



COLORADO

Department of
Regulatory Agencies

Division of Professions and Occupations

STATEMENT OF BASIS, PURPOSE and JUSTIFICATION for EMERGENCY RULES

Colorado Governor Jared Polis (“Governor”) declared a state of disaster recovery on July 8, 2021, through Executive Order D 2021 122, to focus the State’s efforts on recovery from the COVID-19 pandemic. Executive Order D 2021 122 addresses the immediate need for trained medical personnel available to provide healthcare services during the recovery from COVID-19 pandemic.

Basis

Through Executive Order D 2021 122, the Governor extended the temporary suspension of the emergency rulemaking authorities set forth in C.R.S. § 24-1-122(3)(m)(I) (Colorado Medical Board), C.R.S. § 24-1-122(3)(gg) (State Board of Nursing), C.R.S. § 24-1-122(3)(h) (Colorado State Board of Chiropractic Examiners, C.R.S. § 24-1-122(3)(k) (Colorado Dental Board), C.R.S. § 24-1-122(3)(m)(II) (Colorado Podiatry Board), C.R.S. § 24-1-122(3)(p) (Colorado State Board of Optometry), C.R.S. § 24-1-122(3)(y) (State Board of Veterinary Medicine), and C.R.S. § 12-285-105(1)(b) (State Physical Therapy Board) for matters consistent with this Executive Order and directed the Executive Director of DORA, through the Director of the Division of Professions and Occupations, to promulgate and issue temporary emergency rules consistent with the Executive Order.

The basis for these emergency rules is Executive Order D 2021 122 issued by Governor Jared Polis pursuant to the Colorado COVID-19 Disaster Recovery Order issued on July 8, 2021, Article IV, Section 2 of the Colorado Constitution, and the Colorado Disaster Emergency Act, sections 24-33.5-701, *et. seq.*, C.R.S.

Purpose

The purpose of these emergency rules is to effectuate Executive Order D 2021 122 directing the Executive Director of the Department of Regulatory Agencies, through the Director of the Division of Professions and Occupations (Division Director), to promulgate and issue temporary emergency rules to expand the workforce of trained medical personnel available to provide healthcare services within inpatient facilities due to the coronavirus disease 2019 (COVID-19) pandemic in Colorado.

Due to the COVID-19 pandemic, testing centers across the United States, including Colorado, indefinitely postponed examinations required for licensure for numerous healthcare professions and as the testing centers re-open, the number of seats available for each scheduled examination have been drastically reduced in order to comply with Social Distancing requirements, leaving thousands of otherwise qualified healthcare graduates unable to enter the workforce. Through this emergency rulemaking, the Executive Director of the Department of Regulatory Agencies, through the Director of the Division of Professions and Occupations (Division Director), is addressing temporary licensure for new graduates in order to expand the available healthcare workforce while the graduates await examination.

Justification

As set forth in Executive Order D 2021 122, the need exists to immediately expand the available healthcare workforce. The Executive Director of the Department of Regulatory Agencies, through the Division Director, is promulgating these emergency rules governing temporary licensure for new graduate applicants who meet the qualifications for licensures but for the required examination that is not immediately available due to the COVID-19 pandemic.

Pursuant to section 24-4-103(6)(a), C.R.S., a temporary or emergency rule may be adopted without compliance with section 24-4-103(4), C.R.S., which requires the agency to hold a public hearing “at which it shall afford interested persons an opportunity to submit written data, views, or arguments and to present the same orally”; and with less than the twenty days’ notice set forth in section 24-4-103(3), C.R.S., or without notice where circumstances imperatively require, only if the agency finds that “[i]mmediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for preservation of the public health, safety or welfare and compliance with the requirements of this section would be contrary to the public interest.” Such findings must be made on the record.

The Executive Director of the Department of Regulatory Agencies, through the Division Director, hereby finds the immediate adoption of these emergency rules is imperatively necessary to comply with Executive Order D 2021 122 and, that due to threat posed by the COVID-19 pandemic, the adoption of emergency rules to expand the available healthcare workforce is imperatively necessary for the preservation of the public health, safety and welfare.

The Executive Director of the Department of Regulatory Agencies, through the Division Director, finds, as required by section 24-4-103(4)(b), C.R.S., that the need for the emergency rulemaking exists; the proper constitutional and/or statutory authority exists for the rules; to the extent practicable, the rules are clearly and simply stated so that their meaning will be understood by any required to comply with the rules; the rules do not conflict with other provisions of the law; and any duplication or overlapping of the rules, if any, has been explained.

These temporary/emergency rules take effect July 12, 2021, and remain in effect for the longer of (A) 30 days after adoption, or (B) the duration of the State of Disaster Emergency declared by the Governor, up to a maximum of 120 days after adoption of these temporary/emergency rules.

Dated this 12th day of July, 2021.



Karen McGovern, Deputy Division Director of Legal Affairs, for Ronne Hines, Director Division of Professions and Occupations