

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

REREVISED

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

LLS NO. 12-0628.01 Kristen Forrestal x4217

HOUSE BILL 12-1332

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING LICENSURE OF ANESTHESIOLOGIST ASSISTANTS.**

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>.)

The bill prohibits an individual from practicing as an anesthesiologist assistant without a license issued by the Colorado medical board (board), effective July 1, 2013. In order to be licensed as an anesthesiologist assistant, an applicant must be at least 21 years of age and have:

- ! Successfully completed an education program for anesthesiologist assistants that conforms to standards

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.*

SENATE
3rd Reading Unamended
May 9, 2012

SENATE
Amended 2nd Reading
May 8, 2012

HOUSE
3rd Reading Unamended
April 18, 2012

HOUSE
Amended 2nd Reading
April 16, 2012

- ! delineated by the commission on accreditation of allied health education programs and approved by the board;
- ! Successfully completed the national certifying examination for anesthesiologist assistants that is administered by the national commission for certification of anesthesiologist assistants; and
- ! Submitted an application to the board in the manner designated by the board and paid the appropriate fee established by the board.

The bill allows a physician who specializes in anesthesiology to delegate medical tasks to a licensed anesthesiologist assistant, including the authority to administer medications. The tasks are limited to the medical functions that constitute the delivery of or provision of anesthesia services as practiced by the supervising physician.

An anesthesiologist assistant is subject to the same standards for licensing, unprofessional conduct, and discipline that exist for physician assistants.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-36-102.5, **amend**
 3 (6) and (7) as follows:

4 **12-36-102.5. Definitions.** As used in this article, unless the
 5 context otherwise requires:

6 (6) "License" means the authority to practice medicine, ~~or~~ practice
 7 as a physician assistant, OR PRACTICE AS AN ANESTHESIOLOGIST
 8 ASSISTANT under this article.

9 (7) "Licensee" means any physician, ~~or~~ physician assistant, OR
 10 ANESTHESIOLOGIST ASSISTANT who is licensed pursuant to this article.

11 **SECTION 2.** In Colorado Revised Statutes, 12-36-104, **amend**
 12 (3) as follows:

13 **12-36-104. Powers and duties of board.** (3) To facilitate the
 14 licensure of qualified applicants and address the unlicensed practice of
 15 medicine, ~~and~~ the unlicensed practice as a physician assistant, AND THE
 16 UNLICENSED PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT, the president

1 of the board shall establish a licensing panel in accordance with section
2 12-36-111.3 to perform licensing functions in accordance with this article
3 and review and resolve matters relating to the unlicensed practice of
4 medicine, ~~and~~ unlicensed practice as a physician assistant, AND
5 UNLICENSED PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT. Two panel
6 members ~~shall~~ constitute a quorum of the panel. Any action taken by a
7 quorum of the panel ~~shall constitute~~ CONSTITUTES action by the board.

8 **SECTION 3.** In Colorado Revised Statutes, 12-36-106, **amend**
9 (2); and **add** (7) as follows:

10 **12-36-106. Practice of medicine defined - exemptions from**
11 **licensing requirements - unauthorized practice by physician**
12 **assistants and anesthesiologist assistants - penalties - rules.** (2) If a
13 person who does not possess and has not filed a license to practice
14 medicine, ~~or~~ practice as a physician assistant, OR PRACTICE AS AN
15 ANESTHESIOLOGIST ASSISTANT in this state, as provided in this article, and
16 who is not exempted from the licensing requirements under this article,
17 performs any of the acts that constitute the practice of medicine as
18 defined in this section, the person shall be deemed to be practicing
19 medicine, ~~or~~ practicing as a physician assistant, OR PRACTICING AS AN
20 ANESTHESIOLOGIST ASSISTANT in violation of this article.

21 (7) (a) A PHYSICIAN LICENSED IN THIS STATE THAT PRACTICES AS
22 AN ANESTHESIOLOGIST MAY DELEGATE TASKS CONSTITUTING THE
23 PRACTICE OF MEDICINE TO AN ANESTHESIOLOGIST ASSISTANT LICENSED
24 PURSUANT TO SECTION 12-36-107.3 WHO HAS BEEN EDUCATED AND
25 TRAINED IN ACCORDANCE WITH RULES PROMULGATED BY THE BOARD. THE
26 DELEGATED MEDICAL TASKS REFERRED TO IN THIS PARAGRAPH (a) ARE
27 LIMITED TO THE MEDICAL FUNCTIONS THAT CONSTITUTE THE DELIVERY OR

1 PROVISION OF ANESTHESIA SERVICES AS PRACTICED BY THE SUPERVISING
2 PHYSICIAN.

3 (b) AN ANESTHESIOLOGIST ASSISTANT SHALL PERFORM
4 DELEGATED MEDICAL TASKS ONLY UNDER THE DIRECT SUPERVISION OF A
5 PHYSICIAN WHO PRACTICES AS AN ANESTHESIOLOGIST. A PATIENT OR THE
6 PATIENT'S REPRESENTATIVE SHALL BE ADVISED IF AN ANESTHESIOLOGIST
7 ASSISTANT IS INVOLVED IN THE CARE OF A PATIENT. UNLESS APPROVED BY
8 THE BOARD, A SUPERVISING PHYSICIAN SHALL NOT CONCURRENTLY
9 SUPERVISE MORE THAN THREE ANESTHESIOLOGIST ASSISTANTS; EXCEPT
10 THAT THE BOARD MAY, BY RULE, ALLOW AN ANESTHESIOLOGIST TO
11 SUPERVISE UP TO FOUR ANESTHESIOLOGIST ASSISTANTS ON AND AFTER
12 JULY 1, 2016. THE BOARD MAY CONSIDER INFORMATION FROM
13 ANESTHESIOLOGISTS, ANESTHESIOLOGIST ASSISTANTS, PATIENTS, AND
14 OTHER SOURCES WHEN CONSIDERING A RATIO CHANGE OF SUPERVISION OF
15 ANESTHESIOLOGIST ASSISTANTS. DIRECT SUPERVISION OF
16 ANESTHESIOLOGIST ASSISTANTS MAY BE TRANSFERRED BETWEEN
17 ANESTHESIOLOGISTS OF THE SAME GROUP OR PRACTICE IN ACCORDANCE
18 WITH GENERALLY ACCEPTED STANDARDS OF CARE.

19 (c) NOTHING IN THIS SUBSECTION (7) AFFECTS THE PRACTICE OF
20 DENTISTS AND DENTAL ASSISTANTS PRACTICING PURSUANT TO ARTICLE 35
21 OF TITLE 12.

22 **SECTION 4.** In Colorado Revised Statutes, **add** 12-36-107.3 as
23 follows:

24 **12-36-107.3. Anesthesiologist assistant license - qualifications.**

25 (1) TO BE LICENSED AS AN ANESTHESIOLOGIST ASSISTANT UNDER THIS
26 ARTICLE, AN APPLICANT MUST BE AT LEAST TWENTY-ONE YEARS OF AGE
27 AND MUST HAVE:

1 (a) SUCCESSFULLY COMPLETED AN EDUCATION PROGRAM FOR
2 ANESTHESIOLOGIST ASSISTANTS THAT CONFORMS TO STANDARDS
3 DELINEATED BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH
4 EDUCATION PROGRAMS, OR ITS SUCCESSOR ORGANIZATION, AND
5 APPROVED BY THE BOARD;

6 (b) SUCCESSFULLY COMPLETED THE NATIONAL CERTIFYING
7 EXAMINATION FOR ANESTHESIOLOGIST ASSISTANTS THAT IS ADMINISTERED
8 BY THE NATIONAL COMMISSION FOR CERTIFICATION OF ANESTHESIOLOGIST
9 ASSISTANTS OR A SUCCESSOR ORGANIZATION; AND

10 (c) SUBMITTED AN APPLICATION TO THE BOARD IN THE MANNER
11 DESIGNATED BY THE BOARD AND PAID THE APPROPRIATE FEE ESTABLISHED
12 BY THE BOARD PURSUANT TO SECTION 24-34-105, C.R.S.

13 (2) A PERSON APPLYING FOR A LICENSE TO PRACTICE AS AN
14 ANESTHESIOLOGIST ASSISTANT IN THIS STATE SHALL NOTIFY THE BOARD,
15 IN CONNECTION WITH HIS OR HER APPLICATION FOR LICENSURE, OF THE
16 COMMISSION OF ANY ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY
17 ACTION AGAINST A LICENSED ANESTHESIOLOGIST ASSISTANT UNDER
18 SECTION 12-36-117, ALONG WITH AN EXPLANATION OF THE
19 CIRCUMSTANCES OF THE ACT. THE BOARD MAY DENY LICENSURE TO ANY
20 APPLICANT AS SET FORTH IN SECTION 12-36-116.

21 (3) A PERSON LICENSED TO PRACTICE AS AN ANESTHESIOLOGIST
22 ASSISTANT SHALL NOT PERFORM ANY ACT THAT CONSTITUTES THE
23 PRACTICE OF MEDICINE WITHIN A HOSPITAL OR AMBULATORY SURGICAL
24 CENTER LICENSED PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 25, C.R.S.,
25 OR REQUIRED TO OBTAIN A CERTIFICATE OF COMPLIANCE PURSUANT TO
26 SECTION 25-1.5-103 (1) (a) (II), C.R.S., UNLESS THE LICENSED
27 ANESTHESIOLOGIST ASSISTANT OBTAINS AUTHORIZATION FROM THE

1 GOVERNING BOARD OF THE HOSPITAL OR AMBULATORY SURGICAL CENTER.
2 THE GOVERNING BOARD OF A HOSPITAL OR AMBULATORY SURGICAL
3 CENTER MAY GRANT, DENY, OR LIMIT A LICENSED ANESTHESIOLOGIST
4 ASSISTANT'S AUTHORIZATION BASED ON THE GOVERNING BOARD'S
5 ESTABLISHED PROCEDURES.

6 (4) THE BOARD MAY TAKE ANY DISCIPLINARY ACTION WITH
7 RESPECT TO AN ANESTHESIOLOGIST ASSISTANT LICENSE AS IT MAY WITH
8 RESPECT TO THE LICENSE OF A PHYSICIAN, IN ACCORDANCE WITH SECTION
9 12-36-118.

10 (5) THE BOARD SHALL LICENSE AND KEEP A RECORD OF
11 ANESTHESIOLOGIST ASSISTANTS WHO HAVE BEEN LICENSED PURSUANT TO
12 THIS SECTION. A LICENSED ANESTHESIOLOGIST ASSISTANT SHALL RENEW
13 HIS OR HER LICENSE IN ACCORDANCE WITH SECTION 12-36-123.

14 (6) THIS SECTION TAKES EFFECT JULY 1, 2013.

15 **SECTION 5.** In Colorado Revised Statutes, 12-36-111.3, **amend**
16 (3) as follows:

17 **12-36-111.3. Licensing panel.** (3) The licensing panel shall
18 review and resolve matters relating to the unlicensed practice of
19 medicine. If it appears to the licensing panel, based upon credible
20 evidence in a written complaint by any person or upon credible evidence
21 in a motion of the licensing panel, that a person is practicing or has
22 practiced medicine, ~~or~~ PRACTICED as a physician assistant, OR PRACTICED
23 AS AN ANESTHESIOLOGIST ASSISTANT without a license as required by this
24 article, the licensing panel may issue an order to cease and desist the
25 unlicensed practice. The order ~~shall~~ MUST set forth the particular statutes
26 and rules that have been violated, the facts alleged to have constituted the
27 violation, and the requirement that all unlicensed practices immediately

1 cease. The respondent may request a hearing on a cease-and-desist order
2 in accordance with section 12-36-118 (14) (b). ~~The provisions of Section~~
3 12-36-118 (10), exempting board disciplinary proceedings and records
4 from open meetings and public records requirements, ~~shall~~ DOES not
5 apply to a hearing or any other proceeding held by the licensing panel
6 pursuant to this subsection (3) regarding the unlicensed practice of
7 medicine. The procedures specified in section 12-36-118 (15), (16), (17),
8 and (18) ~~shall~~ apply to allegations and orders regarding the unlicensed
9 practice of medicine before the licensing panel.

10 **SECTION 6.** In Colorado Revised Statutes, 12-36-114.5, **amend**
11 (1) and (2) as follows:

12 **12-36-114.5. Reentry license.** (1) Notwithstanding any other
13 provision of this article, the board may issue a reentry license to a
14 physician, ~~or~~ physician assistant, OR ANESTHESIOLOGIST ASSISTANT who
15 has not actively practiced medicine, ~~or~~ practiced as a physician assistant,
16 OR PRACTICED AS AN ANESTHESIOLOGIST ASSISTANT, as applicable, for the
17 two-year period immediately preceding the filing of an application for a
18 reentry license, or who has not otherwise maintained continued
19 competency during such period, as determined by the board. The board
20 may charge a fee for a reentry license.

21 (2) (a) In order to qualify for a reentry license, the physician, ~~or~~
22 physician assistant, OR ANESTHESIOLOGIST ASSISTANT shall submit to
23 evaluations, assessments, and an educational program as required by the
24 board. The board may work with a private entity that specializes in
25 physician, ~~and~~ physician assistant, OR ANESTHESIOLOGIST ASSISTANT
26 assessment to:

27 (I) Determine the applicant's competency and areas in which

1 improvement is needed, if any;

2 (II) Develop an educational program specific to the applicant; and

3 (III) Upon completion of the educational program, conduct an
4 evaluation to determine the applicant's competency.

5 (b) (I) If, based on the assessment, the board determines that the
6 applicant requires a period of supervised practice, the board may issue a
7 reentry license, allowing the applicant to practice medicine, ~~or PRACTICE~~
8 as a physician assistant, OR PRACTICE AS AN ANESTHESIOLOGIST
9 ASSISTANT, as applicable, under supervision as specified by the board.

10 (II) After satisfactory completion of the period of supervised
11 practice, as determined by the board, the reentry licensee may apply to the
12 board for conversion of the reentry license to a full license to practice
13 medicine, ~~or to practice as a physician assistant, OR PRACTICE AS AN~~
14 ANESTHESIOLOGIST ASSISTANT, as applicable, under this article.

15 (c) If, based on the assessment and after completion of an
16 educational program, if prescribed, the board determines that the
17 applicant is competent and qualified to practice medicine ~~or to practice~~
18 as a physician assistant, ~~as specified in this article,~~ without supervision OR
19 PRACTICE AS A PHYSICIAN ASSISTANT OR AS AN ANESTHESIOLOGIST
20 ASSISTANT WITH SUPERVISION AS SPECIFIED IN THIS ARTICLE, the board
21 may convert the reentry license to a full license to practice medicine, ~~or~~
22 ~~to~~ practice as a physician assistant, OR PRACTICE AS AN
23 ANESTHESIOLOGIST ASSISTANT, as applicable, under this article.

24 **SECTION 7.** In Colorado Revised Statutes, 12-36-116, **amend**
25 (1) (c) and (1) (d) as follows:

26 **12-36-116. Refusal of license - issuance subject to probation.**

27 (1) The board may refrain from issuing a license or may grant a license

1 subject to terms of probation if the board determines that an applicant for
2 a license:

3 (c) Has been disciplined in another state or foreign jurisdiction
4 with respect to his or her license to practice medicine, ~~or~~ license to
5 practice as a physician assistant, OR LICENSE TO PRACTICE AS AN
6 ANESTHESIOLOGIST ASSISTANT; or

7 (d) Has not actively practiced medicine, ~~or~~ practiced as a
8 physician assistant, OR PRACTICED AS AN ANESTHESIOLOGIST ASSISTANT
9 for the two-year period immediately preceding the filing of such
10 application or otherwise maintained continued competency during such
11 period, as determined by the board.

12 **SECTION 8.** In Colorado Revised Statutes, 12-36-117, **amend**
13 (2) and (3) (b) as follows:

14 **12-36-117. Unprofessional conduct.** (2) The discipline of a
15 license to practice medicine, ~~or~~ of a license to practice as a physician
16 assistant, OR OF A LICENSE TO PRACTICE AS AN ANESTHESIOLOGIST
17 ASSISTANT in another state, territory, or country shall be deemed to be
18 unprofessional conduct. For purposes of this subsection (2), "discipline"
19 includes any sanction required to be reported pursuant to 45 CFR 60.8.
20 This subsection (2) ~~shall apply~~ APPLIES only to discipline that is based
21 upon an act or omission in such other state, territory, or country that is
22 defined substantially the same as unprofessional conduct pursuant to
23 subsection (1) of this section.

24 (3) (b) Nothing in paragraph (a) of this subsection (3) ~~shall be~~
25 ~~construed to prevent~~ PREVENTS disciplinary action against a licensee for
26 practicing medicine, ~~or~~ practicing as a physician assistant, OR PRACTICING
27 AS AN ANESTHESIOLOGIST ASSISTANT in violation of this article.

1 **SECTION 9.** In Colorado Revised Statutes, 12-36-118, **amend**
2 (5) (g) (III) introductory portion, (5) (g) (IV), (5) (i), and (8) as follows:

3 **12-36-118. Disciplinary action by board - immunity - rules.**

4 (5) (g) (III) If the hearings panel finds the charges proven and orders that
5 discipline be imposed, it shall also determine the extent of such
6 discipline, which ~~shall~~ **MUST** be in the form of a letter of admonition,
7 suspension for a definite or indefinite period, or revocation of license to
8 practice. The hearings panel also may impose a fine of up to five
9 thousand dollars per violation. In determining appropriate disciplinary
10 action, the hearings panel shall first consider sanctions that are necessary
11 to protect the public. Only after the panel has considered such sanctions
12 may it consider and order requirements designed to rehabilitate the
13 licensee or applicant. If discipline other than revocation of a license to
14 practice is imposed, the hearings panel may also order that the licensee be
15 granted probation and allowed to continue to practice during the period
16 of such probation. The hearings panel may also include in any
17 disciplinary order that allows the licensee to continue to practice such
18 conditions as the panel may deem appropriate to assure that the licensee
19 is physically, mentally, morally, and otherwise qualified to practice
20 medicine, ~~or~~ practice as a physician assistant, OR PRACTICE AS AN
21 ANESTHESIOLOGIST ASSISTANT in accordance with generally accepted
22 professional standards of practice, including any or all of the following:

23 (IV) Upon the failure of the licensee to comply with any
24 conditions imposed by the hearings panel pursuant to subparagraph (III)
25 of this paragraph (g), unless due to conditions beyond the licensee's
26 control, the hearings panel may order suspension of the licensee's license
27 to practice medicine, ~~or~~ practice as a physician assistant, OR PRACTICE AS

1 AN ANESTHESIOLOGIST ASSISTANT in this state until such time as the
2 licensee complies with such conditions.

3 (i) Any person whose license to practice medicine, ~~or~~ to practice
4 as a physician assistant, OR TO PRACTICE AS AN ANESTHESIOLOGIST
5 ASSISTANT is revoked or who surrenders his or her license to avoid
6 discipline ~~shall~~ IS not be eligible to apply for any license for two years
7 after the date the license is revoked or surrendered. The two-year waiting
8 period applies to any person whose license to practice medicine, to
9 practice as a physician assistant, TO PRACTICE AS AN ANESTHESIOLOGIST
10 ASSISTANT, or to practice any other health care occupation is revoked by
11 any other legally qualified board or regulatory entity.

12 (8) If any licensee is determined to be mentally incompetent or
13 insane by a court of competent jurisdiction and a court enters, pursuant to
14 part 3 or part 4 of article 14 of title 15 or section 27-65-109 (4) or
15 27-65-127, C.R.S., an order specifically finding that the mental
16 incompetency or insanity is of such a degree that the licensee is incapable
17 of continuing to practice medicine, ~~or~~ practice as a physician assistant, OR
18 PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT, THE BOARD SHALL
19 AUTOMATICALLY SUSPEND his or her license, ~~shall automatically be~~
20 ~~suspended by the board~~, and, anything in this article to the contrary
21 notwithstanding, such suspension ~~shall~~ MUST continue until the licensee
22 is found by such court to be competent to practice medicine, ~~or~~ practice
23 as a physician assistant, OR PRACTICE AS AN ANESTHESIOLOGIST
24 ASSISTANT.

25 **SECTION 10.** In Colorado Revised Statutes, 12-36-118.5,
26 **amend** (1) and (2) (a) as follows:

27 **12-36-118.5. Confidential agreements to limit practice -**

1 **violation grounds for discipline.** (1) If a physician, or physician
2 assistant, OR ANESTHESIOLOGIST ASSISTANT suffers from a physical or
3 mental illness or condition that renders the licensee unable to practice
4 medicine, or practice as a physician assistant, OR PRACTICE AS AN
5 ANESTHESIOLOGIST ASSISTANT with reasonable skill and with safety to
6 patients, the physician, or physician assistant, OR ANESTHESIOLOGIST
7 ASSISTANT shall notify the board of the illness or condition in a manner
8 and within a period determined by the board. The board may require the
9 licensee to submit to an examination or refer the licensee to a peer health
10 assistance program pursuant to section 12-36-123.5 to evaluate the extent
11 of the illness or condition and its impact on the licensee's ability to
12 practice with reasonable skill and with safety to patients.

13 (2) (a) Upon determining that a physician, or physician assistant,
14 OR ANESTHESIOLOGIST ASSISTANT with a physical or mental illness or
15 condition is able to render limited medical services with reasonable skill
16 and with safety to patients, the board may enter into a confidential
17 agreement with the physician, or physician assistant, OR
18 ANESTHESIOLOGIST ASSISTANT in which the physician, or physician
19 assistant, OR ANESTHESIOLOGIST ASSISTANT agrees to limit his or her
20 practice based on the restrictions imposed by the illness or condition, as
21 determined by the board.

22 **SECTION 11.** In Colorado Revised Statutes, 12-36-123.5,
23 **amend** (3.5) (b) (I) introductory portion, (3.5) (b) (I) (C), (3.5) (b) (II),
24 (3.5) (b) (III), (3.5) (c), (3.5) (e) introductory portion, (3.5) (e) (II), and
25 (5) as follows:

26 **12-36-123.5. Physicians', physician assistants', and**
27 **anesthesiologist assistants' peer health assistance program.**

1 (3.5) (b) (I) As a condition of physician, ~~and~~ physician assistant, AND
2 ANESTHESIOLOGIST ASSISTANT licensure and renewal in this state, every
3 applicant shall pay, pursuant to ~~paragraphs (d) and~~ PARAGRAPH (e) of this
4 subsection (3.5), an amount set by the board, not to exceed sixty-one
5 dollars per year, which maximum amount may be adjusted on January 1,
6 2011, and annually thereafter by the board to reflect:

7 (C) Differences in program utilization by physicians, ~~and~~
8 physician assistants, AND ANESTHESIOLOGIST ASSISTANTS.

9 (II) Based on differences in utilization rates between physicians,
10 ~~and~~ physician assistants, AND ANESTHESIOLOGIST ASSISTANTS, the board
11 may establish a different fee ~~amount~~ AMOUNTS for physicians, ~~than the~~
12 ~~amount charged~~ physician assistants, AND ANESTHESIOLOGIST
13 ASSISTANTS.

14 (III) The fee imposed pursuant to this paragraph (b) ~~shall be used~~
15 IS to support designated providers that have been selected by the board to
16 provide assistance to physicians, ~~and~~ physician assistants, AND
17 ANESTHESIOLOGIST ASSISTANTS needing help in dealing with physical,
18 emotional, or psychological problems that may be detrimental to their
19 ability to practice medicine, PRACTICE AS A PHYSICIAN ASSISTANT, OR
20 PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT, AS APPLICABLE.

21 (c) The board shall select one or more peer health assistance
22 programs as designated providers. To be eligible for designation by the
23 board, a peer health assistance program ~~shall~~ MUST:

24 (I) Provide for the education of physicians, ~~and~~ physician
25 assistants, AND ANESTHESIOLOGIST ASSISTANTS with respect to the
26 recognition and prevention of physical, emotional, and psychological
27 problems and provide for intervention when necessary or under

1 circumstances ~~which~~ THAT may be established by rules promulgated by
2 the board;

3 (II) Offer assistance to a physician, ~~or~~ physician assistant, OR
4 ANESTHESIOLOGIST ASSISTANT in identifying physical, emotional, or
5 psychological problems;

6 (III) Evaluate the extent of physical, emotional, or psychological
7 problems and refer the physician, ~~or~~ physician assistant, OR
8 ANESTHESIOLOGIST ASSISTANT for appropriate treatment;

9 (IV) Monitor the status of a physician, ~~or~~ physician assistant, OR
10 ANESTHESIOLOGIST ASSISTANT who has been referred for treatment;

11 (V) Provide counseling and support for the physician, ~~or~~ physician
12 assistant, OR ANESTHESIOLOGIST ASSISTANT and for the family of any
13 physician, ~~or~~ physician assistant, OR ANESTHESIOLOGIST ASSISTANT
14 referred for treatment;

15 (VI) Agree to receive referrals from the board;

16 (VII) Agree to make their services available to all licensed
17 Colorado physicians, ~~and~~ licensed Colorado physician assistants, AND
18 LICENSED COLORADO ANESTHESIOLOGIST ASSISTANTS.

19 (e) The responsibilities of the administering entity ~~shall be~~ ARE:

20 (II) To verify to the board, in a manner acceptable to the board,
21 the names of all physician, ~~and~~ physician assistant, AND
22 ANESTHESIOLOGIST ASSISTANT applicants who have paid the fee set by the
23 board;

24 (5) Nothing in this section ~~shall be construed to create~~ CREATES
25 any liability on the board or the state of Colorado for the actions of the
26 board in making grants to peer assistance programs, and no civil action
27 may be brought or maintained against the board or the state for an injury

1 alleged to have been the result of the activities of any state-funded peer
2 assistance program or the result of an act or omission of a physician, ~~or~~
3 physician assistant, OR ANESTHESIOLOGIST ASSISTANT participating in or
4 referred by a state-funded peer assistance program.

5 **SECTION 12.** In Colorado Revised Statutes, 12-36-129, **amend**
6 (1), (2) (b), (2) (c), (3), and (4) introductory portion as follows:

7 **12-36-129. Unauthorized practice - penalties.** (1) Any person
8 who practices or offers or attempts to practice medicine, ~~or~~ practice as a
9 physician assistant, OR PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT
10 within this state without an active license issued under this article
11 commits a class 2 misdemeanor and shall be punished as provided in
12 section 18-1.3-501, C.R.S., for the first offense, and any person
13 committing a second or subsequent offense commits a class 6 felony and
14 shall be punished as provided in section 18-1.3-401, C.R.S.

15 (2) Any person who engages in any of the following activities
16 commits a class 6 felony and shall be punished as provided in section
17 18-1.3-401, C.R.S.:

18 (b) Gives either false or forged evidence of any kind to the board
19 or any board member in connection with an application for a license to
20 practice medicine, ~~or~~ practice as a physician assistant, OR PRACTICE AS AN
21 ANESTHESIOLOGIST ASSISTANT;

22 (c) Practices medicine, ~~or~~ practices as a physician assistant, OR
23 PRACTICES AS AN ANESTHESIOLOGIST ASSISTANT under a false or assumed
24 name; or

25 (3) No action may be maintained against an individual who has
26 been the recipient of services constituting the unlawful practice of
27 medicine, ~~or the~~ unlawful practice ~~of~~ AS a physician assistant, OR

1 UNLAWFUL PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT, for the breach
2 of a contract involving the unlawful practice of medicine, ~~or the~~ unlawful
3 practice ~~of~~ AS a physician assistant, OR UNLAWFUL PRACTICE AS AN
4 ANESTHESIOLOGIST ASSISTANT or the recovery of compensation for
5 services rendered under such a contract.

6 (4) When an individual has been the recipient of services
7 constituting the unlawful practice of medicine, ~~or the~~ unlawful practice
8 ~~of~~ AS a physician assistant, OR UNLAWFUL PRACTICE AS AN
9 ANESTHESIOLOGIST ASSISTANT, whether or not the individual knew that
10 the rendition of the services was unlawful:

11 **SECTION 13.** In Colorado Revised Statutes, 12-36-137, **amend**
12 (2) (a) as follows:

13 **12-36-137. Inactive license.** (2) Any person applying for a
14 license under this section shall:

15 (a) Provide an affidavit to the board that the applicant, after a date
16 certain, ~~shall~~ WILL not practice medicine, ~~or~~ practice as a physician
17 assistant, OR PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT in this state
18 unless the applicant is issued a license to practice medicine, ~~or~~ practice
19 as a physician assistant, OR PRACTICE AS AN ANESTHESIOLOGIST
20 ASSISTANT pursuant to subsection (5) of this section;

21 **SECTION 14.** In Colorado Revised Statutes, 13-21-115.5,
22 **amend** (3) (c) (II) (A) as follows:

23 **13-21-115.5. Volunteer service act - immunity - exception for**
24 **operation of motor vehicles.** (3) As used in this section, unless the
25 context otherwise requires:

26 (c) (II) "Volunteer" includes:

27 (A) A licensed physician, ~~and~~ a licensed physician assistant, AND

1 A LICENSED ANESTHESIOLOGIST ASSISTANT governed by ~~the provisions of~~
2 article 36 of title 12, C.R.S., performing the practice of medicine, as
3 defined in section 12-36-106, C.R.S., as a volunteer for a nonprofit
4 organization, a nonprofit corporation, a governmental entity, or a hospital;

5 **SECTION 15.** In Colorado Revised Statutes, 18-3-104, **amend**
6 (4) (b) (II) as follows:

7 **18-3-104. Manslaughter.** (4) (b) For purposes of this subsection
8 (4):

9 (II) "Medical caregiver" means a physician, registered nurse,
10 nurse practitioner, ~~or~~ physician assistant, OR ANESTHESIOLOGIST
11 ASSISTANT licensed by this state.

12 **SECTION 16.** In Colorado Revised Statutes, 24-34-110, **amend**
13 (3) (a) (IX) as follows:

14 **24-34-110. Medical transparency act of 2010 - disclosure of**
15 **information about health care licensees - fines - rules - short title -**
16 **legislative declaration.** (3) (a) As used in this section, "applicant" means
17 a person applying for a new, active license, certification, or registration
18 or to renew, reinstate, or reactivate an active license, certification, or
19 registration to practice:

20 (IX) As a physician assistant OR AN ANESTHESIOLOGIST ASSISTANT
21 pursuant to article 36 of title 12, C.R.S.;

22 **SECTION 17. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2012 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.