

**First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 11-1075.01 Christy Chase

**HOUSE BILL 11-1323**

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**HOUSE SPONSORSHIP**

**Massey,**

**SENATE SPONSORSHIP**

**Boyd,**

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**House Committees**  
Health and Environment

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING AN EXEMPTION FROM STATE LICENSURE REQUIREMENTS**  
102 **FOR A COMMUNITY CLINIC THAT IS A RURAL HEALTH CLINIC.**

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**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 <http://www.leg.state.co.us/billsummaries>.)*

Under current law, community clinics, like some other health facilities, are required to obtain a license from, submit to on-site inspections by, and obtain approval of construction plans from the department of public health and environment.

The bill excludes from the definition of a community clinic any

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  
2nd Reading Unamended  
May 9, 2011

clinic that is a "rural health clinic" under the federal "Social Security Act", thereby exempting rural health clinics from state licensure and related requirements. **Section 3** of the bill clarifies that while a rural health clinic will no longer be licensed by the department, a rural health clinic continues as a general provider under the Colorado indigent care program.

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

2 **SECTION 1.** 25-1.5-103 (2) (a.5), Colorado Revised Statutes, as  
3 enacted by House Bill 11-1101, is amended to read:

4 **25-1.5-103. Health facilities - powers and duties of department**  
5 **- limitations on rules promulgated by department.** (2) For purposes  
6 of this section, unless the context otherwise requires:

7 (a.5) "Community clinic" does not include:

8 (I) A federally qualified health center, as defined in section 1861  
9 (aa) (4) of the federal "Social Security Act", 42 U.S.C. sec. 1395x (aa)  
10 (4);

11 (II) A RURAL HEALTH CLINIC, AS DEFINED IN SECTION 1861 (aa) (2)  
12 OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa) (2).

13 **SECTION 2.** 25-3-101 (2) (a), Colorado Revised Statutes, as  
14 amended by House Bill 11-1101, is amended to read:

15 **25-3-101. Hospitals - health facilities - licensed - definitions.**

16 (2) As used in this section, unless the context otherwise requires:

17 (a) "Community clinic" does not include:

18 (I) A federally qualified health center, as defined in section 1861  
19 (aa) (4) of the federal "Social Security Act", 42 U.S.C. sec. 1395x (aa)  
20 (4).

21 (II) A RURAL HEALTH CLINIC, AS DEFINED IN SECTION 1861 (aa) (2)  
22 OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa) (2).

1           **SECTION 3.** 25.5-3-103 (3), Colorado Revised Statutes, as  
2 amended by House Bill 11-1101, is amended to read:

3           **25.5-3-103. Definitions.** As used in this part 1, unless the context  
4 otherwise requires:

5           (3) "General provider" means a general hospital, birth center, or  
6 community health clinic licensed or certified by the department of public  
7 health and environment pursuant to section 25-1.5-103 (1) (a) (I) or (1)  
8 (a) (II), C.R.S.; a federally qualified health center, as defined in section  
9 1861 (aa) (4) of the federal "Social Security Act", 42 U.S.C. sec. 1395x  
10 (aa) (4); A RURAL HEALTH CLINIC, AS DEFINED IN SECTION 1861 (aa) (2) OF  
11 THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa) (2); a  
12 health maintenance organization issued a certificate of authority pursuant  
13 to section 10-16-402, C.R.S.; and the health sciences center when acting  
14 pursuant to section 25.5-3-108 (5) (a) (I) or (5) (a) (II) (A). For the  
15 purposes of the program, "general provider" includes associated  
16 physicians.

17           **SECTION 4. Safety clause.** The general assembly hereby finds,  
18 determines, and declares that this act is necessary for the immediate  
19 preservation of the public peace, health, and safety.