

1 *Be it enacted by the People of the State of Colorado:*

2
3 **SECTION 1.** 12-36-116, Colorado Revised Statutes, is amended BY THE ADDITION
4 OF A NEW SUBSECTION to read:

5
6 **12-36-116. (4) (A)** NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE 36, THE
7 BOARD SHALL REFRAIN FROM ISSUING A LICENSE TO AN APPLICANT, AND SHALL REFUSE TO
8 RENEW, REINSTATE, OR REACTIVATE THE LICENSE OF A LICENSEE, WHO HAS BEEN
9 DETERMINED TO HAVE ENGAGED IN THREE OR MORE INCIDENTS OF MEDICAL MALPRACTICE.

10
11 **(B) DEFINITIONS.** AS USED IN THIS SUBSECTION:

12
13 **(I)** "DETERMINED TO HAVE ENGAGED IN" MEANS FINALLY ADJUDGED BY A COURT OF
14 COMPETENT JURISDICTION, WHETHER OR NOT LOCATED WITHIN COLORADO, FOUND IN THE
15 PROCESS OF BINDING ARBITRATION, OR ADMITTED IN SETTLEMENT OF A DISPUTED CLAIM.

16
17 **(II)** "MEDICAL MALPRACTICE" MEANS DEATH OR INJURY OF ANY PERSON AS THE RESULT
18 OF NEGLIGENCE IN RENDERING OR FAILING TO RENDER PROFESSIONAL SERVICE BY ANY
19 LICENSED PHYSICIAN.

20
21 **SECTION 2.** 12-36-118 (5) (g), Colorado Revised Statutes, is amended BY THE
22 ADDITION OF A NEW SUBPARAGRAPH to read:

23
24 **12-36-118. (5) (g) (V.5)** NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE
25 BOARD SHALL REVOKE THE LICENSE TO PRACTICE OF ANY LICENSEE FOUND TO HAVE
26 ENGAGED IN THREE OR MORE INCIDENTS OF MEDICAL MALPRACTICE AS DESCRIBED IN
27 SECTION 12-36-116 (4).

28
29 **SECTION 3. Effective date.** If approved by a majority of votes cast thereon, this
30 initiative shall take effect upon proclamation of the governor.

Proponents:

John Sadwith
245 Kearney Street
Denver, CO 80220

Scott Wolfe
11843 East Ida Circle
Englewood, Colorado 80111

Counsel:

Kevin C. Paul
Heizer Paul LLP
2401 Fifteenth Street, Suite 300
Denver, CO 80202
phone: (303) 376-3704
fax: (303) 595-4750
kpaul@hpfirm.com