

CHAPTER 152

CORRECTIONS

HOUSE BILL 94-1217

BY REPRESENTATIVES Sullivan, Jerke, and Shoemaker;
also SENATORS Ruddick, Hopper, Peterson, and Wham.

AN ACT**CONCERNING THE APPOINTMENT OF A PANEL OF MEDICAL CONSULTANTS FOR THE DEPARTMENT OF CORRECTIONS.**

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

SECTION 1. 17-1-103, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17-1-103. Duties of the executive director. (3) (a) (I) THE EXECUTIVE DIRECTOR SHALL, UPON THE RECOMMENDATION OF THE DEPARTMENT'S CHIEF MEDICAL OFFICER, APPOINT A PANEL OF MEDICAL CONSULTANTS.

(II) THE EXECUTIVE DIRECTOR SHALL, UPON THE RECOMMENDATION OF THE DEPARTMENT'S CHIEF MEDICAL OFFICER, DETERMINE THE MEMBERSHIP OF THE PANEL BASED ON THE MEDICAL AND SURGICAL NEEDS OF THE DEPARTMENT.

(III) THE EXECUTIVE DIRECTOR SHALL DETERMINE THE QUALIFICATIONS FOR APPOINTMENT TO THE PANEL OF MEDICAL CONSULTANTS; EXCEPT THAT ALL MEMBERS OF THE PANEL SHALL BE LICENSED BY THE STATE BOARD OF MEDICAL EXAMINERS PURSUANT TO THE PROVISIONS OF ARTICLE 36 OF TITLE 12, C.R.S.

(b) MEMBERS OF THE PANEL OF MEDICAL CONSULTANTS SHALL BE COMPENSATED AT A RATE WHICH SHALL BE APPROVED BY THE EXECUTIVE DIRECTOR. COMPENSATION SHALL BE PAID FROM AVAILABLE FUNDS OF THE DEPARTMENT.

(c) THE PANEL MEMBERS SHALL ACT AS MEDICAL CONSULTANTS TO THE DEPARTMENT WITH RESPECT TO PERSONS RECEIVING SERVICES FROM ANY CORRECTIONAL FACILITY AS DEFINED IN SECTION 17-1-102 (1.7).

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(d) A MEMBER OF THE PANEL OF MEDICAL CONSULTANTS, FOR ALL ACTIVITIES PERFORMED WITHIN THE COURSE AND SCOPE OF SAID MEMBER'S RESPONSIBILITIES TO THE DEPARTMENT, SHALL BE ENTITLED TO ALL OF THE PROTECTIONS OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S., AS IF THE PANEL MEMBER WERE A "PUBLIC EMPLOYEE" AS DEFINED IN SECTION 24-10-103 (4), C.R.S. THIS PROVISION SHALL NOT BE CONSTRUED TO AFFORD INDEPENDENT CONTRACTORS HIRED AS PANEL MEMBERS ANY OF THE PROTECTIONS OF THE STATE PERSONNEL SYSTEM, ARTICLE 50 OF TITLE 24, C.R.S.

(e) FOR PURPOSES OF THIS SUBSECTION (3), "PANEL OF MEDICAL CONSULTANTS" MEANS A PANEL OF MEDICAL PHYSICIANS WHOSE DUTY IS TO DELIVER MEDICAL SERVICES.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 20, 1994