

DEPARTMENT OF REGULATORY AGENCIES

Colorado Medical Board

RULE 130 - LICENSE RENEWAL AND REINSTATEMENT PROCEDURES

3 CCR 713-28

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

28.1 INTRODUCTION

- A. **Basis:** The general authority for promulgation of these rules and regulations by the Colorado Medical Board ("Board") is set forth in sections 12-20-204(1), 12-240-106(1)(a), and 12-240-130, and 12-20-202(1) and (2), C.R.S.
- B. **Purpose:** The following rules and regulations have been adopted by the Board to clarify the requirements set forth in sections 12-240-130 and 12-20-202(1) and (2), C.R.S., for the renewal and reinstatement of licenses issued by the Board.

28.2 RULES AND REGULATIONS

A. Renewal

1. Pursuant to the requirements of sections 12-240-130 and 12-20-202(1) and (2), C.R.S., the Board will not renew a licensee's license until the individual he or she has complied with the following requirements:

- a1. The licensee shall pay the Board a registration fee to be determined and collected pursuant to section 12-20-105, C.R.S.;
- b2. The licensee shall fully and accurately complete the Board's renewal questionnaire, which was developed pursuant to section 12-240-130(2), C.R.S.; and
- c3. The licensee shall provide proof that the individual he or she has complied with the financial responsibility requirements set forth in Part 3 of Article 64, Title 13, C.R.S., and Board Rule 220.

2B. If a licensee fails to comply with the requirements listed above prior to the date on which the licensee he or she is required to complete the renewal process, the license of such licensee shall expire.

3C. At any point before, during or after the renewal process, a licensee's license may be subject to disciplinary action pursuant to sections 12-240-121 and 12-240-125, C.R.S., or as otherwise provided by Article 240 of Title 12, C.R.S. ("the Medical Practice Act") or other applicable Colorado law.

BD. Reinstatement

1. Pursuant to the requirements of sections 12-240-130 and 12-220-202(2), C.R.S., the Board will not reinstate an individual's expired license until the individual he or she has complied with the requirements of sections 12-240-130 and 12-20-202(1) and (2), C.R.S., and Board Rule 220. When a licensee's license expires, the licensee individual may submit file a Board approved application for

**Commented [MD1]:** (1) All licenses issued pursuant to this article 240 are subject to the renewal, expiration, reinstatement, and delinquency fee provisions specified in section 12-20-202 (1) and (2). The director shall increase renewal fees consistent with section 12-30-105 (4) to fund the division's costs in administering and staffing the nurse-physician advisory task force for Colorado health care created in section 12-30-105 (1). A person whose license has expired shall be subject to the penalties provided in this article 240 or section 12-20-202 (1).

(2) The board shall design a questionnaire to accompany the renewal form for the purpose of determining whether a licensee has acted in violation of this article 240 or been disciplined for any action that might be considered a violation of this article 240 or might make the licensee unfit to practice medicine with reasonable care and safety. The board shall include on the questionnaire a question regarding whether the licensee has complied with section 12-30-111. If an applicant fails to answer the questionnaire accurately, the failure constitutes unprofessional conduct under section 12-240-121 (1)(t).

(3) Applicants for relicensure shall not be required to attend and complete continuing

**Commented [MD2]:** (1) **Renewal.** (a) Licenses, certifications, and registrations issued pursuant to a part or article of this title 12 expire pursuant to a schedule established by the director and must be renewed or reinstated in accordance with this section. The director shall establish renewal fees and delinquency fees for reinstatement pursuant to section 12-20-105. If a person fails to renew the person's license, certification, or registration pursuant to the schedule established by the director, the license, certification, or registration expires. A person whose license, certification, or registration has expired is subject to the

**Commented [MD3]:** Should this be licensee or individual since the license is expired?

**Commented [AM4R3]:** Licensee is appropriate, because someone who holds a license in an expired status is still a license holder. (Note – that's why boards take action to revoke licenses, even when the licensee may have let the license expire or lapse.)

Having said that, it is somewhat confusing to use that term. An "individual holding an expired license" may be the most clear way to say it.

Technically, you could also use "applicant".

BOARD 2/17: Individual or Applicant

reinstatement ~~with the Board~~. The ~~licensee~~ ~~expired license~~ may be reinstated only upon compliance with the following conditions:

- a1. The ~~licensee individual~~ shall pay ~~a renewal fee and~~ a reinstatement fee determined by the Board pursuant to section 12-20-105, C.R.S., and
- b2. The ~~licensee individual~~ shall fully and accurately complete all portions of the Board's application for reinstatement, including but not limited to the Board's renewal questionnaire, and
- c3. The ~~licensee individual~~ shall provide proof that ~~the individual~~ ~~he~~ ~~or~~ ~~she~~ ~~has~~ ~~have~~ complied with the financial responsibility requirements set forth in Part 3 of Article 64, Title 13, C.R.S., and Board Rule 220.
- d4. If the ~~licensee individual~~ has a matter pending before an Inquiry or Hearings Panel, the Board may defer action on the pending application for reinstatement and proceed with disciplinary action as provided by section 12-240-125, C.R.S. Pursuant to any such disciplinary action, the Board ~~will~~ ~~may~~ determine whether to deny or reinstate with or without probationary terms or impose other sanctions as authorized by the Medical Practice Act.
- e5. If the ~~licensee individual~~ has not practiced medicine during the two years preceding the Board's consideration of the licensee's application for reinstatement, ~~and the individual cannot otherwise demonstrate continued competency, the licensee~~ ~~Board's Licensing Panel may exercise discretion to require the individual to undertake a competency assessment or evaluation conducted by a Board-approved program, undertake a period of supervised practice, or complete an educational program, consistent~~ ~~must comply with the requirements of the Medical Practice Act, including but not limited to sections 12-240-119 and ,C.R.S., and section 12-20-202(3), C.R.S., including but not limited to section 12-20-202(3), C.R.S., the Board's Rules and Regulations and the Board's policies regarding demonstration of continued competence and the Board's supporting rules and policies.~~
- f6. The Board may approve the reinstatement application or may deny the application as set forth in section 12-240-120, C.R.S.

Effective: 06/30/2001, Revised: 02/09/2006; Effective: 03/31/2006; Revised: 08/19/2010; Effective: 10/15/2010; Revised: 08/16/2012; Effective: 10/15/2012

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#### Editor's Notes

#### History

Entire rule eff. 10/15/2010.

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