



Dora
Department of Regulatory Agencies

**DEPARTMENT OF REGULATORY AGENCIES
(DORA)**

Departmental Regulatory Agenda

November 1, 2012



Executive Director's Office

Barbara J. Kelley
Executive Director

John W. Hickenlooper
Governor

November 1, 2012

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 2013 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 2013, 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.

Future submissions, on and after November 1, 2013, will require inclusion of a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental Regulatory Agenda was filed. DORA will be prepared to provide this information at the conclusion of the 2013 calendar year for this Agenda, and acknowledges proposed or revised rules currently at a stage in the rulemaking process past the point of public comment, may be included in the list of rules adopted in the 2013 calendar year, as well as rules revisions that are not substantive, but rather purely housekeeping in nature and/or a result of wrapping up the regulatory reform and reducing "red tape" projects in which the entire Department engaged last year.

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, as well as to include the Agenda in the department's testimony before the 2013 legislative committee of reference. In the spirit of full compliance, the Agenda will also be posted to the DORA web-site, and submitted to the Secretary of State for publication in the Colorado Register.

Sincerely,

A handwritten signature in black ink that reads "Barbara J. Kelley". The signature is written in a cursive style with a large, looped initial "B".

Barbara J. Kelley
Executive Director

cc: Secretary of State's Office

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					
Division of 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	January 21, 2013	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.	Revise rules as required by the Dodd-Frank Act and Sunset Review results.	Prior to December 31, 2013	State chartered banks, money transmitters, trust departments and trust companies
Final Dodd-Frank requirements	Programs subject to additional/final Dodd-Frank requirements	11-101-101 through 11-109-907, C.R.S.	Revise rules as required by the Dodd-Frank Act and Sunset Review results.	Prior to December 31, 2013	State chartered banks, money transmitters, trust departments and trust companies
Public Deposit Protection, Rule 3 (PDP3)	List of Approved Eligible Collateral Instruments and Obligations	11-10.5-107(1), C.R.S.	Conform and comply with Dodd-Frank legislation, necessitating a change to investment grade rather than reliance on investment rating agencies.	June 2013	State and Nationally Chartered Banks



Regulatory Agenda 2013

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					
Division of 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	Prior to July 31, 2013	Housing Providers, Employers, Places of Public Accommodation
Division of Civil Rights	3 CCR 708-1, Rules 30-80	24-34-401 to 24-34-707, C.R.S.	Update rules relating to each protected class, to align with current law	Prior to July 31, 2013	Housing Providers, Employers, Places of Public Accommodation
Division of Civil Rights	3 CCR 708-1, Rule 90	24-34-401 to 406, C.R.S.	Repeal obsolete rules regarding uniform employment testing	Prior to July 31, 2013	Employers



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 (DOI)					
Division of Insurance	3-1-9, Minimum Reserve Standards for Individual and Group Health Insurance Companies	10-1-108(8), 10-1-109, 10-16-109, 10-16-220, C.R.S.	Adopt model law/regulation changes promulgated by National Association of Insurance Commissioners (NAIC).	January 1, 2013	Health Insurance Companies/Carriers
Division of Insurance	3-2-1, Proxies, Consents and Authorizations of Domestic Stock Insurers	10-1-109, C.R.S.	Set forth certain requirements for stock insurance companies related to disclosure, proxies and consents. This revision is proposed to be amended to update the format and remove any out of date requirements.	February 1, 2013	Insurers/Health Companies /Carriers
Division of Insurance	3-2-2, Insider Trading of Equity Securities of a Domestic Stock Insurance Company	10-1-109, C.R.S.	Set forth certain requirements for stock insurance companies related to insider trading; amend to update the format and to remove any out of date requirements.	February 1, 2013	Insurers/Health Companies /Carriers

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	2-1-2, Home or Regional Home Office Qualification for Colorado Licensed Insurers	10-3-209, C.R.S.	Provide filing requirements for Regional Home Office applications.	March 1, 2013	Insurance companies that qualify for Regional Home Office.
Division of Insurance	1-1-3, Rules Governing the Filing of Declaratory Judgment Petitions with the Colorado Insurance Commissioner	10-1-109 and 24-4-105(11), C.R.S.	Adopt a regulation providing for the entertainment of petitions for declaratory orders.	March 1, 2013	Consumers and Industry
Division of Insurance	6-1-1, Limiting Coverage	10-1-109, C.R.S.	Prescribe conditions to be met by all insurers issuing policies, riders, endorsements, and amendments which limit the coverage usually and normally afforded.	March 1, 2013	Policy Holders, Insurers
Division of Insurance	Rating Standards for Major Medical, Nonprofit hospital/medical/surgical and HMO plans	10-16-107, 10-16-109, C.R.S.	Provide guidance to carriers on new requirements concerning health care reform.	March 1, 2013	Insurance companies/Carriers

Regulatory Agenda 2013

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	5-2-9, Personal Injury Protection Examination Program (Repeal)	10-1-109 and 10-4-706, C.R.S.	Repeal rules pertaining to Personal Injury Protection/ Independent Medical Examinations (PIP/IME) as laws sunset July 1, 2003.	March 1, 2013	Insurance Industry; Division of Insurance and consumers.
Division of Insurance	1-2-6, Reinsurance Intermediaries	10-2-104, 10-2-912, 10-2-1101, C.R.S.	Specify filing requirements for licensure for reinsurance intermediaries required to be licensed by the DOI prior to doing business in CO.	April 1, 2013	Reinsurance intermediaries
Division of Insurance	6-3-2, Concerning The Use of Independent Contractors For Informal Investigations and Appeal Process For Expenses	10-1-109, 10-1-208, C.R.S.	Set requirements for using independent contractors for informal investigations; provide process to appeal expenses charged by such contractors.	April 1, 2013	Producers/Agents/Brokers, Carriers

Regulatory Agenda 2013

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	5-2-17, Private Passenger Automobile Coverage Limitations	10-1-109 and 10-4-601(5) , C.R.S.	Prohibit insurers from reducing available liability coverage under an automobile policy.	April 1, 2013	Colorado consumers, both claimants and insureds.
Division of Insurance	1-1-7, Market Conduct Record Retention	10-1-109, C.R.S.	Clarify definitions and requirements regarding retention, maintenance, and access and retrieveability of entity records required for market conduct purposes.	May 1, 2013	Regulated entities and persons who need to know what records are required to be produced for examinations.
Division of Insurance	6-4-1, Privacy Of Consumer Financial And Health Information	10-1-108, 10-1-109, 10-5-117, 10-16-109, 10-16-401(4)(o) , C.R.S.	Govern the treatment of nonpublic personal health and financial information about individuals by all licensees of the CO DOI.	May 1, 2013	Insurance companies, Health Care Providers, Benefits Administrators, Licensees, Consumers

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	6-4-2, Standards for Safeguarding Customer Information	10-1-109, 10-16-109, 10-16-401(4)(o), C.R.S.	Establish standards for developing and implementing administrative, technical and physical safeguards to protect the security, confidentiality and integrity of customer information.	May 1, 2013	Insurance companies, Health Care Providers, Benefits Administrators, Licensees, Consumers
Division of Insurance	5-1-12, Concerning Warranties and Service Contracts	10-1-109, C.R.S.	Establish a distinction between a written agreement that is an insurance contract and a written agreement that meets the definition of a written warranty or service contract, and is not subject to regulation by the Division of Insurance.	May 1, 2013	Consumers and Warranty/Service Contract issuers



Regulatory Agenda 2013

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	4-1-14, Military Sales Practices	10-1-109, 10-7-116, C.R.S.	Set forth standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices by declaring certain identified practices to be false, misleading, deceptive or unfair.	June 1, 2013	Producers/Agents/Brokers, Insurance Companies/Carriers, Military personnel
Division of Insurance	1-1-9, Exceptions to Electronic Rate Filings	10-1-109, 10-4-401, 10-16-107(1) , C.R.S.	Prescribe the format for electronic rate filings with the DOI, and set forth the circumstances that would be considered an emergency exemption situation for carriers.	June 1, 2013	Insurance Companies/Carriers

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	4-1-4, Replacement of Life Insurance or Annuity Contracts	10-1-109, 103-1110(1) , C.R.S.	Regulate activities of insurers and producers with respect to the replacement of existing life insurance and annuities; protect interests of life insurance and annuity purchasers by establishing minimum standards of conduct to be observed in replacement or financed purchase transactions; assure purchasers receive adequate information for decision making; reduce opportunity for misrepresentation and incomplete disclosure; and establish penalties for failure to comply.	June 1, 2013	Insurance Companies/Carriers, Producers/Agents/Brokers, Consumers

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	4-1-15, Preneed Life Insurance Minimum Mortality Standards for Determining Reserve Liabilities and Nonforfeiture Values	10-1-109, and 10-7-313.7, C.R.S.	Establish minimum mortality standards for preneed products.	June 1, 2013	Industry
Division of Insurance	1-2-9, Fees Charged by Producers	10-1-109, C.R.S.	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.	June 1, 2013	Consumers Producers and Insurance companies/carriers
Division of Insurance	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.	June 1, 2013	Consumers; Insurance companies, producers, brokers, agents authorized to sell annuities; and preneed contract sellers that use annuities to fund preneed contracts.

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	5-1-1, Concerning CoverColorado Standardized Notice Form To Be Used to Notify Certain Individuals, Eligible for Medicare, Eligibility for CoverColorado (Repeal)	10-1-109, C.R.S.	Define mass merchandising of insurance products and set forth the guidelines for such marketing; simplify the rule and to remove out of date and unnecessary requirements.	June 1, 2013	Insurers writing group coverage
Division of Insurance	4-6-9, Concerning Conversion Coverage (Repeal)	10-16-108, C.R.S.	Provide carriers with consistent rules to follow.	July 1, 2013	Consumers and health insurance companies/carriers
Division of Insurance	1-1-2, Public Adjuster Representation Contracts	10-1-109, 10-2-417, C.R.S.	Prevent unfair settlements of claims by providing a 72 hour "cooling off" period for insureds suffering casualty losses.	September 1, 2013	Consumers
Division of Insurance	1-2-12, Concerning Public Insurance Adjusters	10-1-109, 10-2-417, 10-3-1110, C.R.S.	Specify the terms and conditions for licensing public insurance adjusters, and define public insurance adjuster.	September 1, 2013	Consumers, public adjusters

Regulatory Agenda 2013

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	4-1-12, Concerning the Disclosure Requirements for Annuity Transactions	10-1-109, 10-3-1110, C.R.S.	Provide standards and methods for disclosure of certain minimum information about annuity contracts to protect consumers and foster consumer education.	September 1, 2013	Consumers; Producers/agents/brokers and carriers
Division of Insurance	4-6-8, Concerning Small Employer Health Plans	10-16-105, C.R.S.	Provide rules for carriers and producers when selling and issuing small group plans.	October 1, 2013	Small employer groups, insurance companies/carriers and producers/agents/brokers
Division of Insurance	4-6-12, Mandatory Coverage of Mental Illnesses	10-16-104 (5) and (5.5) , C.R.S.	Conform and harmonize state law and regulation with federal requirements.	October 1, 2013	Consumers seeking coverage of health services for mental health conditions; all Payor Claims Database under CIVHC
Division of Insurance	4-6-3, Concerning CoverColorado Standardized Notice Form and Eligibility Requirements (Repeal)	10-16-107, 10-16-109, C.R.S.	Specify standardized notice requirements to notify individuals of eligibility for CoverColorado; establish Insurance	January 1, 2014	Insurance companies/carriers

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	4-6-11, CoverColorado Standardized Notice Form To Be Used to Notify Certain Individuals, Eligible for Medicare, Eligibility for CoverColorado (Repeal)	10-16-107, 10-16-109, C.R.S.	companies/carriers will not have to pay the CoverColorado assessment; eliminate unclaimed property fund. Standardize notice requirements to be used to notify certain individuals, eligible for Medicare, of their eligibility for a CoverColorado coordination plan; establish Insurance Companies/carriers will not have to pay the CoverColorado assessment; eliminate unclaimed property fund.	January 1, 2014	Insurance Companies/carriers
Division of Insurance	4-2-28, Payment of Early Intervention Services for Children Eligible for Benefits Under Part C of the Federal "Individual with Disabilities Education Act" (Revisions)	10-16-104(1.3) , C.R.S.	Provide carriers with rules to follow when using the CO Dept. of Human Services trust payment process for the early intervention mandated coverage.	TBD	Families with children requiring early intervention services and the State of CO as it funds the federally required early intervention services not covered by the trust funds. Health carriers.



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 and Occupations					
Colorado Medical Board	Implementation of the Professional Review Sunset -- specifically the annual reporting of adverse actions	HB 12-1300	Addition of physician assistants to the Professional Review Process (formerly known as Peer Review). <i>See</i> Title 12, Article 36.5, C.R.S.	Mid-2013.	Consumers, licensed physicians, licensed physician assistants, and professional review organizations providing services.
Colorado Medical Board	Implementation of a new license type -- Anesthesiology Assistants ("AA")	HB 12-1332	Implementation of new licensure type	Early 2013	Anesthesia Assistants, Physician Anesthesiologists supervising Anesthesia Assistants, Hospitals and other institutions using the services of Anesthesia Assistants.
Examining Board of Plumbers	Adoption of the 2012 Colorado Plumbing Code (IPC 2012); any other rules stemming from 2013 plumbing sunset legislation.	12-58-104(1)(d) , C.R.S.	Incorporate current plumbing codes and statutory changes.	Fall, 2013	Consumers, jurisdictional authorities, licensed plumbers, registered plumbing contactors, and registered apprentices.

Regulatory Agenda 2013

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)
Office of Acupuncture Licensure	Implement the 2013 acupuncture Sunset legislation.	12-29.5-110(1)(a), 12-29.5-104.5(2) , C.R.S.	Implement the 2013 acupuncture Sunset legislation.	Late 2013	Licensed acupuncturists and acupuncturist applicants
Office of Athletic Trainer Registration	Add Rule 10 - Licensure Requirements: Credit for Military Experience	12-29.7-112 and 24-34-102(8.5) , C.R.S.	Outline conditions and procedures for the Board's evaluation of applicants' military experience and training.	Early 2013	Consumers and all Athletic Trainer applicants for certification who want the Director to consider military experience, training, or education.
Office of Audiology and Hearing Aid Provider Licensure	Repeal all rules	12-5.5-106(5) and 12-5.5-206(4) , C.R.S.	The AUD/HAP program is currently in wind-up. If legislation is not introduced in the 2013 session to continue the program, all rules will be repealed.	Mid-2013	Consumers, audiologists, and hearing aid providers.
Office of Massage Therapist 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.	Early 2013	Consumers and massage therapist applicants who want the Director to consider military experience, training, or education.

Regulatory Agenda 2013

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)
Office of Massage Therapist 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	Late 2013	Consumers, registered massage therapists, and massage therapist applicants
Office of Occupational Therapist Registration	Add Rule 10 - Licensure Requirements: Credit for Military Experience	12-40.5-112 and 24-34-102(8.5) , C.R.S.	Outline conditions and procedures for the Director's evaluation of applicants' military experience and training.	Early 2013	Consumers and occupational therapy applicants who want the Director to consider military experience, training, or education
Office of Occupational Therapist Registration	Amendment, deletion, or addition of rules required to implement the 2013 occupational therapy Sunset legislation	12-40.5-112, C.R.S.	Implement the 2013 occupational therapy Sunset legislation	Late 2013	Consumers and Registered Occupational Therapists
State Board of Addiction Counselor Examiners	Potentially all Board Rules may be reviewed and revised. This is a new board implemented in December 2011 and initial rules were enacted to align with the other mental health boards.	12-43-203, 12-43-227.5, 12-43-804, 12-43-805, C.R.S.	Revise rules to ensure consistency with other mental health boards; implement peer assistance; consider a clarifying rule regarding "holding therapy;" and otherwise clarify existing rules.	Summer 2013	Consumers, certified addiction counselors, licensed addiction counselors, and some expired addiction counselors.

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 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 rule to clarify the standard of care; amend the current anesthesia rule to correct confusing language, address office inspections and pediatric settings; amend licensure rule to clarify competency requirements and the evaluation process.	Summer 2013	Consumers, licensed dental hygienists, and licensed dentists.
State Board of Landscape Architects	Revision of Rule 5.4.2, Holding Out as Registered Landscape Architect (RLA)	12-45-107(1)(a) , C.R.S.	Update the rule to include and recognize usage of the term "Professional Landscape Architect" (PLA)	Mid-2013	Consumers and licensed landscape architects
State Board of Licensed Professional Counselor	Rule 3, Confidentiality of Proceedings and Records of the Board; Rule 14, Licensure by Examination; and Rule 18, Continuing Professional Competence	12-43-203, 12-43-227, 12-43-603, 12-43-605, C.R.S.	Clarify licensure requirements for candidates and those seeking licensure after revocation or	Summer 2013	Consumers, professional counselor applicants, professional counselor candidates, and licensed professional counselors

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)
Examiners			relinquishment, to implement peer services requirements; consider a clarifying rule regarding "holding therapy;" and ensure rules are consistent with statutory language.		
State Board of Licensed Professional Counselor Examiners	New rule re: jurisprudence examination as part of candidate status requirements	12-43-203 and 603, C.R.S.	Establish the jurisprudence examination as part of candidate status requirements.	Summer 2013	Consumers, professional counselor applicants, professional counselor candidates, and some expired licensed professional counselors
State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors	Amendment, deletion, or addition of rules required to implement 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	Late 2013	Consumers, professional engineers, engineer interns, professional land surveyors, land surveyor interns, and architects

Regulatory Agenda 2013

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 Marriage and Family Therapists Examiners	Rule 3, Confidentiality of Proceedings and Records of the Board; Rule 14, Licensure by Examination; and Rule 18, Continuing Professional Competence	12-43-203, 12-43-227, 12-43-504, 12-43-506, C.R.S.	Clarify licensure requirements for candidates and those seeking licensure after revocation or relinquishment; implement peer services requirements; consider a clarifying rule regarding "holding therapy;" and ensure rules are consistent with statutory language.	Summer 2013	Consumers, marriage family therapist applicants, marriage family therapist candidates, and marriage family therapists
State Board of Marriage and Family Therapists Examiners	New rule re: jurisprudence examination as part of candidate status requirements	12-43-203 and 504, C.R.S.	Establish the jurisprudence examination as part of candidate status requirements.	Summer 2013	Consumers, marriage family therapist applicants, marriage family therapist candidates, and some expired marriage family therapists
State Board of Nursing	Add Chapter 23 - Peer Review	12-38-108(1)(a) and (j) , C.R.S.	Implement peer review legislation that included Advanced Practice Nurses	January 2013	Consumers, Advanced Practice Nurses, and the peer review organizations that will provide peer review services.

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	Chapter 2 - Nursing Education	12-38-108, C.R.S.	Update and revise the nursing education rules based on practice changes and national accreditation standards.	January or April 2013	Consumers and nursing education programs
State Board of Nursing	Chapter 11 concerning Approval of Nurse Aide Training Programs, and Chapter 12 concerning Approval of Medication Aide Training Programs	12-38-108, C.R.S.	Revise the certified nurse aide and medication aide education program rules for consistency with the revisions of the nursing education rules.	April or July 2013	Consumers and nurse aide and medication aide training programs
State Board of Nursing	Chapter 5 concerning Licensure of Psychiatric Technicians; and Chapter 6 concerning Accreditation of Psychiatric Technician Programs	12-38-108, C.R.S.	Update and revise the Licensed Psychiatric Technician Rules and the Licensed Psychiatric Technician Education Rules.	July or October 2013	Consumers, licensed Psychiatric Technicians, and the training programs of such profession.

Regulatory Agenda 2013

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	Miscellaneous Nursing Rules	12-38-108, C.R.S.	Correct and revise miscellaneous rules needing non-substantive updates, housekeeping corrections.	July or October 2013	Consumers, registered nurses, licensed practical nurses, certified nurse aides, advanced practice nurses, psychiatric technicians, and medication aides.
State Board of Optometry	New rules for continuing education	12-40-107 (g) , C.R.S.	Codify existing continuing education policies in rule	February or May 2013	Consumers and Licensed Optometrists
State Board of Optometry	Amendment of rules 10 and 11 regarding education for prescribing	12-40-107 (g) , C.R.S.	Clarify requirements pertaining to education for prescribing	February or May 2013	Consumers and Licensed Optometrists
State Board of Optometry	New rule concerning fees for prescribing medications	12-40-107 (g) , C.R.S.	Clarify whether and to what extent Optometrists can charge for prescribing medications	February or May 2013	Consumers and Licensed Optometrists
State Board of Pharmacy	Amend Rule 6, Drug Therapy Management	12-42.5-101, 12-42.5-105, 12-42.5-106, and 24-4-103, C.R.S.	Amend drug therapy management rules to concur with practice changes	Late 2013	Consumers and licensed pharmacists that conduct Drug Therapy Management

Regulatory Agenda 2013

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 Pharmacy	New rules regarding flavoring of prescriptions	12-42.5-101, 12-42.5-105, 12-42.5-106, and 24-4-103, C.R.S.	Allow pharmacists to flavor prescriptions	Late 2013	Consumers, licensed pharmacists, and registered pharmacies.
State Board of Psychologist Examiners	Rule 3, Confidentiality of Proceedings and Records of the Board; and Rule 14, Licensure by Examination	12-43-203, 12-43-227.5, 12-43-304, C.R.S.	Clarify licensure requirements for candidates and those seeking licensure after revocation or relinquishment; implement peer services requirements; consider a clarifying rule regarding "holding therapy;" and ensure rules are consistent with statutory language.	Summer 2013	Consumers, psychologist applicants, psychologist candidates, and licensed psychologists.
State Board of Psychologist Examiners	New rule re: jurisprudence examination as part of candidate status requirements	12-43-203 and 304, C.R.S.	Establish the jurisprudence examination as part of candidate status requirements.	Summer 2013	Consumers, psychologist applicants, psychologist candidates, and some expired licensed psychologists.

Regulatory Agenda 2013

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 Registered Psychotherapists	Rule 3, Confidentiality of Proceedings and Records of the Board	12-43-203, 12-43-227, C.R.S.	Clarify rules to ensure consistency with statutory language; implement peer assistance; and consider a clarifying rule regarding "holding therapy."	Summer 2013	Consumers, psychotherapist applicants, and registered psychotherapists.
State Board of Social Work Examiners	Rule 3, Confidentiality of Proceedings and Records of the Board; Rule 14, Licensure by Examination; and Rule 18, Continuing Professional Competence	12-43-203, 12-43-227, 12-43-404, 12-43-411, C.R.S.	Clarify licensure requirements for candidates and those seeking licensure after revocation or relinquishment; implement peer services requirements; consider a clarifying rule regarding "holding therapy;" and ensure rules are consistent with statutory language.	Summer 2013	Consumers, social work applicants, licensed social workers, and licensed clinical social workers.
State Board of Veterinary Medicine	Rule I.A concerning animal dentistry	12-64-105(1)(j) , C.R.S.	Address whether non-veterinarians may engage in animal dentistry.	Spring 2013	Consumers and licensed veterinarians.

Regulatory Agenda 2013

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 Physical Therapy Board	Add Rule 215 - Termination of Practice upon Suspension or Revocation	12-41-103.6(2)(b) , C.R.S.	Codify the procedures governing licensees' obligation to notify patients when they no longer can practice physical therapy.	Mid-2013	Consumers and licensed physical therapists
State Physical Therapy Board	Add Rule 216 - Supervision of Other Licensed Personnel	12-41-103.6(2)(b) and 12-41-113(1) , C.R.S.	Specify the supervisory provisions for other licensed personnel	Mid-2013	Consumers and those physical therapists who work with other health care licensed personnel in their practices.

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	Implementation of HB12-1110 concerning the regulation of appraisal management companies.	12-61-704, C.R.S.	Specify appraisal management company licensure and practice requirements	Prior to July 1, 2013	Appraisal management companies, appraisers, banks, mortgage lenders
Board of Real Estate Appraisers	Appraiser licensure and practice requirements	12-61-704, C.R.S.	Adoption of newly created federal standards and changes resulting from the Board's sunset review	Prior to December 31, 2013	Appraisers, including County Assessors
Real Estate Commission	Subdivision	12-61-114(4), 12-61-114.5, 12-61-406(2.5), C.R.S.	Registration and practice requirements for registered subdivision developers	Prior to December 31, 2013	Registered subdivision developers, real estate brokers, consumers
Real Estate Commission	Real estate broker licensure, continuing education and practice requirements	12-61-114(4) and 12-61-114.5, C.R.S.	Clarify requirements for initial and continued licensure, address practice deficiencies	Prior to December 31, 2013	Real estate brokers
Real Estate Commission	Commission-approved contracts and forms	12-61-114(4) and 12-61-114.5, C.R.S.	Revise approved forms based on legislative changes and industry submissions	Prior to December 31, 2013	Real estate brokers, loan originators, title companies, attorneys, educators, consumers

Regulatory Agenda 2013

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 Mortgage Loan Originators	Loan originator license and practice requirements	12-61-902.5(2), 12-61-905(10), 12-61-905.1(3), C.R.S.	Revise existing rules pertaining to licensure and practice requirements; promulgate rules as required by the Consumer Finance Protection Bureau (CFPB) and the Dodd-Frank Act; promulgate rules resulting from changes caused by the Board's sunset review	Prior to December 31, 2013	Mortgage loan originators and companies
Conservation Easement Oversight Commission	Easement holder certification requirements	12-61-720(11), C.R.S.	Promulgate rule clarifying the issuance of a conditional certificate for those entities with deficiencies in certification requirements	April 1, 2013	Conservation easement holders

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					
Division of Securities	Licensing exemption for business brokers	11-51-704, C.R.S.	Broker-dealer/sales representative exemption for business brokers	Prior to December 31, 2013	Business Brokers

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					
PUC Telecommunications	4 CCR 723-2	Telecom Regulatory Reform Effort	Continue the Commission's telecom reform by making changes to the regulatory scheme for competitive areas of the state; managing the high cost fund; and updating the rates for intrastate access charges.	Prior to December 31, 2013	Telecommunications providers in CO; telecommunications customers.
PUC Telecommunications	4 CCR 723-2-2800-2819	Low Income Telephone Assistance	Statutory change based on new national eligibility criteria.	Prior to October 31, 2013	DHS; Customers of LITAP; and carriers who provide the service.
PUC Telecommunications	4 CCR 723-2-2187	Universal Service Fund - Eligibility Criteria	Revision of reporting information and changes to the designation of telecom carriers for the federal high cost funding and low income funding due to 2011-2012 federal reform decisions.	Prior to November 30, 2013	Telecom providers who apply for ETC status or are currently receiving federal funding.



Regulatory Agenda 2013

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)
PUC Rail	4 CCR 723-7	Adopt changes from Colorado Transportation Commission and streamlining	Revise Railroad rules to incorporate new Manual on Uniform Traffic Control Devices (MUTCD) cities and definitions adopted by the CO Transportation Commission; clarify Commission procedures.	Notice of Proposed Rule expected 3rd quarter of 2013	Railroads; some Rail Fixed Guideway systems; road authorities including CDOT, counties, cities and towns.