

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 10-0328.02 Christy Chase

**HOUSE BILL 10-1260**

**HOUSE SPONSORSHIP**

**Riesberg and Acree**, Gerou, Kefalas, Roberts, Tyler

**SENATE SPONSORSHIP**

**Boyd and Newell**,

**House Committees**

Health and Human Services  
Appropriations

**Senate Committees**

Health and Human Services  
Appropriations

SENATE  
Am ended 3rd Reading  
April 28, 2010

SENATE  
Am ended 2nd Reading  
April 27, 2010

HOUSE  
3rd Reading Unam ended  
March 17, 2010

HOUSE  
Am ended 2nd Reading  
March 16, 2010

**A BILL FOR AN ACT**

101 **CONCERNING THE SUNSET REVIEW OF THE COLORADO STATE BOARD**  
102 **OF MEDICAL EXAMINERS, AND, IN CONNECTION THEREWITH,**  
103 **CONTINUING THE BOARD AND THE REGULATION OF PHYSICIANS**  
104 **AND PHYSICIAN ASSISTANTS UNTIL JULY 1, 2019, AND**  
105 **IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE**  
106 **SUNSET REVIEW AND REPORT OF THE BOARD, AND MAKING AN**  
107 **APPROPRIATION THEREFOR.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

*http://www.leg.state.co.us/bills/summaries.*)

**Sunset Process - House Health and Human Services Committee.** The bill implements the recommendations of the department of regulatory agencies in its sunset review of the Colorado state board of medical examiners by amending the "Colorado Medical Practice Act" (act) as follows:

**Sections 1, 2, and 3** of the bill continue the Colorado state board of medical examiners, renamed as the Colorado medical board pursuant to recommendation 4 of the sunset report, for 9 years, until July 1, 2019.

**Sections 4 and 5** of the bill schedule for sunset review and repeal on July 1, 2012, the system of professional review committees that review and evaluate the quality and appropriateness of patient care provided by licensed physicians in this state.

**Sections 6 through 12** of the bill:

- ! Transfer regulatory authority pertaining to the duties and functions of emergency medical technicians (EMTs) from the state board of medical examiners to a newly created board within the Colorado department of public health and environment, effective January 1, 2011;
- ! Create the board of emergency medical and trauma services (BEMTS) to regulate the duties and functions of EMTs and adopt rules for such purpose;
- ! Schedule the BEMTS and its functions related to the regulation of EMTs for sunset review and repeal on July 1, 2017; and
- ! Clarify that the rendering of services by certified EMTs that are consistent with EMT functions and duties, as defined by BEMTS rules, does not constitute the practice of medicine.

**Section 13** of the bill:

- ! Changes the name of the Colorado state board of medical examiners to the "Colorado medical board" (medical board);
- ! Eliminates the 5-year residency requirement for prospective members of the medical board;
- ! Repeals the statutory requirement that the governor, when making appointments to the medical board, consult with professional associations for physicians and osteopathic physicians;
- ! Eliminates the notice and hearing requirement when the governor removes a member of the medical board; and
- ! Repeals the office of the secretary on the medical board.

**Sections 13 through 16** of the bill increase the size of the medical board by 3 members, create a licensing panel within the medical board to

address issues pertaining to the licensing of physicians and the unlicensed practice of medicine, and repeal outdated provisions regarding the procedures and duties of the medical board.

**Section 16** also protects from subpoena, discovery, and admissibility in court the records of the medical board related to a complaint filed against a physician or physician assistant.

**Sections 17 and 18** of the bill clarify that the director of the division of registrations has a continuing obligation and authority to ensure that the rules of the medical board and the state board of nursing pertaining to the prescriptive authority of advanced practice nurses and collaboration with physicians are and remain complementary.

**Sections 19 and 20** of the bill repeal the existing limited license that is available only to physicians providing pro bono services to pediatric patients of Shriners hospital and replace the limited license with a broader pro bono license that would allow physicians, who are either licensed in Colorado but ceasing their regular practice or are licensed in another jurisdiction, to provide medical services in this state free of charge. The section requires a physician to provide the medical board with proof of qualifications and subjects the physician to regulatory oversight by the medical board. Additionally, a physician practicing under a pro bono license would still need to maintain professional liability coverage.

**Section 21** of the bill creates a new type of license, referred to as a "reentry license", for physicians and physician assistants who have not actively engaged in their respective practices for 2 years or have not maintained continued competency during that period. The reentry license allows a physician or physician assistant to engage in the practice after an assessment of his or her competency and areas of needed improvement, participation in an educational program specifically geared to that person's needs, and supervision of his or her practice, as necessary.

**Section 22** of the bill allows the medical board to annually adjust the fee that is assessed upon physician and physician assistant license and renewal applicants and that funds the physicians' and physician assistants' peer health assistance program to reflect not only the rate of inflation, but also the overall utilization of the program. The board is further authorized to assess different fee amounts to physicians and physician assistants based on the program utilization rates by practice type. Section 22 also clarifies that the fees are custodial funds that are not subject to appropriation by the general assembly.

**Section 23** of the bill:

- ! Eliminates from the definition of "practice of medicine" the requirement that the physician be compensated;
- ! Moves the definition of "telemedicine" to a new statutory definitions section created in section 38 of the bill;
- ! Clarifies the conditions under which a physician licensed

in another state may engage in the occasional practice of medicine in Colorado without first obtaining a Colorado license; and

- ! Allows physicians to supervise up to 3 physician assistants, rather than 2.

**Section 24** of the bill streamlines the process for issuing a license by endorsement to a physician who holds a current, valid license from another jurisdiction by allowing the medical board to rely on the verification of the applicant that he or she has actively practiced medicine in the other jurisdiction for 5 of the last 7 years or has otherwise maintained competency and the submission of proof satisfactory to the medical board that the applicant has not been subject to final or pending disciplinary action in another jurisdiction.

**Section 25** of the bill imposes a 2-year waiting period for application for a license to practice medicine or as a physician assistant for a physician, physician assistant, or other health care professional whose license has been revoked or who has surrendered his or her license to avoid discipline.

**Sections 26 and 27** of the bill allow a physician or physician assistant who suffers from a physical or mental illness or disability that limits his or her ability to practice to enter into a confidential agreement with the medical board whereby the licensee agrees to limit his or her practice in a manner consistent with the limitations of the disability. The licensee is obligated to inform the medical board when he or she suffers from such an illness or disability, and failure to so inform the board, to act within his or her limitations based on the illness or disability, or to comply with the terms of the confidential agreement constitutes unprofessional conduct subject to discipline by the medical board.

**Section 28** of the bill requires a licensee to report to the medical board any adverse action taken against him or her within 30 days of the action, and makes failure to so report unprofessional conduct subject to discipline. Section 28 also restates the grounds for disciplining a licensee on the basis of alcohol or drug abuse to specify that the use or abuse of alcohol or drugs must be habitual or excessive.

**Section 29** of the bill expands the medical board's authority to impose fines by eliminating the requirement that fines may only be imposed in lieu of license suspension.

**Section 30** of the bill increases the minimum level of professional liability coverage physicians are required to maintain from \$500,000 per incident to \$1 million per incident, and from \$1.5 million annual aggregate per year to \$3 million annual aggregate per year.

**Section 31** of the bill requires physicians and physician assistants to make arrangements for the safekeeping of patient medical records in their custody if the physician or physician assistant ceases practice. Each physician and physician assistant is required to develop a plan detailing

these arrangements, certify to the medical board that he or she has developed the plan, and notify patients as to how to access their records if the physician or physician assistant is unavailable to provide the records.

**Sections 32 through 35** of the bill create a separate and distinct license for physician assistants while maintaining the same qualifications and licensing requirements for physician assistants. These sections also relocate provisions concerning distinguished foreign teaching physician licenses and temporary licenses to separate and distinct sections in the act.

**Section 36** of the bill consolidates provisions concerning unauthorized practice under the act and clarifies that physician assistants are also subject to penalties for engaging in the unauthorized practice as a physician assistant.

**Section 37** of the bill limits the time period for which physicians must report their licensing histories to the prior 10 years and makes conforming changes necessitated by the medical board name change.

**Sections 38 through 41** of the bill create a new definition section in the act to which defined terms throughout the act are relocated and make corresponding conforming amendments.

**Sections 42 through 44** of the bill repeal outdated and obsolete provisions in the act.

**Sections 45 through 84** of the bill are conforming amendments related mostly to the medical board name change and the creation of separate licenses pursuant to sections 32 through 35 of the bill.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 12-36-103 (6) (b), Colorado Revised Statutes, is  
3 amended to read:

4 **12-36-103. Colorado medical board - immunity - subject to**  
5 **termination - repeal of article.** (6) (b) This article is repealed, effective  
6 July 1, ~~2010~~ 2019.

7 **SECTION 2. Repeal.** 24-34-104 (41) (b) (I), Colorado Revised  
8 Statutes, is repealed as follows:

9 **24-34-104. General assembly review of regulatory agencies**  
10 **and functions for termination, continuation, or reestablishment.**

11 (41) The following agencies, functions, or both, shall terminate on July

1 1, 2010:

2 (b) The following boards in the division of registrations in the  
3 department of regulatory agencies:

4 (I) ~~The Colorado state board of medical examiners, created by~~  
5 ~~article 36 of title 12, C.R.S.;~~

6 **SECTION 3.** 24-34-104 (50), Colorado Revised Statutes, is  
7 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8 **24-34-104. General assembly review of regulatory agencies**  
9 **and functions for termination, continuation, or reestablishment.**

10 (50) The following agencies, functions, or both, shall terminate on July  
11 1, 2019:

12 (e) THE COLORADO MEDICAL BOARD, CREATED BY ARTICLE 36 OF  
13 TITLE 12, C.R.S.

14 **SECTION 4.** Part 1 of article 36.5 of title 12, Colorado Revised  
15 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
16 read:

17 **12-36.5-107. Repeal of article.** THIS ARTICLE IS REPEALED,  
18 EFFECTIVE JULY 1, 2012. PRIOR TO SUCH REPEAL, THE FUNCTIONS OF  
19 PROFESSIONAL REVIEW COMMITTEES AND THE COMMITTEE ON  
20 ANTICOMPETITIVE CONDUCT SHALL BE REVIEWED IN ACCORDANCE WITH  
21 SECTION 24-34-104, C.R.S.

22 **SECTION 5.** 24-34-104 (43), Colorado Revised Statutes, is  
23 amended BY THE ADDITION OF THE FOLLOWING NEW  
24 PARAGRAPHS to read:

25 **24-34-104. General assembly review of regulatory agencies**  
26 **and functions for termination, continuation, or reestablishment.**

27 (43) The following agencies, functions, or both, shall terminate on July

1 1, 2012:

2 (f) THE FUNCTIONS OF PROFESSIONAL REVIEW COMMITTEES  
3 PURSUANT TO ARTICLE 36.5 OF TITLE 12, C.R.S.;

4 (g) THE FUNCTIONS OF THE COMMITTEE ON ANTICOMPETITIVE  
5 CONDUCT PURSUANT TO ARTICLE 36.5 OF TITLE 12, C.R.S.

6 **SECTION 6.** 25-3.5-103, Colorado Revised Statutes,  
7 is amended BY THE ADDITION OF A NEW SUBSECTION to read:

8 **25-3.5-103. Definitions.** As used in this article, unless the context  
9 otherwise requires:

10 (7.5) "EMERGENCY MEDICAL PRACTICE ADVISORY COUNCIL" OR  
11 "ADVISORY COUNCIL" MEANS THE EMERGENCY MEDICAL PRACTICE  
12 ADVISORY COUNCIL CREATED IN SECTION 25-3.5-206.

13 **SECTION 7.** 25-3.5-201 (1), Colorado Revised Statutes, is  
14 amended to read:

15 **25-3.5-201. Training programs.** (1) The department shall  
16 design and establish specialized curricula for personnel who respond  
17 routinely to emergencies. ~~Each curriculum shall be approved by the~~  
18 ~~council in consultation with the state board of medical examiners.~~ The  
19 board of county commissioners may select from the various curricula  
20 available those courses meeting the minimum requirements established  
21 by said board.

22 **SECTION 8.** 25-3.5-203 (1) (a), Colorado Revised Statutes, is  
23 amended, and the said 25-3.5-203 (1) is further amended BY THE  
24 ADDITION OF A NEW PARAGRAPH, to read:

25 **25-3.5-203. Emergency medical technicians - certification -**  
26 **renewal of certificate - duties of department - rules - criminal history**  
27 **record checks - repeal.** (1) (a) (I) PRIOR TO JANUARY 1, 2011, the duties

1 and functions of emergency medical technicians, including the acts that  
2 they are authorized to perform subject to the medical direction of a  
3 licensed physician, shall be regulated by rules adopted by the Colorado  
4 state MEDICAL board. of medical examiners. The council shall advise and  
5 make recommendations to said board concerning such rules before final  
6 adoption.

7 (II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JANUARY 1,  
8 2011.

9 (a.5) ON AND AFTER JANUARY 1, 2011, THE EXECUTIVE DIRECTOR  
10 OR CHIEF MEDICAL OFFICER SHALL REGULATE THE ACTS EMERGENCY  
11 MEDICAL TECHNICIANS ARE AUTHORIZED TO PERFORM SUBJECT TO THE  
12 MEDICAL DIRECTION OF A LICENSED PHYSICIAN. THE EXECUTIVE  
13 DIRECTOR OR CHIEF MEDICAL OFFICER, AFTER CONSIDERING THE ADVICE  
14 AND RECOMMENDATIONS OF THE ADVISORY COUNCIL, SHALL ADOPT AND  
15 REVISE RULES, AS NECESSARY, REGARDING THE REGULATION OF  
16 EMERGENCY MEDICAL TECHNICIANS AND THEIR DUTIES AND FUNCTIONS.  
17 THE EXECUTIVE DIRECTOR OR CHIEF MEDICAL OFFICER MAY ADOPT THE  
18 RULES PRIOR TO JANUARY 1, 2011, BUT THE RULES SHALL NOT TAKE  
19 EFFECT UNTIL JANUARY 1, 2011, OR LATER.

20 SECTION 9. 25-3.5-205 (5) (a), Colorado Revised Statutes, is  
21 amended to read:

22 25-3.5-205. Emergency medical technicians - investigations -  
23 discipline. (5) For the purposes of this section:

24 (a) "Medical director" means a physician who supervises certified  
25 emergency medical technicians consistent with the rules adopted by the  
26 board of medical examiners BY THE EXECUTIVE DIRECTOR OR CHIEF  
27 MEDICAL OFFICER, AS APPLICABLE, PURSUANT TO SECTION 25-3.5-206.

1           **SECTION 10.** Part 2 of article 3.5 of title 25, Colorado Revised  
2 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
3 read:

4           **25-3.5-206. Emergency medical practice advisory council -  
5 creation - powers and duties - emergency medical technician scope of**

6 **practice rules.** (1) THERE IS HEREBY CREATED WITHIN THE  
7 DEPARTMENT, AS A TYPE 2 ENTITY UNDER THE DIRECTION OF THE  
8 EXECUTIVE DIRECTOR OF THE DEPARTMENT, THE EMERGENCY MEDICAL  
9 PRACTICE ADVISORY COUNCIL, REFERRED TO IN THIS PART 2 AS THE  
10 "ADVISORY COUNCIL". THE ADVISORY COUNCIL IS RESPONSIBLE FOR  
11 ADVISING THE DEPARTMENT REGARDING THE APPROPRIATE SCOPE OF  
12 PRACTICE FOR EMERGENCY MEDICAL TECHNICIANS CERTIFIED PURSUANT  
13 TO SECTION 25-3.5-203.

14           (2) (a) THE EMERGENCY MEDICAL PRACTICE ADVISORY COUNCIL  
15 SHALL CONSIST OF THE FOLLOWING ELEVEN MEMBERS:

16           (I) EIGHT VOTING MEMBERS APPOINTED BY THE GOVERNOR AS  
17 FOLLOWS:

18           (A) TWO PHYSICIANS LICENSED IN GOOD STANDING IN COLORADO  
19 WHO ARE ACTIVELY SERVING AS EMERGENCY MEDICAL SERVICE MEDICAL  
20 DIRECTORS AND ARE PRACTICING IN RURAL OR FRONTIER COUNTIES;

21           (B) TWO PHYSICIANS LICENSED IN GOOD STANDING IN COLORADO  
22 WHO ARE ACTIVELY SERVING AS EMERGENCY MEDICAL SERVICE MEDICAL  
23 DIRECTORS AND ARE PRACTICING IN URBAN COUNTIES;

24           (C) ONE PHYSICIAN LICENSED IN GOOD STANDING IN COLORADO  
25 WHO IS ACTIVELY SERVING AS AN EMERGENCY MEDICAL SERVICE MEDICAL  
26 DIRECTOR IN ANY AREA OF THE STATE;

27           (D) ONE EMERGENCY MEDICAL TECHNICIAN CERTIFIED AT AN

1     ADVANCED LIFE SUPPORT LEVEL WHO IS ACTIVELY INVOLVED IN THE  
2     PROVISION OF EMERGENCY MEDICAL SERVICES;

3             (E) ONE EMERGENCY MEDICAL TECHNICIAN CERTIFIED AT A BASIC  
4     LIFE SUPPORT LEVEL WHO IS ACTIVELY INVOLVED IN THE PROVISION OF  
5     EMERGENCY MEDICAL SERVICES; AND

6             (F) ONE EMERGENCY MEDICAL TECHNICIAN CERTIFIED AT ANY  
7     LEVEL WHO IS ACTIVELY INVOLVED IN THE PROVISION OF EMERGENCY  
8     MEDICAL SERVICES;

9             (II) ONE VOTING MEMBER WHO, AS OF THE EFFECTIVE DATE OF  
10    THIS SECTION, IS A MEMBER OF THE STATE EMERGENCY MEDICAL AND  
11    TRAUMA SERVICES ADVISORY COUNCIL, APPOINTED BY THE EXECUTIVE  
12    DIRECTOR OF THE DEPARTMENT; AND

13            (III) TWO NONVOTING EX OFFICIO MEMBERS APPOINTED BY THE  
14    EXECUTIVE DIRECTOR OF THE DEPARTMENT.

15            (b) MEMBERS OF THE ADVISORY COUNCIL SHALL SERVE  
16    FOUR-YEAR TERMS; EXCEPT THAT, OF THE MEMBERS INITIALLY APPOINTED  
17    TO THE ADVISORY COUNCIL BY THE GOVERNOR, FOUR MEMBERS SHALL  
18    SERVE THREE-YEAR TERMS. A VACANCY ON THE ADVISORY COUNCIL  
19    SHALL BE FILLED BY APPOINTMENT BY THE APPOINTING AUTHORITY FOR  
20    THAT VACANT POSITION FOR THE REMAINDER OF THE UNEXPIRED TERM.  
21    MEMBERS SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY AND  
22    CONTINUE IN OFFICE UNTIL THE MEMBER'S SUCCESSOR IS APPOINTED.

23            (c) MEMBERS OF THE ADVISORY COUNCIL SHALL SERVE WITHOUT  
24    COMPENSATION BUT SHALL BE REIMBURSED FROM THE EMERGENCY  
25    MEDICAL SERVICES ACCOUNT, CREATED IN SECTION 25-3.5-603, FOR THEIR  
26    ACTUAL AND NECESSARY TRAVEL EXPENSES INCURRED IN THE  
27    PERFORMANCE OF THEIR DUTIES UNDER THIS ARTICLE.

1 (d) THE ADVISORY COUNCIL SHALL ELECT A CHAIR AND  
2 VICE-CHAIR FROM ITS MEMBERS.

3 (e) THE ADVISORY COUNCIL SHALL MEET AT LEAST QUARTERLY  
4 AND MORE FREQUENTLY AS NECESSARY TO FULFILL ITS OBLIGATIONS.

5 (f) THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT TO THE  
6 ADVISORY COUNCIL.

7 (g) AS USED IN THIS SUBSECTION (2), "LICENSED IN GOOD  
8 STANDING" MEANS THAT THE PHYSICIAN HOLDS A CURRENT, VALID  
9 LICENSE TO PRACTICE MEDICINE IN COLORADO THAT IS NOT SUBJECT TO  
10 ANY RESTRICTIONS.

11 (3) THE ADVISORY COUNCIL SHALL PROVIDE GENERAL TECHNICAL  
12 EXPERTISE ON MATTERS RELATED TO THE PROVISION OF PATIENT CARE BY  
13 EMERGENCY MEDICAL TECHNICIANS AND SHALL ADVISE OR MAKE  
14 RECOMMENDATIONS TO THE DEPARTMENT IN THE FOLLOWING AREAS:

15 (a) THE ACTS AND MEDICATIONS THAT CERTIFIED EMERGENCY  
16 MEDICAL TECHNICIANS AT EACH LEVEL OF CERTIFICATION ARE  
17 AUTHORIZED TO PERFORM OR ADMINISTER UNDER THE DIRECTION OF A  
18 PHYSICIAN MEDICAL DIRECTOR;

19 (b) REQUESTS FOR WAIVERS TO THE SCOPE OF PRACTICE RULES  
20 ADOPTED PURSUANT TO THIS SECTION AND SECTION 25-3.5-203 (1) (a.5);

21 (c) MODIFICATIONS TO EMERGENCY MEDICAL TECHNICIAN  
22 CERTIFICATION LEVELS AND CAPABILITIES; AND

23 (d) CRITERIA FOR PHYSICIANS TO SERVE AS EMERGENCY MEDICAL  
24 SERVICE MEDICAL DIRECTORS.

25 (4) (a) THE EXECUTIVE DIRECTOR OR, IF THE EXECUTIVE DIRECTOR  
26 IS NOT A PHYSICIAN, THE CHIEF MEDICAL OFFICER SHALL ADOPT RULES IN  
27 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., CONCERNING THE

1 SCOPE OF PRACTICE OF EMERGENCY MEDICAL TECHNICIANS FOR  
2 PREHOSPITAL CARE. THE RULES SHALL INCLUDE, BUT NOT BE LIMITED TO,  
3 THE FOLLOWING:

4 (I) ALLOWABLE ACTS FOR EACH LEVEL OF EMERGENCY MEDICAL  
5 TECHNICIAN CERTIFICATION AND THE MEDICATIONS THAT EACH LEVEL OF  
6 EMERGENCY MEDICAL TECHNICIAN CERTIFICATION CAN ADMINISTER;

7 (II) DEFINING THE PHYSICIAN MEDICAL DIRECTION THAT IS  
8 REQUIRED FOR APPROPRIATE OVERSIGHT OF AN EMERGENCY MEDICAL  
9 TECHNICIAN BY AN EMERGENCY MEDICAL SERVICES MEDICAL DIRECTOR;

10 (III) CRITERIA FOR REQUESTS TO WAIVE THE SCOPE OF PRACTICE  
11 RULES AND THE CONDITIONS FOR SUCH WAIVERS; AND

12 (IV) MINIMUM STANDARDS FOR PHYSICIANS TO BE EMERGENCY  
13 MEDICAL SERVICES MEDICAL DIRECTORS.

14 (b) RULES ADOPTED PURSUANT TO THIS SUBSECTION (4)  
15 SUPERSEDE ANY RULES OF THE COLORADO MEDICAL BOARD REGARDING  
16 THE MATTERS SET FORTH IN THIS SUBSECTION (4).

17 **SECTION 11.** 25-3.5-603 (3) (c) (I), Colorado Revised Statutes,  
18 is amended to read:

19 **25-3.5-603. Emergency medical services account - creation -**  
20 **allocation of funds.** (3) On and after July 1, 2002, moneys in the  
21 emergency medical services account shall be appropriated:

22 (c) To the direct and indirect costs of planning, developing,  
23 implementing, maintaining, and improving the statewide emergency  
24 medical and trauma services system. Such costs shall include:

25 (I) Providing technical assistance and support to local  
26 governments, local emergency medical and trauma service providers, and  
27 RETACs operating a statewide data collection system, coordinating local

1 and state programs, providing assistance in selection and purchasing of  
2 medical and communication equipment, and administering the EMTS  
3 grant program, AND ESTABLISHING AND MAINTAINING SCOPE OF PRACTICE  
4 FOR CERTIFIED MEDICAL TECHNICIANS; and

5 **SECTION 12.** 25-3.5-706, Colorado Revised Statutes, is  
6 amended to read:

7 **25-3.5-706. Immunity from liability.** The department, the board,  
8 the council as defined in section 25-3.5-703 (3.5), a RETAC as defined  
9 in section 25-3.5-703 (6.8), THE EMERGENCY MEDICAL PRACTICE  
10 ADVISORY COUNCIL CREATED IN SECTION 25-3.5-206, key resource  
11 facilities, any other public or private entity acting on behalf of or under  
12 contract with the department, and counties and cities and counties shall  
13 be immune from civil and criminal liability and from regulatory sanction  
14 for acting in compliance with the provisions of this part 7. Nothing in  
15 this section shall be construed as providing any immunity to such entities  
16 or any other person in connection with the provision of medical treatment,  
17 care, or services that are governed by the medical malpractice statutes,  
18 article 64 of title 13, C.R.S.

19 **SECTION 13.** 12-36-106 (3), Colorado Revised Statutes, is  
20 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

21 **12-36-106. Practice of medicine defined - exemptions from**  
22 **licensing requirements - unauthorized practice by physician**  
23 **assistants - penalties - repeal.** (3) Nothing in this section shall be  
24 construed to prohibit, or to require a license or a physician training license  
25 under this article with respect to, any of the following acts:

26 (w) THE RENDERING OF SERVICES BY AN EMERGENCY MEDICAL  
27 TECHNICIAN CERTIFIED PURSUANT TO SECTION 25-3.5-203, C.R.S., AS

1 LONG AS THE SERVICES RENDERED ARE CONSISTENT WITH RULES ADOPTED  
2 BY THE EXECUTIVE DIRECTOR OR CHIEF MEDICAL OFFICER, AS APPLICABLE,  
3 PURSUANT TO SECTION 25-3.5-206, C.R.S., DEFINING THE DUTIES AND  
4 FUNCTIONS OF EMERGENCY MEDICAL TECHNICIANS.

5 SECTION 14. 12-36-103 (1) (a), (2), (3), (4), (6) (a), and (7),  
6 Colorado Revised Statutes, are amended to read:

7 12-36-103. Colorado medical board - immunity - subject to  
8 termination - repeal of article. (1) (a) (I) There is hereby created the  
9 Colorado state MEDICAL board, of medical examiners, referred to in this  
10 article as the "board". which THE BOARD shall consist of nine SIXTEEN  
11 MEMBERS APPOINTED BY THE GOVERNOR AND POSSESSING THE  
12 QUALIFICATIONS SPECIFIED IN THIS ARTICLE AND AS FOLLOWS:

13 (A) ELEVEN physician members; [REDACTED]

14 (B) ONE MEMBER LICENSED UNDER THIS ARTICLE AS A PHYSICIAN  
15 ASSISTANT; and

16 (C) Four members from the public at large who have no financial  
17 or professional association with the medical profession. to be appointed  
18 by the governor and to have the qualifications provided in this article.

19 (II) The terms of the members of the board shall be four years.  
20 For the two public member appointees added to the board during the  
21 calendar year beginning January 1, 2000, the term for one public member  
22 appointee shall expire May 3, 2002, and the other shall expire May 3,  
23 2003 FOR THE TWO PHYSICIAN AND ONE PHYSICIAN ASSISTANT  
24 APPOINTEES ADDED TO THE BOARD DURING THE CALENDAR YEAR  
25 BEGINNING JANUARY 1, 2010, THE TERM FOR ONE OF THE PHYSICIAN  
26 MEMBER APPOINTEES SHALL EXPIRE FOUR YEARS AFTER THE  
27 APPOINTMENT; THE TERM FOR THE OTHER PHYSICIAN MEMBER APPOINTEE

1 SHALL EXPIRE THREE YEARS AFTER THE APPOINTMENT; AND THE TERM FOR  
2 THE PHYSICIAN ASSISTANT APPOINTEE SHALL EXPIRE TWO YEARS AFTER  
3 THE APPOINTMENT. Thereafter, the terms of the members of the board  
4 shall be four years.

5 (2) The [REDACTED] board shall be comprised at all times of seven  
6 EIGHT members having the degree of doctor of medicine, ~~and two~~ THREE  
7 members having the degree of doctor of osteopathy, AND ONE PHYSICIAN  
8 ASSISTANT, all of whom shall have been licensed IN GOOD STANDING and  
9 actively engaged in the practice of their professions in this state for at  
10 least three years next preceding their appointments, ~~and shall have been~~  
11 ~~residents of this state for at least five years next preceding their~~  
12 ~~appointments~~, and four members of the public at large. ~~In making~~  
13 ~~appointments to the board, the governor shall give due consideration to~~  
14 ~~recommendations submitted by the Colorado state medical society with~~  
15 ~~respect to appointments to each office, if any, to be filled by a physician~~  
16 ~~holding the degree of doctor of medicine and to recommendations~~  
17 ~~submitted by the Colorado osteopathic association with respect to~~  
18 ~~appointments to each office, if any, to be filled by a physician holding the~~  
19 ~~degree of doctor of osteopathy.~~

20 [REDACTED] [REDACTED]

21 (3) ~~In the event~~ IF a vacancy in the membership of the board  
22 occurs for any cause other than expiration of a term, the governor shall  
23 appoint a successor to fill the unexpired portion of the term of ~~such~~ THE  
24 member whose office has been so vacated and shall appoint ~~such~~ THE new  
25 member in the same manner as members for a full term. Members of the  
26 board shall remain in office until their successors have been appointed.  
27 A member of the board ~~upon notice and hearing~~, may be removed by the

1 governor for continued neglect of duty, incompetence, or unprofessional  
2 or dishonorable conduct.

3 (4) The board shall elect biennially from its members a president  
4 AND a vice-president. ~~and a secretary.~~ Regular Meetings of the board or  
5 ~~either ANY panel established pursuant to section 12-36-118; THIS ARTICLE~~  
6 shall be held as scheduled by the board in the state of Colorado. ~~Special~~  
7 ~~meetings of the board may be called by the president or by three members~~  
8 ~~of the board at any time on three days' prior notice by mail or, in case of~~  
9 ~~emergency, on twenty-four hours' notice by telephone or electronic~~  
10 ~~access, any such meetings to be held at the place designated in the call~~  
11 ~~therefor.~~ Except as provided in section 12-36-118 (6), a majority of the  
12 board shall constitute a quorum for the transaction of all business. All  
13 meetings of the board shall be deemed to have been duly called and  
14 regularly held, and all decisions, resolutions, and proceedings of the  
15 board shall be deemed to have been duly authorized, unless the contrary  
16 be proved.

17 (6) (a) The provisions of section 24-34-104, C.R.S., concerning  
18 the termination schedule for regulatory bodies of the state unless extended  
19 as provided in that section, are applicable to the Colorado state MEDICAL  
20 board of medical examiners created by this section.

21 (7) ~~After consultation with the board, the director of the division~~  
22 ~~of registrations shall appoint an executive administrator for the board and~~  
23 ~~such other personnel as are deemed necessary, pursuant to section 13 of~~  
24 ~~article XII of the state constitution. At least one member of the board~~  
25 ~~shall serve on any panel convened by the department of personnel to~~  
26 ~~interview candidates for the position of executive administrator.~~

27 **SECTION 15.** Part 1 of article 36 of title 12, Colorado Revised

1 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
2 read:

3 **12-36-111.3. Licensing panel.** (1) (a) THE PRESIDENT OF THE  
4 BOARD SHALL ESTABLISH A LICENSING PANEL CONSISTING OF THREE  
5 MEMBERS OF THE BOARD AS FOLLOWS:

6 (I) ONE PANEL MEMBER SHALL BE A LICENSED PHYSICIAN HAVING  
7 THE DEGREE OF DOCTOR OF MEDICINE;

8 (II) ONE PANEL MEMBER SHALL BE A LICENSED PHYSICIAN HAVING  
9 THE DEGREE OF DOCTOR OF OSTEOPATHY; AND

10 (III) ONE PANEL MEMBER SHALL BE A PUBLIC MEMBER OF THE  
11 BOARD.

12 (b) THE PRESIDENT MAY ROTATE THE LICENSING PANEL  
13 MEMBERSHIP AND THE MEMBERSHIP ON THE INQUIRY AND HEARING  
14 PANELS ESTABLISHED PURSUANT TO SECTION 12-36-118 SO THAT ALL  
15 MEMBERS OF THE BOARD, INCLUDING THE BOARD PRESIDENT, MAY SERVE  
16 ON EACH OF THE BOARD PANELS.

17 (c) IF THE PRESIDENT DETERMINES THAT THE BOARD LACKS A  
18 MEMBER TO SERVE ON THE LICENSING PANEL THAT MEETS THE CRITERIA  
19 SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1), THE PRESIDENT MAY  
20 APPOINT ANOTHER BOARD MEMBER TO FILL THE VACANCY ON THE PANEL.

21 (2) THE LICENSING PANEL SHALL REVIEW AND MAKE  
22 DETERMINATIONS ON APPLICATIONS FOR A LICENSE UNDER THIS ARTICLE.

23 (3) THE LICENSING PANEL SHALL REVIEW AND RESOLVE MATTERS  
24 RELATING TO THE UNLICENSED PRACTICE OF MEDICINE. IF IT APPEARS TO  
25 THE LICENSING PANEL, BASED UPON CREDIBLE EVIDENCE IN A WRITTEN  
26 COMPLAINT BY ANY PERSON OR UPON CREDIBLE EVIDENCE IN A MOTION OF  
27 THE LICENSING PANEL, THAT A PERSON IS PRACTICING OR HAS PRACTICED

1 MEDICINE OR AS A PHYSICIAN ASSISTANT WITHOUT A LICENSE AS REQUIRED  
2 BY THIS ARTICLE, THE LICENSING PANEL MAY ISSUE AN ORDER TO CEASE  
3 AND DESIST THE UNLICENSED PRACTICE. THE ORDER SHALL SET FORTH  
4 THE PARTICULAR STATUTES AND RULES THAT HAVE BEEN VIOLATED, THE  
5 FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE  
6 REQUIREMENT THAT ALL UNLICENSED PRACTICES IMMEDIATELY CEASE.  
7 THE RESPONDENT MAY REQUEST A HEARING ON A CEASE-AND-DESIST  
8 ORDER IN ACCORDANCE WITH SECTION 12-36-118 (14) (b). THE  
9 PROVISIONS OF SECTION 12-36-118(10), EXEMPTING BOARD DISCIPLINARY  
10 PROCEEDINGS AND RECORDS FROM OPEN MEETINGS AND PUBLIC RECORDS  
11 REQUIREMENTS, SHALL NOT APPLY TO A HEARING OR ANY OTHER  
12 PROCEEDING HELD BY THE LICENSING PANEL PURSUANT TO THIS  
13 SUBSECTION (3) REGARDING THE UNLICENSED PRACTICE OF MEDICINE.  
14 THE PROCEDURES SPECIFIED IN SECTION 12-36-118 (15), (16), (17), AND  
15 (18) SHALL APPLY TO ALLEGATIONS AND ORDERS REGARDING THE  
16 UNLICENSED PRACTICE OF MEDICINE BEFORE THE LICENSING PANEL.

17 **SECTION 16.** 12-36-104 (1) (c), (1) (e), and (3), Colorado  
18 Revised Statutes, are amended to read:

19 **12-36-104. Powers and duties of board.** (1) In addition to all  
20 other powers and duties conferred and imposed upon the board by this  
21 article, the board has the following powers and duties to:

22 (c) ~~Adopt a seal which shall be affixed to all licenses issued by the~~  
23 ~~board;~~

24 (e) ~~Aid the several district attorneys of this state~~ LAW  
25 ENFORCEMENT in the enforcement of this article and in the prosecution of  
26 all persons, firms, associations, or corporations charged with the violation  
27 of any of its provisions.

1           (3) To facilitate the licensure of qualified applicants AND ADDRESS  
2 THE UNLICENSED PRACTICE OF MEDICINE AND THE UNLICENSED PRACTICE  
3 AS A PHYSICIAN ASSISTANT, the PRESIDENT OF THE board ~~may, in its~~  
4 ~~discretion,~~ SHALL establish a ~~subcommittee of at least three board~~  
5 ~~members~~ LICENSING PANEL IN ACCORDANCE WITH SECTION 12-36-111.3  
6 to perform licensing functions in accordance with this article ~~Three~~  
7 ~~subcommittee~~ AND REVIEW AND RESOLVE MATTERS RELATING TO THE  
8 UNLICENSED PRACTICE OF MEDICINE AND UNLICENSED PRACTICE AS A  
9 PHYSICIAN ASSISTANT. TWO PANEL members shall constitute a quorum of  
10 the ~~subcommittee~~ PANEL. Any action taken by a quorum of the  
11 ~~subcommittee~~ PANEL shall constitute action by the board.

12           **SECTION 17.** 12-36-118 (5) (f), (7), (10), (13), and (14) (a),  
13 Colorado Revised Statutes, are amended to read:

14           **12-36-118. Disciplinary action by board - immunity.**  
15 (5) (f) Except as provided in subsection (1) of this section, an  
16 administrative law judge shall preside at the hearing and ~~he~~ shall advise  
17 the hearings panel, AS REQUESTED, on ~~all such~~ legal matters in connection  
18 with the hearing. ~~as the panel may request. He~~ THE ADMINISTRATIVE LAW  
19 JUDGE shall provide ~~such~~ advice or assistance as REQUESTED BY the  
20 hearings panel ~~may request~~ in connection with its preparations of its  
21 findings and recommendations or conclusions to be made. ~~Such~~ THE  
22 administrative law judge ~~shall have the authority to~~ MAY administer oaths  
23 and affirmations, sign and issue subpoenas, and perform ~~such~~ other duties  
24 as AUTHORIZED BY the hearings panel. ~~may authorize him to perform.~~  
25 ~~Such administrative law judge shall have the qualifications provided in~~  
26 ~~section 24-30-1003 (2), C.R.S., with five years' experience as a licensed~~  
27 ~~attorney.~~

1           (7) ~~Upon the expiration of the term of suspension, the license shall~~  
2 ~~be reinstated by the board if the holder thereof furnishes the board with~~  
3 ~~evidence that he has complied with all terms of the suspension. If such~~  
4 ~~evidence shows he has not complied with all terms of the suspension, the~~  
5 ~~board shall revoke the license at a hearing, notice of which and the~~  
6 ~~procedure at which shall be as provided in this section.~~

7           (10) (a) Investigations, examinations, hearings, meetings, or any  
8 other proceedings of the board conducted pursuant to ~~the provisions of~~  
9 this section shall be exempt from ~~the provisions of~~ any law requiring that  
10 proceedings of the board be conducted publicly or that the minutes or  
11 records of the board with respect to action of the board taken pursuant to  
12 ~~the provisions of~~ this section be open to public inspection. THIS  
13 SUBSECTION (10) SHALL NOT APPLY TO INVESTIGATIONS, EXAMINATIONS,  
14 HEARINGS, MEETINGS, OR ANY OTHER PROCEEDINGS OR RECORDS OF THE  
15 LICENSING PANEL CREATED PURSUANT TO SECTION 12-36-111.3 RELATED  
16 TO THE UNLICENSED PRACTICE OF MEDICINE.

17           (b) FOR PURPOSES OF THE RECORDS RELATED TO A COMPLAINT  
18 FILED PURSUANT TO THIS SECTION AGAINST A LICENSEE, THE BOARD SHALL  
19 BE CONSIDERED A PROFESSIONAL REVIEW COMMITTEE, THE RECORDS  
20 RELATED TO THE COMPLAINT SHALL INCLUDE ALL RECORDS DESCRIBED IN  
21 SECTION 12-36.5-102 (4), AND SECTION 12-36.5-104 (10) SHALL APPLY TO  
22 THOSE RECORDS.

23           (13) Within thirty days after the board takes final action, which is  
24 of public record, to revoke or suspend a license or to place a licensee on  
25 probation based on competence or professional conduct, the board shall  
26 send notice ~~thereof~~ OF THE FINAL ACTION to any hospital in which the  
27 licensee has clinical privileges, as indicated by the licensee. ~~The board~~

1 shall post electronically, within thirty days after the entry of a final  
2 judgment by a court of competent jurisdiction, notice of final judgment  
3 in which it is alleged that malpractice or professional negligence has been  
4 committed by a licensed physician or physician assistant and the licensed  
5 physician or physician assistant is found to have committed malpractice  
6 or be professionally negligent. The board shall also post electronically a  
7 notice of final judgment entered by a court of competent jurisdiction in  
8 another state at such time as the notice is submitted to the board by the  
9 licensee or applicant. The board shall also make available to the public  
10 malpractice judgment information by telephone within the same time  
11 periods as the information is made available to the public electronically.

12 (14) (a) If it appears to the board, based upon credible evidence  
13 as presented in a written complaint by any person OR IN ITS OWN MOTION,  
14 that a licensee is acting in a manner that is an imminent threat to the  
15 health and safety of the public, or a person is acting or has acted without  
16 the required license, the board may issue an order to cease and desist such  
17 activity. The order shall set forth the statutes and rules alleged to have  
18 been violated, the facts alleged to have constituted the violation, and the  
19 requirement that all unlawful acts or unlicensed practices immediately  
20 cease.

21 **SECTION 18.** 12-36-106.4 (4) (b), Colorado Revised Statutes,  
22 is amended to read:

23 **12-36-106.4. Collaboration with advanced practice nurses**  
24 **with prescriptive authority - preceptorships - mentorships - board**  
25 **rules.** (4) (b) (I) The director of the division of registrations in the  
26 department of regulatory agencies shall review the rules adopted by the  
27 board pursuant to this subsection (4) to determine if the rules complement

1 the rules of the state board of nursing. If the director determines that the  
2 rules of the two boards are not complementary, the director shall adopt  
3 rules that ~~supercede~~ SUPERSEDE and replace the rules of the two boards  
4 regarding prescriptive authority of advanced practice nurses and  
5 collaboration between advanced practice nurses and physicians, and such  
6 rules shall take effect on July 2, 2010.

7 (II) IF THE DIRECTOR DETERMINES THAT THE TWO BOARDS HAVE  
8 ADOPTED COMPLEMENTARY RULES REGARDING THE PRESCRIPTIVE  
9 AUTHORITY OF ADVANCED PRACTICE NURSES AND COLLABORATION  
10 BETWEEN ADVANCED PRACTICE NURSES AND PHYSICIANS, THE DIRECTOR  
11 SHALL NOT ADOPT RULES THAT SUPERSEDE AND REPLACE THE RULES OF  
12 THE TWO BOARDS, BUT THE DIRECTOR SHALL REVIEW ANY AMENDMENTS  
13 TO THOSE RULES BY EITHER BOARD TO ENSURE THAT THE RULES REMAIN  
14 COMPLEMENTARY. IF THE DIRECTOR DETERMINES THAT AN AMENDMENT  
15 TO THE RULES BY THE COLORADO MEDICAL BOARD OR THE STATE BOARD  
16 OF NURSING RESULTS IN RULES ON PRESCRIPTIVE AUTHORITY AND  
17 COLLABORATION THAT ARE NO LONGER COMPLEMENTARY, THE  
18 AMENDMENT SHALL NOT TAKE EFFECT. [REDACTED] [REDACTED]

19 **SECTION 19.** 12-38-111.6 (4.5) (f), Colorado Revised Statutes,  
20 is amended to read:

21 **12-38-111.6. Prescriptive authority - advanced practice nurses**  
22 **- rules - repeal.** (4.5) (f) (I) Except as provided in subparagraph (II) of  
23 this paragraph (f), the board shall adopt rules to implement this subsection  
24 (4.5), which rules shall take effect on July 1, 2010. The board shall  
25 consider the recommendations of the nurse-physician advisory task force  
26 for Colorado health care submitted in accordance with section 24-34-109,  
27 C.R.S., concerning prescriptive authority of advanced practice nurses.

1 The rules shall be complementary to rules adopted by the ~~state~~ COLORADO  
2 MEDICAL board of ~~medical examiners~~ pursuant to section 12-36-106.4.

3 (II) (A) The director of the division of registrations in the  
4 department of regulatory agencies shall review the rules adopted by the  
5 board pursuant to this paragraph (f) prior to the effective date of the rules  
6 to determine if the rules complement the rules of the ~~state~~ COLORADO  
7 MEDICAL board. ~~of medical examiners~~. If the director determines that the  
8 rules of the two boards are not complementary, the director shall adopt  
9 rules that ~~supercede~~ SUPERSEDE and replace the rules of the two boards  
10 regarding prescriptive authority of advanced practice nurses and  
11 collaboration between advanced practice nurses and physicians, and such  
12 rules shall take effect on July 2, 2010.

13 (B) IF THE DIRECTOR DETERMINES THAT THE TWO BOARDS HAVE  
14 ADOPTED COMPLEMENTARY RULES REGARDING THE PRESCRIPTIVE  
15 AUTHORITY OF ADVANCED PRACTICE NURSES AND COLLABORATION  
16 BETWEEN ADVANCED PRACTICE NURSES AND PHYSICIANS, THE DIRECTOR  
17 SHALL NOT ADOPT RULES THAT SUPERSEDE AND REPLACE THE RULES OF  
18 THE TWO BOARDS, BUT THE DIRECTOR SHALL REVIEW ANY AMENDMENTS  
19 TO THOSE RULES BY EITHER BOARD TO ENSURE THAT THE RULES REMAIN  
20 COMPLEMENTARY. IF THE DIRECTOR DETERMINES THAT AN AMENDMENT  
21 TO THE RULES BY THE STATE BOARD OF NURSING OR THE COLORADO  
22 MEDICAL BOARD RESULTS IN RULES ON PRESCRIPTIVE AUTHORITY AND  
23 COLLABORATION THAT ARE NO LONGER COMPLEMENTARY, THE  
24 AMENDMENT SHALL NOT TAKE EFFECT. [REDACTED]

25 **SECTION 20.** Part 1 of article 36 of title 12, Colorado Revised  
26 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
27 read:

1           **12-36-114.3. Pro bono license - qualifications - reduced fee -**

2           **rules.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,  
3           THE BOARD MAY ISSUE A PRO BONO LICENSE TO A PHYSICIAN TO PRACTICE  
4           MEDICINE IN THIS STATE FOR NOT MORE THAN SIXTY DAYS IN A CALENDAR  
5           YEAR IF THE PHYSICIAN:

6                 (a) (I)   HOLDS AN ACTIVE AND UNRESTRICTED LICENSE TO  
7                 PRACTICE MEDICINE IN COLORADO AND IS IN ACTIVE PRACTICE IN THIS  
8                 STATE;

9                 (II)   HAS BEEN ON INACTIVE STATUS PURSUANT TO SECTION  
10                12-36-137 FOR NOT MORE THAN TWO YEARS; OR

11                (III) HOLDS AN ACTIVE AND UNRESTRICTED LICENSE TO PRACTICE  
12                MEDICINE IN ANOTHER STATE OR TERRITORY OF THE UNITED STATES;

13                (b)   ATTESTS TO THE BOARD THAT HE OR SHE:

14                 (I)   DOES NOT CHARGE FOR HIS OR HER SERVICES; EXCEPT THAT THE  
15                 FACILITY AT WHICH THE SERVICES ARE PROVIDED MAY CHARGE ON A  
16                 NOT-FOR-PROFIT BASIS FOR THE PROVISION OF SERVICES; OR

17                 (II)  WORKS FOR AND MAY BE COMPENSATED BY AN ORGANIZATION  
18                 THAT DOES NOT CHARGE COLORADO PATIENTS FOR ITS SERVICES;

19                 (c)   HAS NEVER HAD A LICENSE TO PRACTICE MEDICINE IN THIS  
20                 STATE OR IN ANOTHER STATE OR TERRITORY REVOKED OR SUSPENDED, AS  
21                 VERIFIED BY THE APPLICANT IN THE MANNER PRESCRIBED BY THE BOARD;

22                 (d)   IS NOT THE SUBJECT OF AN UNRESOLVED COMPLAINT;

23                 (e)   MAINTAINS COMMERCIAL PROFESSIONAL LIABILITY INSURANCE  
24                 COVERAGE IN ACCORDANCE WITH SECTION 13-64-301, C.R.S.; AND

25                 (f)   PAYS THE FEE ESTABLISHED BY THE BOARD.

26                 (2)   THE BOARD SHALL ESTABLISH AND CHARGE AN APPLICATION  
27                 FEE FOR AN INITIAL AND RENEWAL PRO BONO LICENSE, NOT TO EXCEED

1 ONE-HALF THE AMOUNT OF THE FEE FOR A RENEWAL OF A PHYSICIAN'S  
2 LICENSE AND NOT TO EXCEED THE COST OF ADMINISTERING THE LICENSE.

3 (3) A PRO BONO LICENSE IS SUBJECT TO THE RENEWAL  
4 REQUIREMENTS SET FORTH IN SECTION 12-36-123.

5 (4) A PHYSICIAN GRANTED A PRO BONO LICENSE UNDER THIS  
6 SECTION SHALL NOT SIMULTANEOUSLY HOLD A FULL LICENSE TO PRACTICE  
7 MEDICINE ISSUED UNDER THIS ARTICLE.

8 (5) A PHYSICIAN GRANTED A PRO BONO LICENSE UNDER THIS  
9 SECTION IS SUBJECT TO DISCIPLINE BY THE BOARD FOR COMMITTING  
10 UNPROFESSIONAL CONDUCT, AS DEFINED IN SECTION 12-36-117, OR ANY  
11 OTHER ACT PROHIBITED BY THIS ARTICLE.

12 (6) THE BOARD MAY REFRAIN FROM ISSUING A PRO BONO LICENSE  
13 IN ACCORDANCE WITH SECTION 12-36-116.

14 (7) THE BOARD MAY ADOPT RULES AS NECESSARY TO IMPLEMENT  
15 THIS SECTION.

16 **SECTION 21. Repeal.** 12-36-107 (4) and (5), Colorado Revised  
17 Statutes, are repealed.

18 **SECTION 22.** Part 1 of article 36 of title 12, Colorado Revised  
19 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
20 read:

21 **12-36-114.5. Reentry license.** (1) NOTWITHSTANDING ANY  
22 OTHER PROVISION OF THIS ARTICLE, THE BOARD MAY ISSUE A REENTRY  
23 LICENSE TO A PHYSICIAN OR PHYSICIAN ASSISTANT WHO HAS NOT  
24 ACTIVELY PRACTICED MEDICINE OR PRACTICED AS A PHYSICIAN  
25 ASSISTANT, AS APPLICABLE, FOR THE TWO-YEAR PERIOD IMMEDIATELY  
26 PRECEDING THE FILING OF AN APPLICATION FOR A REENTRY LICENSE, OR  
27 WHO HAS NOT OTHERWISE MAINTAINED CONTINUED COMPETENCY DURING

1 SUCH PERIOD, AS DETERMINED BY THE BOARD. THE BOARD MAY CHARGE  
2 A FEE FOR A REENTRY LICENSE.

3 (2) (a) IN ORDER TO QUALIFY FOR A REENTRY LICENSE, THE  
4 PHYSICIAN OR PHYSICIAN ASSISTANT SHALL SUBMIT TO EVALUATIONS,  
5 ASSESSMENTS, AND AN EDUCATIONAL PROGRAM AS REQUIRED BY THE  
6 BOARD. THE BOARD MAY WORK WITH A PRIVATE ENTITY THAT  
7 SPECIALIZES IN PHYSICIAN AND PHYSICIAN ASSISTANT ASSESSMENT TO:

8 (I) DETERMINE THE APPLICANT'S COMPETENCY AND AREAS IN  
9 WHICH IMPROVEMENT IS NEEDED, IF ANY;

10 (II) DEVELOP AN EDUCATIONAL PROGRAM SPECIFIC TO THE  
11 APPLICANT; AND

12 (III) UPON COMPLETION OF THE EDUCATIONAL PROGRAM,  
13 CONDUCT AN EVALUATION TO DETERMINE THE APPLICANT'S COMPETENCY.

14 (b) (I) IF, BASED ON THE ASSESSMENT, THE BOARD DETERMINES  
15 THAT THE APPLICANT REQUIRES A PERIOD OF SUPERVISED PRACTICE, THE  
16 BOARD MAY ISSUE A REENTRY LICENSE, ALLOWING THE APPLICANT TO  
17 PRACTICE MEDICINE OR AS A PHYSICIAN ASSISTANT, AS APPLICABLE,  
18 UNDER SUPERVISION AS SPECIFIED BY THE BOARD.

19 (II) AFTER SATISFACTORY COMPLETION OF THE PERIOD OF  
20 SUPERVISED PRACTICE, AS DETERMINED BY THE BOARD, THE REENTRY  
21 LICENSEE MAY APPLY TO THE BOARD FOR CONVERSION OF THE REENTRY  
22 LICENSE TO A FULL LICENSE TO PRACTICE MEDICINE OR TO PRACTICE AS A  
23 PHYSICIAN ASSISTANT, AS APPLICABLE, UNDER THIS ARTICLE.

24 (c) IF, BASED ON THE ASSESSMENT AND AFTER COMPLETION OF AN  
25 EDUCATIONAL PROGRAM, IF PRESCRIBED, THE BOARD DETERMINES THAT  
26 THE APPLICANT IS COMPETENT AND QUALIFIED TO PRACTICE MEDICINE OR  
27 TO PRACTICE AS A PHYSICIAN ASSISTANT, AS SPECIFIED IN THIS ARTICLE,

1 WITHOUT SUPERVISION, THE BOARD MAY CONVERT THE REENTRY LICENSE  
2 TO A FULL LICENSE TO PRACTICE MEDICINE OR TO PRACTICE AS A  
3 PHYSICIAN ASSISTANT, AS APPLICABLE, UNDER THIS ARTICLE.

4 (3) A REENTRY LICENSE SHALL BE VALID FOR NO MORE THAN  
5 THREE YEARS AND SHALL NOT BE RENEWABLE.

6 **SECTION 23.** 12-36-123.5 (3.5) (b) and (3.5) (e) (I), Colorado  
7 Revised Statutes, are amended to read:

8 **12-36-123.5. Physicians' and physician assistants' peer health**  
9 **assistance program.** (3.5) (b) (I) ~~Effective January 1, 1999,~~ As a  
10 condition of PHYSICIAN AND PHYSICIAN ASSISTANT licensure AND  
11 RENEWAL in this state, ~~and effective January 1, 1999,~~ as a condition of  
12 ~~physician assistant certification~~ every renewal applicant shall pay, to the  
13 ~~administering entity that has been selected by the board~~ pursuant to the  
14 ~~provisions of~~ paragraphs (d) and (e) of this subsection (3.5), an amount  
15 set by the board not to exceed ~~fifty~~ SIXTY-ONE dollars per year, which  
16 maximum amount may be adjusted on January 1, ~~2000~~ 2011, and annually  
17 thereafter by the board to reflect:

18 (A) Changes in the United States bureau of labor statistics  
19 consumer price index for the Denver-Boulder consolidated metropolitan  
20 statistical area for all urban consumers, all goods, or its successor index;

21 **Such**

22 (B) OVERALL UTILIZATION OF THE PROGRAM; AND

23 (C) DIFFERENCES IN PROGRAM UTILIZATION BY PHYSICIANS AND  
24 PHYSICIAN ASSISTANTS.

25 (II) BASED ON DIFFERENCES IN UTILIZATION RATES BETWEEN  
26 PHYSICIANS AND PHYSICIAN ASSISTANTS, THE BOARD MAY ESTABLISH A  
27 DIFFERENT FEE AMOUNT FOR PHYSICIANS THAN THE AMOUNT CHARGED

1       PHYSICIAN ASSISTANTS.

2               (III) THE fee IMPOSED PURSUANT TO THIS PARAGRAPH (b) shall be  
3 used to support designated providers that have been selected by the board  
4 to provide assistance to physicians and physician assistants needing help  
5 in dealing with physical, emotional, or psychological problems that may  
6 be detrimental to their ability to practice medicine.

7               (e) The responsibilities of the administering entity shall be:

8               (I) To collect the required annual payments, EITHER DIRECTLY OR  
9 THROUGH THE BOARD PURSUANT TO PARAGRAPH (e.5) OF THIS  
10 SUBSECTION (3.5):

11               **SECTION 24.** 12-36-123.5 (3.5) (e.5), Colorado Revised  
12 Statutes, as enacted by House Bill 10-1128, is amended to read:

13               (3.5) (e.5) The board at its discretion, may collect the required  
14 annual payments payable to the administering entity for the benefit of the  
15 administering entity and shall transfer all such payments to the  
16 administering entity. All required annual payments collected BY or due  
17 to the board for each fiscal year shall be deemed ARE custodial funds that  
18 are not subject to appropriation by the general assembly, and such funds  
19 shall THE DISTRIBUTION OF THE PAYMENTS TO THE ADMINISTERING ENTITY  
20 OR EXPENDITURE OF THE PAYMENTS BY THE ADMINISTERING ENTITY DOES  
21 not constitute state fiscal year spending for purposes of section 20 of  
22 article X of the state constitution.

23               **SECTION 25.** 12-36-106 (1) (b), (1) (g), and (2), the introductory  
24 portion to 12-36-106 (3), 12-36-106 (3) (b) and (5) (b) (I), the  
25 introductory portion to 12-36-106 (5) (b) (II), and 12-36-106 (5) (b) (II)  
26 (B), Colorado Revised Statutes, are amended, and the said 12-36-106 (3)  
27 is further amendment BY THE ADDITION A NEW PARAGRAPH, to

1 read:

2 **12-36-106. Practice of medicine defined - exemptions from**  
3 **licensing requirements - unauthorized practice by physician**  
4 **assistants - penalties - rules - repeal.** (1) For the purpose of this article,  
5 "practice of medicine" means:

6 (b) Suggesting, recommending, prescribing, or administering any  
7 form of treatment, operation, or healing for the intended palliation, relief,  
8 or cure of any physical or mental disease, ailment, injury, condition, or  
9 defect of any person; ~~with the intention of receiving therefor, either~~  
10 ~~directly or indirectly, any fee, gift, or compensation whatsoever;~~

11 (g) The delivery of telemedicine. ~~which means the delivery of~~  
12 ~~medical services and any diagnosis, consultation, or treatment using~~  
13 ~~interactive audio, interactive video, or interactive data communication.~~

14 Nothing in this paragraph (g) ~~shall be construed to authorize~~ AUTHORIZES  
15 physicians to deliver services outside their scope of practice ~~nor to limit~~  
16 OR LIMITS the delivery of health services by other licensed professionals,  
17 within the professional's scope of practice, using advanced technology,  
18 including, but not limited to, interactive audio, interactive video, or  
19 interactive data communication.

20 (2) If ~~any~~ A person who does not possess and has not filed a  
21 license to practice medicine ~~within~~ OR PRACTICE AS A PHYSICIAN  
22 ASSISTANT IN this state, as provided in this article, and who is not  
23 exempted from the licensing requirements under this ~~section, shall do~~  
24 ARTICLE, PERFORMS any of the acts ~~mentioned in this section as~~  
25 ~~constituting~~ THAT CONSTITUTE the practice of medicine ~~he~~ AS DEFINED IN  
26 THIS SECTION, THE PERSON shall be deemed to be practicing medicine  
27 ~~without complying with the provisions of this article and~~ OR PRACTICING

1 AS A PHYSICIAN ASSISTANT in violation ~~thereof~~ OF THIS ARTICLE.

2 (3) ~~Nothing in this section shall be construed to prohibit, or to~~  
3 ~~require~~ A PERSON MAY ENGAGE IN, AND SHALL NOT BE REQUIRED TO  
4 OBTAIN a license or a physician training license under this article with  
5 respect to, any of the following acts:

6 (b) The OCCASIONAL rendering of services in this state by a  
7 physician IF THE PHYSICIAN:

8 (I) IS LICENSED AND lawfully practicing medicine in another state  
9 or territory ~~whether or not such physician is in Colorado, but if any such~~  
10 ~~physician does not limit such services to an occasional consultation or~~  
11 ~~case or if such physician has~~ OF THE UNITED STATES WITHOUT  
12 RESTRICTIONS OR CONDITIONS ON THE PHYSICIAN'S LICENSE;

13 (II) DOES NOT HAVE any established or regularly used ~~hospital~~  
14 ~~connections~~ MEDICAL STAFF MEMBERSHIP OR CLINICAL PRIVILEGES in this  
15 state; ~~or if such physician~~

16 (III) Is NOT party to any contract, agreement, or understanding to  
17 provide ~~the services described in paragraph (a) of subsection (1) of this~~  
18 ~~section or if such physician maintains or is provided with for his or her~~  
19 ~~regular use any~~ IN THIS STATE ON A REGULAR OR ROUTINE BASIS;

20 (IV) DOES NOT MAINTAIN AN office or other place for the  
21 rendering of such services; ~~such physician shall possess a license to~~  
22 ~~practice medicine in this state~~

23 (V) HAS MEDICAL LIABILITY INSURANCE COVERAGE IN THE  
24 AMOUNTS REQUIRED PURSUANT TO SECTION 13-64-302, C.R.S., FOR THE  
25 SERVICES RENDERED IN THIS STATE; AND

26 (VI) LIMITS THE SERVICES PROVIDED IN THIS STATE TO AN  
27 OCCASIONAL CASE OR CONSULTATION.

1           (w) A PHYSICIAN LAWFULLY PRACTICING MEDICINE IN ANOTHER  
2           STATE OR TERRITORY PROVIDING MEDICAL SERVICES TO ATHLETES OR  
3           TEAM PERSONNEL REGISTERED TO TRAIN AT THE UNITED STATES OLYMPIC  
4           TRAINING CENTER AT COLORADO SPRINGS OR PROVIDING MEDICAL  
5           SERVICES AT AN EVENT IN THIS STATE SANCTIONED BY THE UNITED  
6           STATES OLYMPIC COMMITTEE. THE PHYSICIAN'S MEDICAL PRACTICE SHALL  
7           BE CONTINGENT UPON THE REQUIREMENTS AND APPROVALS OF THE  
8           UNITED STATES OLYMPIC COMMITTEE AND SHALL NOT EXCEED NINETY  
9           DAYS PER CALENDAR YEAR.

10           (5) (b) (I) If the authority to perform an act is delegated pursuant  
11           to paragraph (a) of this subsection (5), the act shall not be performed  
12           except under the personal and responsible direction and supervision of a  
13           person licensed under the laws of this state to practice medicine. ~~and said~~  
14           ~~person shall not~~ A LICENSED PHYSICIAN MAY be responsible for the  
15           direction and supervision of ~~more than two~~ UP TO FOUR physician  
16           assistants at any one time, ~~without specific approval of the board~~ AND  
17           MAY BE RESPONSIBLE FOR THE DIRECTION AND SUPERVISION OF MORE  
18           THAN FOUR PHYSICIAN ASSISTANTS UPON RECEIVING SPECIFIC APPROVAL  
19           FROM THE BOARD. The board, BY RULE, may define WHAT CONSTITUTES  
20           appropriate direction and supervision ~~pursuant to rules and regulations~~ OF  
21           A PHYSICIAN ASSISTANT.

22           (II) For purposes of this subsection (5), "personal and responsible  
23           direction and supervision" means that the direction and supervision of a  
24           physician assistant ~~must be~~ IS personally rendered by a licensed physician  
25           practicing in the state of Colorado and IS not RENDERED through  
26           intermediaries. The extent of direction and supervision shall be  
27           determined by rules ~~and regulations~~ promulgated by the board and as

1 otherwise provided in this paragraph (b); except that, when a physician  
2 assistant is performing a delegated medical function in an acute care  
3 hospital, the board shall allow supervision and direction to be performed  
4 without the physical presence of the physician during the time the  
5 delegated medical functions are being implemented if:

6 (B) The licensed supervising physician reviews the quality of  
7 medical services rendered by the physician assistant ~~every two working~~  
8 ~~days~~ by reviewing the medical records to assure compliance with the  
9 physicians' directions; and

10 **SECTION 26. Repeal.** 12-36-106 (3) (x), Colorado Revised  
11 Statutes, as enacted by House Bill 10-1128, is repealed as follows:

12 **12-36-106. Practice of medicine defined - exemptions from**  
13 **licensing requirements - unauthorized practice by physician**  
14 **assistants - penalties - repeal.** (3) Nothing in this section shall be  
15 construed to prohibit, or to require a license or a physician training license  
16 under this article with respect to, any of the following acts:

17 (x) A physician lawfully practicing medicine in another state or  
18 territory providing medical services relative to the evaluation and  
19 treatment of children in this state as potential patients, patients, or  
20 outpatients of Shriners hospitals for children. The physician must have  
21 been invited by the administrator of a Colorado hospital to provide such  
22 services on behalf of Shriners hospitals for children, and the physician  
23 shall be licensed without disciplinary sanction in any other state or  
24 territory. Such medical services shall not exceed ninety days per calendar  
25 year.

26 **SECTION 27.** The introductory portion to 12-36-107 (1) and  
27 12-36-107 (1) (b), (1) (d), (2) (b), and (2) (c), Colorado Revised Statutes,

1 are amended, and the said 12-36-107 (1) is further amended BY THE  
2 ADDITION OF A NEW PARAGRAPH, to read:

3 **12-36-107. Qualifications for licensure.** (1) Subject to the other  
4 conditions and provisions of this article, a license to practice medicine  
5 shall be granted by the board to an applicant ~~therefor~~ only upon the basis  
6 of:

7 (b) ~~A certification of record or other certificate of examination~~  
8 ~~issued to or for the applicant~~ THE APPLICANT'S PASSAGE OF  
9 EXAMINATIONS CONDUCTED by the national board of medical examiners,  
10 the national board of examiners for osteopathic physicians and surgeons,  
11 ~~or~~ the federation of state medical boards, OR ANY SUCCESSOR TO SAID  
12 ORGANIZATIONS, AS APPROVED BY THE BOARD; ~~certifying that the~~  
13 ~~applicant has passed examinations, including but not limited to~~  
14 ~~examinations in the basic sciences, given by the respective boards;~~

15 (d) ~~A valid, unsuspended, and unrevoked license or certificate~~  
16 ~~issued to the applicant on the basis of an examination, by a duly~~  
17 ~~constituted examining board, under the laws of any other state or of any~~  
18 ~~territory of the United States or of the District of Columbia whose~~  
19 ~~licensing standards at the time such license or certificate was issued were~~  
20 ~~not substantially lower than those of the state of Colorado at that time for~~  
21 ~~the granting of a license to practice medicine if:~~

22 (I) ~~Under the scope of such license or certificate the applicant was~~  
23 ~~authorized to practice medicine in all its branches, as defined in this~~  
24 ~~article;~~

25 (H) ~~Such examining board grants licenses, without further~~  
26 ~~examination and otherwise on a substantially equal reciprocal basis, to~~  
27 ~~applicants who possess a license to practice medicine granted by the~~

1 ~~board or heretofore granted by the state board of medical examiners as~~  
2 ~~constituted under any prior law of this state;~~

3 ~~(HH) The medical school from which the applicant graduated was~~  
4 ~~approved by this or such prior board at the time of the issuance of such~~  
5 ~~license or certificate.~~

6 (e) (I) ENDORSEMENT, IF THE APPLICANT FOR LICENSURE BY  
7 ENDORSEMENT:

8 (A) FILES AN APPLICATION AND PAYS A FEE AS PRESCRIBED BY THE  
9 BOARD;

10 (B) HOLDS A CURRENT, VALID LICENSE IN A JURISDICTION THAT  
11 REQUIRES QUALIFICATIONS SUBSTANTIALLY EQUIVALENT TO THE  
12 QUALIFICATIONS FOR LICENSURE IN THIS STATE AS SPECIFIED IN THIS  
13 SECTION;

14 (C) SUBMITS WRITTEN VERIFICATION THAT HE OR SHE HAS  
15 ACTIVELY PRACTICED MEDICINE IN ANOTHER JURISDICTION FOR AT LEAST  
16 FIVE OF THE IMMEDIATELY PRECEDING SEVEN YEARS OR HAS OTHERWISE  
17 MAINTAINED CONTINUED COMPETENCY AS DETERMINED BY THE BOARD;  
18 AND

19 (D) SUBMITS PROOF SATISFACTORY TO THE BOARD THAT HE OR  
20 SHE HAS NOT BEEN AND IS NOT SUBJECT TO FINAL OR PENDING  
21 DISCIPLINARY OR OTHER ACTION BY ANY STATE OR JURISDICTION IN WHICH  
22 THE APPLICANT IS OR HAS BEEN PREVIOUSLY LICENSED; EXCEPT THAT, IF  
23 THE APPLICANT IS OR HAS BEEN SUBJECT TO SUCH ACTION, THE BOARD  
24 MAY REVIEW THE ACTION TO DETERMINE WHETHER THE UNDERLYING  
25 CONDUCT WARRANTS REFUSAL OF A LICENSE PURSUANT TO SECTION  
26 12-36-116.

27 (II) UPON RECEIPT OF ALL DOCUMENTS REQUIRED BY THIS

1 PARAGRAPH (e), THE BOARD SHALL REVIEW THE APPLICATION AND MAKE  
2 A DETERMINATION OF THE APPLICANT'S QUALIFICATION TO BE LICENSED BY  
3 ENDORSEMENT.

4 (2) No person shall be granted a license to practice medicine as  
5 provided by subsection (1) of this section unless such person:

6 (b) Is a graduate of an approved medical college; ~~as defined in~~  
7 ~~section 12-36-108~~; and

8 (c) Has completed either an approved internship of at least one  
9 year ~~as defined in section 12-36-109~~, or at least one year of postgraduate  
10 training approved by the board.

11 **SECTION 28.** 12-36-118 (5), Colorado Revised Statutes, is  
12 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

13 **12-36-118. Disciplinary action by board - immunity.**

14 (5) (i) ANY PERSON WHOSE LICENSE TO PRACTICE MEDICINE OR TO  
15 PRACTICE AS A PHYSICIAN ASSISTANT IS REVOKED OR WHO SURRENDERS  
16 HIS OR HER LICENSE TO AVOID DISCIPLINE SHALL NOT BE ELIGIBLE TO  
17 APPLY FOR ANY LICENSE FOR TWO YEARS AFTER THE DATE THE LICENSE IS  
18 REVOKED OR SURRENDERED. THE TWO-YEAR WAITING PERIOD APPLIES TO  
19 ANY PERSON WHOSE LICENSE TO PRACTICE MEDICINE, TO PRACTICE AS A  
20 PHYSICIAN ASSISTANT, OR TO PRACTICE ANY OTHER HEALTH CARE  
21 OCCUPATION IS REVOKED BY ANY OTHER LEGALLY QUALIFIED BOARD OR  
22 REGULATORY ENTITY.

23 **SECTION 29.** 12-36-117 (1) (o), Colorado Revised Statutes, is  
24 amended to read:

25 **12-36-117. Unprofessional conduct - repeal.**

26 (1) "Unprofessional conduct" as used in this article means:

27 (o) ~~Such~~ FAILING TO NOTIFY THE BOARD, AS REQUIRED BY SECTION

1 12-36-118.5 (1), OF A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT  
2 IMPACTS THE LICENSEE'S ABILITY TO PERFORM A MEDICAL SERVICE WITH  
3 REASONABLE SKILL AND WITH SAFETY TO PATIENTS, FAILING TO ACT  
4 WITHIN THE LIMITATIONS CREATED BY A physical or mental ~~disability as~~  
5 ~~to render~~ ILLNESS OR CONDITION THAT RENDERS the licensee unable to  
6 perform A medical ~~services~~ SERVICE with reasonable skill and with safety  
7 to the patient, OR FAILING TO COMPLY WITH THE LIMITATIONS AGREED TO  
8 UNDER A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION  
9 12-36-118.5;

10 **SECTION 30.** Part 1 of article 36 of title 12, Colorado Revised  
11 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
12 read:

13 **12-36-118.5. Confidential agreements to limit practice -**  
14 **violation grounds for discipline.** (1) IF A PHYSICIAN OR PHYSICIAN  
15 ASSISTANT SUFFERS FROM A PHYSICAL OR MENTAL ILLNESS OR CONDITION  
16 THAT RENDERS THE LICENSEE UNABLE TO PRACTICE MEDICINE OR  
17 PRACTICE AS A PHYSICIAN ASSISTANT WITH REASONABLE SKILL AND WITH  
18 SAFETY TO PATIENTS, THE PHYSICIAN OR PHYSICIAN ASSISTANT SHALL  
19 NOTIFY THE BOARD OF THE ILLNESS OR CONDITION IN A MANNER AND  
20 WITHIN A PERIOD DETERMINED BY THE BOARD. THE BOARD MAY REQUIRE  
21 THE LICENSEE TO SUBMIT TO AN EXAMINATION OR REFER THE LICENSEE TO  
22 A PEER HEALTH ASSISTANCE PROGRAM PURSUANT TO SECTION 12-36-123.5  
23 TO EVALUATE [REDACTED] THE EXTENT OF THE ILLNESS OR CONDITION AND ITS  
24 IMPACT ON THE LICENSEE'S ABILITY TO PRACTICE WITH REASONABLE SKILL  
25 AND WITH SAFETY TO PATIENTS.

26 (2) (a) UPON DETERMINING THAT A PHYSICIAN OR PHYSICIAN  
27 ASSISTANT WITH A PHYSICAL OR MENTAL ILLNESS OR CONDITION IS ABLE

1 TO RENDER LIMITED MEDICAL SERVICES WITH REASONABLE SKILL AND  
2 WITH SAFETY TO PATIENTS, THE BOARD MAY ENTER INTO A CONFIDENTIAL  
3 AGREEMENT WITH THE PHYSICIAN OR PHYSICIAN ASSISTANT IN WHICH THE  
4 PHYSICIAN OR PHYSICIAN ASSISTANT AGREES TO LIMIT HIS OR HER  
5 PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY THE ILLNESS OR  
6 CONDITION, AS DETERMINED BY THE BOARD. [REDACTED]

7 (b) AS PART OF THE AGREEMENT, THE LICENSEE SHALL BE SUBJECT  
8 TO PERIODIC REEVALUATIONS OR MONITORING AS DETERMINED  
9 APPROPRIATE BY THE BOARD. THE BOARD MAY REFER THE LICENSEE TO  
10 THE PEER ASSISTANCE HEALTH PROGRAM FOR REEVALUATION OR  
11 MONITORING.

12 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS  
13 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR OF  
14 MONITORING. [REDACTED] [REDACTED]

15 (3) BY ENTERING INTO AN AGREEMENT WITH THE BOARD  
16 PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, THE LICENSEE  
17 SHALL NOT BE DEEMED TO BE ENGAGING IN UNPROFESSIONAL CONDUCT,  
18 AND THE AGREEMENT SHALL BE CONSIDERED AN ADMINISTRATIVE ACTION  
19 AND SHALL NOT CONSTITUTE A RESTRICTION OR DISCIPLINE BY THE BOARD.  
20 HOWEVER, IF THE LICENSEE FAILS TO COMPLY WITH THE TERMS OF AN  
21 AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION, SUCH FAILURE  
22 CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO SECTION  
23 12-36-117 (1) (o), AND THE LICENSEE SHALL BE SUBJECT TO DISCIPLINE IN  
24 ACCORDANCE WITH SECTION 12-36-118.

25 (4) THIS SECTION SHALL NOT APPLY TO A LICENSEE SUBJECT TO  
26 DISCIPLINE FOR UNPROFESSIONAL CONDUCT AS DESCRIBED IN SECTION  
27 12-36-117 (1) (i).

1           **SECTION 31.** 12-36-117 (1) (i), (1) (y), (1) (z), and (1) (bb) (II),  
2 Colorado Revised Statutes, are amended to read:

3           **12-36-117.       Unprofessional conduct - repeal.**

4 (1) "Unprofessional conduct" as used in this article means:

5           (i) Habitual ~~intemperance~~ or excessive use of ~~any~~ OR ABUSE OF  
6 ALCOHOL, A habit-forming drug, or ~~any~~ A controlled substance as defined  
7 in section 12-22-303 (7);

8           (y) Failing to report to the board, ~~any~~ WITHIN THIRTY DAYS AFTER  
9 AN ADVERSE ACTION, THAT AN adverse action HAS BEEN taken against the  
10 licensee by another licensing agency in another state or country, ~~any~~ A  
11 peer review body, ~~any~~ A health care institution, ~~any~~ A professional or  
12 medical society or association, ~~any~~ A governmental agency, ~~any~~ A law  
13 enforcement agency, or ~~any~~ A court for acts or conduct that would  
14 constitute grounds for DISCIPLINARY OR ADVERSE action as described in  
15 this article;

16           (z) Failing to report to the board, WITHIN THIRTY DAYS, the  
17 surrender of a license or other authorization to practice medicine in  
18 another state or jurisdiction or the surrender of membership on any  
19 medical staff or in any medical or professional association or society  
20 while under investigation by any of those authorities or bodies for acts or  
21 conduct similar to acts or conduct that would constitute grounds for  
22 action as ~~defined~~ DESCRIBED in this article;

23           (bb) (II) In determining which activities and practices are not  
24 consistent with the standard of care or are contrary to recognized  
25 standards of the practice of medicine, the board of ~~medical examiners~~  
26 shall utilize, in addition to its own expertise, the standards developed by  
27 recognized and established accreditation or review organizations ~~which~~

1 ~~organizations~~ THAT meet requirements established by the board by rule.  
2 ~~and regulation.~~ Such determinations shall include but not be limited to  
3 appropriate ordering of laboratory tests and studies, appropriate ordering  
4 of diagnostic tests and studies, appropriate treatment of the medical  
5 condition under review, appropriate use of consultations or referrals in  
6 patient care, and appropriate creation and maintenance of patient records.

7 **SECTION 32.** The introductory portion to 12-36-118 (5) (g) (III),  
8 Colorado Revised Statutes, is amended to read:

9 **12-36-118. Disciplinary action by board - immunity.**

10 (5) (g) (III) If the hearings panel finds the charges proven and orders that  
11 discipline be imposed, it shall also determine the extent of such  
12 discipline, which shall be in the form of a letter of admonition,  
13 suspension for a definite or indefinite period, or revocation of license to  
14 practice. ~~In lieu of a suspension,~~ The hearings panel ALSO may impose  
15 a fine ~~not to exceed ten~~ OF UP TO FIVE thousand dollars PER VIOLATION.  
16 In determining appropriate disciplinary action, the hearings panel shall  
17 first consider sanctions that are necessary to protect the public. Only after  
18 the panel has considered such sanctions may it consider and order  
19 requirements designed to rehabilitate the licensee or applicant. If  
20 discipline other than revocation of a license to practice is imposed, the  
21 hearings panel may also order that the licensee be granted probation and  
22 allowed to continue to practice during the period of such probation. The  
23 hearings panel may also include in any disciplinary order that allows the  
24 licensee to continue to practice such conditions as the panel may deem  
25 appropriate to assure that the licensee is physically, mentally, morally,  
26 and otherwise qualified to practice medicine or practice as a physician  
27 assistant in accordance with generally accepted professional standards of

1 practice, including any or all of the following:

2 **SECTION 33.** The introductory portion to 13-64-301 (1) and  
3 13-64-301 (1) (a), (1) (c), (3), and (4), Colorado Revised Statutes, are  
4 amended, and the said 13-64-301 (1) is further amended BY THE  
5 ADDITION OF A NEW PARAGRAPH, to read:

6 **13-64-301. Financial responsibility.** (1) AS A CONDITION OF  
7 ACTIVE LICENSURE OR AUTHORITY TO PRACTICE IN THIS STATE, every  
8 physician or dentist, and every health care institution as defined in section  
9 13-64-202, except as provided in section 13-64-303.5, ~~which provide~~  
10 THAT PROVIDES health care services shall establish financial  
11 responsibility, as follows:

12 (a) (I) If a ~~physician or~~ dentist, by maintaining ~~no later than~~  
13 ~~January 1, 1990, as a condition of active licensure or authority to practice~~  
14 ~~in this state,~~ commercial professional liability insurance coverage with an  
15 insurance company authorized to do business in this state in a minimum  
16 indemnity amount of five hundred thousand dollars per incident and one  
17 million five hundred thousand dollars annual aggregate per year; except  
18 that this requirement is not applicable to a ~~health care professional~~  
19 DENTIST who is a public employee under the "Colorado Governmental  
20 Immunity Act", ARTICLE 10 OF TITLE 24, C.R.S.

21 (II) The ~~board of medical examiners and the~~ board of dental  
22 examiners may, by rule, exempt from or establish lesser financial  
23 responsibility standards than those prescribed in this section for classes  
24 of ~~license holders~~ DENTISTS who:

25 (A) Perform ~~medical or~~ dental services as employees of the United  
26 States government; ~~who~~

27 (B) Render limited or occasional ~~medical or~~ dental services; ~~who~~

1 (C) Perform less than full-time active ~~medical or~~ dental services  
2 because of administrative or other nonclinical duties or partial or  
3 complete retirement; or ~~who~~

4 (D) Provide uncompensated ~~health~~ DENTAL care to patients but do  
5 not otherwise provide any compensated ~~health~~ DENTAL care to patients.  
6 ~~or~~

7 (III) THE BOARD OF DENTAL EXAMINERS MAY EXEMPT FROM OR  
8 ESTABLISH LESSER FINANCIAL RESPONSIBILITY STANDARDS FOR A DENTIST  
9 for ~~other~~ reasons OTHER THAN THOSE DESCRIBED IN SUBPARAGRAPH (II)  
10 OF THIS PARAGRAPH (a) that render the limits provided in SUBPARAGRAPH  
11 (I) OF this paragraph (a) unreasonable or unattainable. ~~but~~

12 (IV) Nothing in this paragraph (a) shall preclude or otherwise  
13 prohibit a licensed ~~physician or~~ dentist from rendering appropriate patient  
14 care on an occasional basis when the circumstances surrounding the need  
15 for care so warrant.

16 (a.5) (I) IF A PHYSICIAN, BY MAINTAINING COMMERCIAL  
17 PROFESSIONAL LIABILITY INSURANCE COVERAGE WITH AN INSURANCE  
18 COMPANY AUTHORIZED TO DO BUSINESS IN THIS STATE IN A MINIMUM  
19 INDEMNITY AMOUNT OF ONE MILLION DOLLARS PER INCIDENT AND THREE  
20 MILLION DOLLARS ANNUAL AGGREGATE PER YEAR; EXCEPT THAT THIS  
21 REQUIREMENT IS NOT APPLICABLE TO A PHYSICIAN WHO IS A PUBLIC  
22 EMPLOYEE UNDER THE "COLORADO GOVERNMENTAL IMMUNITY ACT",  
23 ARTICLE 10 OF TITLE 24, C.R.S.

24 (II) THE COLORADO MEDICAL BOARD MAY, BY RULE, EXEMPT  
25 FROM OR ESTABLISH LESSER FINANCIAL RESPONSIBILITY STANDARDS THAN  
26 THOSE PRESCRIBED IN THIS PARAGRAPH (a.5) FOR CLASSES OF PHYSICIANS  
27 WHO:

1 (A) PERFORM MEDICAL SERVICES AS EMPLOYEES OF THE UNITED  
2 STATES GOVERNMENT;

3 (B) RENDER LIMITED OR OCCASIONAL MEDICAL SERVICES;

4 (C) PERFORM LESS THAN FULL-TIME ACTIVE MEDICAL SERVICES  
5 BECAUSE OF ADMINISTRATIVE OR OTHER NONCLINICAL DUTIES OR PARTIAL  
6 OR COMPLETE RETIREMENT; OR

7 (D) PROVIDE UNCOMPENSATED HEALTH CARE TO PATIENTS BUT DO  
8 NOT OTHERWISE PROVIDE ANY COMPENSATED HEALTH CARE TO PATIENTS.

9 (III) THE COLORADO MEDICAL BOARD MAY EXEMPT FROM OR  
10 ESTABLISH LESSER FINANCIAL RESPONSIBILITY STANDARDS FOR A  
11 PHYSICIAN FOR REASONS OTHER THAN THOSE DESCRIBED IN  
12 SUBPARAGRAPH (II) OF THIS PARAGRAPH (a.5) THAT RENDER THE LIMITS  
13 PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.5)  
14 UNREASONABLE OR UNATTAINABLE.

15 (IV) NOTHING IN THIS PARAGRAPH (a.5) SHALL PRECLUDE OR  
16 OTHERWISE PROHIBIT A LICENSED PHYSICIAN FROM RENDERING  
17 APPROPRIATE PATIENT CARE ON AN OCCASIONAL BASIS WHEN THE  
18 CIRCUMSTANCES SURROUNDING THE NEED FOR CARE SO WARRANT.

19 (c) In the alternative, by maintaining a surety bond in a form  
20 acceptable to the commissioner of insurance in the amounts set forth in  
21 ~~paragraph (a)~~ PARAGRAPH (a), (a.5), or (b) of this subsection (1);

22 (3) Notwithstanding the minimum amount specified in paragraph  
23 ~~(a)~~ (a.5) of subsection (1) of this section, if THE COLORADO MEDICAL  
24 BOARD RECEIVES two or more reports ~~are received by the board of~~  
25 ~~medical examiners~~ pursuant to section 13-64-303 during any ~~one-year~~  
26 TWELVE-MONTH period ~~as to any~~ REGARDING A physician, the minimum  
27 amount of financial responsibility FOR THAT PHYSICIAN shall be ~~two times~~

1 ~~that so~~ TWICE THE AMOUNT specified ~~however~~ IN PARAGRAPH (a.5) OF  
2 SUBSECTION (1) OF THIS SECTION. THE COLORADO MEDICAL BOARD MAY  
3 REDUCE THE ADDITIONAL AMOUNT IF THE PHYSICIAN, upon motion, ~~filed~~  
4 ~~by the physician and~~ PRESENTS sufficient evidence ~~presented~~ to the  
5 COLORADO MEDICAL board that one or more of ~~such~~ THE reports involved  
6 an action or claim ~~which~~ THAT did not represent any substantial failure to  
7 adhere to accepted professional standards of care. The board may reduce  
8 ~~such~~ THE additional amount to ~~that which~~ AN AMOUNT THAT would be fair  
9 and conscionable.

10 (4) ~~Each physician, dentist, or health care institution, subject to~~  
11 ~~the provisions of this section, shall pay, in addition to any license fee,~~  
12 ~~certification fee, or fee for such other authority, an additional fee in an~~  
13 ~~amount to be determined by the appropriate authority which issues or~~  
14 ~~administers such license, certification, or other authority, not to exceed~~  
15 ~~fifteen dollars. Such fee shall be transmitted to the state treasurer, who~~  
16 ~~shall credit the same to the division of registrations cash fund, which~~  
17 ~~moneys shall be used exclusively for the purposes of this article as~~  
18 ~~annually appropriated by the general assembly.~~

19 **SECTION 34.** Part 1 of article 36 of title 12, Colorado Revised  
20 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
21 read:

22 **12-36-140. Protection of medical records - licensee's**  
23 **obligations - verification of compliance - noncompliance grounds for**  
24 **discipline - rules.** (1) EACH LICENSED PHYSICIAN AND PHYSICIAN  
25 ASSISTANT SHALL DEVELOP A WRITTEN PLAN TO ENSURE THE SECURITY OF  
26 PATIENT MEDICAL RECORDS. THE PLAN SHALL ADDRESS AT LEAST THE  
27 FOLLOWING:

1 (a) THE STORAGE AND PROPER DISPOSAL, IF APPROPRIATE, OF  
2 PATIENT MEDICAL RECORDS;

3 (b) THE DISPOSITION OF PATIENT MEDICAL RECORDS IN THE EVENT  
4 THE LICENSEE DIES, RETIRES, OR OTHERWISE CEASES TO PRACTICE OR  
5 PROVIDE MEDICAL CARE TO PATIENTS; AND

6 (c) THE METHOD BY WHICH PATIENTS MAY ACCESS OR OBTAIN  
7 THEIR MEDICAL RECORDS PROMPTLY IF ANY OF THE EVENTS DESCRIBED IN  
8 PARAGRAPH (b) OF THIS SUBSECTION (1) OCCURS.

9 (2) UPON INITIAL LICENSURE UNDER THIS ARTICLE AND UPON  
10 RENEWAL OF A LICENSE, THE APPLICANT OR LICENSEE, AS APPLICABLE,  
11 SHALL ATTEST TO THE BOARD THAT HE OR SHE HAS DEVELOPED A PLAN IN  
12 COMPLIANCE WITH THIS SECTION.

13 (3) A LICENSEE SHALL INFORM EACH PATIENT, IN WRITING, OF THE  
14 METHOD BY WHICH THE PATIENT MAY ACCESS OR OBTAIN HIS OR HER  
15 MEDICAL RECORDS IF AN EVENT DESCRIBED IN PARAGRAPH (b) OF  
16 SUBSECTION (1) OF THIS SECTION OCCURS.

17 (4) A LICENSEE WHO FAILS TO COMPLY WITH THIS SECTION SHALL  
18 BE SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-36-118.

19 (5) THE BOARD MAY ADOPT RULES AS NECESSARY TO IMPLEMENT  
20 THIS SECTION.

21 **SECTION 35.** 12-36-106 (5) (a), (5) (c), (5) (d), (5) (e), (5) (f),  
22 (5) (g), (5) (i), (5) (j), and (5) (k), Colorado Revised Statutes, are  
23 amended to read:

24 **12-36-106. Practice of medicine defined - exemptions from**  
25 **licensing requirements - unauthorized practice by physician**  
26 **assistants - penalties - repeal.** (5) (a) A person licensed under the laws  
27 of this state to practice medicine may delegate to a physician assistant

1 licensed by the board PURSUANT TO SECTION 12-36-107.3 the authority to  
2 perform acts that constitute the practice of medicine to the extent and in  
3 the manner authorized by rules ~~and regulations~~ promulgated by the board,  
4 including the authority to prescribe medication, including controlled  
5 substances, and dispense only such drugs as designated by the board.  
6 Such acts shall be consistent with sound medical practice. Each  
7 prescription issued by a physician assistant licensed by the board shall  
8 ~~have~~ BE imprinted ~~thereon~~ WITH the name of his or her supervising  
9 physician. Nothing in this subsection (5) shall limit the ability of  
10 otherwise licensed health personnel to perform delegated acts. The  
11 dispensing of prescription medication by a physician assistant shall be  
12 subject to the provisions of section 12-22-121 (6).

13 (c) ~~To become licensed, a physician assistant shall have:~~

14 ~~(I) Successfully completed an education program for physician~~  
15 ~~assistants which conforms to standards approved by the board, which~~  
16 ~~standards may be established by utilizing the assistance of any responsible~~  
17 ~~accrediting organization; and~~

18 ~~(II) Successfully completed the national certifying examination~~  
19 ~~for assistants to the primary care physician which is administered by the~~  
20 ~~national commission on certification of physician assistants or~~  
21 ~~successfully completed any other examination approved by the board; and~~

22 ~~(III) Applied to the board on the forms and in the manner~~  
23 ~~designated by the board and paid the appropriate fee established by the~~  
24 ~~board pursuant to section 24-34-105, C.R.S.; and~~

25 ~~(IV) Attained the age of twenty-one years.~~

26 (d) ~~The board may determine whether any applicant for licensure~~  
27 ~~as a physician assistant possesses education, experience, or training in~~

1 health care that is sufficient to be accepted in lieu of the qualifications  
2 required for licensure under subparagraph (I) of paragraph (c) of this  
3 subsection (5). Every person who desires to qualify for practice as a  
4 physician assistant within this state shall file with the secretary of the  
5 board his or her written application for licensure, on which application he  
6 or she shall list any act the commission of which would be grounds for  
7 disciplinary action against a licensed physician assistant under section  
8 12-36-117, along with an explanation of the circumstances of such act.  
9 The board may deny licensure to any applicant who has performed any act  
10 that constitutes unprofessional conduct, as defined in section 12-36-117.

11 (e) No person licensed as a physician assistant may perform any  
12 act that constitutes the practice of medicine within a hospital or nursing  
13 care facility that is licensed pursuant to part 1 of article 3 of title 25,  
14 C.R.S., or that is required to obtain a certificate of compliance pursuant  
15 to section 25-1.5-103 (1) (a) (II), C.R.S., without authorization from the  
16 governing board of the hospital or nursing care facility. Such governing  
17 board shall have the authority to grant, deny, or limit such authority to its  
18 own established procedures.

19 (f) The board may take any disciplinary action with respect to a  
20 physician assistant license as it may with respect to the license of a  
21 physician, in accordance with procedures established pursuant to this  
22 article.

23 (g) Pursuant to the provisions of section 12-36-132 12-36-129 (6),  
24 the board may apply for an injunction to enjoin any person from  
25 performing delegated medical acts which THAT are in violation of this  
26 section or of any rules and regulations promulgated by the board.

27 (i) The board shall license and keep a record of physician

1 ~~assistants who have been licensed pursuant to paragraph (c) of this~~  
2 ~~subsection (5) and shall establish renewal fees and schedules subject to~~  
3 ~~the provisions of section 24-34-102 (8), C.R.S. Every licensed physician~~  
4 ~~assistant shall pay to the secretary of the board a registration fee to be~~  
5 ~~determined and collected pursuant to section 24-34-105, C.R.S., and shall~~  
6 ~~obtain a registration certificate for the current calendar year.~~

7 (j) ~~This subsection (5) is repealed, effective July 1, 2010.~~

8 (k) ~~Any person who practices or offers or attempts to practice as~~  
9 ~~a physician assistant without an active license issued under this article~~  
10 ~~commits a class 2 misdemeanor and shall be punished as provided in~~  
11 ~~section 18-1.3-501, C.R.S., for the first offense, and, for the second or~~  
12 ~~any subsequent offense, the person commits a class 6 felony and shall be~~  
13 ~~punished as provided in section 18-1.3-401, C.R.S.~~

14 **SECTION 36. Repeal of provision being relocated in this act.**

15 12-36-107 (3), Colorado Revised Statutes, is repealed.

16 **SECTION 37.** Part 1 of article 36 of title 12, Colorado Revised  
17 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW  
18 SECTIONS CONTAINING RELOCATED PROVISIONS, WITH  
19 AMENDMENTS, to read:

20 **12-36-107.2. [Formerly 12-36-107 (3)] Distinguished foreign**  
21 **teaching physician license - qualifications.**

22 ~~(3)~~-(a)-(1) (1) Notwithstanding any other provision of this article, an  
23 applicant of noteworthy and recognized professional attainment who is  
24 a graduate of a foreign medical school and who is licensed in a foreign  
25 jurisdiction, if that jurisdiction has a licensing procedure, may be granted  
26 a distinguished foreign teaching physician license to practice medicine in  
27 this state, upon application to the board in the manner determined by the

1 board, if the following conditions are met:

2 ~~(A)~~ (a) The applicant has been invited by a medical school in this  
3 state to serve as a full-time member of its academic faculty for the period  
4 of his OR HER appointment, at a rank equal to an associate professor or  
5 ~~above~~ HIGHER;

6 ~~(B)~~ (b) The applicant's medical practice is limited to that required  
7 by his OR HER academic position, ~~and~~ the limitation is so designated on  
8 the license in accordance with board procedure, and THE MEDICAL  
9 PRACTICE is also limited to the core teaching hospitals affiliated with the  
10 medical school, as identified by the board, on which ~~he~~ THE APPLICANT  
11 is serving as a faculty member.

12 ~~(H)~~ (2) An applicant who meets the qualifications and conditions  
13 set forth in ~~subparagraph (F)~~ SUBSECTION (1) of this ~~paragraph (a)~~  
14 SECTION but is not offered the rank of associate professor or ~~above~~  
15 HIGHER may be granted a temporary license, for one year only, to practice  
16 medicine in this state, as a member of the academic faculty, at the  
17 discretion of the board and in the manner determined by the board. ~~but~~  
18 ~~if such person~~ IF THE APPLICANT is granted a temporary license, he OR SHE  
19 shall practice only under the direct supervision of a person who has the  
20 rank of associate professor or ~~above~~ HIGHER.

21 ~~(b)~~ (3) ~~Such~~ A distinguished foreign teaching physician license  
22 ~~shall remain~~ IS EFFECTIVE AND in force only while the holder is serving  
23 on the academic staff of a medical school. ~~Such~~ THE license ~~shall expire~~  
24 EXPIRES one year after ~~its~~ THE date of issuance and may be renewed  
25 annually only after ~~it~~ THE BOARD has specifically determined that the  
26 conditions specified in ~~paragraph (a)~~ of this subsection ~~(3)~~ (1) OF THIS  
27 SECTION will continue during the ensuing period of licensure. The board

1 may require an applicant for licensure under this subsection ~~(3)~~ SECTION  
2 to present himself or herself to the board for an interview. The board may  
3 withdraw licensure granted by these provisions UNDER THIS SECTION prior  
4 to the expiration of ~~such~~ THE license for unprofessional conduct as  
5 defined in section 12-36-117.

6 (4) The board may establish and charge a fee for ~~such~~ A  
7 distinguished foreign teaching physician license pursuant to section  
8 24-34-105, C.R.S., not to exceed the amount of the fee for a two-year  
9 renewal of a physician's license.

10 ~~(e)~~ (5) The board shall promulgate rules specifying standards  
11 related to the qualification and supervision of distinguished foreign  
12 teaching physicians.

13 == ==

14 **12-36-107.4. [Formerly 12-36-106 (5) (c), (5) (d), (5) (e), (5) (f),**  
15 **and (5) (i)] Physician assistant license - qualifications.** ~~(5)(e)~~ (1) To  
16 ~~become~~ BE licensed AS a physician assistant UNDER THIS ARTICLE, AN  
17 APPLICANT SHALL BE AT LEAST TWENTY-ONE YEARS OF AGE AND shall  
18 have:

19 ~~(F)~~ (a) Successfully completed an education program for physician  
20 assistants ~~which~~ THAT conforms to standards approved by the board,  
21 which standards may be established by utilizing the assistance of any  
22 responsible accrediting organization; ~~and~~

23 ~~(H)~~ (b) Successfully completed the national certifying examination  
24 for PHYSICIAN assistants ~~to the primary care physician which~~ THAT is  
25 administered by the national commission on certification of physician  
26 assistants OR A SUCCESSOR ORGANIZATION or successfully completed any  
27 other examination approved by the board; and

1           ~~(HH)~~ (c) ~~Applied~~ SUBMITTED AN APPLICATION to the board ~~on the~~  
2 ~~forms and~~ in the manner designated by the board and paid the appropriate  
3 fee established by the board pursuant to section 24-34-105, C.R.S. ~~and~~

4           ~~(IV)~~ ~~Attained the age of twenty-one years.~~

5           ~~(d)~~ (2) The board may determine whether any applicant for  
6 licensure as a physician assistant possesses education, experience, or  
7 training in health care that is sufficient to be accepted in lieu of the  
8 qualifications required for licensure under ~~subparagraph (I) of paragraph~~  
9 ~~(e) of this subsection (5).~~ Every person who desires to qualify for (1) OF  
10 THIS SECTION.

11           (3) A PERSON APPLYING FOR A LICENSE TO practice as a physician  
12 assistant ~~within~~ IN this state shall ~~file with the secretary of~~ NOTIFY the  
13 board, IN CONNECTION WITH his or her ~~written~~ application for licensure,  
14 ~~on which application he or she shall list any act~~ OF the commission of  
15 ~~which~~ ANY ACT THAT would be grounds for disciplinary action against a  
16 licensed physician assistant under section 12-36-117, along with an  
17 explanation of the circumstances of ~~such~~ THE act. The board may deny  
18 licensure to any applicant ~~who has performed any act that constitutes~~  
19 ~~unprofessional conduct, as defined~~ AS SET FORTH in section ~~12-36-117~~  
20 12-36-116.

21           ~~(e)~~ (4) ~~No~~ A person licensed as a physician assistant ~~may~~ SHALL  
22 NOT perform any act that constitutes the practice of medicine within a  
23 hospital or nursing care facility that is licensed pursuant to part 1 of  
24 article 3 of title 25, C.R.S., or that is required to obtain a certificate of  
25 compliance pursuant to section 25-1.5-103 (1) (a) (II), C.R.S., without  
26 authorization from the governing board of the hospital or nursing care  
27 facility. ~~Such~~ THE governing board ~~shall have the authority to~~ MAY grant,

1 deny, or limit ~~such authority to~~ A PHYSICIAN ASSISTANT'S AUTHORIZATION  
2 BASED ON its own established procedures.

3 (f) (5) The board may take any disciplinary action with respect to  
4 a physician assistant license as it may with respect to the license of a  
5 physician, in accordance with ~~procedures established pursuant to this~~  
6 ~~article~~ SECTION 12-36-118.

7 (i) (6) The board shall license and keep a record of physician  
8 assistants who have been licensed pursuant to ~~paragraph (c) of this~~  
9 ~~subsection (5) and shall establish renewal fees and schedules subject to~~  
10 ~~the provisions of section 24-34-102 (8), C.R.S.~~ Every THIS SECTION. A  
11 licensed physician assistant shall ~~pay to the secretary of the board a~~  
12 ~~registration fee to be determined and collected pursuant to section~~  
13 ~~24-34-105, C.R.S., and shall obtain a registration certificate for the~~  
14 ~~current calendar year~~ RENEW HIS OR HER LICENSE IN ACCORDANCE WITH  
15 SECTION 12-36-123.

16 **SECTION 38.** 12-36-129 (1), Colorado Revised Statutes, is  
17 amended to read:

18 **12-36-129. Unauthorized practice - penalties.** (1) [REDACTED] Any  
19 person who practices or offers or attempts to practice medicine OR  
20 PRACTICE AS A PHYSICIAN ASSISTANT within this state without an active  
21 license issued under this article commits a class 2 misdemeanor and shall  
22 be punished as provided in section 18-1.3-501, C.R.S., for the first  
23 offense, and, any person committing a second or subsequent offense  
24 commits a class 6 felony and shall be punished as provided in section  
25 18-1.3-401, C.R.S.

26 [REDACTED] [REDACTED]  
27 **SECTION 39.** 12-36-129 (2), (3), and (4), Colorado Revised

1 Statutes, are amended, and the said 12-36-129 is further amended BY  
2 THE ADDITION OF A NEW SUBSECTION, CONTAINING  
3 RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

4 **12-36-129. Unauthorized practice - penalties.** (2) Any person  
5 who ENGAGES IN ANY OF THE FOLLOWING ACTIVITIES COMMITS A CLASS  
6 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401,  
7 C.R.S.:

8 (a) Presents as his or her own the diploma, license, certificate, or  
9 credentials of another; ~~or who~~

10 (b) Gives either false or forged evidence of any kind to the board  
11 or any BOARD member ~~thereof~~, in connection with an application for a  
12 license to practice medicine ~~or who~~ PRACTICE AS A PHYSICIAN ASSISTANT;

13 (c) Practices medicine ~~OR PRACTICES AS A PHYSICIAN ASSISTANT~~  
14 under a false or assumed name; ~~or who~~

15 (d) Falsely impersonates another licensee of a like or different  
16 name. ~~commits a class 6 felony and shall be punished as provided in~~  
17 ~~section 18-1.3-401, C.R.S.~~

18 (3) No action may be maintained against an individual who has  
19 been the recipient of services constituting the unlawful practice of  
20 medicine ~~OR THE UNLAWFUL PRACTICE OF A PHYSICIAN ASSISTANT~~ for the  
21 breach of a contract involving the unlawful practice of medicine ~~OR THE~~  
22 ~~UNLAWFUL PRACTICE OF A PHYSICIAN ASSISTANT~~ or the recovery of  
23 compensation for services rendered under such a contract.

24 (4) When an individual has been the recipient of services  
25 constituting the unlawful practice of medicine ~~OR THE UNLAWFUL~~  
26 ~~PRACTICE OF A PHYSICIAN ASSISTANT~~, whether or not ~~he~~ THE INDIVIDUAL  
27 knew that the rendition of the services was unlawful:

1 (a) ~~He or his~~ THE INDIVIDUAL OR THE INDIVIDUAL'S personal  
2 representative is entitled to recover the amount of any fee paid for the  
3 services; and

4 (b) ~~He or his~~ THE INDIVIDUAL OR THE INDIVIDUAL'S personal  
5 representative may also recover a reasonable attorney fee as fixed by the  
6 court, to be ~~taxed~~ ASSESSED as part of the costs of the action.

7 (6) (a) [**Formerly 12-36-132**] ~~(1)~~ The board may, in the name of  
8 the people of the state of Colorado AND through the attorney general of  
9 the state of Colorado, apply for an injunction in any court of competent  
10 jurisdiction to enjoin any person from committing any act prohibited by  
11 ~~the provisions of THIS article. 13, 30, 34, 36, 39, or 41 of this title.~~

12 ~~(2)~~ (b) ~~If it is established~~ THE BOARD ESTABLISHES that the  
13 defendant has been or is committing an act prohibited by ~~said articles~~  
14 THIS ARTICLE, the court shall enter a decree perpetually enjoining ~~said~~ THE  
15 defendant from further committing ~~said~~ THE act.

16 ~~(3)~~ (c) ~~Such AN injunctive proceedings shall be~~ PROCEEDING MAY  
17 BE BROUGHT PURSUANT TO THIS SECTION in addition to, and not in lieu of,  
18 all penalties and other remedies provided in this article.

19 **SECTION 40.** 12-36-111.5 (2) (b), (3) (a), and (5), Colorado  
20 Revised Statutes, are amended to read:

21 **12-36-111.5. Michael Skolnik medical transparency act -**  
22 **disclosure of information about licensees - rules.** (2) (b) The general  
23 assembly further finds and declares that it is important to make  
24 information about persons engaged in the practice of medicine available  
25 to the public in a manner that is efficient, cost-effective, and maintains  
26 the integrity of the information, and to that end, the general assembly  
27 encourages persons to file the required information with the state

1 COLORADO MEDICAL board of ~~medical examiners~~ electronically, to the  
2 extent possible.

3 (3) On and after January 1, 2008, any person applying for a new  
4 license or to renew, reinstate, or reactivate a license to practice medicine  
5 in this state shall provide the following information to the board, in a  
6 form and manner determined by the board that is consistent with the  
7 requirements of section 12-36-111 (1) or 12-36-123 (1):

8 (a) The applicant's full name, including any known aliases; current  
9 address of record and telephone number; information pertaining to any  
10 license to practice medicine held by the applicant ~~at any time~~ DURING THE  
11 IMMEDIATELY PRECEDING TEN YEARS, including the license number, type,  
12 status, original issue date, last renewal date, and expiration date; any  
13 board certifications and specialties, if applicable; any affiliations with  
14 hospitals or health care facilities; any health care-related business  
15 ownership interests; and information pertaining to any health care-related  
16 employment contracts or contracts establishing an independent contractor  
17 relationship with any entities if the annual aggregate value of the  
18 contracts exceeds five thousand dollars, as adjusted by the board during  
19 each license renewal cycle to reflect changes in the United States  
20 department of labor, bureau of labor statistics, consumer price index for  
21 Denver-Boulder-Greeley, all items, all urban consumers, or its successor  
22 index;

23 (5) When disclosing information regarding a licensee or applicant  
24 to the public, the board shall include the following statement or a similar  
25 statement that communicates the same meaning:

26 Some studies have shown that there is no significant correlation  
27 between malpractice history and a doctor's competence. At the

1 same time, the ~~state~~ COLORADO MEDICAL board of ~~medical~~  
2 ~~examiners~~ believes that consumers should have access to  
3 malpractice information. To make the best health care decisions,  
4 you should view this information in perspective. You could miss  
5 an opportunity for high quality care by selecting a doctor based  
6 solely on malpractice history. When considering malpractice data,  
7 please keep in mind:

8 Malpractice histories tend to vary by specialty. Some specialties  
9 are more likely than others to be the subject of litigation.

10 You should take into account how long the doctor has been in  
11 practice when considering malpractice averages.

12 The incident causing the malpractice claim may have happened  
13 years before a payment is finally made. Sometimes, it takes a long  
14 time for a malpractice lawsuit to move through the legal system.  
15 Some doctors work primarily with high-risk patients. These  
16 doctors may have malpractice histories that are higher than  
17 average because they specialize in cases or patients who are at  
18 very high risk for problems.

19 Settlement of a claim may occur for a variety of reasons that do  
20 not necessarily reflect negatively on the professional competence  
21 or conduct of the physician. A payment in settlement of a medical  
22 malpractice action or claim should not be construed as creating a  
23 presumption that medical malpractice has occurred.

24 You may wish to discuss information provided by the board, and  
25 malpractice generally, with your doctor.

26 The information posted on the ~~state board of medical examiner's~~  
27 COLORADO MEDICAL BOARD'S web site was provided by applicants

1 for a medical license and applicants for renewal, reinstatement, or  
2 reactivation of a medical license.

3 **SECTION 41.** Part 1 of article 36 of title 12, Colorado Revised  
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION,  
5 WITH RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

6 **12-36-102.5. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
7 CONTEXT OTHERWISE REQUIRES:

8 (1) (a) **[Formerly 12-36-110.5]** An "Approved fellowship" is  
9 MEANS a program that meets the following criteria:

- 10 (a) (I) Is specialized, clearly defined, and delineated;
- 11 (b) (II) Follows the completion of an approved residency;
- 12 (c) (III) Provides additional training in a medical specialty or  
13 subspecialty; and

14 (d) (IV) Is either:

15 (A) Performed in a hospital conforming to the minimum  
16 standards for fellowship training established by the accreditation council  
17 for graduate medical education or the American osteopathic association,  
18 or by a successor to OF either of said organizations ORGANIZATION; or

19 (B) Any other program that is approved by the accreditation  
20 council for graduate medical education or the American osteopathic  
21 association or a successor to OF either of said organizations  
22 ORGANIZATION.

23 (2) (b) "APPROVED FELLOWSHIP" INCLUDES ANY OTHER  
24 FELLOWSHIP THAT the board, has the authority, upon its own investigation,  
25 to approve any other fellowship APPROVES for purposes of issuing a  
26 physician training license PURSUANT TO SECTION 12-36-122.

27 (2) (a) **[Formerly 12-36-109]** (1) An "Approved internship" is

1 MEANS an internship:

2 (a) (I) Of at least one year in a hospital conforming to the  
3 minimum standards for intern training established by the accreditation  
4 council for graduate medical education or ~~any~~ THE AMERICAN  
5 OSTEOPATHIC ASSOCIATION OR A SUCCESSOR OF EITHER organization; ~~or by~~  
6 ~~the American osteopathic association or~~

7 (b) (II) Approved by either of ~~such~~ THE organizations SPECIFIED  
8 IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

9 (2) (b) "APPROVED INTERNSHIP" INCLUDES ANY OTHER INTERNSHIP  
10 APPROVED BY the board ~~has the authority~~, upon its own investigation. ~~to~~  
11 ~~approve any other internship.~~

12 (3) (a) [Formerly 12-36-108] An "Approved medical college" is  
13 MEANS a college ~~which~~ THAT:

14 (I) Conforms to the minimum educational standards for medical  
15 colleges as established by the liaison committee on medical education or  
16 any successor organization that is the official accrediting body of  
17 educational programs leading to the degree of doctor of medicine and  
18 recognized for such purpose by the federal department of education and  
19 the council on postsecondary accreditation; ~~or~~

20 (II) CONFORMS TO THE MINIMUM EDUCATION STANDARDS for  
21 osteopathic colleges as established by the American osteopathic  
22 association or a ~~college which~~ ANY SUCCESSOR ORGANIZATION THAT IS  
23 THE OFFICIAL ACCREDITING BODY OF EDUCATION PROGRAMS LEADING TO  
24 THE DEGREE OF DOCTOR OF OSTEOPATHY; OR

25 (III) Is approved by either of ~~such organizations~~ OF THE  
26 ORGANIZATIONS SPECIFIED IN SUBPARAGRAPHS (I) AND (II) OF THIS  
27 PARAGRAPH (a).

1 (b) "APPROVED MEDICAL COLLEGE" INCLUDES ANY OTHER  
2 MEDICAL COLLEGE APPROVED BY the board ~~shall have the authority~~, upon  
3 its own investigation of the educational standards and facilities ~~thereof~~,  
4 ~~to approve any other~~ OF THE medical college.

5 (4) (a) **[Formerly 12-36-110]** ~~(1)~~ An "Approved residency" is  
6 MEANS a residency:

7 (a) (I) Performed in a hospital conforming to the minimum  
8 standards for residency training established by the accreditation council  
9 for graduate medical education OR THE AMERICAN OSTEOPATHIC  
10 ASSOCIATION or any successor OF EITHER organization; ~~or by the~~  
11 ~~American osteopathic association~~; or

12 ~~(b)~~ (II) Approved by either of ~~such~~ THE organizations SPECIFIED  
13 IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

14 ~~(2)~~ (b) "APPROVED RESIDENCY" MEANS ANY OTHER RESIDENCY  
15 APPROVED BY the board ~~has the authority~~, upon its own investigation. ~~to~~  
16 ~~approve any other residency~~.

17 (5) "BOARD" MEANS THE COLORADO MEDICAL BOARD CREATED IN  
18 SECTION 12-36-103 (1).

19 (6) "LICENSE" MEANS THE AUTHORITY TO PRACTICE MEDICINE OR  
20 PRACTICE AS A PHYSICIAN ASSISTANT UNDER THIS ARTICLE.

21 (7) **[Formerly 12-36-106 (6)]** "Licensee" ~~as used in this part 1,~~  
22 means any physician or physician assistant who is licensed pursuant to  
23 this ~~section~~ ARTICLE.

24 (8) "TELEMEDICINE" MEANS THE DELIVERY OF MEDICAL SERVICES  
25 AND ANY DIAGNOSIS, CONSULTATION, OR TREATMENT USING INTERACTIVE  
26 AUDIO, INTERACTIVE VIDEO, OR INTERACTIVE DATA COMMUNICATION.

27 **SECTION 42.** The introductory portion to 12-36-107.6 (1),

1 Colorado Revised Statutes, is amended to read:

2 **12-36-107.6. Foreign medical school graduates - degree**  
3 **equivalence.** (1) For graduates of schools other than those approved by  
4 the liaison committee for medical education or the American osteopathic  
5 association, ~~OR THE SUCCESSOR OF EITHER ENTITY~~, the board may require  
6 three years of postgraduate clinical training approved by the board. An  
7 applicant whose foreign medical school is ~~other than as defined in section~~  
8 ~~12-36-108 shall be~~ NOT AN APPROVED MEDICAL COLLEGE IS eligible for  
9 licensure at the discretion of the board if the applicant meets all other  
10 requirements for licensure and holds specialty board certification, current  
11 at the time of application for licensure, conferred by a regular member  
12 board of the American board of medical specialties or the American  
13 osteopathic association. The factors to be considered by the board in the  
14 exercise of its discretion in determining the qualifications of such  
15 applicants shall include the following:

16 **SECTION 43.** 12-36-122.5, Colorado Revised Statutes, is  
17 amended BY THE ADDITION OF A NEW SUBSECTION, WITH  
18 RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

19 **12-36-122.5. Intern, resident, or fellow reporting.**  
20 (3) ~~[Formerly 12-36-122 (9)]~~ Licensed physicians responsible for the  
21 supervision of interns, residents, or fellows in graduate training programs  
22 shall promptly report to the board anything concerning a ~~physician~~  
23 ~~training~~ licensee in ~~such programs~~ THE GRADUATE TRAINING PROGRAM  
24 that would constitute a violation of this article. ~~Such~~ THE physicians shall  
25 also report to the board any ~~physician training~~ licensee who has not  
26 progressed satisfactorily in the program ~~The phrase "not progressed~~  
27 ~~satisfactorily in the program" refers to those physician training licensees~~

1 ~~who have~~ BECAUSE THE LICENSEE HAS been dismissed, suspended, or  
2 placed on probation for reasons that constitute unprofessional conduct as  
3 defined in section 12-36-117, unless ~~such~~ THE conduct has been reported  
4 to the peer health assistance program ~~set forth in~~ PURSUANT TO section  
5 12-36-123.5.

6 **SECTION 44. Repeal of provisions being relocated in this act.**  
7 12-36-106 (5) (k) and (6), 12-36-108, 12-36-109, 12-36-110,  
8 12-36-110.5, 12-36-122 (9), and 12-36-132, Colorado Revised Statutes,  
9 are repealed.

10 **SECTION 45. Repeal.** 12-36-111 (2), Colorado Revised  
11 Statutes, is repealed as follows:

12 **12-36-111. Applications for license.** (2) ~~(a) An applicant for a~~  
13 ~~license on the basis of an examination by the board shall file an~~  
14 ~~application at least ninety days prior to the announced date of the~~  
15 ~~examination.~~

16 ~~(b) If an applicant is not a graduate of an approved medical~~  
17 ~~college at the time of filing an application, such applicant shall submit to~~  
18 ~~the board, in lieu of required evidence of graduation, a written statement~~  
19 ~~from the dean or other authorized representative of the approved medical~~  
20 ~~college in which such applicant is in attendance stating that the applicant~~  
21 ~~will receive a diploma at the end of the then current school term; except~~  
22 ~~that the applicant shall not be permitted to take the examination until~~  
23 ~~acceptable evidence of graduation has been filed with the board and the~~  
24 ~~applicant has complied with the requirements of subsection (1) of this~~  
25 ~~section. No license shall be issued to an applicant until the board is~~  
26 ~~satisfied that such applicant has completed at least one year of approved~~  
27 ~~internship or approved postgraduate training and has otherwise met the~~

1 requirements for the issuance of a license under this article.

2 **SECTION 46. Repeal.** 12-36-113, Colorado Revised Statutes,  
3 is repealed as follows:

4 **12-36-113. Examinations.** ~~(1) Examinations for a license to~~  
5 ~~practice medicine shall be held not less than twice in each year at such~~  
6 ~~times and places as may be specified by the board, if there are applicants~~  
7 ~~desiring to be examined. The examination shall be conducted in the~~  
8 ~~English language and shall cover the basic and clinical sciences and such~~  
9 ~~other subjects as the board may prescribe. The examinations shall be fair~~  
10 ~~and impartial and practical in character. The examination papers shall not~~  
11 ~~disclose the name of any applicant but shall be identified by a number to~~  
12 ~~be assigned.~~

13 ~~(2) The board shall be responsible for determining the passing~~  
14 ~~score to reflect a standard of minimum competency for the practice of~~  
15 ~~medicine. If an applicant fails to meet such minimum passing score, such~~  
16 ~~applicant may be reexamined at any subsequent scheduled examination~~  
17 ~~upon paying a fee to be determined and collected pursuant to section~~  
18 ~~24-34-105, C.R.S.~~

19 ~~(3) Repealed.~~

20 **SECTION 47. Repeal.** 12-36-121, Colorado Revised Statutes,  
21 is repealed as follows:

22 **12-36-121. Duplicates of license.** ~~The board is authorized to~~  
23 ~~issue a duplicate license to any licensee, upon application, properly~~  
24 ~~verified by oath, establishing to the satisfaction of the board that the~~  
25 ~~original license has been lost or destroyed and upon payment to the board~~  
26 ~~of a fee to be determined by regulation adopted by the board. No person~~  
27 ~~shall be entitled to a duplicate license unless he or she is a licensee in~~

1 ~~good standing.~~

2 **SECTION 48.** 12-36-134 (1) (b), (1) (d), and (1) (f), the  
3 introductory portion to 12-36-134 (1) (g), and 12-36-134 (1) (g) (I), (1)  
4 (g) (II), (1) (g) (III), (3), (4), and (5), Colorado Revised Statutes, are  
5 amended to read:

6 **12-36-134. Professional service corporations, limited liability**  
7 **companies, and registered limited liability partnerships for the**  
8 **practice of medicine - definitions.** (1) Persons licensed to practice  
9 medicine by the board may form professional service corporations for  
10 such persons' practice of medicine under the "Colorado Business  
11 Corporation Act", articles 101 to 117 of title 7, C.R.S., if such  
12 corporations are organized and operated in accordance with the  
13 provisions of this section. The articles of incorporation of such  
14 corporations shall contain provisions complying with the following  
15 requirements:

16 (b) The corporation ~~shall be~~ IS organized solely for the purpose of  
17 permitting individuals to conduct the practice of medicine through a  
18 corporate entity, so long as all the individuals are actively licensed ~~by the~~  
19 ~~board to practice medicine~~ PHYSICIANS OR PHYSICIAN ASSISTANTS in the  
20 state of Colorado.

21 (d) All shareholders of the corporation ~~shall be~~ ARE persons  
22 licensed by the board to practice medicine in the state of Colorado ~~and~~  
23 who at all times own their shares in their own right; ~~They~~ EXCEPT THAT  
24 ONE OR MORE PERSONS LICENSED BY THE BOARD AS A PHYSICIAN  
25 ASSISTANT MAY BE A SHAREHOLDER OF THE CORPORATION AS LONG AS  
26 THE PHYSICIAN SHAREHOLDERS MAINTAIN MAJORITY OWNERSHIP OF THE  
27 CORPORATION. THE SHAREHOLDERS shall be individuals who, except for

1 illness, accident, time spent in the armed services, on vacations, and on  
2 leaves of absence not to exceed one year, are actively engaged in the  
3 practice of medicine OR AS A PHYSICIAN ASSISTANT in the offices of the  
4 corporation.

5 (f) The president shall be a shareholder and a director and, to the  
6 extent possible, all other directors and officers shall be persons having the  
7 qualifications described in paragraph (d) of this subsection (1). Lay  
8 directors and officers shall not exercise any authority whatsoever over the  
9 independent medical judgment of persons licensed by the board to  
10 practice medicine in this state. Notwithstanding sections 7-108-103 to  
11 7-108-106, C.R.S., relating to the terms of office and classification of  
12 directors, a professional service corporation for the practice of medicine  
13 may provide in the articles of incorporation or the bylaws that the  
14 directors may have terms of office of up to six years and that the directors  
15 may be divided into ~~either two or three~~ classes, ~~each class to be as nearly~~  
16 ~~equal in number as possible~~, with the terms of each class staggered to  
17 provide for the periodic ~~but not less than annual~~, election of less than all  
18 the directors. Nothing in this article shall be construed to cause a  
19 professional service corporation to be vicariously liable to a patient or  
20 third person for the professional negligence or other tortious conduct of  
21 a physician who is a shareholder or employee of a professional service  
22 corporation.

23 (g) The articles of incorporation ~~shall provide~~ and all shareholders  
24 of the corporation ~~shall agree~~ that all shareholders of the corporation ~~shall~~  
25 ~~be~~ ARE jointly and severally liable for all acts, errors, and omissions of the  
26 employees of the corporation or that all shareholders of the corporation  
27 ~~shall be~~ ARE jointly and severally liable for all acts, errors, and omissions

1 of the employees of the corporation, except during periods of time when  
2 each ~~person licensed by the board to practice medicine in Colorado~~  
3 LICENSEE who is a shareholder or any employee of the corporation has a  
4 professional liability policy insuring himself or herself and all employees  
5 who are not licensed ~~to practice medicine~~ PURSUANT TO THIS ARTICLE  
6 who act at his or her direction, in the amount of fifty thousand dollars for  
7 each claim and an aggregate top limit of liability per year for all claims  
8 of one hundred fifty thousand dollars, or the corporation maintains in  
9 good standing professional liability insurance ~~which shall meet~~ THAT  
10 MEETS the following minimum standards:

11 (I) The insurance ~~shall insure~~ INSURES the corporation against  
12 liability imposed upon the corporation by law for damages resulting from  
13 any claim made against the corporation arising out of the performance of  
14 professional services for others by those officers and employees of the  
15 corporation who are ~~licensed by the board to practice medicine~~  
16 LICENSEES.

17 (II) ~~Such~~ THE policies shall insure the corporation against liability  
18 imposed upon it by law for damages arising out of the acts, errors, and  
19 omissions of all nonprofessional employees.

20 (III) The insurance ~~shall be~~ IS in an amount for each claim of at  
21 least fifty thousand dollars multiplied by the number of ~~persons licensed~~  
22 ~~to practice medicine~~ LICENSEES employed by the corporation. The policy  
23 may provide for an aggregate top limit of liability per year for all claims  
24 of one hundred fifty thousand dollars also multiplied by the number of  
25 ~~persons licensed to practice medicine~~ LICENSEES employed by the  
26 corporation, but no firm shall be required to carry insurance in excess of  
27 three hundred thousand dollars for each claim with an aggregate top limit

1 of liability for all claims during the year of nine hundred thousand dollars.

2 (3) The corporation shall do nothing ~~which~~ THAT, if done by a  
3 ~~person licensed to practice medicine in the state of Colorado,~~ LICENSEE  
4 employed by it THE CORPORATION, would violate the standards of  
5 professional conduct as provided for in section 12-36-117. Any violation  
6 OF THIS SECTION by the corporation ~~of this section shall be~~ IS grounds for  
7 the board to ~~terminate~~ REVOKE or suspend the LICENSE OF THE person or  
8 persons responsible for the violation. ~~from the practice of medicine.~~

9 (4) Nothing in this section ~~shall be deemed to diminish or change~~  
10 DIMINISHES OR CHANGES the obligation of each ~~person licensed to practice~~  
11 ~~medicine~~ LICENSEE employed by the corporation to conduct his OR HER  
12 practice in accordance with the standards of professional conduct  
13 provided for in section 12-36-117. Any ~~person licensed by the board to~~  
14 ~~practice medicine~~ LICENSEE who, by act or omission, causes the  
15 corporation to act or fail to act in a way ~~which~~ THAT violates ~~such~~ THE  
16 standards of professional conduct, including any provision of this section,  
17 ~~shall be deemed~~ IS personally responsible for such act or omission and  
18 ~~shall be~~ IS subject to discipline ~~therefor~~ FOR THE ACT OR OMISSION.

19 (5) Nothing in this section ~~shall be deemed to modify~~ MODIFIES  
20 the physician-patient privilege specified in section 13-90-107 (1) (d),  
21 C.R.S.

22 **SECTION 49.** 10-1-120, Colorado Revised Statutes, is amended  
23 to read:

24 **10-1-120. Reporting of medical malpractice claims.** (1) Each  
25 insurance company licensed to do business in this state and engaged in  
26 the writing of medical malpractice insurance for licensed practitioners  
27 shall send to the Colorado ~~state~~ MEDICAL board, ~~of medical examiners,~~ in

1 the form prescribed by the commissioner of insurance, information  
2 relating to each medical malpractice claim against a licensed practitioner  
3 that is settled or in which judgment is rendered against the insured.

4 (2) The insurance company shall provide such information as is  
5 deemed necessary by the Colorado ~~state~~ MEDICAL board ~~of medical~~  
6 ~~examiners~~ to conduct a further investigation and hearing.

7 **SECTION 50.** 10-16-104 (1.4) (a) (II) (A), (1.4) (a) (VIII), and  
8 (1.4) (a) (IX), Colorado Revised Statutes, are amended to read:

9 **10-16-104. Mandatory coverage provisions - definitions.**

10 (1.4) **Autism spectrum disorders.** (a) As used in this subsection (1.4),  
11 unless the context otherwise requires:

12 (II) "Autism services provider" means any person who provides  
13 direct services to a person with autism spectrum disorder, is licensed,  
14 certified, or registered by the applicable state licensing board or by a  
15 nationally recognized organization, and who meets one of the following:

16 (A) Has a doctoral degree with a specialty in psychiatry, medicine,  
17 or clinical psychology, is actively licensed by the ~~state~~ COLORADO  
18 MEDICAL board, ~~of medical examiners~~, and has AT LEAST one year of  
19 direct experience in behavioral therapies that are consistent with best  
20 practice and research on effectiveness for people with autism spectrum  
21 disorders;

22 (VIII) "Pharmacy care" means medications prescribed by a  
23 physician licensed by the ~~state~~ COLORADO MEDICAL board ~~of medical~~  
24 ~~examiners~~ under the "Colorado Medical Practice Act", article 36 of title  
25 12, C.R.S.

26 (IX) "Psychiatric care" means direct or consultative services  
27 provided by a psychiatrist licensed by the ~~state~~ COLORADO MEDICAL

1 board of ~~medical examiners~~ under the "Colorado Medical Practice Act",  
2 article 36 of title 12, C.R.S.

3 **SECTION 51**, 11-70-102, Colorado Revised Statutes, is amended  
4 to read:

5 **11-70-102. Title to property of trusts - liability of trust and**  
6 **trustees.** The trustees of trusts established pursuant to this article shall  
7 hold the legal title to all property at any time belonging to the trusts.  
8 They shall have control over such property, as well as the control and  
9 management of the business and affairs of the trust. Liability to third  
10 persons for any act, omission, or obligation of a trustee of a trust, when  
11 acting in such capacity, shall extend to the whole of the trust estate, or so  
12 much thereof as may be necessary to discharge such obligation, but no  
13 trustee shall be personally liable for any such act, omission, or obligation.  
14 The trustees shall have such powers as to the investment of the trust estate  
15 as may be set out in the declaration of trust, without regard to the type of  
16 investments to which trustees generally are restricted by the provisions of  
17 part 8 of article 1 of title 15, C.R.S., nor shall such trustees be subject to  
18 the provisions of title 10, C.R.S., concerning the regulation of insurance;  
19 except that the trustees shall report any malpractice claim against a  
20 licensed practitioner ~~which~~ THAT is settled or in which judgment is  
21 rendered against the insured to the Colorado ~~state~~ MEDICAL board, ~~of~~  
22 ~~medical examiners~~, which board shall provide statistical data concerning  
23 such claims to the commissioner of insurance. Without limiting the  
24 generality of the foregoing, the trustees shall have any powers, whether  
25 conferred upon them by the agreement of trust or otherwise, to perform  
26 all acts necessary or desirable to the conduct of the business of a public  
27 liability insurer.

1           **SECTION 52.** 12-22-703 (1) (c), Colorado Revised Statutes, is  
2 amended to read:

3           **12-22-703. Advisory committee - duties - repeal.** (1) There is  
4 hereby created within the division, the prescription controlled substance  
5 abuse monitoring advisory committee. The committee shall consist of the  
6 following eleven members:

7           (c) Three physicians appointed by the ~~state~~ COLORADO MEDICAL  
8 board, ~~of medical examiners~~, one of which is a pain specialist or addiction  
9 specialist;

10           **SECTION 53.** 12-30-101 (5), Colorado Revised Statutes, is  
11 amended to read:

12           **12-30-101. Definitions.** As used in this article, unless the context  
13 otherwise requires:

14           (5) "Licensed physician or osteopath" means a person licensed to  
15 practice medicine under ~~the provisions of~~ article 36 of this title, by the  
16 Colorado ~~state~~ MEDICAL board ~~of medical examiners~~ or its successor.

17           **SECTION 54.** 12-32-102 (1), Colorado Revised Statutes, is  
18 amended to read:

19           **12-32-102. Podiatry license required - professional liability**  
20 **insurance required - exceptions.** (1) It is unlawful for any person to  
21 practice podiatry within the state of Colorado who does not hold a license  
22 to practice medicine issued by the Colorado ~~state~~ MEDICAL board ~~of~~  
23 ~~medical examiners~~ or a license to practice podiatry issued by the  
24 Colorado podiatry board as provided by this article. A podiatry license  
25 is not required for a person serving a one-year or two-year approved  
26 residency program. Such persons must register with the Colorado  
27 podiatry board in such manner and form as ~~such~~ THE board shall

1 prescribe. As used in this section, an "approved residency" is a residency  
2 in a hospital conforming to the minimum standards for residency training  
3 established or approved by the Colorado podiatry board, which has the  
4 authority, upon its own investigation, to approve any residency.

5 **SECTION 55.** 12-32-109.3 (1) and (3), Colorado Revised  
6 Statutes, are amended to read:

7 **12-32-109.3. Use of physician assistants.** (1) A person licensed  
8 under the laws of this state to practice podiatry may delegate to a  
9 physician assistant licensed by the Colorado ~~state~~ MEDICAL board ~~of~~  
10 ~~medical examiners~~ pursuant to ~~section 12-36-106 (5)~~ SECTION  
11 12-36-107.4 the authority to perform acts ~~which~~ THAT constitute the  
12 practice of podiatry to the extent and in the manner authorized by rules  
13 ~~and regulations~~ promulgated by the Colorado podiatry board, including  
14 the authority to prescribe, on a case-by-case basis and per-patient-visit  
15 basis as approved by the supervising podiatrist, and dispense only such  
16 drugs as designated by the Colorado podiatry board. Such acts shall be  
17 consistent with sound practices of podiatry. Each prescription issued by  
18 a physician assistant shall have imprinted thereon the name of his OR HER  
19 supervising podiatrist, and under no circumstances shall a physician  
20 assistant write prescriptions unless countersigned by the supervising  
21 podiatrist. Nothing in this section shall limit the ability of otherwise  
22 licensed health personnel to perform delegated acts. The dispensing of  
23 prescription medication by a physician assistant shall be subject to ~~the~~  
24 ~~provisions of~~ section 12-22-121 (6).

25 (3) The provisions ~~set forth in section~~ OF SECTIONS 12-36-106 (5)  
26 ~~which govern~~ AND 12-36-107.3 GOVERNING physician assistants under the  
27 "Colorado Medical Practice Act" shall apply to physician assistants under

1 this section.

2 **SECTION 56.** 12-32-119, Colorado Revised Statutes, is amended  
3 to read:

4 **12-32-119. Existing licenses and proceedings.** (1) Nothing in  
5 the act contained in chapter 105, Session Laws of Colorado 1979, shall  
6 be construed to invalidate the license of any person holding a valid,  
7 unrevoked, and unsuspended license on June 30, 1979, to practice  
8 podiatry in this state or to affect any disciplinary proceeding or appeal  
9 pending on June 30, 1979, or any appointment to the Colorado ~~state~~  
10 ~~MEDICAL board of medical examiners~~ or the Colorado podiatry board or  
11 an inquiry panel or hearings panel thereof made on or before June 30,  
12 1979.

13 (2) Nothing in the act contained in chapter 107, Session Laws of  
14 Colorado 1985, shall be construed to invalidate the license of any person  
15 holding a valid, unrevoked, and unsuspended license on June 30, 1985,  
16 to practice podiatry in this state or to affect any disciplinary proceeding  
17 or appeal pending on June 30, 1985, or any appointment to the Colorado  
18 ~~state~~ ~~MEDICAL board of medical examiners~~ or the Colorado podiatry board  
19 or any inquiry panel or hearings panel thereof made on or before June 30,  
20 1985.

21 **SECTION 57.** 12-36-106.5, Colorado Revised Statutes, is  
22 amended to read:

23 **12-36-106.5. Child health associates - scope of practice.** On  
24 and after July 1, 1990, any person who, on June 30, 1990, was certified  
25 only as a child health associate under the laws of this state shall, upon  
26 application to the board, be granted licensure as a physician assistant.  
27 The practice of any such person shall be subject to ~~the provisions of~~

1 section 12-36-106 (5) AND 12-36-107.4; except that such practice shall be  
2 limited to patients under the age of twenty-one.

3 **SECTION 58.** 12-36-114 (1), Colorado Revised Statutes, is  
4 amended to read:

5 **12-36-114. Issuance of licenses - prior practice prohibited.**  
6 (1) If the board determines that an applicant possesses the qualifications  
7 required by this article, ~~and is entitled thereto~~ the board shall issue TO THE  
8 APPLICANT a license to practice medicine. ~~which shall be signed by the~~  
9 ~~president or vice-president, attested by the secretary, and sealed with the~~  
10 ~~seal of the board.~~

11 **SECTION 59. Repeal.** 12-36-124, Colorado Revised Statutes,  
12 is repealed as follows:

13 **12-36-124. Certification of licensing.** ~~Upon request therefor and~~  
14 ~~the payment of a fee determined pursuant to section 24-34-105, C.R.S.,~~  
15 ~~the secretary of the board shall issue its certificate or endorsement with~~  
16 ~~respect to the licensing of, and the official record of the board relating to,~~  
17 ~~any licensee to whom a license has been issued by this or any prior board;~~  
18 ~~and, upon request therefor and the payment of a fee determined pursuant~~  
19 ~~to section 24-34-105, C.R.S., the secretary shall issue a certificate~~  
20 ~~evidencing that any such licensee is duly licensed.~~

21 **SECTION 60.** 12-36-201 (2), Colorado Revised Statutes, is  
22 amended to read:

23 **12-36-201. Legislative declaration.** (2) It is the intent of the  
24 general assembly that physicians licensed to practice medicine utilizing  
25 unlicensed persons in their practices provide those persons with a  
26 minimum level of education and training before allowing them to operate  
27 machine sources of ionizing radiation; however, it is not the general

1 assembly's intent to discourage education and training beyond this  
2 minimum. It is further the intent of the general assembly that established  
3 minimum training and education requirements correspond as closely as  
4 possible to the requirements of each particular work setting as determined  
5 by the Colorado ~~state~~ MEDICAL board of ~~medical examiners~~ pursuant to  
6 this part 2.

7 **SECTION 61.** 12-36-202 (1) (a), Colorado Revised Statutes, is  
8 amended to read:

9 **12-36-202. Board authorized to issue rules.** (1) (a) The  
10 Colorado ~~state~~ MEDICAL board of ~~medical examiners~~ shall adopt rules ~~and~~  
11 ~~regulations~~ prescribing minimum standards for the qualifications,  
12 education, and training of unlicensed persons operating machine sources  
13 of ionizing radiation and administering such radiation to patients for  
14 diagnostic medical use. No licensed physician shall allow any unlicensed  
15 person to operate any machine source of ionizing radiation or to  
16 administer any such radiation to any patient unless such person has met  
17 the standards then in effect under rules ~~and regulations~~ adopted pursuant  
18 to this section. The board may adopt rules ~~and regulations~~ allowing a  
19 grace period in which newly hired operators of machine sources of  
20 ionizing radiation shall receive the training required pursuant to this  
21 section.

22 **SECTION 62.** 12-36.5-101, Colorado Revised Statutes, is  
23 amended to read:

24 **12-36.5-101. Legislative declaration.** (1) The general assembly  
25 hereby finds, determines, and declares that the Colorado ~~state~~ MEDICAL  
26 board of ~~medical examiners~~ created pursuant to article 36 of this title acts  
27 for the state in its sovereign capacity to govern licensure, discipline, and

1 professional review of persons licensed to practice medicine in this state.  
2 The general assembly further finds, determines, and declares that the  
3 authority to practice medicine in this state is a privilege granted by the  
4 legislative authority of the state and that it is necessary for the health,  
5 safety, and welfare of the people of this state that the COLORADO  
6 MEDICAL board of ~~medical examiners~~ exercise its authority to protect the  
7 people of this state from the unauthorized practice of medicine and from  
8 unprofessional conduct by persons licensed to practice medicine under  
9 article 36 of this title.

10 (2) The general assembly recognizes that: Many patients of  
11 persons licensed to practice medicine in this state have restricted choices  
12 of physicians under a variety of circumstances and conditions; many  
13 patients lack the knowledge, experience, or education to properly evaluate  
14 the quality of medical practice or the professional conduct of those  
15 licensed to practice medicine; and it is necessary and proper that the  
16 COLORADO MEDICAL board of ~~medical examiners~~ exercise its regulatory  
17 authority to protect the health, safety, and welfare of the people of this  
18 state.

19 (3) The general assembly recognizes that, in the proper exercise  
20 of its authority and responsibilities under this article, the COLORADO  
21 MEDICAL board of ~~medical examiners~~ must, to some extent, replace  
22 competition with regulation and that such replacement of competition by  
23 regulation particularly with regard to physicians, is related to a legitimate  
24 state interest in the protection of the health, safety, and welfare of the  
25 people of this state.

26 **SECTION 63.** 12-36.5-102 (1), Colorado Revised Statutes, is  
27 amended to read:

1           **12-36.5-102. Definitions.** As used in this article, unless the  
2 context otherwise requires:

3           (1) "~~Board of medical examiners~~" "MEDICAL BOARD" means the  
4 Colorado ~~state~~ MEDICAL board ~~of medical examiners~~ created pursuant to  
5 section 12-36-103.

6           **SECTION 64.** 12-36.5-103 (1) and (3) (a), Colorado Revised  
7 Statutes, are amended to read:

8           **12-36.5-103. Use of professional review committees.** (1) The  
9 general assembly recognizes that the MEDICAL board, ~~of medical~~  
10 ~~examiners~~, while assuming and retaining ultimate authority for licensure  
11 and discipline in accordance with article 36 of this title and in accordance  
12 with this article, cannot practically and economically assume  
13 responsibility over every single allegation or instance of purported  
14 deviation from the standards of quality for the practice of medicine, from  
15 the standards of professional conduct, or from the standards of  
16 appropriate care and that an attempt to exercise such oversight would  
17 result in extraordinary delays in the determination of the legitimacy of  
18 such allegations and would result in the inappropriate and unequal  
19 exercise of its authority to license and discipline physicians. It is  
20 therefore the intent of the general assembly that the MEDICAL board ~~of~~  
21 ~~medical examiners~~ utilize and allow professional review committees and  
22 governing boards to assist it in meeting its responsibilities under article  
23 36 of this title and under this article.

24           (3) (a) The use of professional review committees is declared to  
25 be an extension of the authority of the MEDICAL board. ~~of medical~~  
26 ~~examiners~~. However, except as otherwise provided in this article, nothing  
27 in this article shall limit the authority of professional review committees

1 properly constituted under this article.

2 **SECTION 65.** The introductory portion to 12-36.5-104 (4) and  
3 12-36.5-104 (4) (d), (4) (f), (5), (6) (a) (I), (7) (f), (9), and (11), Colorado  
4 Revised Statutes, are amended to read:

5 **12-36.5-104. Establishment of professional review committees**

6 **- function - rules.** (4) Any professional review committee established  
7 by any of the following organizations, entities, or professional societies  
8 shall be an approved professional review committee under this article if  
9 it operates pursuant to written bylaws, policies, or procedures ~~which~~ THAT  
10 are in compliance with this article and ~~which~~ THAT have been approved  
11 by its governing board:

12 (d) A society or association of physicians licensed to practice and  
13 residing in this state and specializing in a specific discipline of medicine,  
14 whose society or association has been designated by the MEDICAL board  
15 ~~of medical examiners~~ as the specialty society or association representative  
16 of physicians practicing such specific discipline of medicine, if the  
17 physician whose services are the subject of the review is a member of  
18 such specialty society or association;

19 (f) A corporation authorized to insure physicians pursuant to  
20 article 3 of title 10, C.R.S., or any other corporation authorized to insure  
21 such physicians in this state when designated by the MEDICAL board ~~of~~  
22 ~~medical examiners~~ under subsection (5) of this section;

23 (5) The MEDICAL board ~~of medical examiners~~ may establish by  
24 rule ~~or regulation~~ procedures necessary to authorize other health care or  
25 physician organizations or professional societies to establish professional  
26 review committees.

27 (6) (a) A professional review committee acting pursuant to this

1 part 1 may investigate or cause to be investigated:

2 (I) The qualifications of any physician licensed under article 36  
3 of this title who seeks to subject himself OR HERSELF to the authority of  
4 any organization, entity, or professional society listed in subsection (4) of  
5 this section or any organization or professional society ~~which~~ THAT has  
6 been authorized by the MEDICAL board ~~of medical examiners~~ to establish  
7 a professional review committee pursuant to subsection (5) of this  
8 section; or

9 (7) The written bylaws, policies, or procedures of any professional  
10 review committee shall provide for at least the following:

11 (f) A copy of any recommendations made pursuant to paragraph  
12 (d) of this subsection (7) shall be promptly forwarded to the MEDICAL  
13 board. ~~of medical examiners.~~

14 (9) All governing boards ~~which~~ THAT are required to report their  
15 final actions to the MEDICAL board ~~of medical examiners~~ are not  
16 otherwise relieved of such obligations by virtue of any provision of this  
17 article.

18 (11) At the request of the MEDICAL board, ~~of medical examiners,~~  
19 a governing board shall provide the MEDICAL board ~~of medical examiners~~  
20 with the complete record of all professional review proceedings,  
21 including, but not limited to, the findings, recommendations, and actions  
22 taken.

23 **SECTION 66.** 12-36.5-104.4 (3), Colorado Revised Statutes, is  
24 amended to read:

25 **12-36.5-104.4. Hospital professional review committees.**

26 (3) Nothing in this section shall be deemed to extend the authority or  
27 jurisdiction of the MEDICAL board ~~of medical examiners~~ to any individual

1 not otherwise subject to the jurisdiction of the board.

2 **SECTION 67.** 12-36.5-106 (1), (2), (9) (n), and (10) (b),  
3 Colorado Revised Statutes, are amended to read:

4 **12-36.5-106. Committee on anticompetitive conduct.** (1) There  
5 ~~shall be~~ IS HEREBY established a permanent, independent committee of the  
6 MEDICAL board, ~~of medical examiners~~ to be known as the committee on  
7 anticompetitive conduct, ALSO referred to in this section as "the  
8 committee".

9 (2) The committee shall be composed of five persons, none of  
10 whom shall be a member of the MEDICAL board. ~~of medical examiners.~~  
11 Four members of the committee shall be licensed to practice medicine and  
12 actively engaged in the practice of medicine in this state and shall be  
13 appointed by the MEDICAL board. ~~of medical examiners.~~ No member  
14 shall practice in the same medical subspecialty as any other member nor  
15 conduct his OR HER primary practice in the same county as any other  
16 member. One member shall be appointed by the governor and shall be an  
17 attorney licensed to practice in this state who has particular expertise and  
18 experience in the area of antitrust law.

19 (9) Review by the committee shall be in accordance with the  
20 following procedures and, to the extent practicable, in accordance with  
21 the procedures used in the district courts of this state:

22 (n) In any case presented to the committee where the medical  
23 practice of the complainant constitutes a clear and present danger to  
24 patients, the committee shall refer the case to the MEDICAL board ~~of~~  
25 ~~medical examiners~~ for such action as the board deems appropriate.

26 (10) (b) Following final administrative action by the committee,  
27 any party aggrieved by the final action of a governing board who wishes

1 to challenge the action of such governing board, rather than the  
2 committee's review of such action, shall have the right to seek de novo  
3 review on the merits in a district court in Colorado. In no event shall the  
4 MEDICAL board of ~~medical examiners~~ or the committee be made parties  
5 to such a district court action.

6 **SECTION 68.** 12-36.5-202, Colorado Revised Statutes, is  
7 amended to read:

8 **12-36.5-202. Rules - compliance with reporting requirements**  
9 **of federal act.** Upon implementation of the federal "Health Care Quality  
10 Improvement Act of 1986", as amended, 42 U.S.C. secs. 11101 through  
11 11152, and upon implementation of the federal data bank, the MEDICAL  
12 board of ~~medical examiners~~ shall promulgate rules ~~and regulations~~ to  
13 comply with such act, which rules ~~and regulations~~ are consistent with the  
14 standards and the reporting requirements of such act.

15 **SECTION 69.** 12-38-111.6 (4) (d) (III) and (7), Colorado  
16 Revised Statutes, are amended to read:

17 **12-38-111.6. Prescriptive authority - advanced practice nurses**  
18 **- rules - repeal.** (4) An advanced practice nurse applying for  
19 prescriptive authority before July 1, 2010, shall provide evidence to the  
20 board of the following:

21 (d) (III) The nurse shall provide to the board the name and  
22 appropriate identifier of the physician and shall keep such information  
23 current with the board. This information shall also be available to the  
24 COLORADOMEDICAL board, of ~~medical examiners~~, the board of pharmacy,  
25 and, except for identification numbers granted by the drug enforcement  
26 administration, to the general public. The nurse and collaborating  
27 physician shall advise each other of collaborative agreements signed with

1 other parties.

2 (7) An advanced practice nurse who obtains prescriptive authority  
3 pursuant to this section shall be assigned a specific identifier by the  
4 board. This identifier shall be available to the COLORADO MEDICAL board  
5 of ~~medical examiners~~ and the board of pharmacy. The board shall  
6 establish a mechanism to assure that the prescriptive authority of an  
7 advanced practice nurse may be readily verified.

8 **SECTION 70.** 13-4-102 (2) (f), Colorado Revised Statutes, is  
9 amended to read:

10 **13-4-102. Jurisdiction.** (2) The court of appeals shall have  
11 initial jurisdiction to:

12 (f) Review actions of the ~~state~~ COLORADO MEDICAL board of  
13 ~~medical examiners~~ in refusing to grant or in revoking or suspending a  
14 license or in placing the holder thereof on probation, as provided in  
15 section 12-36-119, C.R.S.;

16 **SECTION 71.** 13-64-302.5 (1), Colorado Revised Statutes, is  
17 amended to read:

18 **13-64-302.5. Exemplary damages - legislative declaration -**  
19 **limitations - distribution of damages collected.** (1) The general  
20 assembly hereby finds, determines, and declares that it is in the public  
21 interest to establish a consistent and uniformly applicable standard for the  
22 determination, amount, imposition, and distribution of exemplary  
23 monetary damages arising from civil actions and arbitration proceedings  
24 alleging professional negligence in the practice of medicine. It is the  
25 intent of the general assembly that any such exemplary damages serve the  
26 public purposes of deterring negligent acts and where appropriate provide  
27 a form of punishment that is in addition to the disciplinary and licensing

1 sanctions available to the ~~state~~ COLORADO MEDICAL board. ~~of medical~~  
2 ~~examiners.~~

3 **SECTION 72.** The introductory portion to 13-90-107 (1) (d) and  
4 13-90-107 (1) (d) (III) (C), and (2), Colorado Revised Statutes, are  
5 amended to read:

6 **13-90-107. Who may not testify without consent.** (1) There are  
7 particular relations in which it is the policy of the law to encourage  
8 confidence and to preserve it inviolate; therefore, a person shall not be  
9 examined as a witness in the following cases:

10 (d) A physician, surgeon, or registered professional nurse duly  
11 authorized to practice his OR HER profession pursuant to the laws of this  
12 state or any other state shall not be examined without the consent of his  
13 OR HER patient as to any information acquired in attending the patient  
14 ~~which~~ THAT was necessary to enable him OR HER to prescribe or act for  
15 the patient, but this paragraph (d) shall not apply to:

16 (III) A review of a physician's or registered professional nurse's  
17 services by any of the following:

18 (C) The ~~state~~ COLORADO MEDICAL board, ~~of medical examiners,~~  
19 the state board of nursing, or a person or group authorized by such board  
20 to make an investigation in its behalf;

21 (2) The medical records produced for use in the review provided  
22 for in subparagraphs (III), (IV), and (V) of paragraph (d) of subsection (1)  
23 of this section shall not become public records by virtue of such use. The  
24 identity of any patient whose records are so reviewed shall not be  
25 disclosed to any person not directly involved in such review process, and  
26 procedures shall be adopted by the ~~state~~ COLORADO MEDICAL board ~~of~~  
27 ~~medical examiners~~ or state board of nursing to ensure that the identity of

1 the patient shall be concealed during the review process itself.

2 **SECTION 73.** 17-1-101 (3) (b), Colorado Revised Statutes, is  
3 amended to read:

4 **17-1-101. Executive director - creation - division heads -**  
5 **medical personnel.** (3) (b) All such personnel as cannot satisfy all of  
6 the requirements set forth in paragraph (a) of this subsection (3) shall be  
7 exempt from ~~the provisions of~~ the "Colorado Medical Practice Act",  
8 article 36 of title 12, C.R.S., with respect to services rendered to bona fide  
9 patients or inmates at said institutions, if such personnel are of good  
10 moral character, are graduates of an approved medical college as defined  
11 in section ~~12-36-108~~ 12-36-102.5, C.R.S., have completed an approved  
12 internship of at least one year as defined in section ~~12-36-109~~  
13 12-36-102.5, C.R.S., and, within ~~a period of~~ nine months ~~of their~~  
14 ~~employment~~ AFTER FIRST BEING EMPLOYED, pass the examinations  
15 approved by the Colorado state MEDICAL board ~~of medical examiners~~  
16 under the provisions of the "Colorado Medical Practice Act" and the  
17 national board of medical examiners, the national board of examiners for  
18 osteopathic physicians and surgeons, or the federation of state medical  
19 boards, OR THEIR SUCCESSOR ORGANIZATIONS, on subjects relating to the  
20 basic sciences, are able to read, write, speak, and understand the English  
21 language, and, in the case of personnel who are not citizens of the United  
22 States, become ~~such~~ citizens within the minimum period of time within  
23 which the particular individual can become a citizen according to the laws  
24 of the United States and the regulations of the immigration and  
25 naturalization service of the United States department of justice or within  
26 such additional time as may be granted by said boards.

27 **SECTION 74.** 17-1-103 (3) (a) (III), Colorado Revised Statutes,

1 is amended to read:

2 **17-1-103. Duties of the executive director.** (3) (a) (III) The  
3 executive director shall determine the qualifications for appointment to  
4 the panel of medical consultants; except that all members of the panel  
5 shall be licensed by the ~~state~~ COLORADO MEDICAL board ~~of medical~~  
6 ~~examiners~~ pursuant to ~~the provisions of~~ article 36 of title 12, C.R.S., or  
7 the state board of dental examiners pursuant to ~~the provisions of~~ article  
8 35 of title 12, C.R.S.

9 **SECTION 75.** 17-2-201 (5.7) (d), Colorado Revised Statutes, is  
10 amended to read:

11 **17-2-201. State board of parole.** (5.7) If, as a condition of  
12 parole, an offender is required to undergo counseling or treatment, unless  
13 the parole board determines that treatment at another facility or with  
14 another person is warranted, such treatment or counseling shall be at a  
15 facility or with a person:

16 (d) Licensed or certified by the division of adult services in the  
17 department of corrections, the department of regulatory agencies, the  
18 division of mental health in the department of human services, the state  
19 board of nursing, or the ~~state~~ COLORADO MEDICAL board, ~~of medical~~  
20 ~~examiners~~, whichever is appropriate for the required treatment or  
21 counseling.

22 **SECTION 76.** 17-27.1-101 (5) (a) (IV), Colorado Revised  
23 Statutes, is amended to read:

24 **17-27.1-101. Nongovernmental facilities for offenders -**  
25 **registration - notifications - penalties.** (5) No private treatment  
26 program in Colorado shall admit or accept a supervised or unsupervised  
27 person into the program unless that program:

1 (a) Is registered with the administrator of the interstate compact,  
2 and, if the person is a supervised person, the private treatment program  
3 is:

4 (IV) Licensed or certified by the division of adult services in the  
5 department of corrections, the department of regulatory agencies, the  
6 division of mental health in the department of human services, the state  
7 board of nursing, or the ~~state~~ COLORADO MEDICAL board ~~of medical~~  
8 ~~examiners~~ if the program provides treatment that requires such  
9 certification or licensure;

10 **SECTION 77.** 18-1.3-204 (2) (c) (IV), Colorado Revised  
11 Statutes, is amended to read:

12 **18-1.3-204. Conditions of probation.** (2) (c) If the court orders  
13 counseling or treatment as a condition of probation, unless the court  
14 makes a specific finding that treatment in another facility or with another  
15 person is warranted, the court shall order that such treatment or  
16 counseling be at a facility or with a person:

17 (IV) Licensed or certified by the division of adult services in the  
18 department of corrections, the department of regulatory agencies, the  
19 division of mental health in the department of human services, the state  
20 board of nursing, or the ~~state~~ COLORADO MEDICAL board, ~~of medical~~  
21 ~~examiners~~, whichever is appropriate for the required treatment or  
22 counseling.

23 **SECTION 78.** 18-18-103, Colorado Revised Statutes, is amended  
24 to read:

25 **18-18-103. Special definition - board.** As used in parts 1 and 2  
26 of this article, "board" means the state board of pharmacy. As used in  
27 parts 3, 4, 5, and 6 of this article, "board" means the respective licensing

1 board responsible for licensing and registering practitioners or other  
2 persons who are subject to registration pursuant to part 3 of this article.  
3 For physicians the respective board is the Colorado ~~state~~ MEDICAL board,  
4 ~~of medical examiners~~, for podiatrists the respective board is the Colorado  
5 podiatry board, for dentists the respective board is the state board of  
6 dental examiners, for optometrists the respective board is the state board  
7 of optometric examiners, for pharmacists and pharmacies the respective  
8 board is the state board of pharmacy, for veterinarians the respective  
9 board is the state board of veterinary medicine, and for manufacturers,  
10 distributors, and humane societies the respective board is the state board  
11 of pharmacy.

12 **SECTION 79.** 18-18-302 (1), Colorado Revised Statutes, is  
13 amended to read:

14 **18-18-302. Registration requirements.** (1) Every person who  
15 manufactures, distributes, or dispenses any controlled substance within  
16 this state, or who proposes to engage in the manufacture, distribution, or  
17 dispensing of any controlled substance within this state, shall obtain  
18 annually or biannually, if applicable, a registration, issued by the  
19 respective licensing board or the department in accordance with rules  
20 adopted by such board or by the department. For purposes of this section  
21 and this article, "registration" or "registered" means the licensing of  
22 manufacturers, pharmacists, pharmacies, and humane societies located in  
23 this state, and distributors located in or doing business in this state, by the  
24 state board of pharmacy as set forth in parts 1 and 3 of article 22 of title  
25 12, C.R.S., the licensing of physicians by the ~~state~~ COLORADO MEDICAL  
26 board, ~~of medical examiners~~, as set forth in article 36 of title 12, C.R.S.,  
27 the licensing of podiatrists by the Colorado podiatry board, as set forth in

1 article 32 of title 12, C.R.S., the licensing of dentists by the state board of  
2 dental examiners, as set forth in article 35 of title 12, C.R.S., the licensing  
3 of optometrists by the state board of optometric examiners, as set forth in  
4 article 40 of title 12, C.R.S., the licensing of veterinarians by the state  
5 board of veterinary medicine, as set forth in article 64 of title 12, C.R.S.,  
6 and the licensing of researchers and addiction programs by the  
7 department of human services, as set forth in part 3 of article 22 of title  
8 12, C.R.S.

9 **SECTION 80.** 23-20-114 (1), Colorado Revised Statutes, is  
10 amended to read:

11 **23-20-114. Employment of medical personnel.** (1) The board  
12 of regents of the university of Colorado has authority to employ medical  
13 personnel WHO ARE not citizens of the United States at the university of  
14 Colorado health sciences center, the university of Colorado psychiatric  
15 hospital, and the medical division of the graduate school of the university  
16 of Colorado. Medical personnel who are not citizens of the United States  
17 are exempt from the licensure requirements of the "Colorado Medical  
18 Practice Act", article 36 of title 12, C.R.S., with respect to services  
19 performed in the course of such employment, but such personnel shall  
20 first comply with all other requirements of said act, which includes the  
21 taking and passing of examinations approved by the ~~state~~ COLORADO  
22 MEDICAL board of ~~medical examiners~~ and by the national board of  
23 medical examiners, the national board of examiners for osteopathic  
24 physicians and surgeons, or the federation of state medical boards, OR  
25 THEIR SUCCESSOR ORGANIZATIONS, on subjects relating to the basic  
26 sciences as provided by law within three months ~~of~~ AFTER the date of  
27 employment unless such examinations are not required by the ~~provisions~~

1 of section 12-36-107 (1) (b), ~~or (1) (d)~~, C.R.S. Such exemptions from  
2 licensure or provisions in this section provided for such personnel who  
3 are not citizens of the United States shall continue only during the  
4 minimum period of time within which the particular individual can  
5 become a citizen according to the laws of the United States and the  
6 regulations of the immigration and naturalization service of the United  
7 States department of justice or such additional time ~~thereto~~ as may be  
8 granted by such boards. The exemptions in this section are limited to  
9 services performed in the course of employment with the university of  
10 Colorado as limited in this section and shall terminate when such  
11 employment terminates.

12 **SECTION 81.** 24-1-122 (3) (m) (I), Colorado Revised Statutes,  
13 is amended to read:

14 **24-1-122. Department of regulatory agencies - creation.**

15 (3) The following boards and agencies are transferred by a **type 1**  
16 transfer to the department of regulatory agencies and allocated to the  
17 division of registrations:

18 (m) (I) Colorado ~~state~~ MEDICAL board, ~~of medical examiners~~,  
19 created by article 36 of title 12, C.R.S.;

20 **SECTION 82.** 24-34-109 (1) (d) (I), (2) (a) (II), and (6) (a),  
21 Colorado Revised Statutes, are amended to read:

22 **24-34-109. Nurse-physician advisory task force for Colorado**  
23 **health care - creation - duties - definition - repeal.** (1) There is hereby  
24 created, within the division of registrations in the department of  
25 regulatory agencies, the nurse-physician advisory task force for Colorado  
26 health care, referred to in this section as "NPATCH". The purpose of  
27 NPATCH is to promote public safety and improve health care in

1 Colorado by supporting collaboration and communication between the  
2 practices of nursing and medicine. The NPATCH shall:

3 (d) Make consensus recommendations to policy-making and  
4 rule-making entities, including:

5 (I) Recommendations to the state board of nursing created in  
6 section 12-38-104, C.R.S., and the Colorado ~~state~~ MEDICAL board ~~of~~  
7 ~~medical examiners~~ created in section 12-36-103, C.R.S., regarding the  
8 transition to the articulated plan model and harmonizing language for  
9 articulated plans; and

10 (2) (a) The NPATCH shall consist of twelve members appointed  
11 as follows:

12 (II) One member of the ~~state~~ COLORADO MEDICAL board, ~~of~~  
13 ~~medical examiners~~, appointed by the president of the board;

14 (6) (a) The NPATCH shall make recommendations to the state  
15 board of nursing and the ~~state~~ COLORADO MEDICAL board ~~of medical~~  
16 ~~examiners~~ to assist the boards in the development of independent rules,  
17 consistent with sections 12-38-111.6 (4.5) and 12-36-106.4, C.R.S.,  
18 regarding prescriptive authority of advanced practice nurses, articulated  
19 plans, and the consultation or collaboration between advanced practice  
20 nurses and physicians.

21 **SECTION 83.** 24-60-3101, Colorado Revised Statutes, is  
22 amended to read:

23 **24-60-3101. Legislative declaration.** The general assembly  
24 hereby finds that a lack of access to quality, affordable health care  
25 services is an increasing problem, both in Colorado and nationwide, and  
26 contributes to the spiraling costs of health care for individuals and  
27 businesses. This problem could be alleviated by greater interstate

1 cooperation among, and mobility of, medical professionals through the  
2 use of telemedicine and other means. Therefore, it is desirable to  
3 authorize the executive director of the department of regulatory agencies,  
4 together with the ~~state~~ COLORADO MEDICAL board of ~~medical examiners~~  
5 created in section 12-36-103, C.R.S., and the state board of nursing  
6 created in section 12-38-104, C.R.S., and in consultation with  
7 representatives of other relevant state agencies, to negotiate one or more  
8 interstate compacts endorsing model legislation to facilitate the efficient  
9 distribution of health care services across state lines.

10 **SECTION 84.** The introductory portion to 24-60-3103 (1),  
11 Colorado Revised Statutes, is amended to read:

12 **24-60-3103. Model legislation - compacts authorized.** (1) The  
13 executive director, together with the ~~state~~ COLORADO MEDICAL board of  
14 ~~medical examiners~~ created in section 12-36-103, C.R.S., and the state  
15 board of nursing created in section 12-38-104, C.R.S., and in consultation  
16 with the executive director of the department of health care policy and  
17 financing or his or her designee, the executive director of the department  
18 of public health and environment or his or her designee, and  
19 representatives of other state agencies whose participation the executive  
20 director deems beneficial, is hereby authorized to develop, participate in  
21 the development of, and negotiate for one or more interstate compacts on  
22 behalf of the state of Colorado with other states and to recommend model  
23 legislation that, if adopted in the respective signatory states, would  
24 advance the following policy goals:

25 **SECTION 85.** 25-1-108.7 (6) (c), Colorado Revised Statutes, is  
26 amended to read:

27 **25-1-108.7. Health care credentials uniform application act -**

1 **legislative declaration - definitions - state board of health rules.**

2 (6) (c) The review committee shall be staffed by an entity approved by  
3 the COLORADO MEDICAL board of ~~medical examiners~~ to collect medical  
4 license registration fees pursuant to section 12-36-123.5, C.R.S.

5 **SECTION 86.** 25-3-107, Colorado Revised Statutes, is amended  
6 to read:

7 **25-3-107. Disciplinary actions reported to Colorado medical**  
8 **board or podiatry board.** (1) Any disciplinary action to suspend,  
9 revoke, or otherwise limit the privileges of a licensed physician or  
10 podiatrist ~~which~~ THAT is taken by the governing board of a hospital  
11 required to be licensed or certified pursuant to this part 1 or required to  
12 obtain a certificate of compliance pursuant to section 25-1.5-103 (1) (a)  
13 (I) or (1) (a) (II) shall be reported to the Colorado ~~state~~ MEDICAL board of  
14 ~~medical examiners~~ or the Colorado podiatry board, whichever board is  
15 appropriate, in the form prescribed by said board.

16 (2) Said hospital shall provide such additional information as is  
17 deemed necessary by the Colorado ~~state~~ MEDICAL board of ~~medical~~  
18 ~~examiners~~ or the Colorado podiatry board to conduct a further  
19 investigation and hearing.

20 **SECTION 87.** 27-1-102 (2) (c), Colorado Revised Statutes, is  
21 amended to read:

22 **27-1-102. Executive director - division heads - interagency**  
23 **council - advisory boards.** (2) (c) All such personnel as cannot satisfy  
24 all of the requirements set forth in paragraph (b) of this subsection (2)  
25 shall be exempt from ~~the provisions of~~ the "Colorado Medical Practice  
26 Act", article 36 of title 12, C.R.S., with respect to services rendered to  
27 bona fide patients or inmates at said institutions, if such personnel are of

1 good moral character, are graduates of an approved medical college as  
2 defined in section ~~12-36-108~~ 12-36-102.5, C.R.S., have completed an  
3 approved internship of at least one year as defined in section ~~12-36-109~~  
4 12-36-102.5, C.R.S., and, within a ~~period of~~ nine months ~~of their~~  
5 ~~employment~~ AFTER FIRST BEING EMPLOYED, pass the examinations  
6 approved by the Colorado ~~state~~ MEDICAL board ~~of medical examiners~~  
7 under the ~~provisions of~~ the "Colorado Medical Practice Act" and the  
8 national board of medical examiners, the national board of examiners for  
9 osteopathic physicians and surgeons, or the federation of state medical  
10 boards, OR THEIR SUCCESSOR ORGANIZATIONS, on subjects relating to the  
11 basic sciences, are able to read, write, speak, and understand the English  
12 language, and, in the case of personnel who are not citizens of the United  
13 States, become ~~such~~ citizens within the minimum period of time within  
14 which the particular individual can become a citizen according to the laws  
15 of the United States and the regulations of the immigration and  
16 naturalization service of the United States department of justice or within  
17 such additional time as may be granted by said boards.

18 **SECTION 88.** 27-1-103 (3) (a) (III), Colorado Revised Statutes,  
19 is amended to read:

20 **27-1-103. Duties of executive director - governor acquire**  
21 **water rights - rules.** (3) (a) (III) The executive director shall determine  
22 the qualifications for appointment to the board of medical consultants;  
23 except that all members of the board shall be licensed by the ~~state~~  
24 COLORADO MEDICAL board ~~of medical examiners~~ pursuant to the  
25 ~~provisions of~~ article 36 of title 12, C.R.S.

26 **SECTION 89. Appropriation.** (1) In addition to any other  
27 appropriation, there is hereby appropriated, out of any moneys in the

1 division of registrations cash fund created in section 24-34-105 (2) (b) (I),  
2 Colorado Revised Statutes, not otherwise appropriated, to the department  
3 of regulatory agencies, for allocation to the division of registrations, for  
4 the fiscal year beginning July 1, 2010, the sum of twenty-nine thousand  
5 six hundred eighty-six dollars (\$29,686) cash funds, or so much thereof  
6 as may be necessary, for the implementation of this act.

7 (2) In addition to any other appropriation, there is hereby  
8 appropriated to the department of law, for the fiscal year beginning July  
9 1, 2010, the sum of sixteen thousand five hundred eighty-four dollars  
10 (\$16,584) and 0.1 FTE, or so much thereof as may be necessary, for the  
11 provision of legal services to the department of regulatory agencies  
12 related to the implementation of this act. Said sum shall be from  
13 reappropriated funds received from the department of regulatory agencies  
14 out of the appropriation made in subsection (1) of this section.

15 (3) In addition to any other appropriation, there is hereby  
16 appropriated, out of any moneys in the emergency medical services  
17 account within the highway users tax fund created in section 25-3.5-603  
18 (1) (a), Colorado Revised Statutes, not otherwise appropriated, to the  
19 department of public health and environment, for allocation to the health  
20 facilities and emergency medical services division, for the fiscal year  
21 beginning July 1, 2010, the sum of sixty-eight thousand six hundred  
22 fifty-seven dollars (\$68,657) cash funds and 0.9 FTE, or so much thereof  
23 as may be necessary, for the implementation of this act.

24 (4) In addition to any other appropriation, there is hereby  
25 appropriated to the department of law, for the fiscal year beginning July  
26 1, 2010, the sum of six hundred seventy-eight dollars (\$678), or so much  
27 thereof as may be necessary, for the provision of legal services to the

1 department of public health and environment related to the  
2 implementation of this act. Said sum shall be from reappropriated funds  
3 received from the department of public health and environment out of the  
4 appropriation made in subsection (3) of this section.

5 **SECTION 90. Effective date.** (1) Except as otherwise provided  
6 in subsections (2), (3), (4), and (5) of this section, this act shall take effect  
7 July 1, 2010.

8 (2) Section 40 of this act shall not take effect if Senate Bill 10-124  
9 is enacted and becomes law.

10 (3) Section 56 of this act shall not take effect if House Bill  
11 10-1224 is enacted and becomes law.

12 (4) Sections 60 and 61 of this act shall not take effect if House  
13 Bill 10-1128 is enacted and becomes law.

14 (5) Sections 24 and 26 of this act shall take effect only if House  
15 Bill 10-1128 is enacted and becomes law.

16 **SECTION 91. Safety clause.** The general assembly hereby finds,  
17 determines, and declares that this act is necessary for the immediate  
18 preservation of the public peace, health, and safety.