

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

PREAMENDED

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

LLS NO. 21-0670.01 Richard Sweetman x4333

HOUSE BILL 21-1190

HOUSE SPONSORSHIP

Rich and Esgar,

SENATE SPONSORSHIP

(None),

House Committees
Health & Insurance

Senate Committees

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.

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
18 SERVICES AND ANY DIAGNOSIS, CONSULTATION, OR TREATMENT USING
19 INTERACTIVE AUDIO, INTERACTIVE VIDEO, OR INTERACTIVE DATA
20 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.