

HB1219_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.HB20-1219 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, amend 12-210-115
4 as follows:

5 **12-210-115. Repeal of article - review of functions.** This article
6 210 is repealed, effective September 1, 2020 2031. Before the repeal, the
7 licensing and supervisory functions of the director are scheduled for
8 review in accordance with section 24-34-104.

9 SECTION 2. In Colorado Revised Statutes, 24-34-104, repeal
10 (19)(a)(V); and add (32) as follows:

11 **24-34-104. General assembly review of regulatory agencies
12 and functions for repeal, continuation, or reestablishment - legislative
13 declaration - repeal.** (19) (a) The following agencies, functions, or both,
14 are scheduled for repeal on September 1, 2020:

15 (V) ~~The licensing of audiologists by the division of professions
16 and occupations in accordance with article 210 of title 12;~~

17 (32) (a) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, ARE
18 SCHEDULED FOR REPEAL ON SEPTEMBER 1, 2031:

19 (I) THE LICENSING OF AUDIOLOGISTS BY THE DIVISION OF
20 PROFESSIONS AND OCCUPATIONS IN ACCORDANCE WITH ARTICLE 210 OF
21 TITLE 12.

22 (b) THIS SUBSECTION (32) IS REPEALED, EFFECTIVE SEPTEMBER 1,
23 2033.

24 SECTION 3. In Colorado Revised Statutes, 6-1-701, amend
25 (2)(a)(III), (2)(c), and (2)(e)(III)(B) as follows:

26 **6-1-701. Dispensing hearing aids - deceptive trade practices -
27 definitions.** (2) In addition to any other deceptive trade practices under
28 section 6-1-105, a dispenser engages in a deceptive trade practice when
29 the dispenser:

30 (a) Fails to deliver to each person to whom the dispenser
31 dispenses a hearing aid a receipt that:

32 (III) Bears, in no smaller type than the largest used in the body of
33 the receipt, a provision indicating that dispensers who are licensed
34 certified, or registered by the department of regulatory agencies are
35 regulated by the division of professions and occupations in the
36 department of regulatory agencies; AND

37 (c) (I) ~~Fails to receive from a licensed physician, before
38 dispensing, fitting, or selling a hearing aid to any person, a written
39 prescription or recommendation, issued within the previous six months;~~

1 that specifies that the person is a candidate for a hearing aid, except that
2 any person eighteen years of age or older who objects to medical
3 evaluation on the basis of religious or personal beliefs may waive the
4 requirement by delivering to the dispenser a written waiver;

5 (ff) Dispenses, adjusts, provides training or teaching in regard to,
6 or otherwise services surgically implanted hearing devices unless the
7 dispenser is an audiologist or physician;

8 (e) Fails to provide a minimum thirty-day rescission period with
9 the following terms:

10 (III) (B) The written contract or receipt provided to the buyer must
11 also contain a statement, in print size no smaller than ten-point type, that
12 the sale is void and unenforceable if the hearing aid being purchased is
13 not delivered to the consumer within thirty days after the date the written
14 contract is signed or the receipt is issued, whichever occurs later. The
15 written contract or receipt must also include the dispenser's license
16 certification, or registration number, if the dispenser is required to be
17 licensed ~~certified or registered~~ by the state, and a statement that the
18 dispenser will promptly refund all moneys MONEY paid for the purchase
19 of a hearing aid if it is not delivered to the consumer within the thirty-day
20 period. The buyer cannot waive this requirement, and any attempt to
21 waive it is void. ← "Section 4. in Colorado... is an audiologist."

22 SECTION 5. In Colorado Revised Statutes, 12-210-108, amend
23 (2)(q), (2)(t), and (2)(u); and add (2)(v) as follows:

24 **12-210-108. Disciplinary actions - grounds for discipline.**

25 (2) The following acts constitute grounds for discipline:

26 (q) ~~Having an alcohol use disorder, as defined in section~~
27 ~~27-81-102, or a substance use disorder, as defined in section 27-82-102,~~
28 ~~or Excessively or habitually using or abusing alcohol or habit-forming~~
29 ~~drugs or habitually using a controlled substance, as defined in section~~
30 ~~18-18-102 (5), or other drugs or substances having similar effects; except~~
31 ~~that the director has the discretion not to discipline the licensee if he or~~
32 ~~she THE LICENSEE is participating in good faith in an alcohol or substance~~
33 ~~use disorder treatment program approved by the director;~~

34 (t) Failing to respond in an honest, materially responsive, and
35 timely manner to a complaint lodged against the licensee; and

36 (u) In any court of competent jurisdiction, being convicted of,
37 pleading guilty or nolo contendere to, or receiving a deferred sentence for
38 a felony or a crime involving fraud, deception, false pretense, theft,
39 misrepresentation, false advertising, or dishonest dealing; AND

40 (v) FAILING TO NOTIFY THE DIRECTOR, IN WRITING AND WITHIN
41 THIRTY DAYS AFTER A JUDGMENT OR SETTLEMENT IS ENTERED, OF A FINAL
42 JUDGMENT BY A COURT OF COMPETENT JURISDICTION AGAINST THE
43 LICENSEE INVOLVING MALPRACTICE OF AUDIOLOGY OR A SETTLEMENT BY
44 THE LICENSEE IN RESPONSE TO CHARGES OR ALLEGATIONS OF
45 MALPRACTICE OF AUDIOLOGY AND, IN THE CASE OF A JUDGMENT, FAILING

1 TO INCLUDE IN THE NOTICE THE NAME OF THE COURT, THE CASE NUMBER,
L.0022 AND THE NAMES OF ALL PARTIES TO THE ACTION. ← "Section 6...the director."

3 SECTION 5. In Colorado Revised Statutes, add 10-1-125.7 as
4 follows: 7

5 10-1-125.7. Reporting of malpractice claims against
6 audiologists. (1) EACH INSURANCE COMPANY LICENSED TO DO BUSINESS
7 IN THIS STATE AND ENGAGED IN THE WRITING OF MALPRACTICE INSURANCE
8 FOR AUDIOLOGISTS SHALL SEND TO THE DIRECTOR OF THE DIVISION OF
9 PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY
10 AGENCIES, IN THE FORM PRESCRIBED BY THE COMMISSIONER,
11 INFORMATION RELATING TO EACH MALPRACTICE CLAIM AGAINST A
12 LICENSED AUDIOLOGIST THAT IS SETTLED OR IN WHICH JUDGMENT IS
13 RENDERED AGAINST THE INSURED.

14 (2) THE INFORMATION MUST INCLUDE INFORMATION DEEMED
15 NECESSARY BY THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND
16 OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES TO
17 CONDUCT A FURTHER INVESTIGATION AND HEARING.

18 SECTION 6. In Colorado Revised Statutes, 12-20-408, amend
19 (2)(e); and repeal (2)(f) as follows:

20 12-20-408. Judicial review. (2) A district court of competent
21 jurisdiction has initial jurisdiction to review all final actions and orders
22 of a regulator that are subject to judicial review and shall conduct the
23 judicial review proceedings in accordance with section 24-4-106 (3) for
24 the following:

25 (e) Article 200 of this title 12 concerning acupuncturists; AND

26 (f) ~~Article 210 of this title 12 concerning audiologists; and~~

27 SECTION 7. In Colorado Revised Statutes, add part 2 to article
28 210 of title 12 as follows:

29 PART 2

30 DECEPTIVE TRADE PRACTICES

31 12-210-201. Definitions. AS USED IN THIS PART 2, UNLESS THE
32 CONTEXT OTHERWISE REQUIRES:

33 (1) "DISPENSER" MEANS A PERSON LICENSED IN THE PRACTICE OF
34 AUDIOLOGY PURSUANT TO PART 1 OF THIS ARTICLE 210 WHO DISPENSES
35 HEARING AIDS.

36 12-210-202. Dispensing hearing aids - deceptive trade
37 practices. (1) IN ADDITION TO ANY OTHER DECEPTIVE TRADE PRACTICES
38 UNDER SECTION 6-1-105, A DISPENSER ENGAGES IN A DECEPTIVE TRADE
39 PRACTICE WHEN THE DISPENSER:

40 (a) FAILS TO DELIVER TO EACH PERSON TO WHOM THE DISPENSER
41 DISPENSES A HEARING AID A RECEIPT THAT:

42 (I) BEARS THE BUSINESS ADDRESS OF THE DISPENSER, TOGETHER
43 WITH SPECIFICATIONS AS TO THE MAKE AND SERIAL NUMBER OF THE
44 HEARING AID FURNISHED AND THE FULL TERMS OF THE SALE CLEARLY
45 STATED. IF THE DISPENSER DISPENSES A HEARING AID THAT IS NOT NEW,

1 THE DISPENSER SHALL CLEARLY MARK ON THE HEARING AID CONTAINER
2 AND THE RECEIPT THE TERM "USED" OR "RECONDITIONED", WHICHEVER IS
3 APPLICABLE, WITHIN THE TERMS OF THE GUARANTEE, IF ANY.

4 (II) BEARS, IN NO SMALLER TYPE THAN THE LARGEST USED IN THE
5 BODY OF THE RECEIPT, IN SUBSTANCE, A PROVISION THAT THE BUYER HAS
6 BEEN ADVISED AT THE OUTSET OF THE BUYER'S RELATIONSHIP WITH THE
7 DISPENSER THAT ANY EXAMINATION OR REPRESENTATION MADE BY A
8 DISPENSER IN CONNECTION WITH THE PRACTICE OF DISPENSING, FITTING,
9 OR DEALING IN HEARING AIDS IS NOT AN EXAMINATION, DIAGNOSIS, OR
10 PRESCRIPTION BY A PERSON LICENSED TO PRACTICE MEDICINE IN THIS
11 STATE AND, THEREFORE, MUST NOT BE REGARDED AS MEDICAL OPINION OR
12 ADVICE;

13 (III) BEARS, IN NO SMALLER TYPE THAN THE LARGEST USED IN THE
14 BODY OF THE RECEIPT, A PROVISION INDICATING THAT DISPENSERS WHO
15 ARE LICENSED BY THE DEPARTMENT ARE REGULATED BY THE DIVISION;
16 AND

17 (IV) BEARS A PROVISION LABELED "WARRANTY" IN WHICH THE
18 EXACT WARRANTY TERMS AND PERIODS AVAILABLE FROM THE
19 MANUFACTURER ARE DOCUMENTED, OR INCLUDES AN ORIGINAL OR
20 PHOTOCOPY OF THE ORIGINAL MANUFACTURER'S WARRANTY WITH THE
21 RECEIPT;

22 (b) DISPENSES A HEARING AID TO A CHILD UNDER EIGHTEEN YEARS
23 OF AGE WITHOUT RECEIVING DOCUMENTATION THAT THE CHILD HAS BEEN
24 EXAMINED BY A LICENSED PHYSICIAN AND AN AUDIOLOGIST WITHIN SIX
25 MONTHS PRIOR TO THE FITTING;

26 (c) DISPENSES, ADJUSTS, PROVIDES TRAINING OR TEACHING IN
27 REGARD TO, OR OTHERWISE SERVICES SURGICALLY IMPLANTED HEARING
28 DEVICES UNLESS THE DISPENSER IS AN AUDIOLOGIST OR PHYSICIAN;

29 (d) FAILS TO RECOMMEND IN WRITING, PRIOR TO FITTING OR
30 DISPENSING A HEARING AID, THAT THE BEST INTERESTS OF THE
31 PROSPECTIVE USER WOULD BE SERVED BY CONSULTING A LICENSED
32 PHYSICIAN SPECIALIZING IN DISEASES OF THE EAR, OR ANY LICENSED
33 PHYSICIAN, IF ANY OF THE FOLLOWING CONDITIONS EXIST:

34 (I) VISIBLE CONGENITAL OR TRAUMATIC DEFORMITY OF THE EAR;

35 (II) ACTIVE DRAINAGE OF THE EAR, OR A HISTORY OF DRAINAGE OF
36 THE EAR WITHIN THE PREVIOUS NINETY DAYS;

37 (III) HISTORY OF SUDDEN OR RAPIDLY PROGRESSIVE HEARING
38 LOSS;

39 (IV) ACUTE OR CHRONIC DIZZINESS;

40 (V) UNILATERAL HEARING LOSS OF SUDDEN ONSET WITHIN THE
41 PREVIOUS NINETY DAYS;

42 (VI) AUDIOMETRIC AIR-BONE GAP EQUAL TO OR GREATER THAN
43 FIFTEEN DECIBELS AT 500 HERTZ (Hz), 1,000 Hz, AND 2,000 Hz;

44 (VII) VISIBLE EVIDENCE OF SIGNIFICANT CERUMEN
45 ACCUMULATION ON, OR A FOREIGN BODY IN, THE EAR CANAL; OR

1 (VIII) PAIN OR DISCOMFORT IN THE EAR;
2 (e) FAILS TO PROVIDE A MINIMUM THIRTY-DAY RESCISSION PERIOD
3 WITH THE FOLLOWING TERMS:
4 (I) THE BUYER HAS THE RIGHT TO CANCEL THE PURCHASE FOR ANY
5 REASON BEFORE THE EXPIRATION OF THE RESCISSION PERIOD BY GIVING OR
6 MAILING WRITTEN NOTICE OF CANCELLATION TO THE DISPENSER AND
7 PRESENTING THE HEARING AID TO THE DISPENSER, UNLESS THE HEARING
8 AID HAS BEEN LOST OR SIGNIFICANTLY DAMAGED BEYOND REPAIR WHILE
9 IN THE BUYER'S POSSESSION AND CONTROL. THE RESCISSION PERIOD IS
10 TOLLED FOR ANY PERIOD DURING WHICH A DISPENSER TAKES POSSESSION
11 OR CONTROL OF A HEARING AID AFTER ITS ORIGINAL DELIVERY.
12 (II) THE BUYER, UPON CANCELLATION, IS ENTITLED TO RECEIVE A
13 FULL REFUND OF ANY PAYMENT MADE FOR THE HEARING AID WITHIN
14 THIRTY DAYS AFTER RETURNING THE HEARING AID TO THE DISPENSER,
15 UNLESS THE HEARING AID WAS SIGNIFICANTLY DAMAGED BEYOND REPAIR
16 WHILE IN THE BUYER'S POSSESSION AND CONTROL.
17 (III) (A) THE DISPENSER SHALL PROVIDE A WRITTEN RECEIPT OR
18 CONTRACT TO THE BUYER THAT INCLUDES, IN IMMEDIATE PROXIMITY TO
19 THE SPACE RESERVED FOR THE SIGNATURE OF THE BUYER, THE FOLLOWING
20 SPECIFIC STATEMENT IN ALL CAPITAL LETTERS OF NO LESS THAN
21 TEN-POINT, BOLD-FACED TYPE:
22 **THE BUYER HAS THE RIGHT TO CANCEL THIS**
23 **PURCHASE FOR ANY REASON AT ANY TIME**
24 **PRIOR TO 12 MIDNIGHT ON THE [INSERT**
25 **APPLICABLE RESCISSION PERIOD, WHICH MUST BE NO**
26 **SHORTER THAN THIRTY DAYS AFTER RECEIPT OF THE**
27 **HEARING AID] CALENDAR DAY AFTER RECEIPT OF**
28 **THE HEARING AID BY GIVING OR MAILING THE**
29 **DISPENSER WRITTEN NOTICE OF**
30 **CANCELLATION AND BY RETURNING THE**
31 **HEARING AID, UNLESS THE HEARING AID HAS**
32 **BEEN SIGNIFICANTLY DAMAGED BEYOND**
33 **REPAIR WHILE THE HEARING AID WAS IN THE**
34 **BUYER'S CONTROL.**
35 (B) THE WRITTEN CONTRACT OR RECEIPT PROVIDED TO THE BUYER
36 MUST ALSO CONTAIN A STATEMENT, IN PRINT SIZE NO SMALLER THAN
37 TEN-POINT TYPE, THAT THE SALE IS VOID AND UNENFORCEABLE IF THE
38 HEARING AID BEING PURCHASED IS NOT DELIVERED TO THE CONSUMER
39 WITHIN THIRTY DAYS AFTER THE DATE THE WRITTEN CONTRACT IS SIGNED
40 OR THE RECEIPT IS ISSUED, WHICHEVER OCCURS LATER. THE WRITTEN
41 CONTRACT OR RECEIPT MUST ALSO INCLUDE THE DISPENSER'S LICENSE
42 NUMBER, IF THE DISPENSER IS REQUIRED TO BE LICENSED BY THE STATE,
43 AND A STATEMENT THAT THE DISPENSER WILL PROMPTLY REFUND ALL
44 MONEY PAID FOR THE PURCHASE OF THE HEARING AID IF IT IS NOT
45 DELIVERED TO THE CONSUMER WITHIN THE THIRTY-DAY PERIOD. THE

1 BUYER CANNOT WAIVE THIS REQUIREMENT, AND ANY ATTEMPT TO WAIVE
2 IT IS VOID.

3 (IV) A REFUND REQUEST FORM MUST BE ATTACHED TO EACH
4 RECEIPT AND MUST CONTAIN THE INFORMATION IN SUBSECTION (1)(a)(I)
5 OF THIS SECTION AND THE STATEMENT, IN ALL CAPITAL LETTERS OF NO
6 LESS THAN TEN-POINT, BOLD-FACED TYPE:

7 **REFUND REQUEST - THIS FORM MUST BE**
8 **POSTMARKED BY _____ [DATE TO BE FILLED IN].**
9 **NO REFUND WILL BE GIVEN UNTIL THE**
10 **HEARING AID OR HEARING AIDS ARE**
11 **RETURNED TO THE DISPENSER.**

12 A SPACE FOR THE BUYER'S ADDRESS, TELEPHONE NUMBER, AND
13 SIGNATURE MUST BE PROVIDED. THE BUYER IS REQUIRED ONLY TO SIGN,
14 LIST THE BUYER'S CURRENT ADDRESS AND TELEPHONE NUMBER, AND MAIL
15 THE REFUND REQUEST FORM TO THE DISPENSER. IF THE HEARING AID IS
16 SOLD IN THE BUYER'S HOME, THE BUYER MAY REQUIRE THE DISPENSER TO
17 ARRANGE THE RETURN OF THE HEARING AID.

18 (f) REPRESENTS THAT THE SERVICE OR ADVICE OF A PERSON
19 LICENSED TO PRACTICE MEDICINE WILL BE USED OR MADE AVAILABLE IN
20 THE SELECTION, FITTING, ADJUSTMENT, MAINTENANCE, OR REPAIR OF
21 HEARING AIDS WHEN THAT IS NOT TRUE OR USING THE TERMS "DOCTOR",
22 "CLINIC", "STATE-LICENSED CLINIC", "STATE-REGISTERED",
23 "STATE-CERTIFIED", OR "STATE-APPROVED", OR ANY OTHER TERM,
24 ABBREVIATION, OR SYMBOL WHEN IT WOULD:

25 (I) FALSELY GIVE THE IMPRESSION THAT SERVICE IS BEING
26 PROVIDED BY PERSONS TRAINED IN MEDICINE OR THAT THE DISPENSER'S
27 SERVICE HAS BEEN RECOMMENDED BY THE STATE WHEN THAT IS NOT THE
28 CASE; OR

29 (II) BE FALSE OR MISLEADING;

30 (g) DIRECTLY OR INDIRECTLY:

31 (I) GIVES OR OFFERS TO GIVE, OR PERMITS OR CAUSES TO BE GIVEN,
32 MONEY OR ANYTHING OF VALUE TO ANY PERSON WHO ADVISES ANOTHER
33 IN A PROFESSIONAL CAPACITY AS AN INDUCEMENT TO INFLUENCE THE
34 PERSON OR HAVE THE PERSON INFLUENCE OTHERS TO PURCHASE OR
35 CONTRACT TO PURCHASE PRODUCTS SOLD OR OFFERED FOR SALE BY THE
36 DISPENSER; EXCEPT THAT A DISPENSER DOES NOT VIOLATE THIS
37 SUBSECTION (1)(g)(I) IF THE DISPENSER PAYS AN INDEPENDENT
38 ADVERTISING OR MARKETING AGENT COMPENSATION FOR ADVERTISING OR
39 MARKETING SERVICES THE AGENT RENDERED ON THE DISPENSER'S BEHALF,
40 INCLUDING COMPENSATION THAT IS PAID FOR THE RESULTS OR
41 PERFORMANCE OF THE SERVICES ON A PER-PATIENT BASIS; OR

42 (II) INFLUENCES OR ATTEMPTS TO INFLUENCE ANY PERSON TO
43 REFRAIN FROM DEALING IN THE PRODUCTS OF COMPETITORS;

44 (h) DISPENSES A HEARING AID TO A PERSON WHO HAS NOT BEEN
45 GIVEN TESTS UTILIZING APPROPRIATE ESTABLISHED PROCEDURES AND

1 INSTRUMENTATION IN THE FITTING OF HEARING AIDS, EXCEPT WHEN
2 SELLING A REPLACEMENT HEARING AID WITHIN ONE YEAR AFTER THE DATE
3 OF THE ORIGINAL PURCHASE;

4 (i) MAKES A FALSE OR MISLEADING STATEMENT OF FACT
5 CONCERNING GOODS OR SERVICES OR THE BUYER'S RIGHT TO CANCEL WITH
6 THE INTENTION OR EFFECT OF DETERRING OR PREVENTING THE BUYER
7 FROM EXERCISING THE BUYER'S RIGHT TO CANCEL, OR REFUSES TO HONOR
8 A BUYER'S REQUEST TO CANCEL A CONTRACT FOR THE PURCHASE OF A
9 HEARING AID, IF THE REQUEST WAS MADE DURING THE RESCISSION PERIOD
10 SET FORTH IN SUBSECTION (1)(e) OF THIS SECTION;

11 (j) EMPLOYS A DEVICE, A SCHEME, OR AN ARTIFICE WITH THE
12 INTENT TO DEFRAUD A BUYER OF A HEARING AID;

13 (k) INTENTIONALLY DISPOSES OF, CONCEALS, DIVERTS, CONVERTS,
14 OR OTHERWISE FAILS TO ACCOUNT FOR ANY FUNDS OR ASSETS OF A BUYER
15 OF A HEARING AID THAT IS UNDER THE DISPENSER'S CONTROL; OR

16 (l) CHARGES, COLLECTS, OR RECOVERS ANY COST OR FEE FOR ANY
17 GOOD OR SERVICE THAT HAS BEEN REPRESENTED BY THE DISPENSER AS
18 FREE.

19 (2) (a) THIS SECTION APPLIES TO A DISPENSER WHO DISPENSES
20 HEARING AIDS IN THIS STATE.

21 (b) THIS SECTION DOES NOT APPLY TO THE DISPENSING OF HEARING
22 AIDS OUTSIDE OF THIS STATE SO LONG AS THE TRANSACTION EITHER
23 CONFORMS TO THIS SECTION OR TO THE APPLICABLE LAWS AND RULES OF
24 THE JURISDICTION IN WHICH THE TRANSACTION TAKES PLACE.

25 **SECTION 8.** In Colorado Revised Statutes, amend 13-64-303 as
26 follows:

27 **13-64-303. Judgments and settlements - reported.** Any final
28 judgment, settlement, or arbitration award against any health care
29 professional or health care institution for medical malpractice shall be
30 reported within fourteen days by ~~such~~ THE professional's or institution's
31 medical malpractice insurance carrier in accordance with section
32 10-1-120, 10-1-121, 10-1-124, ~~or~~ 10-1-125, ~~C.R.S.~~ OR 10-1-125.7, or by
33 ~~such~~ THE professional or institution if there is no commercial medical
34 malpractice insurance coverage, to the licensing agency of the health care
35 professional or health care institution for review, investigation, and,
36 where appropriate, disciplinary or other action. Any health care
37 professional, health care institution, or insurance carrier that knowingly
38 fails to report as required by this section shall be subject to a civil penalty
39 of not more than two thousand five hundred dollars. Such penalty shall
40 be determined and collected by the district court in the city and county of
41 Denver. All penalties collected pursuant to this section shall be
42 transmitted to the state treasurer, who shall credit the same to the general
43 fund.

44 **SECTION 9.** In Colorado Revised Statutes, 25-51-104, amend
45 (1)(c) as follows:

1 **25-51-104. Payment and financial resolution.** (1) If a patient
2 accepts an offer of compensation made pursuant to section 25-51-103 (5)
3 and receives the compensation, the payment of compensation to the
4 patient is not a payment resulting from:
5 (c) A malpractice claim settled or in which judgment is rendered
6 against a professional for purposes of reporting by malpractice insurance
7 companies under section 10-1-120, 10-1-121, 10-1-124, 10-1-125, or
8 10-1-125.5, OR 10-1-125.7;
9 **SECTION 10.1² Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2020 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor."

19 Page 1, line 103, strike "THE".

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