

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 21-0670.01 Richard Sweetman x4333

HOUSE BILL 21-1190

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A BILL FOR AN ACT

101 **CONCERNING THE DEFINITION OF "TELEMEDICINE" FOR THE PURPOSES**
102 **OF THE "COLORADO MEDICAL PRACTICE ACT".**

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://leg.colorado.gov>.)

For the purposes of the "Colorado Medical Practice Act", the bill amends the definition of "telemedicine" to state that the term means the delivery of medical services through HIPAA-compliant telecommunications systems, including information, electronic, and communication technologies, remote monitoring technologies, and store-and-forward transfers, to facilitate the assessment, diagnosis,

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

SENATE
Amended 2nd Reading
April 15, 2021

HOUSE
3rd Reading Unamended
March 29, 2021

HOUSE
Amended 2nd Reading
March 26, 2021

consultation, or treatment of a patient while the patient is located at an originating site and the physician, anesthesiologist assistant, or physician assistant is located at a distant site.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-240-104, **amend**
3 (6); and **add** (5.7), (5.8), and (5.9) as follows:

4 **12-240-104. Definitions.** As used in this article 240, unless the
5 context otherwise requires:

6 (5.7) "DISTANT SITE" HAS THE MEANING SET FORTH IN SECTION
7 10-16-123 (4)(a).

8 (5.8) "ORIGINATING SITE" HAS THE MEANING SET FORTH IN
9 SECTION 10-16-123 (4)(b).

10 (5.9) "STORE-AND-FORWARD TRANSFER" HAS THE MEANING SET
11 FORTH IN SECTION 10-16-123 (4)(c).

12 (6) "Telemedicine" means the delivery of medical services ~~and~~
13 ~~any~~ THROUGH TECHNOLOGIES THAT ARE USED IN A MANNER THAT IS
14 COMPLIANT WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND
15 ACCOUNTABILITY ACT OF 1996", PUB.L. 104-91, AS AMENDED, INCLUDING
16 INFORMATION, ELECTRONIC, AND COMMUNICATION TECHNOLOGIES,
17 REMOTE MONITORING TECHNOLOGIES, AND STORE-AND-FORWARD
18 TRANSFERS, TO FACILITATE THE ASSESSMENT, diagnosis, consultation, or
19 treatment ~~using interactive audio, interactive video, or interactive data~~
20 ~~communication~~ OF A PATIENT WHILE THE PATIENT IS LOCATED AT AN
21 ORIGINATING SITE AND THE PERSON WHO PROVIDES THE SERVICES IS
22 LOCATED AT A DISTANT SITE.

23 **SECTION 2.** In Colorado Revised Statutes, 12-240-107, **amend**
24 (1)(g) as follows:

1 **12-240-107. Practice of medicine defined - exemptions from**
2 **licensing requirements - unauthorized practice by physician**
3 **assistants and anesthesiologist assistants - penalties - definitions -**
4 **rules - repeal.** (1) For the purpose of this article 240, "practice of
5 medicine" means:

6 (g) The delivery of telemedicine. Nothing in this subsection (1)(g)
7 authorizes physicians to deliver services outside their scope of practice or
8 limits the delivery of health services by other licensed professionals,
9 within the professional's scope of practice, using advanced technology,
10 including, but not limited to, ~~interactive audio, interactive video, or~~
11 ~~interactive data communication~~ TELEHEALTH, AS DEFINED IN SECTION
12 10-16-123 (4)(e).

13 **SECTION 3.** In Colorado Revised Statutes, 25.5-4-103, **add**
14 **(25.7) as follows:**

15 **25.5-4-103. Definitions.** As used in this article 4 and articles 5
16 and 6 of this title 25.5, unless the context otherwise requires:

17 (25.7) "TELEMEDICINE" MEANS THE DELIVERY OF MEDICAL AND
18 HEALTH-CARE SERVICES AND ANY DIAGNOSIS, CONSULTATION, OR
19 TREATMENT USING INTERACTIVE AUDIO, INTERACTIVE VIDEO, OR
20 INTERACTIVE DATA COMMUNICATION.

21 **SECTION 4.** In Colorado Revised Statutes, 25.5-5-414, **repeal**
22 **(2) as follows:**

23 **25.5-5-414. Telemedicine - legislative intent.** (2) ~~For the~~
24 ~~purposes of this section, "telemedicine" shall have the same meaning as~~
25 ~~set forth in section 12-240-104 (6).~~

26 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.