



Dora
Department of Regulatory Agencies

**Department of Regulatory Agencies
(DORA)
Departmental Regulatory Agenda
November 1, 2013**





John W. Hickenlooper
Governor

November 1, 2013

Members of the Colorado General Assembly
c/o the Staff of the Legislative Council
State Capitol Building
200 East Colfax
Denver, Colorado 80203

Dear Members of the General Assembly:

This Departmental Regulatory Agenda is submitted on behalf of the Department of Regulatory Agencies (DORA) in compliance with Section 2-7-203, Colorado Revised Statutes, as amended by HB 12-1008, which states in part, and requires for the 2014 calendar year:

- A list of new rules or revisions to existing rules that the Department expects to propose in the next calendar year;
- The Statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules; and
- The contemplated schedule for adoption of the rules; and
- An identification and listing of persons or parties that may be affected positively or negatively by the rules.

All DORA Divisions have carefully assessed their available resources and what can reasonably be accomplished during this twelve (12) month period. Given the discrete statutory mandates and functions of the various divisions within DORA, the Departmental Regulatory Agenda is presented according to Division. The Agenda lists regulations that are expected to be under development or considered for revision during the calendar year 2014, and provides a brief description of each rule, its purpose and legal basis, as well as an approximate schedule, in compliance with all aforementioned requirements of HB 12-1008. In preparing this information, DORA notes that while "Consumers" are not specifically listed as persons or parties affected positively or negatively by each individual rule listed, the consumer population is certainly recognized as affected for all that is presented, particularly given the Department's mission of consumer protection.

Information pertaining to a specific rule can be obtained through the Public Information Officer (PIO) for the respective Division. The PIO contact information may be obtained from the respective Division's website.

I am pleased to submit the Departmental Regulatory Agenda on behalf of DORA. The Agenda will also be posted to the DORA web-site and submitted to the Secretary of State for publication in the Colorado Register. The Department will also discuss its Regulatory Agenda with our joint Committees of Reference during its hearing.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara J. Kelley", is written in black ink on a light-colored background.

Barbara J. Kelley
Executive Director

cc: Secretary of State's Office



Regulatory Agenda 2014 - Banking

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Division of Banking					
Banking	CB 101.64 - Modify Lending Limits (Emergency)	11-105-303, C.R.S.	Conform and comply with Dodd-Frank, Section 611, requiring states to consider derivatives exposure in legal lending limits.	Spring 2014	State chartered banks and commercial borrowers intending to engage in such transactions
Banking and Money Transmitter	Division and Money Transmitter program subject to Sunset Review and additional Dodd-Frank requirements	12-52-101 through 12-52-206, C.R.S.	Amend rules to remove language regarding Interagency Guidance on Nontraditional Mortgage Products.	Summer 2014	State chartered banks
Banking	Programs subject to additional/final Dodd-Frank requirements	11-101-101 through 11-109-907, C.R.S.	Revise Division rules when comparable federal rules are promulgated by the federal bank regulators, pursuant to the Dodd-Frank Act.	Summer 2014	State chartered banks, money transmitters, trust departments and trust companies
Banking	List of Approved Eligible Collateral Instruments and Obligations	11-10.5-107(1), C.R.S.	Amend rules to address minimum capital requirements and risk-based capital to conform to the federal banking agencies.	Fall 2014	State and Nationally chartered banks

Regulatory Agenda 2014 – Civil Rights

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Division of Civil Rights					
Civil Rights	3 CCR 708-1, Rules 10 and 20	24-34-306, C.R.S.	Clarify procedure for filing and enforcement of discrimination charges.	Summer 2014	Housing Providers, Employers, Places of Public Accommodation
Civil Rights	3 CCR 708-1, Rules 30-80	24-34-401 to 24-34-707, C.R.S.	Update rules relating to protected class, to align with current law.	Summer 2014	Housing Providers, Employers, and Places of Public Accommodation.
Civil Rights	3 CCR 708-1, Rule 90	24-34-401 to 406, C.R.S.	Repeal obsolete rules regarding uniform employment testing.	Summer 2014	Housing Providers, Employers, and Places of Public Accommodation.

Regulatory Agenda 2014 – Professions & Occupations

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Division of Professions & Occupations					
Surgical Assistants/Technologist Registration Program	New rules concerning LOAs and LOCs	Requested statute change	Consistency with other programs, fair discipline	Fall 2014	Registered Surgical Assistants/Technologists
Naturopathic Doctor Registration Program	New rule regarding the general administration of the practice act	12-37.3-104(1)(a) C.R.S.	Statute requires adoption of a rule regarding the general administration of the practice act	Spring 2014	Naturopathic Doctors
Naturopathic Doctor Registration Program	New rule regarding the form and manner of submitting an application	12-37.3-106(2) C.R.S.	Statute requires adoption of a rule regarding the form and manner of submitting an application	Spring 2014	Naturopathic Doctors
Naturopathic Doctor Registration Program	New rule regarding approved licensing exams	12-37.3-106(2)(d) C.R.S.	Statute requires adoption of a rule regarding approved licensing exams	Spring 2014	Naturopathic Doctors
Naturopathic Doctor Registration Program	New rule regarding continued competency	12-37.3-108(1)(b) C.R.S.	Statute requires adoption of a rule regarding continued competency	Winter 2014	Naturopathic Doctors
Naturopathic Doctor Registration Program	New rule regarding activation and inactivation of registrations	12-37.3-118 C.R.S.	Statute requires adoption of a rule regarding the activation and inactivation of registrations	Spring 2014	Naturopathic Doctors
Naturopathic Doctor Registration Program	New rule regarding the definition of natural health care and services	12-37.3-102(9) C.R.S.	To clarify the definition of natural health care and services	Spring 2014	Naturopathic Doctors, Physicians, Nursing, Naturopaths, other healthcare providers
Naturopathic Doctor Registration Program	New rule regarding mandatory disclosures when caring for a child	12-37.3-105(2)(f) C.R.S.	To clarify mandatory disclosures when caring for a child	Spring 2014	Naturopathic Doctors

Regulatory Agenda 2014 – Professions & Occupations

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Naturopathic Doctor Registration Program	New rule regarding informed consent requirements	12-37.3-105(3)(b) C.R.S.	To clarify informed consent requirements	Spring 2014	Naturopathic Doctors
Naturopathic Doctor Registration Program	New rule regarding title protection	12-37.3-110(2) C.R.S.	To clarify title protection of Naturopathic Doctors	Spring 2014	Naturopathic Doctors
Pharmacy Board	Amend Rule 3.00.00 regarding dispensing	12-42.5-101, 12-42.5-105, 12-42.5-106, CRS	To allow "first dose" dispensing from long-term care facility chart orders by retail pharmacies for patients residing in long-term care facilities	Fall 2014	Consumers, pharmacies, and long-term care facilities
Pharmacy Board	Amend Rule 5.00.00 regarding outlets	12-42.5-101, 12-42.5-105, 12-42.5-106, CRS	To allow pharmacies owned and operated by health maintenance organizations (HMOs) as defined in 10-16-102, CRS to maintain drug stocks in automated dispensing machines located within the same building of the HMO	Fall 2014	Consumers and pharmacies
Pharmacy Board	Amend Rule 14.00.00 regarding other outlets	12-42.5-101, 12-42.5-105, 12-42.5-106, CRS	To allow other outlets to dispense prescriptions from orders maintained in electronic patient charts under certain conditions	Fall 2014	Consumers and other outlets
Pharmacy Board	Amend Rule 20.00.00 regarding central prescription processing	12-42.5-101, 12-42.5-105, 12-42.5-106, CRS	Amend rules dictating central prescription processing to concur with practice changes as well as those adopted by the National Association of Boards of Pharmacy	Fall 2014	Consumers and pharmacies

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Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Pharmacy Board	Amend Rule 21.00.00 regarding compounding	12-42.5-101, 12-42.5-105, 12-42.5-106, CRS	Amend compounding rules from input provided by the Pharmacy-Board initiated "Compounding Task Force" in regards to addressing consumers safety and to concur with practice changes	Fall 2014	Consumers and pharmacies
Electrical Board	Adopt National Electrical Code (NEC) 2014	12-23-104(a)	Statute requires adoption of NEC. Consistency with plumbing board rules.	Spring 2014	Consumers, jurisdictional authorities, licensed electricians, registered electrical contractors, and registered apprentices.
Colorado Medical Board	Amend existing Rule 140 (3 CCR 713-33)	24-4-103, 12-36-104(1)(a), C.R.S.	Update rule to comport with legislation that regulates distinguished foreign teaching physicians	Spring 2014	Distinguished Foreign Teaching Physicians and the academic staff at the University of Colorado School of Medicine.
State Board of Nursing	New and rule revision Chapter 13 concerning delegation of nursing tasks	22-1-119.5, 12-38-132 C.R.S.	To fully implement statute concerning use of Epinephrine Auto-Injectors in Emergency Situations in School Settings	Summer 2014	Consumers, nurse licensees, school staff
State Board of Nursing	Rule revision -Miscellaneous Nursing Rules	12-38-108 C.R.S. and state mandate of rule review on five year cycle	In furtherance of agency review of all rules	Fall 2014	Consumers, nurse licensees and applicants
State Board of Nursing	Rule revision Chapter 2 Approval of Education Programs	12-38-108(1)(a)(j) and 12-38-116 C.R.S.	To add, clarify current definitions or otherwise further implement statute	Summer 2014	Consumers, nurse licensees, applicants, and training programs

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Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
State Board of Nursing	Rule revision Chapter 11 Approval of Nurse Aide Training Programs	12-38.1-103(3) & 12-38.1-108 C.R.S.	To add, clarify current definition, otherwise further implement statute; and to standardize common terminology among nurse practice acts	Summer 2014	Consumers, nurse licensees, applicants, and training programs
Office of Athletic Trainer Registration	Rule revision -Miscellaneous Athletic Trainer Rules	12-29.7-101 et seq. C.R.S. and state mandate of rule review on five year cycle	In furtherance of agency review of all rules	Fall 2014	Consumers, athletic trainer registrants and applicants
Speech-Language Pathology Certification	New rule regarding continued competency	12-43.7-107(1)(b), C.R.S.	Statute requires adoption of a rule regarding continued competency	Winter 2014	Speech-Language Pathologists
State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors	Revise rules in accordance with any changes in sunset legislation	12-25-107(a) and (b),12-25-207(a),12-25-307(a) , C.R.S.	Revise rules in accordance with any changes in sunset legislation regarding address changes, responsible control, malpractice reporting, seal attributes, and duplicate wording.	Spring 2014	Consumers, professional engineers, engineer interns, professional land surveyors, land surveyor interns, and architects
State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors	Consider Revising Board Rule 5.1 regarding Electronic Signatures	Board Rule 5.1	Address due to licensee questions that may result in clarification in rule	Spring 2014	Consumers, professional engineers, engineer interns, professional land surveyors, land surveyor interns, and architects
State Board of Licensure for Architects Professional Engineers	New Rule 4.8.2.1 (d) re adoption of ARE™	12-25-314(2)(a), C.R.S.	Adopt the ARE as the exam for ARCs as noted in statute	Spring 2014	Consumers, architects

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State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors	New Rule within Board Rule 4.4	12-25-114, 12-25-214, and 12-25-314, C.R.S.	Consideration of US Residence/Experience requirements for licensure	Spring 2014	Consumers, professional engineers, engineer interns, professional land surveyors, land surveyor interns, and architects
Office of Massage Therapy Registration	Add Rule 10 - Licensure Requirements: Credit for Military Experience	12-35.5-117 and 24-34-102(8.5) , C.R.S.	Outline conditions and procedures for the Director's evaluation of applicants' military experience and training.	Summer 2014	Consumers and massage therapist applicants who want the Director to consider military experience, training, or education.
Office of Massage Therapy Registration	Addition of any rules required to implement the 2013 massage therapy Sunset legislation	12-35.5-117, C.R.S.	To implement the 2013 massage therapy Sunset legislation regarding out-of-state schools	Summer 2014	Consumers, registered massage therapists, and massage therapist applicants
Colorado Board of Chiropractic Examiners	Consider revising Rule 20 Termination of Practice upon Suspension, Relinquishment or Revocation	12-33-107(1)(a), C.R.S.	To address what to do if a chiropractor closes a practice or passes away	Summer 2014	Consumers, licensed chiropractors
Colorado Board of Chiropractic Examiners	Consider revising Rule 13 Advertisement of Free or Discounted Services	12-33-107(1)(a), C.R.S. and 12-33-117(3)(a), C.R.S.	To address pre-pay contracts vs. contracts in general-when patients should be released from these agreements	Summer 2014	Consumers, licensed chiropractors
Colorado Board of Chiropractic Examiners	Consider revising Rule 6 Patient Assessment and Electrotherapy/Physical Remedial Measures	12-33-107(1)(a), C.R.S. and 12-33-102(1) and (3), C.R.S.	Clarification on authority requirements for physiotherapy vs. electrotherapy	Summer 2014	Consumers, licensed chiropractors

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Colorado Board of Chiropractic Examiners	Consider revising Rule 8 Continuing Education	12-33-116, C.R.S.	Consider requiring certain continuing education hours be completed through specific organizations, and consider adding a requirement for a certain amount of CE hours to include a course in regulatory education	Summer 2014	Consumers, licensed chiropractors, continuing education providers
Colorado Board of Chiropractic Examiners	Consider revising Rule 7 Scope of Practice and/or possible addition of a new rule	12-33-107(1)(a), C.R.S.	Consider revisions to current Rule 7 and/or addition of a new rule to further clarify/limit the scope of practice for chiropractors.	Fall 2014	Consumers, licensed chiropractors
Office of Occupation Therapy Licensure	Implementation of 2013 Sunset legislation including the licensure of occupational therapists and occupational therapy assistants	12-40.5-12, CRS	Implementation of 2013 occupational therapy legislation regarding licensure, OTAs, and continued competency.	Spring 2014	Consumers, occupational therapists, occupational therapy assistants, schools, applicants
Board of Licensed Professional Counselor Examiners	Consider revision of Rule 14 regarding licensure requirements.	12-43-203(3)(a), CRS	Maintain equivalent standards to other professional counselor licenses within the country	Summer 2014	Consumers, licensees, schools and applicants
Board of Licensed Professional Counselor Examiners	Implementation of auricular acudetox bill.	12-43-203(3)(a), CRS	Establish standards for LPCs to provide auricular acudetox services.	Summer 2014	Consumers, licensees
Board of Psychologist Examiners	Implementation of auricular acudetox bill.	12-43-203(3)(a), CRS	Establish standards for psychologists to provide auricular acudetox services.	Summer 2014	Consumers, licensees
Board of Social Work Examiners	Implementation of auricular acudetox bill.	12-43-203(3)(a), CRS	Establish standards for social workers to provide auricular acudetox services.	Summer 2014	Consumers, licensees

Regulatory Agenda 2014 – Professions & Occupations

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Board of Marriage and Family Therapist Examiners	Implementation of auricular acudetox bill.	12-43-203(3)(a), CRS	Establish standards for marriage and family therapists to provide auricular acudetox services.	Summer 2014	Consumers, licensees
Board of Addiction Counselor Examiners	Implementation of auricular acudetox bill.	12-43-203(3)(a), CRS	Establish standards for CAC IIIs and licensed addiction counselors to provide auricular acudetox services.	Summer 2014	Consumers, licensees
State Board of Optometry	Rules 1.00-19.00	12-40-107(b), C.R.S.	A review of all rules for grammatical errors and legal inconsistencies	Summer 2014	Consumers, licensed optometrists
State Board of Optometry	Add Rule 20.00 Continuing Education	12-40-113(1)(f), C.R.S.	Consider review of continuing education policies to incorporate them into a rule	Summer 2014	Consumers, licensed optometrists
Office of Acupuncture Licensure	Addition of any rules required to implement the 2013 acupuncture Sunset legislation	12-29.5-110(1)(a), 12-29.5-104.5(2), C.R.S.	To implement the 2013 acupuncture Sunset legislation regarding administrative updates	Summer 2014	Consumers, licensed acupuncturists
State Board of Dental Examiners	Rule XVI concerning infection control, Rule XIV concerning anesthesia, and Rule III concerning licensure.	12-35-107(1)(b) and (f), C.R.S.	Amend the current infection control rule; amend the current anesthesia rule; amend the licensure rule to clarify competency requirements; amend licensure rule to make clear that an expired, inactive, or retired licensee is still required to comply with reporting requirements.	Spring 2014	Consumers, licensed dental hygienists, licenses dentists, and dental hygienists and dentists not licensed but married to military personnel residing in Colorado.
State Board of Dental Examiners	Amend/implement rules impacted by sunset legislation in 2014.	12-35-107(1)(b) and (f), C.R.S.	A sunset bill for this program will be introduced in the 2014 legislative session. Rulemaking will likely occur in response thereto.	Fall 2014	Consumers and licensees.

Regulatory Agenda 2014 – Professions & Occupations

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
State Board of Veterinary Medicine	Amend Rules I.B and E in order to allow for "teeth floating" to occur under "indirect supervision" rather than "direct supervision".	12-64-105(9)(j), C.R.S.	The Board's Large Animal Dentistry Committee is recommending allowing for a loosening of this requirement now that the opportunity is available through the passage of HB13-1311.	Spring 2014	Consumers, licensees, and non-licensees.
Physical Therapy Board	New rule regarding continued competency	12-41-114.6(1)(b), C.R.S.	Statute requires adoption of a rule regarding continued competency	Spring 2014	Physical Therapists
Physical Therapy Board	Create and amend testing rules. Update endorsement and reinstatement rules.	12-41-103.6(2)(b), C.R.S.	Create and amend testing rules. Update endorsement and reinstatement rules.	Spring 2014	Consumers, licensees, new graduates, and physical therapists and physical therapist's assistants not licensed but married to military personnel residing in Colorado. .

Regulatory Agenda 2014 - Insurance

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Division of Insurance					
Financial Affairs	3-2-1, Proxies, Consents and Authorizations of Domestic Stock Insurers	10-1-109, C.R.S.	Update regulation for Secretary of State format and any statutory changes. Set forth certain requirements for stock insurance companies related to disclosure, proxies, and consents.	Summer 2014	Domestic stock insurers, foreign and alien insurers acquiring CO domestic stock insurers
Financial Affairs	3-2-2, Insider Trading of Equity Securities of a Domestic Stock Insurance Company	10-1-109, C.R.S.	Update regulation for Secretary of State format and any statutory changes. Set forth certain requirements for stock insurance companies related to insider trading.	Summer 2014	Domestic stock insurers, foreign and alien insurers acquiring CO domestic stock insurers
Compliance, Licensing and Investigations	1-1-3, Rules Governing the Filing of Declaratory Judgment Petitions with the Colorado Insurance Commissioner	10-1-109, 24-4-105(11)	Update regulation for Secretary of State format and any statutory changes. Sets forth process for the filing and decision-making regarding petitions for declaratory orders.	Fall 2014	Insurance carriers, insurance producers, consumers, attorneys
Property and Casualty, and Life and Health, Rates and Forms	6-1-1, Limiting Coverage	10-1-109, C.R.S.	Update regulation for Secretary of State format, statutory changes, and Division interpretation. Prescribe conditions to be met by all insurers issuing policies, rides, endorsements, and amendments which limit the coverage usually and normally afforded.	Spring 2014	Insurance carriers, insurance producers, consumers, attorneys

Regulatory Agenda 2014 - Insurance

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Compliance, Licensing and Investigations	1-2-6, Concerning Reinsurance Intermediaries	10-2-104, 10-2-912, 10-2-1101, C.R.S.	Update regulation for Secretary of State format, statutory changes, and Division interpretation. Specify filing requirements for licensure for reinsurance intermediaries required to be licensed by the DOI prior to doing business in CO.	Fall 2014	Reinsurance intermediaries, certain insurance producers, insurance carriers
Compliance, Licensing and Investigations	6-3-2, Concerning the Use of Independent Contractors for Informal Investigations and Appeal Processes for Expenses	10-1-109, 10-1-208, C.R.S.	Update regulation for Secretary of State format, statutory changes, and Division interpretation. Specify requirements for use of independent contractors for informal investigations; provide process to appeal expenses charged by such contractors.	Fall 2014	Insurance carriers, insurance producers, consumers, attorneys
Property and Casualty Consumer Affairs	5-2-17, Private Passenger Automobile Coverage Limitations	10-1-109, 101-4-601(5), C.R.S.	Update regulation for Secretary of State format, judicial decisions, and Division interpretation. Prohibit insurers from reducing available liability coverage under an automobile policy.	Summer 2014	Consumers, auto carriers
Market Regulation	1-1-7, Market Conduct Record Retention	10-1-109, C.R.S.	Regulation to be expanded to set forth generally applicable record retention requirements except where specific statutory authority exists for a differing period. Clarify definition and requirements regarding retention, maintenance, access and retrievability of records.	Summer 2014	Carriers, producers, other regulated entities, person who need to know what records are required to be produced for examinations, investigations and other inquiries.

Regulatory Agenda 2014 - Insurance

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Consumer Affairs	6-4-1, Privacy of Consumer Financial and Health Information	10-1-109, 10-1-109, 10-5-117, 10-16-109, 10-16-401(4)(o), C.R.S.	Update regulation for Secretary of State format, and to align with NAIC model. Update standards governing the treatment of non-public personal health and financial information about individuals by all licensees of CO-DOI.	Fall 2014	Insurance carriers, insurance producers, consumers, attorneys, healthcare providers, benefit administrators
Consumer Affairs	6-4-2, Standards for Safeguarding Customer Information	10-1-109, 10-16-109, 10-16-401(4)(o), C.R.S.	Update regulation for Secretary of State format, and to align with NAIC model. Establish standards for developing and implementing administrative, technical and physical safeguards to protect the security, confidentiality and integrity of customer information.	Fall 2014	Insurance carriers, insurance producers, consumers, attorneys, health care providers, benefit administrators
Actuarial	4-1-15, Preneed Life Insurance Minimum Mortality Standards for Determining Reserve Liabilities and Nonforfeiture Values	10-1-109, 10-7-313.7, C.R.S.	Establish minimum mortality standards for preneed products. Update regulation for Secretary of State format, and to align with NAIC model.	Spring 2014	Insurance carriers
Compliance, Licensing and Investigations	1-2-9, Fees Charged by Producers	10-1-109, C.R.S.	Update regulation for Secretary of State format, Division interpretation. Implement rules which prohibit producers from charging insurance applicants and policyholders certain fees for which they are already compensated through commissions; clarify which fees may be charged.	Spring 2014	Consumers, insurance producers, insurance companies/carriers

Regulatory Agenda 2014 - Insurance

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Actuarial	Concerning Preneed Contract Sellers	10-15-112, C.R.S.	Specify the type of annuity used to fund preneed funeral contracts; require advisory notifications to the consumer about annuities used for this purpose.	Summer 2014	Consumers, insurance companies, producers, particularly those authorized to sell annuities, and preneed contract sellers that use annuities to fund preneed contracts.
Property and Casualty Rates and Forms and Consumer Affairs	5-1-11, Mass Merchandising of Property and Casualty Insurance	10-1-109, C.R.S.	Update regulation for Secretary of State format and any statutory changes. Define mass merchandising of insurance products and set forth the guidelines for such marketing; simplify the rule and remove out-of-date and unnecessary requirements.	Summer 2014	Property and casualty insurers, producers, consumers, unions, associations, employers
Property and Casualty Consumer Affairs and Compliance, Licensing and Investigations	REPEAL, 1-1-2, Public Adjuster Representation Contracts	10-1-109, 10-2-417, CRS	Provisions contained in revised 1-2-10 and 1-2-19	Early 2014	Public adjusters, property and casualty insurance carriers, consumers
Property and Casualty Consumer Affairs and Compliance, Licensing and Investigations	REPEAL 1-2-12, Concerning Public Insurance Adjusters	10-1-109, 10-2-417, 10-3-1110, C.R.S.	Replaced by Regulations 1-2-4, 1-2-10, and 1-2-19 to be effective 1/1/2014.	Early 2014	Public adjusters, property and casualty insurance carriers, consumers
Life and Health Consumer Affairs	4-1-12, Concerning the Disclosure Requirements for Annuity Transactions	10-1-109, 10-3-1110, C.R.S.	Update regulation to conform with current NAIC model to the extent that changes have been made since model was adopted.	Fall 2014	Life insurance carriers, annuity writers, consumers.

Regulatory Agenda 2014 - Insurance

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Life and Health Consumer Affairs	4-6-12, Mandatory Coverage of Mental Illnesses	10-16-104, C.R.S.	Conform and harmonize state law and regulations with federal health care reform requirements.	Early 2014	Health insurance carriers, consumers, mental health advocates
Corporate Affairs and Life and Health Consumer Affairs	REPEAL, 4-6-3, Concerning CoverColorado Standardized Notice Form and Eligibility Requirements	10-16-107, 10-16-109, C.R.S.	REPEAL of regulation to specify standardized notice requirements to notify individuals of eligibility for CoverColorado due to repeal of program as of 12/1/2014 for new entrants and 3/31/2014 for current enrollees.	Early 2014	CoverColorado, consumers, employers, health insurance carriers
Corporate Affairs and Life and Health Consumer Affairs	REPEAL, 4-6-11, CoverColorado Standardized Notice Form to Be Used to Notify Certain Individuals, Eligible for Medicare, Eligibility for CoverColorado	10-16-107, 10-16-109, C.R.S.	REPEAL of regulation to specify standardized notice requirements to notify individuals of eligibility for CoverColorado due to repeal of program as of 12/1/2014 for new entrants and 3/31/2014 for current enrollees.	Early 2014	CoverColorado, consumers, employers, health insurance carriers
Life and Health Consumer Affairs	4-2-28, Payment of Early Intervention Services for Children Eligible for Benefits under Part C of the Federal "Individual with Disabilities Education Act "	10-16-104(1.3)	Update regulation to conform to requirements of HB 13-1266 and federal health care reform statutes and regulations.	Early 2014	Health insurance carriers, consumers, child advocacy organizations
Corporate Affairs and Life and Health Consumer Affairs	4-2-15, Required Provisions in Carrier Contracts with Providers, Carrier Contracts with Intermediaries Negotiating on Behalf of Providers and Carrier Contracts with Intermediaries Conducting Utilization Review	101-109, 10-16-121(5), 10-16-708, C.R.S.	Update regulation to Secretary of State format and to incorporate changes necessary due to HB13-1266 and alignment with federal law and statutes.	Early 2014	Health insurance carriers, consumers, providers

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Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Corporate Affairs and Life and Health Consumer Affairs	4-2-10, Reporting Requirements for Multiple Employer Welfare Arrangements (MEWAs)	10-1-109, C.R.S.	Clarify the information to be filed under the provisions of §10-3-903.5(7) by MEWAs claiming exempt status from licensing, and to clarify the responsibilities of licensed producers. Update regulation to incorporate changes necessary due to HB13-1266 and alignment with federal law and statutes.	Fall 2014	Health insurance carriers, consumers, associations, unlicensed MEWAs
Corporate Affairs and Life and Health Consumer Affairs	4-7-2, Concerning the Laws Regulating Health Maintenance Organization Benefit Contracts and Services in Colorado	10-16-109, C.R.S.	Update regulation to incorporate changes necessary due to HB 13-1266 and alignment with federal law and statutes.	Fall 2014	Health insurance carriers, consumers, providers, employers
Compliance, Licensing and Investigations	1-2-14, Concerning Record Keeping and Reporting Requirements for Insurance Producers Authorized to Write Bail Bonds, and the Format of the Required Disclosure Statement	10-1-109, 10-2-104, 10-2-705, C.R.S.	Establish the requirements to file the annual report required by §10-2-415.6, C.R.S.; set forth the format of the Disclosure Form required by §C.R.S.; and describe additional documents that must be retained by insurance producers pursuant to §10-2-705(5). Update regulation to incorporate changes necessary due to statutory and process changes in regard to bail bond reports.	Spring 2014	Surety Bail Bond Producers, Bail Bond Insurance Companies, State Judicial Administrator's Office

Regulatory Agenda 2014 - Insurance

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Compliance, Licensing and Investigations	7-1-3, Concerning Record Keeping and Reporting Requirements for Cash-Bonding Agents and Professional Cash-Bail Agents, and the Format of the Required Disclosure Statement	10-1-109, 10-23-102, and 10-23, 108, C.R.S.	Establish requirements to file the annual report required by §10-23-102, C.R.S.; set forth the format of the Disclosure Form required by 10-23-108(2), C.R.S.; and describe additional documents that must be retained by Cash-Bonding Agents and Professional Cash-Bail Agents pursuant to §10-23-108(5), C.R.S. Update regulation to incorporate changes necessary due to statutory and process changes in regard to bail bond reports.	Spring 2014	Cash-bonding and Professional Cash Bail Agents, Bail Bond Companies, State Judicial Administrator's Office
Compliance, Licensing and Investigations	4-1-2, Advertising and Sales Promotion of Life Insurance and Annuities	10-1-108(8), 10-1-109, 10-3-1110, C.R.S	Set forth the minimum standards and guidelines to assure a full and truthful disclosure to the public of all material and relevant information in the advertising of life insurance policies and annuity contracts.	Spring 2014	Consumers, life insurance carriers, producers
Property and Casualty Rates and Forms and Actuarial	5-1-10, Rate and Rule Filing Submission Requirements Property and Casualty	10-1-109, 10-3-1110. 10-4-110.7, 10-4-404, 10-4-404.5, and 10-11-118, C.R.S.	Establish the requirements for rate and rule filings for property and casualty insurance and potentially remove references to title insurance (which would be included in 3-5-1).	Fall 2014	Property and casualty insurers, producers, consumers, title insurers, title agencies

Regulatory Agenda 2014 - Insurance

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Actuarial	4-3-1, Minimum standards for Medicare Supplement Policies	101-1-108(8), 10-1-109, Article 18 of Title 10, C.R.S.	Provide for reasonable standardization of coverage and simplification of terms and benefits of Medicare Supplement policies. Revising regulation to ensure rates are compliant with statutes, actuarial standards of practice. Revise formula for under age 65 premiums.	Winter 2014	Insurance carriers offering Medicare Supplement policies, Medicare beneficiaries, consumers
Actuarial	1-1-1, Actuarial Qualifications	10-1-102(1), C.R.S.	Revise the terminology of "qualified actuary" to one fairly consistent among all lines and states while meeting Colorado's statutory requirements.	Winter 2014	Actuaries, insurance companies
Market Regulation and Compliance, Licensing and Investigations	3-5-1, Concerning Title Insurance	10-1-109, 10-2-104, 10-2-401, 10-3-1110, 10-4-404(1), 10-11-118-10-11-124, C.R.S.	Provide clarification and revised guidelines and requirements on title insurance.	Summer 2014	Title insurance companies, title insurance entities, real estate brokers, mortgage lenders, consumers
Financial Examinations	New -- Concerning Internal Control Requirements and Division Approval of Derivative Programs	10-3-243, C.R.S.	Institute internal control requirements and Division approval over a Company's derivative program. NAIC Model Law and Regulation, necessary for accreditation.	Summer 2014	Domestic insurance companies which write derivatives.

Regulatory Agenda 2014 - Insurance

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Market Regulation	New -- Unclaimed Life Insurance Benefits	10-1-109, 10-3-1110, C.R.S.	Clarify obligations of life insurance entities regulation under Article 7 of Title 10 when any database showing deceased individuals is used to determine whether benefits are payable for one product, that the same database must be used to determine whether benefits are payable for other insurance products issued by that insurer.	Summer 2014	Life insurance carriers, annuity writers, consumers.
Market Regulation	4-2-24, Concerning Clean Claim Requirements for Health Carriers	10-1-109, 10-16-109, C.R.S.	Update requirements to determine whether a claim will be considered a clean claim and the requirements for carriers processing such for prompt payment of claims.	Winter 2014	Health carriers, consumers, providers.
Financial Affairs	3-4-1, Holding Company System	10-1-109, 10-3-808, C.R.S.	Update requirements for carrying out the provisions of the Insurance Holding Company Systems Act and incorporating statutory changes and modifications from the NAIC model acts and regulations necessary for accreditation.	Fall 2014	Carriers
Life and Health Consumer Affairs	NEW -- Wellness programs	10-1-109, 10-16-136(3.5)(a)(I)(B), CRS	Establish guidelines for carrier operation/coverage of wellness programs including incorporation of consumer protections and alignment with federal health reform requirements.	Spring 2014	Health carriers, consumers, providers

Regulatory Agenda 2014 - Insurance

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Life and Health Consumer Affairs and Rates and Forms	NEW --Carrier discontinuance of health plans	10-1-109, 10-16-105.1(6), C.R.S.	Establish standards for carrier discontinuance of health plans including notification requirements, disclosures, etc.	Spring 2014	Health carriers, consumers, employers
Life and Health Consumer Affairs and Rates and Forms	NEW -- Policyholder directed termination of coverage	10-1-109, 10-16-109, 10-16-105.1(6), C.R.S.	Establish standards and requirements for carrier handling of policyholder directed termination of coverage	Spring 2014	Health carriers, consumers, employers, providers
Life and Health Consumer Affairs	NEW -- Grace periods	10-1-109, 10-16-109, 10-16-140(1), C.R.S.	Establish standards and requirements for implementation of grace periods in accordance with HB 13-1266 and federal health care reform requirements.	Spring 2014	Health carriers, consumers, employers, providers
Life and Health Consumer Affairs and Rates and Forms	4-2-7, Procedures for reasonable modifications to individual and small group health benefit plans	10-1-109, 10-16-109, 110-16-105.1, C.R.S.	Update and revise standards and requirements for carriers to submit and Division to consider reasonable modifications to individual and small group health benefit plans.	Summer 2014	Health carriers
Life and Health Consumer Affairs and Rates and Forms	4-2-39, Concerning premium rate setting for individual, small and large group health benefit plans	10-1-109, 10-16-109, 10-16-107, C.R.S.	Update premium rate setting requirements for health benefit plans for 2015.	Spring 2014	Health carriers, consumers, employers
Life and Health Consumer Affairs and Rates and Forms	4-2-41, Concerning the elements for form filings for health benefit plans and certain dental coverage forms and contracts	10-1-109, 10-16-109, 10-16-107, C.R.S.	Update requirements for form filings for health benefit plans and certain dental coverage forms and contracts for 2015 policy years.	Spring 2014	Health carriers, dental carriers, consumers, employers
Life and Health Consumer Affairs and Rates and Forms	4-2-42, Concerning essential health benefits	10-1-109, 10-16-109, 10-16-103.4, C.R.S.	Update requirements for coverage of essential health benefits for 2016 policy year.	Fall 2014	Health carriers, consumers, employers

Regulatory Agenda 2014 - Insurance

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Life and Health Consumer Affairs and Rates and Forms	4-2-44, Transition of individual health benefit plans, basic and standard health benefit plans, business group of one plans, and conversion plans	10-1-109, 10-16-109, 10-16-104.1(6), C.R.S.	Update requirements to align with federal health care reform regulations and law, and HB13-1266 and implement requirements for the transition of categories of coverage that have been repealed.	Spring 2014	Health carriers, consumers, employers
Life and Health Consumers Affairs and Rates and Forms	4-2-45, Uniform Applications	10-1-109, 10-16-109, 10-16-107.5, C.R.S.	Update uniform individual and small group application requirements.	Fall 2014	Health carriers, consumers, employers
Actuarial	4-9-2, Credit Insurance	10-1-109, 10-10-109(2.5), 10-10-114, C.R.S.	Update component rating and filings for 2015 policies.	Fall 2014	Credit insurance carriers

Regulatory Agenda 2014 – Public Utilities Commission

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Public Utilities Commission					
Electric Utilities and Gas Utilities and Pipeline Operators	4 CCR 723-3 and 4 CCR 723-4 (Revision and New)	Commission agreed to investigate further changes necessary for data privacy for electric and gas customers during the rulemaking on Practice and Procedure.	Update Data Privacy Rules for Electric Utilities and Add corresponding rules for Gas Utilities	Spring 2014	Electric and Gas utilities, Energy Outreach Colorado, Colorado Energy Office, Demand Side Management aggregators, customers, other seeking customer utility information
Rail	4 CCR 723-7 (Revision)	Adopt changes from Colorado Transportation Commission and streamlining 40-4-106, CRS	Revise Railroad rules to incorporate new MUTCD cities and definitions adopted by the CO Transportation Commission; streamline and clarify Commission procedures.	Fall 2014	Railroads; some Rail Fixed Guideway systems; road authorities including CDOT, counties, cities and towns
Rail	4 CCR 723-7 (Revision)	Rulemaking to implement new FTA rules related to the State Safety Oversight program for rail fixed guideway systems	Revise Rail Fixed Guideway rules to change and incorporate any changes in FTA's rules based on the MAP-21 legislation.	Winter 2014	Rail Fixed Guideway systems
Transportation	4 CCR 723-6 (Revision)	Anticipate legislative change - Regulation of Transportation Service by Motor Vehicles 40-4-106, CRS	Amendments to existing rules to implement anticipated legislative changes in the areas of public safety, public interest and consumer protection.	Fall 2014	Regulated motor carriers

Regulatory Agenda 2014 – Public Utilities Commission

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Transportation	4 CCR 723-6 (Revision)	Anticipate legislative change - Regulation of Transportation Service by Motor Vehicles 40-4-106, CRS	If no Transportation bills in the Legislature; the Commission expects a rulemaking proceeding to increase fines for violation of State Law and Commission Rule.	Spring 2014	Regulated motor carriers
Telecom	4 CCR 723-2-2130-2159 (Revision and New)	Update Emergency 9-1-1 rules regarding route diversity, contingency plans and outage reporting	Recent weather related and other disasters have highlighted the need to assure that 9-1-1 systems remain available during disasters & sufficient data and communications are available to impacted and involved parties.	Spring 2014	Basic Emergency Service Providers, Telecom Providers (Wireline & Wireless), 9-1-1 Authorities/PSAPs, and citizens that place 9-1-1 communications
Telecom	4 CCR 723-2-2130-2159 (Revision and New)	Update Emergency 9-1-1 rules necessary to support the implementation of and transition to Next Generation 9-1-1 (NG9-1-1) 40-15-101, 201 et seq., CRS	New technologies have enabled modes of communication (e.g., IP & texting) that citizens expect to be able to use to alert emergency service providers when they need assistance. Statewide implementation and transition to NG9-1-1 is required to meet this expectation.	Winter 2014	Basic Emergency Service Providers, Telecom/ Communications Providers (technology neutral), 9-1-1 Authorities/PSAPs/1st responders, and citizens that place 9-1-1 communications
Practice and Procedure	4 CCR 723-1 (Revision)	Technical correction to discovery process in certain proceedings	Revise Practice and Procedure rules to clarify discovery response deadlines in certain proceedings.	Spring 2014	Those appearing in all Commission proceedings.

Regulatory Agenda 2014 – Public Utilities Commission

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Telecom	4 CCR 723-2-2215 (Revision and New)	Update Effective Competition Area (ECA) rules to enable Telecom Providers currently receiving support to apply to continue receiving high cost support in geographic areas the Commission has determined to an ECA.	Proceeding No. 13M-0877T was opened in August 2013 to investigate and solicit comments regarding necessary changes to the high cost support mechanism rules resulting from a determination of effective competition areas. The fund provides support to telecom providers of voice service in high cost areas of the state. Proposed rules will be issued for Commission consideration by end of 1Q2014 with a Notice of Proposed Rulemaking anticipated by 2Q2014.	Summer 2014	Wireline and wireless eligible telecom providers and their customers.
Telecom	4 CCR 723-2-2840-2869 (Revision and New)	Update rules for HCSM generally pursuant to 40-15-502(2), C.R.S. and the triennial review contemplated in CCR 723-2-2850	Proceeding No. 13M-0877T was opened in August 2013 to investigate and solicit comments regarding any necessary changes to the high cost support mechanism rules resulting from a required triennial review. The fund provides support to telecom providers of voice service in high cost areas of the state.	Winter 2014	All wireline and wireless telecom providers and their customers.

Regulatory Agenda 2014 – Real Estate

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Division of Real Estate					
Board of Real Estate Appraisers	License, continuing education and practice standard rules- new and revised	12-61-704, C.R.S.	adoption of new federal criteria, rules review, continued implementation of sunset review changes and AMC legislation	Winter 2014	Appraisers and appraisal management companies
Real Estate Commission	License, continuing education, forms and practice standard rules- new and revised	12-61-114(4) and 12-61-114.5, C.R.S.	Clarify requirements for initial and continued licensure, address practice deficiencies and clarify regulations pertaining to real estate contracts	Winter 2014	Real estate brokers
Board of Mortgage Loan Originators	License, continuing education and practice standard rules- new and revised	12-61-902.5(2), 12-61-905(10), 12-61-905.1(3) C.R.S.	Clarify requirements for initial and continued licensure, address practice deficiencies and promulgate rules as necessary to adopt federal regulations	Winter 2014	Mortgage loan originators
Real Estate Commission	Subdivision rules- new and revised	12-61-114(4), 12-61-114.5, 12-61-406(2.5), C.R.S.	Registration and practice requirements for registered subdivision developers	Winter 2014	Subdivision developers, real estate brokers
Conservation Easement Oversight Commission	Application and certification requirements - new and revised	12-61-720(11), 12-61-723(11)(e)	Adoption of new rules necessary to implement SB13-221, revise rules as necessary to implement HB13-1183, clarify requirements for certification and address practice deficiencies	Winter 2014	Conservation easement holders, taxpayers seeking a tax credit for conservation easement donations
Homeowner's Associations - Director model	License, continuing education and practice standard rules- new and revised	12-61-406.5(5), 12-61-1002(2), C.R.S.	Adoption of new rules and revision of existing rules as necessary to implement HB13-1277 and HB13-1134.	Winter 2014	HOA managers, homeowners residing within common interest communities, real estate brokers

Regulatory Agenda 2014 - Securities

Division Board/Program	Proposed New Rules or Revisions to Existing Rules	Statutory or Other Basis	Purpose	Contemplated Schedule for Adoption	Persons/ Parties Potentially Affected (Positively or Negatively)
Division of Securities					
Securities	Include failure to comply with FINRA, CFTC and SEC fair practice and ethical conduct rules as meeting definition of dishonest and unethical conduct under the Act.	11-51-704, 11-51-410(1)(g)	Coordination of Division rules with federal standards as is required by the Securities Act and investor protection.	Spring 2014	Broker-Dealers and securities sales representatives