

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

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.*

HOUSE
3rd Reading Unamended
March 17, 2010

HOUSE
Amended 2nd Reading
March 16, 2010

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.

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, all of whom shall
8 have been licensed IN GOOD STANDING and actively engaged in the
9 practice of their professions in this state for at least three years next
10 preceding their appointments, ~~and shall have been residents of this state~~
11 ~~for at least five years next preceding their appointments;~~ and four
12 members of the public at large. ~~In making appointments to the board, the~~
13 ~~governor shall give due consideration to recommendations submitted by~~
14 ~~the Colorado state medical society with respect to appointments to each~~
15 ~~office, if any, to be filled by a physician holding the degree of doctor of~~
16 ~~medicine and to recommendations submitted by the Colorado osteopathic~~
17 ~~association with respect to appointments to each office, if any, to be filled~~
18 ~~by a physician holding the degree of doctor of osteopathy.~~

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

1 or dishonorable conduct.

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

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

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

26 **SECTION 15.** Part 1 of article 36 of title 12, Colorado Revised
27 Statutes, is amended BY THE ADDITION OF A NEW SECTION to

1 read:

2 **12-36-111.3. Licensing panel.** (1) (a) THE PRESIDENT OF THE
3 BOARD SHALL ESTABLISH A LICENSING PANEL CONSISTING OF THREE
4 MEMBERS OF THE BOARD AS FOLLOWS:

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

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

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

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

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

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

22 (3) THE LICENSING PANEL SHALL REVIEW AND RESOLVE MATTERS
23 RELATING TO THE UNLICENSED PRACTICE OF MEDICINE. IF IT APPEARS TO
24 THE LICENSING PANEL, BASED UPON CREDIBLE EVIDENCE IN A WRITTEN
25 COMPLAINT BY ANY PERSON OR UPON CREDIBLE EVIDENCE IN A MOTION OF
26 THE LICENSING PANEL, THAT A PERSON IS PRACTICING OR HAS PRACTICED
27 MEDICINE OR AS A PHYSICIAN ASSISTANT WITHOUT A LICENSE AS REQUIRED

1 BY THIS ARTICLE, THE LICENSING PANEL MAY ISSUE AN ORDER TO CEASE
2 AND DESIST THE UNLICENSED PRACTICE. THE ORDER SHALL SET FORTH
3 THE PARTICULAR STATUTES AND RULES THAT HAVE BEEN VIOLATED, THE
4 FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE
5 REQUIREMENT THAT ALL UNLICENSED PRACTICES IMMEDIATELY CEASE.
6 THE RESPONDENT MAY REQUEST A HEARING ON A CEASE-AND-DESIST
7 ORDER IN ACCORDANCE WITH SECTION 12-36-118 (14) (b). THE
8 PROVISIONS OF SECTION 12-36-118(10), EXEMPTING BOARD DISCIPLINARY
9 PROCEEDINGS AND RECORDS FROM OPEN MEETINGS AND PUBLIC RECORDS
10 REQUIREMENTS, SHALL NOT APPLY TO A HEARING OR ANY OTHER
11 PROCEEDING HELD BY THE LICENSING PANEL PURSUANT TO THIS
12 SUBSECTION (3) REGARDING THE UNLICENSED PRACTICE OF MEDICINE.
13 THE PROCEDURES SPECIFIED IN SECTION 12-36-118 (15), (16), (17), AND
14 (18) SHALL APPLY TO ALLEGATIONS AND ORDERS REGARDING THE
15 UNLICENSED PRACTICE OF MEDICINE BEFORE THE LICENSING PANEL.

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

18 **12-36-104. Powers and duties of board.** (1) In addition to all
19 other powers and duties conferred and imposed upon the board by this
20 article, the board has the following powers and duties to:

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

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

27 (3) To facilitate the licensure of qualified applicants AND ADDRESS

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

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

13 **12-36-118. Disciplinary action by board - immunity.**
14 (5) (f) Except as provided in subsection (1) of this section, an
15 administrative law judge shall preside at the hearing and ~~he~~ shall advise
16 the hearings panel, AS REQUESTED, on ~~all such~~ legal matters in connection
17 with the hearing. ~~as the panel may request. He~~ THE ADMINISTRATIVE LAW
18 JUDGE shall provide ~~such~~ advice or assistance as REQUESTED BY the
19 hearings panel ~~may request~~ in connection with its preparations of its
20 findings and recommendations or conclusions to be made. ~~Such~~ THE
21 administrative law judge ~~shall have the authority to~~ MAY administer oaths
22 and affirmations, sign and issue subpoenas, and perform ~~such~~ other duties
23 as AUTHORIZED BY the hearings panel. ~~may authorize him to perform.~~
24 ~~Such administrative law judge shall have the qualifications provided in~~
25 ~~section 24-30-1003 (2), C.R.S., with five years' experience as a licensed~~
26 ~~attorney.~~

27 (7) ~~Upon the expiration of the term of suspension, the license shall~~

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

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

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

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

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

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

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

22 **12-36-106.4. Collaboration with advanced practice nurses**
23 **with prescriptive authority - preceptorships - mentorships - board**
24 **rules.** (4) (b) (I) The director of the division of registrations in the
25 department of regulatory agencies shall review the rules adopted by the
26 board pursuant to this subsection (4) to determine if the rules complement
27 the rules of the state board of nursing. If the director determines that the

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

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

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

20 **12-38-111.6. Prescriptive authority - advanced practice nurses**
21 **- rules - repeal.** (4.5) (f) (I) Except as provided in subparagraph (II) of
22 this paragraph (f), the board shall adopt rules to implement this subsection
23 (4.5), which rules shall take effect on July 1, 2010. The board shall
24 consider the recommendations of the nurse-physician advisory task force
25 for Colorado health care submitted in accordance with section 24-34-109,
26 C.R.S., concerning prescriptive authority of advanced practice nurses.
27 The rules shall be complementary to rules adopted by the ~~state~~ COLORADO

1 MEDICAL board of medical examiners pursuant to section 12-36-106.4.

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

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

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

27 **12-36-114.3. Pro bono license - qualifications - reduced fee -**

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

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

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

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

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

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

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

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

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

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

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

25 (2) THE BOARD SHALL ESTABLISH AND CHARGE AN APPLICATION
26 FEE FOR AN INITIAL AND RENEWAL PRO BONO LICENSE, NOT TO EXCEED
27 ONE-HALF THE AMOUNT OF THE FEE FOR A RENEWAL OF A PHYSICIAN'S

1 LICENSE AND NOT TO EXCEED THE COST OF ADMINISTERING THE LICENSE.

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

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

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

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

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

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

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

20 **12-36-114.5. Reentry license.** (1) NOTWITHSTANDING ANY
21 OTHER PROVISION OF THIS ARTICLE, THE BOARD MAY ISSUE A REENTRY
22 LICENSE TO A PHYSICIAN OR PHYSICIAN ASSISTANT WHO HAS NOT
23 ACTIVELY PRACTICED MEDICINE OR PRACTICED AS A PHYSICIAN
24 ASSISTANT, AS APPLICABLE, FOR THE TWO-YEAR PERIOD IMMEDIATELY
25 PRECEDING THE FILING OF AN APPLICATION FOR A REENTRY LICENSE, OR
26 WHO HAS NOT OTHERWISE MAINTAINED CONTINUED COMPETENCY DURING
27 SUCH PERIOD, AS DETERMINED BY THE BOARD. THE BOARD MAY CHARGE

1 A FEE FOR A REENTRY LICENSE.

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

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

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

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

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

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

23 (c) IF, BASED ON THE ASSESSMENT AND AFTER COMPLETION OF AN
24 EDUCATIONAL PROGRAM, IF PRESCRIBED, THE BOARD DETERMINES THAT
25 THE APPLICANT IS COMPETENT AND QUALIFIED TO PRACTICE MEDICINE OR
26 TO PRACTICE AS A PHYSICIAN ASSISTANT, AS SPECIFIED IN THIS ARTICLE,
27 WITHOUT SUPERVISION, THE BOARD MAY CONVERT THE REENTRY LICENSE

1 TO A FULL LICENSE TO PRACTICE MEDICINE OR TO PRACTICE AS A
2 PHYSICIAN ASSISTANT, AS APPLICABLE, UNDER THIS ARTICLE.

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

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

7 **12-36-123.5. Physicians' and physician assistants' peer health**
8 **assistance program.** (3.5) (b) (I) ~~Effective January 1, 1999,~~ As a
9 condition of PHYSICIAN AND PHYSICIAN ASSISTANT licensure AND
10 RENEWAL in this state, ~~and effective January 1, 1999,~~ as a condition of
11 ~~physician assistant certification~~ every renewal applicant shall pay, to the
12 ~~administering entity that has been selected by the board~~ pursuant to the
13 ~~provisions of paragraphs (d) and (e) of this subsection (3.5),~~ an amount
14 set by the board not to exceed ~~fifty~~ SIXTY-ONE dollars per year, which
15 maximum amount may be adjusted on January 1, ~~2000~~ 2011, and annually
16 thereafter by the board to reflect:

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

20 ~~Such~~

21 (B) OVERALL UTILIZATION OF THE PROGRAM; AND

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

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

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

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

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

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

12 (3.5) (e.5) The board ~~at its discretion,~~ may collect the required
13 annual payments payable to the administering entity for the benefit of the
14 administering entity and shall transfer all such payments to the
15 administering entity. All required annual payments collected BY or due
16 to the board for each fiscal year ~~shall be deemed~~ ARE custodial funds that
17 are not subject to appropriation by the general assembly, and such funds
18 ~~shall~~ THE DISTRIBUTION OF THE PAYMENTS TO THE ADMINISTERING ENTITY
19 OR EXPENDITURE OF THE PAYMENTS BY THE ADMINISTERING ENTITY DOES
20 not constitute state fiscal year spending for purposes of section 20 of
21 article X of the state constitution.

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

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

4 "practice of medicine" means:

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

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

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

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

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

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

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

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

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

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

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

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

27 (w) A PHYSICIAN LAWFULLY PRACTICING MEDICINE IN ANOTHER

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

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

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

1 assistant is performing a delegated medical function in an acute care
2 hospital, the board shall allow supervision and direction to be performed
3 without the physical presence of the physician during the time the
4 delegated medical functions are being implemented if:

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

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

11 **12-36-106. Practice of medicine defined - exemptions from**
12 **licensing requirements - unauthorized practice by physician**
13 **assistants - penalties - repeal.** (3) Nothing in this section shall be
14 construed to prohibit, or to require a license or a physician training license
15 under this article with respect to, any of the following acts:

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

25 **SECTION 27.** The introductory portion to 12-36-107 (1) and
26 12-36-107 (1) (b), (1) (d), (2) (b), and (2) (c), Colorado Revised Statutes,
27 are amended, and the said 12-36-107 (1) is further amended BY THE

1 ADDITION OF A NEW PARAGRAPH, to read:

2 **12-36-107. Qualifications for licensure.** (1) Subject to the other
3 conditions and provisions of this article, a license to practice medicine
4 shall be granted by the board to an applicant ~~therefor~~ only upon the basis
5 of:

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

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

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

24 (II) ~~Such examining board grants licenses, without further~~
25 ~~examination and otherwise on a substantially equal reciprocal basis, to~~
26 ~~applicants who possess a license to practice medicine granted by the~~
27 ~~board or heretofore granted by the state board of medical examiners as~~

1 ~~constituted under any prior law of this state;~~

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

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

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

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

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

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

26 (II) UPON RECEIPT OF ALL DOCUMENTS REQUIRED BY THIS
27 PARAGRAPH (e), THE BOARD SHALL REVIEW THE APPLICATION AND MAKE

1 A DETERMINATION OF THE APPLICANT'S QUALIFICATION TO BE LICENSED BY
2 ENDORSEMENT.

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

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

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

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

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

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

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

24 **12-36-117. Unprofessional conduct - repeal.**

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

26 (o) ~~Such~~ FAILING TO NOTIFY THE BOARD, AS REQUIRED BY SECTION
27 12-36-118.5 (1), OF A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT

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

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

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

25 (2) (a) UPON DETERMINING THAT A PHYSICIAN OR PHYSICIAN
26 ASSISTANT WITH A PHYSICAL OR MENTAL ILLNESS OR CONDITION IS ABLE
27 TO RENDER LIMITED MEDICAL SERVICES WITH REASONABLE SKILL AND

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

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

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

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

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

27 **SECTION 31.** 12-36-117 (1) (i), (1) (y), (1) (z), and (1) (bb) (II),

1 Colorado Revised Statutes, are amended to read:

2 **12-36-117. Unprofessional conduct - repeal.**

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

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

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

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

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

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

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

8 **12-36-118. Disciplinary action by board - immunity.**

9 (5) (g) (III) If the hearings panel finds the charges proven and orders that
10 discipline be imposed, it shall also determine the extent of such
11 discipline, which shall be in the form of a letter of admonition,
12 suspension for a definite or indefinite period, or revocation of license to
13 practice. ~~In lieu of a suspension,~~ The hearings panel ALSO may impose
14 a fine ~~not to exceed ten~~ OF UP TO FIVE thousand dollars PER VIOLATION.

15 In determining appropriate disciplinary action, the hearings panel shall
16 first consider sanctions that are necessary to protect the public. Only after
17 the panel has considered such sanctions may it consider and order
18 requirements designed to rehabilitate the licensee or applicant. If
19 discipline other than revocation of a license to practice is imposed, the
20 hearings panel may also order that the licensee be granted probation and
21 allowed to continue to practice during the period of such probation. The
22 hearings panel may also include in any disciplinary order that allows the
23 licensee to continue to practice such conditions as the panel may deem
24 appropriate to assure that the licensee is physically, mentally, morally,
25 and otherwise qualified to practice medicine or practice as a physician
26 assistant in accordance with generally accepted professional standards of
27 practice, including any or all of the following:

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

5 **13-64-301. Financial responsibility.** (1) AS A CONDITION OF
6 ACTIVE LICENSURE OR AUTHORITY TO PRACTICE IN THIS STATE, every
7 physician or dentist, and every health care institution as defined in section
8 13-64-202, except as provided in section 13-64-303.5, ~~which provide~~
9 THAT PROVIDES health care services shall establish financial
10 responsibility, as follows:

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

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

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

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

27 (C) Perform less than full-time active ~~medical or~~ dental services

1 because of administrative or other nonclinical duties or partial or
2 complete retirement; or ~~who~~

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

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

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

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

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

27 (A) PERFORM MEDICAL SERVICES AS EMPLOYEES OF THE UNITED

1 STATES GOVERNMENT;

2 (B) RENDER LIMITED OR OCCASIONAL MEDICAL SERVICES;

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

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

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

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

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

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

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

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

18 **SECTION 34.** 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 **12-36-140. Protection of medical records - licensee's**
22 **obligations - verification of compliance - noncompliance grounds for**
23 **discipline - rules.** (1) EACH LICENSED PHYSICIAN AND PHYSICIAN
24 ASSISTANT SHALL DEVELOP A WRITTEN PLAN TO ENSURE THE SECURITY OF
25 PATIENT MEDICAL RECORDS. THE PLAN SHALL ADDRESS AT LEAST THE
26 FOLLOWING:

27 (a) THE STORAGE AND PROPER DISPOSAL, IF APPROPRIATE, OF

1 PATIENT MEDICAL RECORDS;

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

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

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

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

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

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

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

23 **12-36-106. Practice of medicine defined - exemptions from**
24 **licensing requirements - unauthorized practice by physician**
25 **assistants - penalties - repeal.** (5) (a) A person licensed under the laws
26 of this state to practice medicine may delegate to a physician assistant
27 licensed by the board PURSUANT TO SECTION 12-36-107.3 the authority to

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

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

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

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

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

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

25 (d) ~~The board may determine whether any applicant for licensure~~
26 ~~as a physician assistant possesses education, experience, or training in~~
27 ~~health care that is sufficient to be accepted in lieu of the qualifications~~

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

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

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

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

26 (i) The board shall license and keep a record of physician
27 assistants who have been licensed pursuant to paragraph (c) of this

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

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

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

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

14 12-36-107 (3), Colorado Revised Statutes, is repealed.

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

19 **12-36-107.2. [Formerly 12-36-107 (3)] Distinguished foreign
20 teaching physician license - qualifications.**

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

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

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

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

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

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

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

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

12

== ==

13 **12-36-107.4. [Formerly 12-36-106 (5) (c), (5) (d), (5) (e), (5) (f),**
14 **and (5) (i)] Physician assistant license - qualifications.** ~~(5)(e)~~ (1) To
15 ~~become~~ BE licensed AS a physician assistant UNDER THIS ARTICLE, AN
16 APPLICANT SHALL BE AT LEAST TWENTY-ONE YEARS OF AGE AND shall
17 have:

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

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

27 ~~(H)~~ (c) ~~Applied~~ SUBMITTED AN APPLICATION to the board ~~on the~~

1 forms and in the manner designated by the board and paid the appropriate
2 fee established by the board pursuant to section 24-34-105, C.R.S. and

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

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

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

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

1 BASED ON its own established procedures.

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

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

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

17 **12-36-129. Unauthorized practice - penalties.** (1) Any
18 person who practices or offers or attempts to practice medicine OR
19 PRACTICE AS A PHYSICIAN ASSISTANT within this state without an active
20 license issued under this article commits a class 2 misdemeanor and shall
21 be punished as provided in section 18-1.3-501, C.R.S., for the first
22 offense, and, any person committing a second or subsequent offense
23 commits a class 6 felony and shall be punished as provided in section
24 18-1.3-401, C.R.S.

25
26 **SECTION 39.** 12-36-129 (2), (3), and (4), Colorado Revised
27 Statutes, are amended, and the said 12-36-129 is further amended BY

1 THE ADDITION OF A NEW SUBSECTION, CONTAINING
2 RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

3 **12-36-129. Unauthorized practice - penalties.** (2) Any person
4 who ENGAGES IN ANY OF THE FOLLOWING ACTIVITIES COMMITS A CLASS
5 6 FELONY AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401,
6 C.R.S.:

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

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

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

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

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

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

27 (a) ~~He or his~~ THE INDIVIDUAL OR THE INDIVIDUAL'S personal

1 representative is entitled to recover the amount of any fee paid for the
2 services; and

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

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

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

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

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

20 **12-36-111.5. Michael Skolnik medical transparency act -**
21 **disclosure of information about licensees - rules.** (2) (b) The general
22 assembly further finds and declares that it is important to make
23 information about persons engaged in the practice of medicine available
24 to the public in a manner that is efficient, cost-effective, and maintains
25 the integrity of the information, and to that end, the general assembly
26 encourages persons to file the required information with the ~~state~~
27 COLORADO MEDICAL board ~~of medical examiners~~ electronically, to the

1 extent possible.

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

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

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

25 Some studies have shown that there is no significant correlation
26 between malpractice history and a doctor's competence. At the
27 same time, the ~~state~~ COLORADO MEDICAL board ~~of medical~~

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

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

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

11 The incident causing the malpractice claim may have happened
12 years before a payment is finally made. Sometimes, it takes a long
13 time for a malpractice lawsuit to move through the legal system.

14 Some doctors work primarily with high-risk patients. These
15 doctors may have malpractice histories that are higher than
16 average because they specialize in cases or patients who are at
17 very high risk for problems.

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

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

25 The information posted on the ~~state board of medical examiner's~~
26 COLORADO MEDICAL BOARD'S web site was provided by applicants
27 for a medical license and applicants for renewal, reinstatement, or

1 reactivation of a medical license.

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

5 **12-36-102.5. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

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

9 ~~(a)~~ (I) Is specialized, clearly defined, and delineated;

10 ~~(b)~~ (II) Follows the completion of an approved residency;

11 ~~(c)~~ (III) Provides additional training in a medical specialty or
12 subspecialty; and

13 ~~(d)~~ (IV) Is either:

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

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

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

26 (2) (a) **[Formerly 12-36-109]** ~~(1)~~ ~~An~~ "Approved internship" is
27 MEANS an internship:

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

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

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

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

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

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

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

27 (b) "APPROVED MEDICAL COLLEGE" INCLUDES ANY OTHER

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

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

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

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

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

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

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

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

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

26 **SECTION 42.** The introductory portion to 12-36-107.6 (1),
27 Colorado Revised Statutes, is amended to read:

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

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

18 **12-36-122.5. Intern, resident, or fellow reporting.**
19 (3) ~~[Formerly 12-36-122 (9)]~~ Licensed physicians responsible for the
20 supervision of interns, residents, or fellows in graduate training programs
21 shall promptly report to the board anything concerning a ~~physician~~
22 ~~training~~ licensee in ~~such programs~~ THE GRADUATE TRAINING PROGRAM
23 that would constitute a violation of this article. ~~Such~~ THE physicians shall
24 also report to the board any ~~physician training~~ licensee who has not
25 progressed satisfactorily in the program ~~The phrase "not progressed~~
26 ~~satisfactorily in the program"~~ refers to those ~~physician training~~ licensees
27 ~~who have~~ BECAUSE THE LICENSEE HAS been dismissed, suspended, or

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

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

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

11 **12-36-111. Applications for license.** (2) ~~(a) An applicant for a~~
12 ~~license on the basis of an examination by the board shall file an~~
13 ~~application at least ninety days prior to the announced date of the~~
14 ~~examination.~~

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

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

3 **12-36-113. Examinations.** ~~(1) Examinations for a license to~~
4 ~~practice medicine shall be held not less than twice in each year at such~~
5 ~~times and places as may be specified by the board, if there are applicants~~
6 ~~desiring to be examined. The examination shall be conducted in the~~
7 ~~English language and shall cover the basic and clinical sciences and such~~
8 ~~other subjects as the board may prescribe. The examinations shall be fair~~
9 ~~and impartial and practical in character. The examination papers shall not~~
10 ~~disclose the name of any applicant but shall be identified by a number to~~
11 ~~be assigned.~~

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

18 ~~(3) Repealed.~~

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

21 **12-36-121. Duplicates of license.** ~~The board is authorized to~~
22 ~~issue a duplicate license to any licensee, upon application, properly~~
23 ~~verified by oath, establishing to the satisfaction of the board that the~~
24 ~~original license has been lost or destroyed and upon payment to the board~~
25 ~~of a fee to be determined by regulation adopted by the board. No person~~
26 ~~shall be entitled to a duplicate license unless he or she is a licensee in~~
27 ~~good standing.~~

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

5 **12-36-134. Professional service corporations, limited liability**
6 **companies, and registered limited liability partnerships for the**
7 **practice of medicine - definitions.** (1) Persons licensed to practice
8 medicine by the board may form professional service corporations for
9 such persons' practice of medicine under the "Colorado Business
10 Corporation Act", articles 101 to 117 of title 7, C.R.S., if such
11 corporations are organized and operated in accordance with the
12 provisions of this section. The articles of incorporation of such
13 corporations shall contain provisions complying with the following
14 requirements:

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

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

1 leaves of absence not to exceed one year, are actively engaged in the
2 practice of medicine OR AS A PHYSICIAN ASSISTANT in the offices of the
3 corporation.

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

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

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

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

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

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

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

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

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

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

23 **10-1-120. Reporting of medical malpractice claims.** (1) Each
24 insurance company licensed to do business in this state and engaged in
25 the writing of medical malpractice insurance for licensed practitioners
26 shall send to the Colorado state MEDICAL board, ~~of medical examiners,~~ in
27 the form prescribed by the commissioner of insurance, information

1 relating to each medical malpractice claim against a licensed practitioner
2 that is settled or in which judgment is rendered against the insured.

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

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

8 **10-16-104. Mandatory coverage provisions - definitions.**

9 (1.4) **Autism spectrum disorders.** (a) As used in this subsection (1.4),
10 unless the context otherwise requires:

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

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

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

25 (IX) "Psychiatric care" means direct or consultative services
26 provided by a psychiatrist licensed by the ~~state~~ COLORADO MEDICAL
27 board ~~of medical examiners~~ under the "Colorado Medical Practice Act",

1 article 36 of title 12, C.R.S.

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

4 **11-70-102. Title to property of trusts - liability of trust and**
5 **trustees.** The trustees of trusts established pursuant to this article shall
6 hold the legal title to all property at any time belonging to the trusts.
7 They shall have control over such property, as well as the control and
8 management of the business and affairs of the trust. Liability to third
9 persons for any act, omission, or obligation of a trustee of a trust, when
10 acting in such capacity, shall extend to the whole of the trust estate, or so
11 much thereof as may be necessary to discharge such obligation, but no
12 trustee shall be personally liable for any such act, omission, or obligation.
13 The trustees shall have such powers as to the investment of the trust estate
14 as may be set out in the declaration of trust, without regard to the type of
15 investments to which trustees generally are restricted by the provisions of
16 part 8 of article 1 of title 15, C.R.S., nor shall such trustees be subject to
17 the provisions of title 10, C.R.S., concerning the regulation of insurance;
18 except that the trustees shall report any malpractice claim against a
19 licensed practitioner ~~which~~ THAT is settled or in which judgment is
20 rendered against the insured to the Colorado ~~state~~ MEDICAL board, ~~of~~
21 ~~medical examiners~~, which board shall provide statistical data concerning
22 such claims to the commissioner of insurance. Without limiting the
23 generality of the foregoing, the trustees shall have any powers, whether
24 conferred upon them by the agreement of trust or otherwise, to perform
25 all acts necessary or desirable to the conduct of the business of a public
26 liability insurer.

27 **SECTION 52.** 12-22-703 (1) (c), Colorado Revised Statutes, is

1 amended to read:

2 **12-22-703. Advisory committee - duties - repeal.** (1) There is
3 hereby created within the division, the prescription controlled substance
4 abuse monitoring advisory committee. The committee shall consist of the
5 following eleven members:

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

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

11 **12-30-101. Definitions.** As used in this article, unless the context
12 otherwise requires:

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

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

18 **12-32-102. Podiatry license required - professional liability**
19 **insurance required - exceptions.** (1) It is unlawful for any person to
20 practice podiatry within the state of Colorado who does not hold a license
21 to practice medicine issued by the Colorado ~~state~~ MEDICAL board ~~of~~
22 ~~medical examiners~~ or a license to practice podiatry issued by the
23 Colorado podiatry board as provided by this article. A podiatry license
24 is not required for a person serving a one-year or two-year approved
25 residency program. Such persons must register with the Colorado
26 podiatry board in such manner and form as ~~such~~ THE board shall
27 prescribe. As used in this section, an "approved residency" is a residency

1 in a hospital conforming to the minimum standards for residency training
2 established or approved by the Colorado podiatry board, which has the
3 authority, upon its own investigation, to approve any residency.

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

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

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

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

3 **12-32-119. Existing licenses and proceedings.** (1) Nothing in
4 the act contained in chapter 105, Session Laws of Colorado 1979, shall
5 be construed to invalidate the license of any person holding a valid,
6 unrevoked, and unsuspended license on June 30, 1979, to practice
7 podiatry in this state or to affect any disciplinary proceeding or appeal
8 pending on June 30, 1979, or any appointment to the Colorado state
9 MEDICAL board of ~~medical examiners~~ or the Colorado podiatry board or
10 an inquiry panel or hearings panel thereof made on or before June 30,
11 1979.

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

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

22 **12-36-106.5. Child health associates - scope of practice.** On
23 and after July 1, 1990, any person who, on June 30, 1990, was certified
24 only as a child health associate under the laws of this state shall, upon
25 application to the board, be granted licensure as a physician assistant.
26 The practice of any such person shall be subject to ~~the provisions of~~
27 section 12-36-106 (5) AND 12-36-107.4; except that such practice shall be

1 limited to patients under the age of twenty-one.

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

4 **12-36-114. Issuance of licenses - prior practice prohibited.**

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

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

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

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

22 **12-36-201. Legislative declaration.** (2) It is the intent of the
23 general assembly that physicians licensed to practice medicine utilizing
24 unlicensed persons in their practices provide those persons with a
25 minimum level of education and training before allowing them to operate
26 machine sources of ionizing radiation; however, it is not the general
27 assembly's intent to discourage education and training beyond this

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

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

8 **12-36-202. Board authorized to issue rules.** (1) (a) The
9 Colorado ~~state~~ MEDICAL board of ~~medical examiners~~ shall adopt rules ~~and~~
10 ~~regulations~~ prescribing minimum standards for the qualifications,
11 education, and training of unlicensed persons operating machine sources
12 of ionizing radiation and administering such radiation to patients for
13 diagnostic medical use. No licensed physician shall allow any unlicensed
14 person to operate any machine source of ionizing radiation or to
15 administer any such radiation to any patient unless such person has met
16 the standards then in effect under rules ~~and regulations~~ adopted pursuant
17 to this section. The board may adopt rules ~~and regulations~~ allowing a
18 grace period in which newly hired operators of machine sources of
19 ionizing radiation shall receive the training required pursuant to this
20 section.

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

23 **12-36.5-101. Legislative declaration.** (1) The general assembly
24 hereby finds, determines, and declares that the Colorado ~~state~~ MEDICAL
25 board of ~~medical examiners~~ created pursuant to article 36 of this title acts
26 for the state in its sovereign capacity to govern licensure, discipline, and
27 professional review of persons licensed to practice medicine in this state.

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

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

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

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

27 **12-36.5-102. Definitions.** As used in this article, unless the

1 context otherwise requires:

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

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

7 **12-36.5-103. Use of professional review committees.** (1) The
8 general assembly recognizes that the MEDICAL board, ~~of medical~~
9 ~~examiners~~, while assuming and retaining ultimate authority for licensure
10 and discipline in accordance with article 36 of this title and in accordance
11 with this article, cannot practically and economically assume
12 responsibility over every single allegation or instance of purported
13 deviation from the standards of quality for the practice of medicine, from
14 the standards of professional conduct, or from the standards of
15 appropriate care and that an attempt to exercise such oversight would
16 result in extraordinary delays in the determination of the legitimacy of
17 such allegations and would result in the inappropriate and unequal
18 exercise of its authority to license and discipline physicians. It is
19 therefore the intent of the general assembly that the MEDICAL board ~~of~~
20 ~~medical examiners~~ utilize and allow professional review committees and
21 governing boards to assist it in meeting its responsibilities under article
22 36 of this title and under this article.

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

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

4 **12-36.5-104. Establishment of professional review committees**
5 **- function - rules.** (4) Any professional review committee established
6 by any of the following organizations, entities, or professional societies
7 shall be an approved professional review committee under this article if
8 it operates pursuant to written bylaws, policies, or procedures ~~which~~ THAT
9 are in compliance with this article and ~~which~~ THAT have been approved
10 by its governing board:

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

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

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

26 (6) (a) A professional review committee acting pursuant to this
27 part 1 may investigate or cause to be investigated:

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

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

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

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

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

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

24 **12-36.5-104.4. Hospital professional review committees.**

25 (3) Nothing in this section shall be deemed to extend the authority or
26 jurisdiction of the MEDICAL board ~~of medical examiners~~ to any individual
27 not otherwise subject to the jurisdiction of the board.

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

3 **12-36.5-106. Committee on anticompetitive conduct.** (1) There
4 ~~shall be~~ IS HEREBY established a permanent, independent committee of the
5 MEDICAL board, ~~of medical examiners~~ to be known as the committee on
6 anticompetitive conduct, ALSO referred to in this section as "the
7 committee".

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

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

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

25 (10) (b) Following final administrative action by the committee,
26 any party aggrieved by the final action of a governing board who wishes
27 to challenge the action of such governing board, rather than the

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

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

7 **12-36.5-202. Rules - compliance with reporting requirements**
8 **of federal act.** Upon implementation of the federal "Health Care Quality
9 Improvement Act of 1986", as amended, 42 U.S.C. secs. 11101 through
10 11152, and upon implementation of the federal data bank, the MEDICAL
11 board of ~~medical examiners~~ shall promulgate rules ~~and regulations~~ to
12 comply with such act, which rules ~~and regulations~~ are consistent with the
13 standards and the reporting requirements of such act.

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

16 **12-38-111.6. Prescriptive authority - advanced practice nurses**
17 **- rules - repeal.** (4) An advanced practice nurse applying for
18 prescriptive authority before July 1, 2010, shall provide evidence to the
19 board of the following:

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

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

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

9 **13-4-102. Jurisdiction.** (2) The court of appeals shall have
10 initial jurisdiction to:

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

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

17 **13-64-302.5. Exemplary damages - legislative declaration -**
18 **limitations - distribution of damages collected.** (1) The general
19 assembly hereby finds, determines, and declares that it is in the public
20 interest to establish a consistent and uniformly applicable standard for the
21 determination, amount, imposition, and distribution of exemplary
22 monetary damages arising from civil actions and arbitration proceedings
23 alleging professional negligence in the practice of medicine. It is the
24 intent of the general assembly that any such exemplary damages serve the
25 public purposes of deterring negligent acts and where appropriate provide
26 a form of punishment that is in addition to the disciplinary and licensing
27 sanctions available to the ~~state~~ COLORADO MEDICAL board. ~~of medical~~

1 examiners.

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

5 **13-90-107. Who may not testify without consent.** (1) There are
6 particular relations in which it is the policy of the law to encourage
7 confidence and to preserve it inviolate; therefore, a person shall not be
8 examined as a witness in the following cases:

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

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

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

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

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

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

26 **SECTION 74.** 17-1-103 (3) (a) (III), Colorado Revised Statutes,
27 is amended to read:

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

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

10 **17-2-201. State board of parole.** (5.7) If, as a condition of
11 parole, an offender is required to undergo counseling or treatment, unless
12 the parole board determines that treatment at another facility or with
13 another person is warranted, such treatment or counseling shall be at a
14 facility or with a person:

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

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

23 **17-27.1-101. Nongovernmental facilities for offenders -**
24 **registration - notifications - penalties.** (5) No private treatment
25 program in Colorado shall admit or accept a supervised or unsupervised
26 person into the program unless that program:

27 (a) Is registered with the administrator of the interstate compact,

1 and, if the person is a supervised person, the private treatment program
2 is:

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

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

11 **18-1.3-204. Conditions of probation.** (2) (c) If the court orders
12 counseling or treatment as a condition of probation, unless the court
13 makes a specific finding that treatment in another facility or with another
14 person is warranted, the court shall order that such treatment or
15 counseling be at a facility or with a person:

16 (IV) 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 78.** 18-18-103, Colorado Revised Statutes, is amended
23 to read:

24 **18-18-103. Special definition - board.** As used in parts 1 and 2
25 of this article, "board" means the state board of pharmacy. As used in
26 parts 3, 4, 5, and 6 of this article, "board" means the respective licensing
27 board responsible for licensing and registering practitioners or other

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

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

13 **18-18-302. Registration requirements.** (1) Every person who
14 manufactures, distributes, or dispenses any controlled substance within
15 this state, or who proposes to engage in the manufacture, distribution, or
16 dispensing of any controlled substance within this state, shall obtain
17 annually or biannually, if applicable, a registration, issued by the
18 respective licensing board or the department in accordance with rules
19 adopted by such board or by the department. For purposes of this section
20 and this article, "registration" or "registered" means the licensing of
21 manufacturers, pharmacists, pharmacies, and humane societies located in
22 this state, and distributors located in or doing business in this state, by the
23 state board of pharmacy as set forth in parts 1 and 3 of article 22 of title
24 12, C.R.S., the licensing of physicians by the ~~state~~ COLORADO MEDICAL
25 board, ~~of medical examiners~~, as set forth in article 36 of title 12, C.R.S.,
26 the licensing of podiatrists by the Colorado podiatry board, as set forth in
27 article 32 of title 12, C.R.S., the licensing of dentists by the state board of

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

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

10 **23-20-114. Employment of medical personnel.** (1) The board
11 of regents of the university of Colorado has authority to employ medical
12 personnel WHO ARE not citizens of the United States at the university of
13 Colorado health sciences center, the university of Colorado psychiatric
14 hospital, and the medical division of the graduate school of the university
15 of Colorado. Medical personnel who are not citizens of the United States
16 are exempt from the licensure requirements of the "Colorado Medical
17 Practice Act", article 36 of title 12, C.R.S., with respect to services
18 performed in the course of such employment, but such personnel shall
19 first comply with all other requirements of said act, which includes the
20 taking and passing of examinations approved by the ~~state~~ COLORADO
21 MEDICAL board ~~of medical examiners~~ and by the national board of
22 medical examiners, the national board of examiners for osteopathic
23 physicians and surgeons, or the federation of state medical boards, OR
24 THEIR SUCCESSOR ORGANIZATIONS, on subjects relating to the basic
25 sciences as provided by law within three months ~~of~~ AFTER the date of
26 employment unless such examinations are not required by ~~the provisions~~
27 ~~of~~ section 12-36-107 (1) (b), ~~or (1) (d)~~, C.R.S. Such exemptions from

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

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

13 **24-1-122. Department of regulatory agencies - creation.**

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

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

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

21 **24-34-109. Nurse-physician advisory task force for Colorado**
22 **health care - creation - duties - definition - repeal.** (1) There is hereby
23 created, within the division of registrations in the department of
24 regulatory agencies, the nurse-physician advisory task force for Colorado
25 health care, referred to in this section as "NPATCH". The purpose of
26 NPATCH is to promote public safety and improve health care in
27 Colorado by supporting collaboration and communication between the

1 practices of nursing and medicine. The NPATCH shall:

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

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

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

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

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

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

22 **24-60-3101. Legislative declaration.** The general assembly
23 hereby finds that a lack of access to quality, affordable health care
24 services is an increasing problem, both in Colorado and nationwide, and
25 contributes to the spiraling costs of health care for individuals and
26 businesses. This problem could be alleviated by greater interstate
27 cooperation among, and mobility of, medical professionals through the

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

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

11 **24-60-3103. Model legislation - compacts authorized.** (1) The
12 executive director, together with the ~~state~~ COLORADO MEDICAL board of
13 ~~medical examiners~~ created in section 12-36-103, C.R.S., and the state
14 board of nursing created in section 12-38-104, C.R.S., and in consultation
15 with the executive director of the department of health care policy and
16 financing or his or her designee, the executive director of the department
17 of public health and environment or his or her designee, and
18 representatives of other state agencies whose participation the executive
19 director deems beneficial, is hereby authorized to develop, participate in
20 the development of, and negotiate for one or more interstate compacts on
21 behalf of the state of Colorado with other states and to recommend model
22 legislation that, if adopted in the respective signatory states, would
23 advance the following policy goals:

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

26 **25-1-108.7. Health care credentials uniform application act -**
27 **legislative declaration - definitions - state board of health rules.**

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

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

6 **25-3-107. Disciplinary actions reported to Colorado medical**
7 **board or podiatry board.** (1) Any disciplinary action to suspend,
8 revoke, or otherwise limit the privileges of a licensed physician or
9 podiatrist ~~which~~ THAT is taken by the governing board of a hospital
10 required to be licensed or certified pursuant to this part 1 or required to
11 obtain a certificate of compliance pursuant to section 25-1.5-103 (1) (a)
12 (I) or (1) (a) (II) shall be reported to the Colorado ~~state~~ MEDICAL board ~~of~~
13 ~~medical examiners~~ or the Colorado podiatry board, whichever board is
14 appropriate, in the form prescribed by said board.

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

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

21 **27-1-102. Executive director - division heads - interagency**
22 **council - advisory boards.** (2) (c) All such personnel as cannot satisfy
23 all of the requirements set forth in paragraph (b) of this subsection (2)
24 shall be exempt from ~~the provisions of~~ the "Colorado Medical Practice
25 Act", article 36 of title 12, C.R.S., with respect to services rendered to
26 bona fide patients or inmates at said institutions, if such personnel are of
27 good moral character, are graduates of an approved medical college as

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

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

19 **27-1-103. Duties of executive director - governor acquire**
20 **water rights - rules.** (3) (a) (III) The executive director shall determine
21 the qualifications for appointment to the board of medical consultants;
22 except that all members of the board shall be licensed by the ~~state~~
23 COLORADO MEDICAL board ~~of medical examiners~~ pursuant to ~~the~~
24 ~~provisions of~~ article 36 of title 12, C.R.S.

25 **SECTION 89. Appropriation.** (1) In addition to any other
26 appropriation, there is hereby appropriated, out of any moneys in the
27 division of registrations cash fund created in section 24-34-105 (2) (b) (I),

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

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

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

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

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

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

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

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

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

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

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