



**COLORADO**  
Department of  
Regulatory Agencies

DIVISION OF  
**Professions & Occupations**  
FY 2015/2016 ANNUAL REPORT



# Message from the Executive Director

The Department of Regulatory Agencies (DORA) is dedicated to preserving the integrity of the marketplace and committed to promoting a fair and competitive business environment in Colorado. The Division of Professions and Occupations (DPO) is the agency's largest division and plays a central role in ensuring that regulatory balance is maintained and encouraged.

DPO's ongoing efforts within the spheres of licensing, regulation and investigations demonstrate the Department's commitment to the public's protection in regulating a wide range of licensees throughout more than 50 professions, occupations and industries.

We have highlighted many of our achievements within fiscal year 2015-16, including improving ease of access for consumers and licensees, reducing fees, protecting the public at large via enforcement actions, expediting settlements, sharpening policy, and enhancing the intake of stakeholder feedback.

Now, under the leadership of the division's new director, Ronne Hines, DPO is moving forward into



Joe Neguse, Executive Director  
Colorado Department of Regulatory Agencies

the next fiscal year with further efficiencies in mind, and with an overarching goal of operating within a flourishing economy that benefits both consumers and the business community at large.



## Message from the Division Director

The protection and safety of consumers are primary tenets of the Division of Professions and Occupations (DPO). Our recent work has reflected those values, using a back-to-basics approach focused on ensuring adherence to rules requirements while targeting predatory practices.

This year, DPO led the way to strengthen massage industry regulations by giving law enforcement new tools to crack down on human trafficking. Disciplinary language was firmly embedded into the profession's practice act to deny licenses when appropriate, and loopholes were closed to further protect the public from unscrupulous activity.

The first tangible steps in an initiative by DPO to drive earlier notice of cases involving the diversion or abuse of controlled substances by licensed healthcare practitioners have also been taken, with an ongoing emphasis to more expediently remove nurses from practice who are putting the public at risk due to diversion, in light of an uptick in the number of complaints.

That aggressive action by the Colorado Board of Nursing has been buttressed by increased messaging to hospitals encouraging the reporting of these cases more actively so that violators can be quickly removed from practice. DPO also is working closely with law enforcement on this vital public safety issue.

Meanwhile, the division continues to participate in statewide efforts to decrease the abuse and misuse of prescription drugs. Recent data shows a decrease in "doctor shopping," and prescribers are checking the Prescription Drug Monitoring Program (PDMP) more liberally before advising the use of controlled substances or opioids to patients.

Other initiatives during the fiscal year made significant impacts statewide. Rules were updated so that mental health professionals could enter practice in Colorado more seamlessly in an effort to



Ronne Hines  
Director of the Division of Professions & Occupations

mitigate a worker shortage taking place around the state. As part of a division lean initiative, licensing rules were amended for pharmacists that resulted in reducing their application times. Implementation of Advanced Practice Nursing requirements created a more streamlined process to their obtaining prescriptive authority.

At the same time, DPO continued addressing another of its foundational principles: customer service. The division began reducing its license processing times by its goal of one-third, with processing times reduced by more than 80 percent in an initial pilot project. Our ability to resolve consumer complaints online and sharpening the policy around these enforcement actions has improved timeliness, reduced backlogs and made DPO staff more accessible to customers.

It all adds up to a busy year. Many new and important goals are sure to emerge next fiscal year. Yet, the public can be assured that the division's focus on consumer protection and ease of access for customers will continue to fundamentally drive improvements in policy and processes well into the future.

# About the Division of Professions and Occupations



The Division of Professions and Occupations (DPO), created by § 24-34-102, Colorado Revised Statute (C.R.S.), provides consumer protection through its regulation of more than 50 professions, occupations and entities statewide. DPO has the responsibility for the licensing boards and programs that have been created by the Colorado legislature to ensure a minimum level of competence of licensees and to protect the public.

The boards and licensing programs housed in the division share common goals:

- Identify and license qualified practitioners, facilities, programs, and equipment.
- Conduct investigations and inspections to ensure compliance with generally accepted standards of practice, conduct or safety.
- Restrict or revoke licenses when generally accepted standards of practice, conduct or safety are not met.
- Communicate to effectively inform, verify, educate, and advise.
- Administer regulatory programs efficiently.

**There are three branches in DPO: Healthcare, Business and Inspections, and Management.**

The Healthcare and Business Branches house the boards, commissions, programs, and advisory committees in DPO. The Management Branch houses shared services that leverage economies of scale and combined expertise to best serve the division's many regulatory programs and more than 440,000 licensees. It includes the Office of Fiscal and Compliance Services, the Office of Licensing and Customer Service, Division Wide Programs and System Technology, and Investigations and Expedited Settlement.

Overall, DPO administers 22 boards, 16 director model programs (of which five have advisory committees), one commission, and one task force. The boards, programs, commission, and committees handle specialized activities such as inspections, audits, public meetings, and outreach and communication with stakeholders. The boards also administer all enforcement activities, including complaint intake, referring cases for investigation, discipline, expedited settlement, and compliance monitoring.

Those interested in serving on a board or advisory committee may contact the Governor's Office of Boards and Commissions via email ([boards@state.co.us](mailto:boards@state.co.us)) or phone (303-866-6380).

# Professions Regulated

Accountancy  
Acupuncture  
Addiction Counselors  
Architects, Engineers, Land Surveyors  
Athletic Trainers  
Audiologist & Hearing Aid Providers  
Barbers, Cosmetologists  
Estheticians, Hairstylists & Nail Technicians  
Boxing  
Chiropractors  
Daily Fantasy Sports  
Dental  
Direct-Entry Midwives  
Electrical  
Funeral Home & Crematory  
Landscape Architects  
Marriage & Family Therapists  
Massage Therapists  
Medical  
Naturopathy

NPATCH  
Nursing  
Nursing Home Administrators  
Occupational Therapy  
Optometry  
Outfitters  
Passenger Tramway  
Pharmacy  
Physical Therapy  
Plumbing  
Podiatry  
Private Investigators  
Professional Counselors  
Psychologists  
Registered Psychotherapy  
Respiratory Therapy  
Social Work  
Speech-Language Pathology  
Surgical Assistant & Surgical Technologist  
Veterinary



## PDMP partnerships continue fight against drug abuse

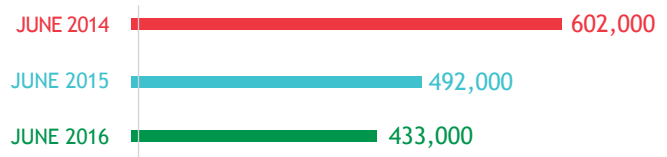
The Prescription Drug Monitoring Program (PDMP) completed many exciting new projects during the fiscal year. The largest of these projects involved Kroger Co., King Soopers and City Markets Pharmacies, which contacted the PDMP to request a rapid access connection (integration) into the database for each of its 143 pharmacies in Colorado.

Because this was Colorado's first attempt at integration on such a large scale, the PDMP used the opportunity to successfully increase access to the program, and also to learn important details about the methods involved in PDMP integration in general. The Kroger Co. rapid access implementation went into effect in February and quickly doubled the utilization of the PDMP by pharmacists throughout the state, going from 145,662 monthly automatic queries of every controlled substance prescription to 278,265.

This increase to access protects the public because these mandatory checks identify people who have previously managed to work around the system in order to obtain controlled substance prescriptions for illegal use—a critical variable in the nationwide opioid epidemic.

DPO also is taking steps with prescribers by putting PDMP data at their fingertips. A three-year, \$750,000 grant was awarded to DORA in partnership with the

## Controlled Substance / Opioid Prescription Trends



University of Colorado School of Medicine to integrate PDMP into five University of Colorado Health (UCHealth) hospitals from Fort Collins to Colorado Springs. This grant is one of six similar grants around the country. As research ramps up, better determinations can be made as to the efficacy of integrating PDMP into Electronic Health Records (EHR), its impacts on the prescriptive habits of doctors, and effectiveness within hospital settings.

DPO continues working with the state PDMP Task Force, an arm of the Colorado Consortium for Prescription Drug Abuse Prevention. The group identified metrics to track the utilization of the PDMP by prescribers and pharmacists, and to find inroads to more widely integrate PDMP with Health Information Exchanges. The goal is to improve IT infrastructure and remove technical barriers so that PDMP data appears on the first informational screen for prescribers and pharmacists as they consider a controlled substance prescription for a patient.

## Other fiscal year achievements and efforts to address opioid abuse and misuse included:

- Launching a dedicated PDMP web presence: [www.colorado.gov/dora/pdmp](http://www.colorado.gov/dora/pdmp). The PDMP site provides both consumers and healthcare professionals with the tools they need to **access PDMP information, drug misuse and abuse resources**, and up-to-date news and resources for providers and pharmacists, including a five-minute informational video that teaches an overseeing prescriber or pharmacist, and corresponding individuals acting on their behalf, how to register and use the PDMP.

### PRESCRIBER UTILIZATION GOALS

<b>BASELINE</b>	<b>JUNE 2015</b>	<b>15%</b>
<b>CURRENT</b>	<b>JUNE 2016</b>	<b>23%</b>
<b>TARGET</b>	<b>DECEMBER 2017</b>	<b>28%</b>

- Holding a stakeholder forum in Pueblo in May with physicians, mental health professionals, pharmacists, nurses, and other prescribers to provide feedback and suggest potential changes to **the Policy for Prescribing and Dispensing Opioids**. In addition, mental health professionals laid the groundwork to be integrated into discussions on the policy.

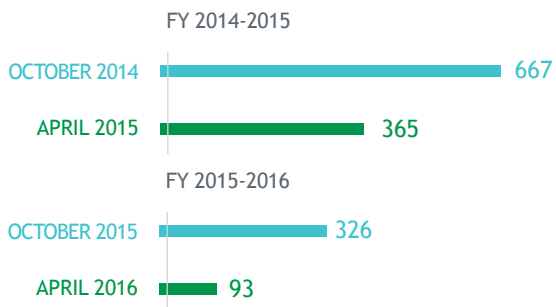
- Convening veterinary professionals in spring 2016 to discuss the creation of an opioid policy specifically for veterinary practices.



- Developing a speakers bureau, which included 23 individuals from around the state as well as several program directors from DPO, with the goal of educating the public about opioid abuse via speaking engagements.

## Push Notifications Decrease

Reports to alert prescribers / pharmacists of patients exceeding doctor / pharmacy visit thresholds



Prescribers and pharmacists can use the PDMP to **stop “doctor shopping,”** a tactic used to secure prescription drugs for misuse, abuse or diversion from multiple prescribers or dispensers without their knowledge. In January, the PDMP manager began consultations with the six prescribing Boards at DPO. Discussion concerning thresholds set by the State Board of Pharmacy in 2014 used to generate Push Notifications was collected. In September 2016, the pharmacy board planned to revisit the threshold setting to determine the most effective level of data collection to protect the public.

## Putting customer service at the forefront



DPO instituted a pilot program during the busy pharmacy graduation season that resulted in a more efficient and streamlined processing time for graduates to obtain their first professional license. Processing times went from 114 days on average to just 18—an **84 percent reduction**. Those figures encompass all stages of the process, including the handling of any licensure issues regarding board input or action.

The process of streamlining pharmacy licensing went into effect May 1 in response to stakeholder input about confusion and unnecessary delays graduates may have experienced when initially obtaining their first professional license through DPO.

Customers expect receipt of approved licenses as quickly as possible, and despite a 15 percent increase in new applications since Fiscal Year 2013, DPO has kept up with increasing demands and maintained average processing times without curtailing quality control.

The changes are part of DPO's larger licensing process improvement initiative. A series of licensing lean events produced updates and improvements in three major areas, beginning with the successful pilot program

in Pharmacy, and will be applied to other programs in 2016-17. Improvements include reducing licensing processing times by one-third and technological enhancements such as auto-generated emails at every major license processing stage to keep customers better informed. In addition, eliminating unnecessary documentation for applicants already licensed in another state is helping out-of-state applicants transition to Colorado employment faster.

## Listening to feedback

Customer satisfaction surveys were disseminated across the division to both internal and external stakeholders. The Mental Health and Colorado Medical boards were involved with recent improvement projects and requested feedback related to licensing, enforcement and other areas.

Feedback showed that these stakeholders had concerns about response times, website functionality and communication lags. Results of the survey were used by DPO programs to set new goals and priorities.



# Improving access to healthcare

DPO provides consumer protection through its regulation of healthcare professions such as physicians, dentists, nurses, chiropractors, and more. In addition, through the **Healthcare Professions Profile Program (HPPP)**, information such as qualifications about licensed healthcare providers is right at the public's fingertips. DPO integrated HPPP information with its online eLicense profiles this past fiscal year, making it possible for consumers and licensees to access licensing and provider information more seamlessly.

Between July 1, 2015 and June 30, 2016, HPPP profiles were accessed more than 148,000 times. HPPP profiles include information about qualifications and any actions taken that may affect a practice. More than 225,000 profiles currently exist and include data on educational background, business interests, disciplinary actions, malpractice claims, and criminal convictions. HPPP was created by the Michael Skolnik Medical Transparency Act of 2010 and expansion of the legislation in subsequent years.

DPO continues to build upon the successful HPPP platform and continually seeks ways to improve public knowledge, access and use of this valuable information about Colorado's licensed healthcare professionals.



## FY 2015-16 Accomplishments

### SCOPE OF PRACTICE EXPANDED FOR DENTAL HYGIENISTS



The Colorado Dental Board implemented rules spurred by the passage of HB 15-1309 that allow dental hygienists to receive the training and experience necessary to perform Interim Therapeutic Restorations (ITRs), which help stop the progression of dental disease until a dentist can provide treatment. After dental hygienists complete appropriate coursework, apply for and obtain a permit, the intended result is expanded access to oral health services for patients across the state, particularly in rural and underserved areas.

### TELEHEALTH TECHNOLOGY GUIDELINES ADOPTED



The **Colorado Medical Board** and **State Board of Pharmacy** adopted guidelines for the appropriate use of telehealth technologies in their respective practices. The move comes after DPO held a Telehealth Symposium in fiscal year 2014-2015 to educate Healthcare Division board members from 10 different areas on various aspects of telehealth, such as how it works, problems, privacy, security, and the impacts on regulating professionals using telehealth. Colorado's efforts to incorporate telehealth technologies into medical practice has received favorable media attention locally and nationally. The medical board was recognized by the *Denver Business Journal* for its "forward looking approach" of telehealth technologies and for "rave reviews" from a Washington D.C.-based trade association that advocates for large businesses on issues involving healthcare and other workers' benefits.

## Colorado garners attention for licensing approach

A Brookings Institute study on reforming occupational licensing published in March 2015 called DORA “an example of a high-functioning regulatory department,” and DPO advised the White House Council of Economic Advisers and a leading economist on approaches to reducing the burden on professional licensing.

Further, a White House report released in August 2015, prepared by the Department of Treasury’s Office of Economic Policy, the Council of Economic Advisers, and the Department of Labor, ranked Colorado in the top 20 percent of states keeping burdens low for

occupational licensing. The report stated that the rate of occupational licensing has increased five-fold since the 1950s, reducing employment opportunities and increasing prices for consumers. DORA already has implemented many of the best practices recommended in the report to keep licensing requirements minimal while still protecting consumers.

Only 17.2 percent of the state’s workforce is required to hold a state license to do their job, ranking the state as the ninth-lowest for licensing prevalence among the states.

## Distribution of DPO licensed professionals throughout Colorado

Accountancy 20,355	Dental 9,631	Medical 27,120	Private Investigators 635
Acupuncture 1,340	Direct-Entry Midwives 66	Naturopathy 119	Professional Counselors 7,495
Addiction Counselors 3,538	Electrical 17,233	Nursing 132,667	Psychologists 3,373
Architects, Engineers, Land Surveyors 33,080	Electrical and Plumbing Apprentices 18,326	Nursing Home Administrators 553	Registered Psychotherapy 4,014
Athletic Trainers 836	Engineering Interns 15,601	Occupational Therapy 4,193	Respiratory Therapy 2,976
Audiologist and Hearing Aid Providers 682	Funeral Home and Crematory 265	Optometry 1,368	Social Work 6,160
Barbers, Cosmetologists, Estheticians, Hairstylists & Nail Technicians 57,427	Land Survey Interns 261	Outfitters 811	Speech-Language Pathology 2,259
Boxing 1,467	Landscape Architects 928	Passenger Tramway 440	Surgical Assistant and Surgical Technologist 2,716
Chiropractors 2,512	Marriage and Family Therapists 1,095	Pharmacy 12,216	Veterinary 4,619
	Massage Therapists 13,853	Physical Therapy 9,337	
		Plumbing 8,676	
		Podiatry 264	

## Two major improvements to DPO's complaints and applications licensing system were instituted this past fiscal year

### ONLINE COMPLAINTS

DPO in July 2015 launched a streamlined online complaint system, saving customers time, reducing data entry errors, preventing loss of information, ensuring completed forms, and accelerating the creation of case files in DPO programs. With a few clicks, customers can access their complaints and see case status updates in real time, including a report that cites specific reasons when a complaint is declined.

Complaints are checked daily, reviewed internally and, if deemed viable, a case is created with a detailed account of the grievance, including any uploaded supplemental documentation. All of the preliminary time under the previous system for filings both by mail and in person have been eliminated, and complaints now are regularly addressed within a 24-hour period.

### ENHANCED ELICENSE

Efforts to move all applications online via eLicense ramped up. Online applications have been built, coding checked and the inclusion of legislative requirements confirmed in preparation for the complete launch during the next fiscal year.

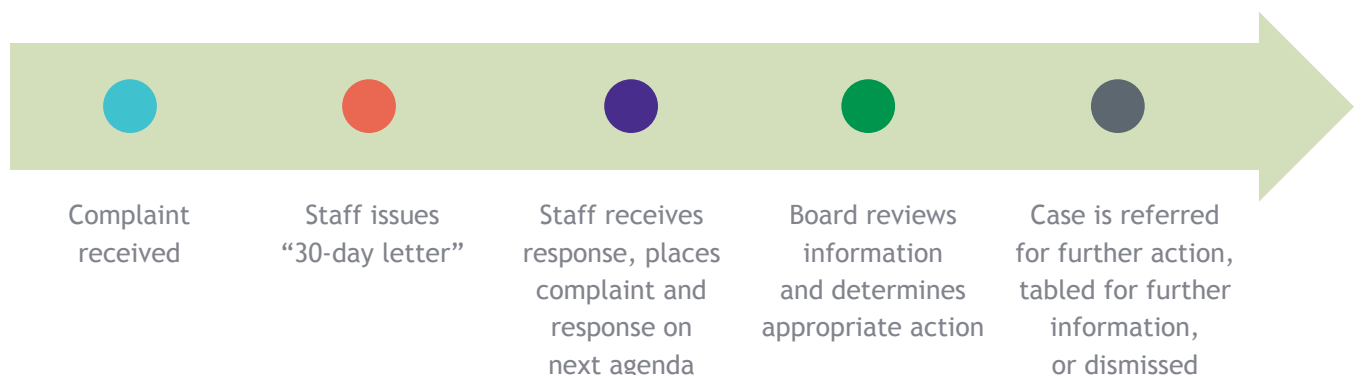
DPO customers now can obtain automatic email receipts for licensing fees, receive email confirmation that applications have been received and, when applicable, advised on next steps in the process.

### Core Activity: Licensing

DPO licenses individuals across more than 50 professions.

Licensing Volume	FY 14-15	FY 15-16
New Licenses	40,257	42,096
License Renewals	135,528	204,360
License Reinstatements	5,242	5,426

## Lifecycle of a Complaint



## Additional licensing highlights

- The Colorado Dental Board in February removed barriers to licensure by accepting alternative means for qualified dentists and dental hygienists to demonstrate competence when relocating to Colorado and seeking to continue practicing in the state. Colorado became **the first state** to implement this, as no single national clinical exam exists. By comparing numerous policies involving exam development and administration, alternative exams and newer options that demonstrate clinical competencies now are accepted by the board in the application and licensure process.

- Senate Bill 15-197 concerning the prescriptive authority of Advanced Practice Registered Nurses (APRNs) became effective Sept. 1, 2015. The bill was **passed unanimously** by the state legislature and included recommendations made by the Nurse Physician Advisory Taskforce for Colorado Healthcare (NPATCH), and was sponsored by the **State Board of Nursing**.

The bill removed the requirement of an 1,800-hour preceptorship and reduced the number of practicing hours working on a provisional license from 1,800 to 1,000 as a way to **better align** with the requirements of other states in gaining an unrestricted license with full prescriptive authority. The Board worked closely with the Colorado Nursing Association, the Center for Nursing Excellence and others to adopt the new rules, incorporating stakeholder feedback from a series of meetings. By reducing such regulatory burdens, more APRNs are able to positively impact access to healthcare in rural areas and throughout the state.

- DPO opened 5,757 cases this past fiscal year stemming from complaints received in its **Healthcare and Business and Inspection branches**. The average life of a case is 180 days, with 92 percent of cases meeting that goal timeline.

### Core Activity: Inspections

Inspections	FY 13-14	FY 14-15	FY 15-16
<b>Inspections</b>	<b>44,079</b>	<b>47,770</b>	<b>48,659</b>

### Breakdown of FY15-16 inspections (by program)

Barber/Cosmetology **119**; Electrical **33,324**; Nursing **3**; Nurse Aides **60**;  
 Passenger Tramway **780**; Pharmacy **1,112**; Plumbers **13,261**

# Making a difference

## MEDICAL MARIJUANA

The legislature mandated the creation of medical marijuana **guidelines via HB 15-1038**. The Colorado Medical Board worked with the Colorado Department of Public Health and Environment and physicians to create a roadmap for doctors who choose medical marijuana as a therapeutic option for patients. Workgroups met on several occasions and more than 400 comments were culled from a public meeting that included patients, members of the industry, and physicians. These efforts facilitated greater cooperation and helped break down issues created by multi-agency regulation of medical marijuana.

## NEW REGULATIONS ON GRAYWATER USE

New regulations became effective February 14, 2016 after **the Plumbing Board** worked with stakeholders, the Department of Natural Resources, and the Governor's Office to address requirements under the modified Colorado Water Plan. The rules revisions incorporated the current International Plumbing Code, with amendments addressing both indoor and outdoor graywater use.



## MILITARY AND VETERAN OUTREACH

DPO participated in a **Veterans Summit** in Colorado Springs, hosted by Reps. Kit Roupe and Terri Carver, and a meeting with personnel from the Transition Assistance Program for Fort Carson. It centered upon the development of curriculum for a transition class on certification and licensure at the state, private and local levels. DPO also collaborated on military initiatives with a representative of the U.S. Department of Veterans' Office of Transition, Employment and Economic Impact, and participated on the Colorado Veteran Employment and Training Committee.

## Core Activity: Enforcement

\*Complaints investigated may include complaints carried over from the prior year.

	FY 13-14		FY 14-15		FY 15-16	
<b>Complaints Received &amp; Handled</b>	<b>4,277</b>		<b>4,899</b>		<b>5,602</b>	
	Received	Investigated	Received	Investigated	Received	Investigated
<b>Complaints Investigated*</b>	<b>772</b>	<b>533*</b>	<b>733</b>	<b>837*</b>	<b>848</b>	<b>708</b>
	Received	Settled	Received	Settled	Received	Settled
<b>Expedited Settlement</b>	<b>932</b>	<b>863</b>	<b>1,017</b>	<b>1,000</b>	<b>1,233</b>	<b>1,080</b>



## Massage therapy bill aimed at reducing human trafficking

The passage of the Massage Therapy Practice Act (House Bill 16-1320), a DORA agenda bill sponsored by Reps. Mike Foote and Terri Carver and Sen. John Cooke, allows regulators to better complement the efforts of law enforcement in addressing the growing scourge of sex trafficking in our state.

By closing regulatory loopholes, criminals cannot hide behind a legitimate license to escape criminal conviction, a problem DPO had witnessed more than 30 times in the past two years in massage therapy cases.

Loopholes in previous regulations allowed traffickers to aid and abet unlicensed practice without penalty. Owners of businesses implicated in human trafficking typically had a number of unlicensed individuals being forced to provide massage services to customers. Law enforcement before the bill's passage could only arrest the person providing unlicensed services, typically a victim of sex trafficking, and not the perpetrator of the trafficking scheme. The new mandate allows for the arrest of a trafficker for forcing unlicensed practice.

The new regulations also updated statute to address provisions tied to the standard of care in massage, addressing sexual behavior, the licensure of applicants with minor criminal records linked to prostitution and trafficking, and the proliferation of "foot spas," which often were fronts for prostitution businesses that traffic workers.

Among the changes spurred by the bill's passage are:

- The addition of an 18-year age requirement for licensure;
- Expansion of criminal penalties to those facilitating unauthorized practice and allowing for the fining of those aiding and abetting in unlicensed practice;
- Clarification of local government authority to inspect massage businesses upon complaint of illegal activity;
- Specification of practices employing touch that aren't massage therapy;
- Implementation of a good moral character standard, consistent with other licensing programs;
- Clarification of grounds for discipline to reduce loopholes for inappropriate and unprofessional conduct.



# Looking ahead

## ASSISTING MILITARY AND VETERANS

DPO during fiscal year 2016-2017 will assist active military personnel in their transition into civilian life through the adoption of policies that identify pathways for veterans using military training and experience in a military occupation to qualify for a state-issued occupational license or certification. Additionally, the division will facilitate the development of gap coursework at institutions of higher education for veterans seeking to transition from a military occupation to civilian occupational licenses.

## REVISITING THE OPIOID POLICY

The prescribing boards and pharmacy board will revisit the Policy for Prescribing and Dispensing Opioids after considering feedback from community stakeholder meetings, newly released Centers for



Disease Control guidelines, and holding a focus group with industry experts on recommended updates. The Board of Veterinary Medicine is expected to adopt a complementary opioid policy in 2016.



## INCREASING EDUCATION EFFORTS

DPO has undertaken an initiative that will focus on increased engagement with licensees, hospitals and state law enforcement to raise awareness regarding drug diversion in healthcare settings. The Board of Nursing adopted a policy to emphasize efforts to protect the public while also noting an increase in emergent actions to protect the public in instances of drug diversion. A diversion webinar attracted 1,400 registrants. Moving forward, the the healthcare boards will consider next steps to educate board members and licensees on detection, prevention and reporting, including consideration of policies by the healthcare boards to address this issue in 2017 to further reduce potential public harm.



**COLORADO**

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