



COLORADO

**Division of Private
Occupational Schools**

Department of Higher Education

Jared Polis
Governor

Dr. Angie Paccione
Executive Director

Lorna Candler
Director

Colorado Board of Private Occupational Schools
Paul Garibay, Jr., Chair
Ryan Z. Minic, Vice Chair
Shelley Krovitz
Christopher Reister
Arlene R. Malay
A. Richard Behbehani
Tim Guerrero

Notice to Massage Therapy Stakeholders

The Board will be briefly discussing the rulemaking process during our Board meeting scheduled for 9:30 on March 26, 2019 at the Tivoli Center.

As the Division Noticed to all stakeholder on its website and via email (see Attachments 1 & 2), the Division discussed proposed rule changes based on verbal and written input from stakeholders who submitted comments and concerns directly to the Division after the Senate Hearing on HB 19-089. The Division provided all stakeholder comments to the Board as well as the work product and draft suggestions of the Division. After Discussing this matter, the Board collectively voted that it needed more time to consider the intended and unintended consequences of these draft proposed rule changes prior to approving any redline rules for public review.

Accordingly, the Division requested that the Board further consider the Division's draft work product in anticipation of further discussion amongst the Board during the next meeting. As you will note, the Agenda for the Board meeting on March 26, 2019 does reference "Rules" in the last section titled "Other Business" (Please see Attachment 3, Agenda for March 26, 2019). The Board meeting is open to the public. As previously provided in the above attached Notice:

While all Board meetings are open to the public, the Board adheres to its agenda and scheduled business items first and only allows limited public comment unless it has scheduled a session for public comment such a rulemaking hearing. Please understand that the process for commenting directly to the Board on rules will be at the stakeholders meeting and the public rule making hearing, which will be held before the Board after being scheduled and publicly noticed. The stakeholder meetings with the Division for purposes gathering information needed to make rule changes will likewise be publicly noticed and will be held prior to any rule making hearing.



Please understand that the Board has conveyed that it needs more time to consider the matter at issue prior to entering or Noticing the public rule making process and hearing, therefore this Board meeting will not be a Rule making hearing. As such, it will be up to the Board to determine whether it wishes to hear from members of public on this matter or whether it has questions for the members of the public. Generally, if the Board allows comments, it limits comments to 3-5 minutes.

Once the Board has had ample opportunity to consider rule changes or amendments, it will determine what rules it wishes to address and will also dictate the initiation of the timeline governed by the Administrative Procedures Act. (See C.R.S. Sections 24-4-101 et seq.).





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Notice to Massage Therapy Stakeholders

The Division is receiving a number of comments related to postponement of the stakeholders meeting scheduled for today, February 27, 2019.

When the Division originally scheduled the stakeholder meeting, the intention was to hold a meeting to work collaboratively with the entire group of stakeholders involved or impacted by SB 19-089 to gather specific comments and input prior to the formal rule-making process. (See Attachment #1)

However, once the preliminary stakeholder meeting was scheduled, the Division received a large number of phone calls to discuss specific solutions, comments which required additional consideration and several specific requests for release of red-line rules prior to the stakeholder meeting.

Once the Division clearly understood that the stakeholders required red-line rules and specific policies prior to the discussion, we worked diligently to review all comments from stakeholders (both oral and written) and propose draft red-line rules that we are required to submit to the Board for consideration. Neither the Division nor the Division Director has the authority to rule-make independent of the Board. While the Division has the authority to meet with and hold discussions with stakeholder prior to engaging in the formal rule-making process, the Board is vested with the authority to promulgate rules and adopt procedures necessary to carry out the statutory mandates of the Private Occupational Schools Act.

The reason the Division scheduled the stakeholder meeting prior to actually noticing the rule-making process was in response to the strong interest to keep discussion around resolution moving forward. The rule making process mandated under the laws of Colorado has very specific requirements and timelines and the entirety of the process can be lengthy and



involved. Most importantly, the Division does not have the authority to release rules or proposed rule changes without the Board's input and approval, and the Board can only make decisions in publicly scheduled meetings. Therefore, the Division presented the proposed rules for the Board's consideration and discussion during its meeting on February 26, 2019. During this meeting, the Board requested additional time to consider the ramifications of proposed rules and directed the Division to postpone the release of any proposed rule or policy changes until the Board had adequate time to more thoroughly consider the ramifications on all stakeholders.

Several stakeholders have commented that the Division neglected to inform them of the Board meeting. Please understand that all Board meetings are open to all public members. We generally hold our Board meetings on the 4th Tuesday of each month and always publicly notice our Board meeting on our web page: <https://highered.colorado.gov/dpos/>

While all Board meetings are open to the public, the Board adheres to its agenda and scheduled business items first and only allows limited public comment unless it has scheduled a session for public comment such a rulemaking hearing. Please understand that the process for commenting directly to the Board on rules will be at the public rule making hearing, which will be held before the Board after being scheduled and publicly noticed. The stakeholder meetings with the Division for purposes gathering information needed to make rule changes will also be publicly noticed and will be held prior to any rule making hearing.





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PUBLIC NOTICE OF POSTPONEMENT

Notice of Stakeholder Meeting POSTPONEMENT

On February 13, 2019, the Division posted and sent a notice formalizing its intent to work with stakeholders to seek a resolution through rulemaking or policy to concerns regarding continuing education in DPOS regulated schools. The meeting was to be held on February 27, 2019 at 10:00. After setting the date for this informal stakeholder meeting, the Division received numerous comments and specific requests to provide a copy of the proposed redlined rules and/or policies to the stakeholders in advance of the meeting.

As the authority to promulgate rules, policies and procedures lies with the Colorado Private Occupational School Board, the Division is required to present any proposed changes to them for their consideration prior to those proposed changes being disseminated to the public. The Division has been working diligently to present to the Board the most viable means of addressing the requested changes without creating inconsistencies within our statute and regulations that may unintentionally affect other stakeholders. The proposed changes were presented to the Board for consideration at their regularly scheduled meeting, held Tuesday February 26, 2019. The Board reviewed and discussed the proposed changes and voted to direct Division staff to postpone the distribution of redline rules, and the stakeholder meeting, until the Board has adequate time to consider both the intended and the unintended consequences of the proposed rule changes. Please understand that the only time our Board



can collectively consider, discuss and vote on a business matter such as proposed rules or changes to policies is during a Noticed public Board meeting.

Therefore, the Division will be re-scheduling the stakeholder meeting to be held after the next public Board meeting or such time as it deems necessary to approve release of redlined proposed rules and/or proposed policies. This Notice and all future notices will be posted on our web page and will also been sent directly to stakeholders.



**COLORADO STATE BOARD
OF
PRIVATE OCCUPATIONAL SCHOOLS**

AGENDA

March 26, 2019

CONVENE

Location: Auraria Higher Education Campus
Tivoli Student Center, Room 320
900 Auraria Parkway
Denver, CO 80204
Telephone: (303) 862-3001

Time: 9:30 A.M.

Conducting: Paul Garibay, Chair

Quorum and Recognition of Others Present

Roll Call: Paul Garibay, Chair; Ryan Minic, Vice Chair;
Arlene Rae Malay; Shelley Krovitz;
Tim Guerrero; Chris Reister;
A. Richard Behbehani

Approval of the Minutes: Regular and Executive Session of the February 26th,
2019 Board Meeting.

Additions / Changes to the Agenda:

Director / Staff Report:

New Business/Action Items:

- A. Consideration of Approval of Provisional Certificate of Approval
 - 1. Aurora College – Aurora - LH
- B. Consideration of Approval of Change of Ownership
 - 1. LeaderQuest Holdings, Inc. – Centennial - CH
- C. Consideration of Approval of Renewal
 - 1. IBMC – Fort Collins – LH
 - 2. At-Home Professions – Fort Collins – AC
 - 3. Institute for the Psychology of Eating – Longmont – AC
 - 4. The Bartending School – Denver – AC
 - 5. Cortiva Institute – Westminster – AC
 - 6. Rocky Mountain Electrical Training Institute – Denver – AC

7. Cook Street School of Culinary Arts – Denver - CH
8. The School of Floral Arts – Denver - CH

D. Consideration of Approval of Programs/Stand Alone Courses/Major Revisions

1. American Institute of Dental Assisting – Colorado Springs – RA
2. Heritage School of Interior Design – Denver - AC

Other Business:

1. Legal Update
2. Greater Pueblo Dental Assisting School
3. CollegeAmerica Update
4. Intellitec College
5. Rules

ADJOURN

Next Scheduled Board Meeting:

Tuesday, April 23, 2019 9:30 A.M.
Auraria Higher Education Campus
Tivoli Student Center, Room 320
900 Auraria Parkway
Denver, CO 80204
Telephone: (303) 862-3001