis of the complaint, any information related to the complaint and the response, if any, from the respondent. The Director will decide if there is evidence of a violation of the statute and/or the rules. If there is evidence of a violation, the Director will determine if there are grounds for disciplinary action and subsequently determine the specific terms to settle the complaint. Such disciplinary action may consist of a variety of sanctions including but not limited to a Letter of Admonition, a fine, probation, suspension, or revocation.

A complaint may be dismissed if the Director determines that there is insufficient evidence to substantiate the allegations in the complaint; if there is no evidence of a violation of the statute or program rules; or if there aren't grounds for disciplinary action. If the Director dismisses the complaint, she may issue a confidential Letter of Concern to the respondent, which will remain on the respondent's record for five years. If an additional complaint is received indicating further review is required, the initial complaint may be considered as an aggravating factor.

If additional information is needed, the Director and/or program staff may contact the complainant or the respondent. The Director may also refer the matter to the Office of Investigations for additional fact finding. The evidence gathering phase of the case will continue until the Director has sufficient information to render a decision.

When the Director determines that a violation occurred and determines the disciplinary action, the matter is referred to the Office of Expedited Settlement where the respondent is offered settlement terms to resolve and close the case. The majority of cases are resolved through Stipulated Orders given that the process allows a respondent the opportunity to have more input into the proposed discipline and it gives the Director the ability to resolve complaints by achieving a balanced resolution.

If a settlement cannot be reached at this stage, the matter is referred to the Office of the Attorney General where a hearing is scheduled with the Office of Administrative Courts. At the hearing, any parties involved in the matter may be asked to appear and testify under oath. Based on the testimony and evidence presented during the hearing, an Initial Decision is issued by an Administrative Law Judge (ALJ). That Initial Decision is later reviewed by the Director in its judiciary capacity based on specific legal parameters and the Director may issue a Final Agency Order.

## INTRODUCING THE DIVISION OF PROFESSIONS AND OCCUPATIONS!

After 44 years, the Division of Registrations got a new name on August 8, 2012, that better reflects its mission. The regulator of 50 professions, occupations, and businesses in the state is now the **Division of Professions and Occupations**. The Division is responsible for the licensure and enforcement of nearly 350,000 people in the state. It preserves the integrity of the marketplace through the consistent and fair pursuit of consumer protection. The work of the Division facilitates a labor force that is a critical driver of the state's economy, and touches all Coloradans in their personal, daily lives.

## ONLINE SERVICES HAS A NEW LOOK

The new Online Services is faster, more user-friendly and more compatible with browsers such as Safari, Mozilla Firefox and Google Chrome. **Go to [www.colorado.gov/professions/onlineservices](http://www.colorado.gov/professions/onlineservices) to renew your registration or change your address.** *If you have not logged into the system since July 1, 2012, you must register to create a new account.*



## THE DIVISION OF PROFESSIONS AND OCCUPATIONS WELCOMES OUR NEW DIVISION DIRECTOR!

Lauren Larson became the Director of the Division of Professions and Occupations in August 2012. Ms. Larson comes to DORA from Washington, DC, where she was a senior executive at the Executive Office of the President, Office of Management and Budget (OMB). As Chief of the Treasury Branch at OMB, she negotiated billions of dollars in spending and numerous industry regulations. Her experience includes budget, legislative and general management oversight for federal regulatory agencies such as the Department of the Treasury, the Department of Housing and Urban Development, and the Securities and Exchange Commission. Ms. Larson also served as a senior advisor at the Internal Revenue Service. Prior to her government service, Ms. Larson was an economic consultant with PricewaterhouseCoopers, and a manager at a nonprofit. She holds a Master of Public Policy from the University of Michigan, and a Bachelor's degree in Political Science from Syracuse University.

## SIGN UP FOR E-UPDATES!

The Division wants to keep you informed of upcoming renewal, legislation, events and other information that impacts your profession. In order to do this more efficiently we have implemented "DORA eUpdates" and we look forward to providing more of these in the future. These eUpdates are sent to the email address in our licensing system for each active registrant. To update or add your email address, log into [Online Services](#).



### PROOF OF LAWFUL PRESENCE

All persons requesting original registration, renewal of an active registration or reinstatement of an expired registration must verify lawful presence in the United States based on the passage of House Bill 06S-1009. This bill applies to all applicants and registrants in the Division of Professions and Occupations, with the exception of apprentices, interns, and businesses.

**Registrations will not be issued or renewed without completing the Affidavit of Eligibility form.**

The good news is that you can complete this affidavit online when you renew using Online Services!

You must possess at least one secure and verifiable document and include information about that document on the Affidavit itself (or provide the information during online renewal).

More information regarding this law is available on our website [here](#).

### RENEW YOUR REGISTRATION ON TIME!

You may renew your registration online using Online Services. Renewals are generally made available 6 to 8 weeks prior to the registration expiration date. After that there is a 60-day grace period. That means you typically have a time frame of 16 weeks to renew your registration.

Any registration not renewed prior to the end of the grace period will be considered expired. Once a registration is in expired status, a reinstatement application must be completed and returned to our office with the appropriate fee listed on the form.

If you do not renew your registration prior to the end of the grace period and continue to practice, you will be practicing on an expired registration and may be subject to disciplinary action. The Division sees a number of situations every year of individuals who have failed to renew their registration on time and practiced without one. The reasons that are offered boil down to some common themes: I forgot; I moved and I forgot to notify the Office so I never got the renewal notice; I thought that my assistant/secretary/spouse/boyfriend, et cetera, handled it; it's the Office's fault because I *did* renew my registration...or I *thought* I renewed my registration. The result is that depending on how long it takes for the individual to "remember" to renew, the Division often takes disciplinary action against the individual because it is against the law to practice without an active registration. So, here's where we need your help.:

1. Note the expiration date in your calendar to remind yourself of when it is time to renew your registration the next time.
2. Make sure that the address listed on your record is accurate. If it is not, then update your address with the Division. Remember to update your address any time that you move so that you do not miss out on any important notices from the Division.

Remember, it is each registrant's responsibility to renew his or her registration on time. With our online system, you can handle all of this yourself, any time, day or night.

### RENEWAL INSTRUCTIONS

For detailed renewal instructions, click on your profession at [www.dora.colorado.gov/professions/renewal](http://www.dora.colorado.gov/professions/renewal).

## HOW ARE RENEWAL FEES SET?

By law, the program must operate strictly with funds collected from the persons it regulates, with no support from the State's General Fund. The Colorado Legislature determines the budget for the program. Once the Legislature sets the budget, the money must be raised through fees. The good news is that these fees are evaluated each year. Therefore, they are modified depending on how much money is anticipated to be received through the licensing and renewal processes and what the anticipated expenditures are expected to be. The primary obligation is to protect consumers and the operations of the program are focused to ensure it can work diligently to do so. The Division of Professions and Occupations works hard to contain program costs and to keep fees for regulated professionals as low as possible.



## VIEW DISCIPLINARY ACTIONS ONLINE

The Division of Professions and Occupations allows anyone to view images of scanned disciplinary documents online. In reviewing an individual's information, it is important to know what is and is not available from the agency about Colorado professionals.

The following information would appear on a record under Board or Program Actions if applicable to the professional:

1. If a professional had been disciplined or formally accused of wrongdoing by the Board or Program.
2. If the Board or Program has taken some other non-disciplinary action against the professional that restricts or limits the individual's practice.

### Board/Program Action Documents available:

- All Stipulations, Final Agency Orders, and Suspensions that were in effect in February 2000 plus any that became effective since that date. Child support suspensions are not available online but may be obtained by contacting the appropriate Board or Program.
- Any document Revoking or agreeing to a Voluntary Relinquishment/Surrender of a license, registration or certificate, Cease and Desist Orders and Letters of Admonition from January 1, 1999 to the present.
- All Injunctions.

**To view disciplinary action documents, please visit  
[www.dora.colorado.gov/professions](http://www.dora.colorado.gov/professions)  
 Click on "Licensing" and then "Disciplinary Actions"  
 or click [here](#)**

## HAVE YOU CHANGED YOUR MAILING ADDRESS ?

It is imperative that you keep your contact information updated with the Division. The Division mails renewal notices and other information to you at the last address furnished to us. Failure to receive a renewal notice does not relieve you of your obligation to timely renew. Once you have logged into Online Services, check your mailing address and update it if it is not correct. If you received your renewal notice due to a forwarding order it is important that you change your address on file with us, since we cannot change the information based on the forwarding order.