

**DEPARTMENT OF REGULATORY AGENCIES**

**Colorado Medical Board**

**RULE 380 - REPORTING REQUIREMENTS FOR CRIMINAL CONVICTIONS**

**3 CCR 713-36**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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**BASIS:** the authority for the promulgation of these rules and regulations by the Colorado Medical Board ("Board" ) is set forth in Sections 24-4-103 and 12-36-104(1)(a), C.R.S.

**Purpose:** the purpose of these rules and regulations is to establish and clarify requirements surrounding the reporting of criminal convictions that constitute unprofessional conduct pursuant to section 12-36-117, C.R.S., including but not limited to sections 12-36-117(1)(f), (1)(h), (1)(y) and (1)(z), C.R.S.

**COLORADO MEDICAL BOARD RULES AND REGULATIONS REGARDING REPORTING REQUIREMENTS FOR CRIMINAL CONVICTIONS**

1. A licensee, as defined in section 12-36-106(6), C.R.S., means any physician or physician assistant who is licensed by the Board (hereinafter known as "licensee" ). Each licensee shall inform the Board, in the manner set forth by the Board, within thirty (30) days of the conviction of the licensee of any of the following:
  - A. An offense of moral turpitude under the laws of any state or of the United States;
  - B. A felony under the laws of any state or of the United States;
  - C. A crime that may constitute a violation of the Medical Practice Act, section 12-36-101, C.R.S, et seq.
  - D. A violation of any federal or state law regulating the possession, distribution, or use of any controlled substance, as defined in section 12-22-303(7), C.R.S.
2. For purposes of this rule, a "conviction" includes:
  - A. A guilty verdict;
  - B. A plea of guilty accepted by the court or the entry of a guilty plea;
  - C. A plea of nolo contendere (no contest) accepted by the court; or
  - D. The imposition of a deferred sentence accepted by the court.
3. For the purposes of this rule, "crimes of moral turpitude" include the following felony, misdemeanors, or municipal offenses:
  - A. Any of the offenses against the person set forth in Title 18, Article 3 of the Colorado Revised Statutes. Examples of such offenses include, but are not limited to, any assault, menacing, or unlawful sexual behavior;

- B. Any of the offenses against property set forth in Title 18, Article 4 of the Colorado Revised Statutes. Examples of such offenses include, but are not limited to, any arson, theft, trespass, or criminal mischief;
  - C. Any of the offenses involving fraud set forth in Title 18, Article 5 of the Colorado Revised Statutes;
  - D. Computer crime as set forth in Title 18, Article 5.5 of the Colorado Revised Statutes;
  - E. Any of the offenses involving the family relations set forth in Title 18, Article 6, Part 4 (wrongs to children), when committed intentionally and knowingly or recklessly; Part 6 (harboring a minor); or Part 8 (domestic violence), of the Colorado Revised Statutes;
  - F. Any of the offenses constituting wrongs to at-risk adults set forth in Title 18, Article 6.5 of the Colorado Revised Statutes;
  - G. Any of the offenses relating to morals set forth in Title 18, Article 7 of the Colorado Revised Statutes. Examples of such offenses include, but are not limited to, prostitution, indecent exposure, and criminal invasion of privacy;
  - H. Any other offense in any jurisdiction whatsoever that is committed intentionally, knowingly, or recklessly, and involves violence, coercion, threats, cruelty, fraud, deception, or deprivation of legally recognized rights; and
  - I. Any conspiracy, solicitation, or criminal attempt to commit any of the above offenses, or participation as an accessory to any of the above offenses.
4. The conviction of the licensee of any of the above, under the laws of any state or of the United States, is unprofessional conduct and may be grounds for discipline pursuant to section 12-36-117(1)(f), (h) or (y), C.R.S.
5. The notice to the Board shall include the following information:
- A. The court;
  - B. The jurisdiction;
  - C. The case name;
  - D. The case number;
  - E. A description of the matter or a copy of the indictment or charges.
6. Even after making the initial report described above, the licensee shall inform the Board of the following information within thirty (30) days of each such occurrence:
- A. The imposition of sentence for the conviction.
  - B. The completion of all terms of the sentence for the conviction.
7. The licensee notifying the Board may submit a written statement with any notice under this rule to be included in the licensee records.

This rule shall apply to any conviction or plea as described in paragraph 1 of this rule that occurs on or after October 1, 2009.

8. A licensee's compliance with this rule does not excuse compliance with any other applicable statute or rule, including those relating to reporting requirements. A licensee's reporting of information pertaining to criminal convictions on an application for initial licensure, renewal or reinstatement, or pursuant to section 24-34-110, C.R.S. (The Michael Skolnik Medical Transparency Act of 2010), does not excuse the licensee from compliance with this rule.
9. Failure to comply with this rule may constitute grounds for disciplinary action.

Effective: 10/15/2010

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#### **Editor's Notes**

#### **History**

Entire Rule eff. 09/30/2009.

Entire Rule eff. 10/15/2010.