

## DEPARTMENT OF REGULATORY AGENCIES

### Division of Registrations – Healthcare Professions Profiling Program

#### DIRECTOR RULE 1 - REQUIREMENT TO TIMELY UPDATE INFORMATION REQUIRED BY THE MICHAEL SKOLNIK MEDICAL TRANSPARENCY ACT OF 2010.

#### 4 CCR 743-1

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

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#### 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 clarify requirements surrounding the updating and submission of information required by the Michael Skolnik Medical Transparency Act of 2010, § 24-34-110, C.R.S. (the "Transparency Act").

#### Rule

##### Introduction:

The Transparency Act applies to any applicant for or licensee of a profession listed at §§ 24-34-110(3)(a) (I)-(XVIII) and, (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.

Pursuant to § 24-34-110 (8), C.R.S. of the Transparency Act, an applicant or licensee must timely report any updated information and provide accompanying documents. Generally, such information and documents must be provided to the Director within thirty days of the date of the reportable event, or as otherwise required in each program's enabling statute (reference Director's policies for further information regarding reporting requirements for each profession). Employment, health-care related business ownership interests and healthcare-related contracts are required to be updated within one year after a change in information.

##### Requirements:

1. The Transparency Act requires applicants to report several enumerated types of information to the Director, and requires the applicants to provide several specified types of documents in connection with an application for initial licensure, licensure reactivation, licensure reinstatement or licensure renewal. It also requires the applicant or licensee thereafter to update the Director regarding the enumerated types of information and to provide updated documents within thirty days of the reportable event, or as otherwise required in each program's enabling statute (reference Director's policies for further information directing the applicant to specific reporting requirements under the article of title 12, C.R.S., that regulates the applicant's profession.) Employment, health care-related business ownership interests and health care-related contracts

are required to be updated within one year after a change in the information.

2. If the required document cannot be obtained at the time the initial profile must be posted under the Transparency Act or within the deadline required in the Transparency Act and the applicant has made documented reasonable efforts to obtain the required document, the applicant shall provide an affidavit to the Director and shall include the affidavit with the applicant's profile until such time as the document becomes available.
  - a. The affidavit shall be true and complete, shall utilize a form approved by the Director, and shall contain the following information:
    - (i) a description of the efforts the applicant has made to obtain the document;
    - (ii) an attestation that the document is not currently available;
    - (iii) a description of the information contained in the document based upon the applicant's knowledge and belief; and
    - (iv) an affirmative statement that the applicant shall make continuing reasonable efforts to ascertain the availability of the required document in the future, and that the applicant shall provide such document to the Director within thirty days of the date on which the applicant learns that the document has become available.
  - b. Upon the Director's own motion or in response to a complaint, the Director may review an affidavit to determine whether the applicant has adequately demonstrated that the document is not available or whether the applicant has otherwise complied with this Rule. Failure to comply with this Rule may constitute unprofessional conduct.
3. The filing of an affidavit in accordance with these rules does not exempt the applicant from completing a profile and reporting the action to the Director as required by the Transparency Act. The applicant shall make a good faith effort to assure the accuracy of the information posted regarding the action. Where exact dates are not available to the applicant, the applicant shall provide a reasonable estimation.
4. The pendency of an appeal of any criminal, civil, administrative or peer review action shall not exempt an applicant from the reporting requirements of § 24-34-110, C.R.S. If a criminal, civil, administrative or peer review action is reversed on appeal, the applicant shall update the applicant's information.

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

Adopted 10/5/2010; Effective 12/1/2010

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## **Editor's Notes**

### **History**

Entire emer. rule eff. 08/11/2010.

Entire Rule eff. 12/01/2010.

Entire Rule eff. 04/01/2011.