

CHAPTER 385

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 24-1153

BY REPRESENTATIVE(S) Garcia and Willford, Bacon, Brown, Jodeh, Joseph, Mabrey, Parenti, Story, deGruy Kennedy, Duran, Epps, Hernandez, Kipp, Lindsay, Ortiz, Ricks, Velasco, Vigil;
also SENATOR(S) Cutter and Jaquez Lewis, Buckner, Fields, Hansen, Marchman, Priola.

AN ACT**CONCERNING CONTINUING EDUCATION REQUIREMENTS FOR PHYSICIANS.**

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

SECTION 1. In Colorado Revised Statutes, 12-240-130, **amend** (1) and (2)(a); **repeal** (3); and **add** (5) and (6) as follows:

12-240-130. Renewal, reinstatement, reactivation - delinquency - fees - questionnaire. (1) All licenses issued pursuant to this article 240 are subject to the renewal, expiration, reinstatement, and delinquency fee provisions specified in section 12-20-202 (1) and (2). The director shall increase renewal fees consistent with section 12-30-105 (4) to ~~fund~~ **COVER** the division's costs in administering and staffing the nurse-physician advisory task force for Colorado health care created in section 12-30-105 (1) **AND ANY ADDITIONAL COSTS ASSOCIATED WITH IMPLEMENTING CONTINUING EDUCATION REQUIREMENTS FOR PHYSICIANS PURSUANT TO SECTION 12-240-130.5.** A person whose license has expired ~~shall be~~ **IS** subject to the penalties provided in this article 240 or section 12-20-202 (1).

(2)(a) The board shall design a questionnaire to accompany the renewal form for the purpose of determining whether a licensee has acted in violation of this article 240, or has been disciplined for any action that might be considered a violation of this article 240 or that might make the licensee unfit to practice medicine with reasonable care and safety. The board shall include on the questionnaire a question regarding whether:

(I) The licensee has complied with section 12-30-111; ~~and~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(II) The licensee is in compliance with section 12-280-403 (2)(a) and is aware of the penalties for failing to comply with that section;

(III) THE LICENSEE IS IN COMPLIANCE WITH SECTION 12-30-114; AND

(IV) THE LICENSEE IS IN COMPLIANCE WITH SECTION 12-240-130.5 RELATING TO REQUIRED CONTINUING MEDICAL EDUCATION AND IS AWARE OF THE PENALTIES FOR FAILING TO COMPLY WITH THAT SECTION.

~~(3) Applicants for relicensure shall not be required to attend and complete continuing medical education programs, except as directed by the board to correct deficiencies of training or education as directed under section 12-240-125 (5)(c)(III)(B).~~

(5) ON AND AFTER OCTOBER 1, 2022, AS A CONDITION OF RENEWAL, REINSTATEMENT, OR REACTIVATION OF A LICENSE, EACH LICENSEE OR APPLICANT SHALL ATTEST THAT THE LICENSEE OR APPLICANT IS IN COMPLIANCE WITH SECTION 12-30-114 AND THAT THE LICENSEE OR APPLICANT IS AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

(6) ON AND AFTER JANUARY 1, 2026, AS A CONDITION OF RENEWAL, REINSTATEMENT, OR REACTIVATION OF A LICENSE, EACH LICENSEE OR APPLICANT SHALL ATTEST THAT THE LICENSEE OR APPLICANT IS IN COMPLIANCE WITH SECTION 12-240-130.5 AND THAT THE LICENSEE OR APPLICANT IS AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

SECTION 2. In Colorado Revised Statutes, 12-240-106, **amend** (1)(b) and (1)(c); and **add** (1)(d) as follows:

12-240-106. Powers and duties of board - limitation on authority - rules.

(1) In addition to all other powers and duties conferred and imposed upon the board by this article 240, the board has the following powers and duties to:

(b) Make investigations, hold hearings, and take evidence in accordance with section 12-20-403 in all matters relating to the exercise and performance of the powers and duties vested in the board; ~~and~~

(c) Aid law enforcement in the enforcement of this article 240 and in the prosecution of all persons, firms, associations, or corporations charged with the violation of any of its provisions; AND

(d) ADOPT RULES AS NECESSARY IN ACCORDANCE WITH SECTION 12-240-130.5 TO IMPLEMENT THE REQUIREMENT FOR CONTINUING MEDICAL EDUCATION FOR PHYSICIANS.

SECTION 3. In Colorado Revised Statutes, 12-240-121, **add** (1)(ii) as follows:

12-240-121. Unprofessional conduct - definitions. (1) "Unprofessional conduct" as used in this article 240 means:

(ii) FAILING, WITHOUT REASONABLE CAUSE, TO COMPLY WITH THE CONTINUING

MEDICAL EDUCATION REQUIREMENT ESTABLISHED IN SECTION 12-240-130.5 OR TO PROVIDE THE REQUIRED EVIDENCE OF COMPLETION OF CONTINUING MEDICAL EDUCATION CREDIT HOURS IN RESPONSE TO AN AUDIT BY THE BOARD PURSUANT TO SECTION 12-240-130.5 (8).

SECTION 4. In Colorado Revised Statutes, **add** 12-240-130.5 as follows:

12-240-130.5. Continuing medical education - requirement - compliance - legislative declaration - rules - definitions. (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(I) MEDICAL KNOWLEDGE, METHODS OF DIAGNOSIS, AND TREATMENT OPTIONS HAVE EXPANDED EXPONENTIALLY SINCE THE BEGINNING OF THE TWENTY-FIRST CENTURY, WITH EXCITING RESEARCH AND DISCOVERIES, INCLUDING THE DEVELOPMENT OF NEW MEDICATIONS AND TOOLS FOR MORE ACCURATE AND EFFECTIVE DIAGNOSIS, TREATMENT, AND PREVENTION OF DISEASE;

(II) WHILE THERE ARE PROMISING ADVANCES IN MEDICINE, COLORADO FACES CHALLENGES THAT AFFECT THE HEALTH AND WELL-BEING OF ITS RESIDENTS, INCLUDING AN AGING POPULATION; NATIONAL AND INTERNATIONAL PUBLIC HEALTH ISSUES, INCLUDING EPIDEMICS AND PANDEMICS; NONNATIVE DISEASES AND CONDITIONS; CHANGING ENVIRONMENTAL CONDITIONS AND NEW CONTAMINANTS IN WATER, AIR, AND FOOD THAT ARE DANGEROUS TO HUMAN HEALTH; CHANGES IN STATE AND FEDERAL LAW IMPACTING ACCESS TO REPRODUCTIVE, SEXUAL, AND GENDER-BASED HEALTH CARE; AND THE INCREASING NEED FOR BEHAVIORAL HEALTH CARE AND PHYSICAL AND MENTAL HEALTH-CARE INTEGRATION;

(III) STATE AND NATIONAL MEDICAL ASSOCIATIONS RECOGNIZE THE PRACTICAL AND ETHICAL DUTIES PHYSICIANS HAVE TO THEIR PATIENTS AND TO THE PROFESSION TO MAINTAIN COMPETENCY IN THE RAPIDLY CHANGING MEDICAL FIELD AND THE WORLD; AND

(IV) TO MEET THESE CHALLENGES AND DUTIES, THERE IS A NEED FOR MANDATED CONTINUING PROFESSIONAL EDUCATION FOR PHYSICIANS.

(b) THEREFORE, THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(I) A LICENSE TO PRACTICE MEDICINE IN THIS STATE IS GRANTED TO INDIVIDUALS WHO DEMONSTRATE COMPETENCY IN THE PROFESSION; AND

(II) AS A CONDITION OF THE PERIODIC RENEWAL OF A PHYSICIAN'S LICENSE OR THE REINSTATEMENT OR REACTIVATION OF A MEDICAL LICENSE, IT IS APPROPRIATE AND NECESSARY THAT COLORADO REQUIRE A PHYSICIAN TO COMPLETE CONTINUING MEDICAL EDUCATION TO ENSURE CONTINUING COMPETENCY IN THE PROFESSION AND TO PREPARE FOR THE PATIENTS AND HEALTH ISSUES OF THE FUTURE.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "*AMAPRA CATEGORY I CREDIT*TM" MEANS CREDIT FOR HOURS AWARDED FOR CONTINUING MEDICAL EDUCATION THAT APPLY TOWARD THE AMERICAN MEDICAL ASSOCIATION'S PHYSICIAN'S RECOGNITION AWARD.

(b) "CME CREDIT HOUR" MEANS ONE HOUR OF CME CREDIT AWARDED FOR ONE CLOCK HOUR OF CONTINUING MEDICAL EDUCATION.

(c) "COMPLIANCE PERIOD" MEANS THE TWENTY-FOUR-MONTH PERIOD IMMEDIATELY PRECEDING THE RENEWAL, REINSTATEMENT, OR REACTIVATION OF A PHYSICIAN'S LICENSE.

(d) "CONTINUING MEDICAL EDUCATION" OR "CME" MEANS A PROGRAM OF CONTINUING MEDICAL EDUCATION THAT IS ACCREDITED BY AN ORGANIZATION SPECIFIED IN SUBSECTION (3)(d) OF THIS SECTION.

(e) "NATIONAL BOARD CERTIFICATION" MEANS A CERTIFICATION PROGRAM THAT MEETS ACCEPTED STANDARDS FOR CERTIFICATION AND INCLUDES BOTH:

(I) A PROCESS FOR DEFINING SPECIALTY-SPECIFIC STANDARDS FOR KNOWLEDGE AND SKILLS; AND

(II) AN INDEPENDENT, EXTERNAL, PSYCHOMETRICALLY VALID ASSESSMENT OF KNOWLEDGE AND SKILLS FOR BOTH INITIAL CERTIFICATION AND RECERTIFICATION OR CONTINUOUS CERTIFICATION BY THE CERTIFYING BODY THAT GRANTED THE INITIAL CERTIFICATION IN THE MEDICAL SPECIALTY.

(3) (a) NOTWITHSTANDING ANY PROVISION OF THIS TITLE 12 TO THE CONTRARY, COMMENCING WITH LICENSE RENEWAL, REINSTATEMENT, OR REACTIVATION OCCURRING ON OR AFTER JANUARY 1, 2026, EXCEPT AS PROVIDED IN SUBSECTIONS (3)(c), (4), AND (5) OF THIS SECTION, THE BOARD SHALL NOT RENEW, REINSTATE, OR REACTIVATE A LICENSE OF A PHYSICIAN UNLESS THE PHYSICIAN PRESENTS EVIDENCE THAT THE PHYSICIAN HAS COMPLETED THIRTY CME CREDIT HOURS WITHIN THE COMPLIANCE PERIOD.

(b) UNLESS CHOSEN TO PARTICIPATE IN A BOARD AUDIT OF CME COMPLIANCE PURSUANT TO SUBSECTION (8) OF THIS SECTION, A PHYSICIAN SHALL PROVIDE EVIDENCE OF COMPLIANCE WITH THIS SECTION BY:

(I) ANSWERING AFFIRMATIVELY, UNDER PENALTY OF PERJURY, A QUESTION REGARDING COMPLIANCE WITH THE CME REQUIREMENT THAT IS INCLUDED ON THE QUESTIONNAIRE THAT ACCOMPANIES THE LICENSE RENEWAL FORM DESCRIBED IN SECTION 12-240-130 (2); OR

(II) FOR AN APPLICANT FOR REINSTATEMENT OR REACTIVATION, BY ATTESTING TO THAT FACT ON THE APPLICATION.

(c) IF NECESSARY, THE BOARD SHALL ADJUST PROPORTIONATELY THE NUMBER OF CME CREDIT HOURS REQUIRED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION TO ENSURE THAT, DUE TO THE DATE OF THE LICENSE RENEWAL, REINSTATEMENT, OR REACTIVATION, A PHYSICIAN IS NOT REQUIRED TO OBTAIN THIRTY CME CREDIT HOURS IN FEWER THAN TWENTY-FOUR MONTHS.

(d) TO QUALIFY FOR CME CREDIT HOURS, A PROGRAM MUST:

(I) BE ACCREDITED BY THE ACCREDITATION COUNCIL FOR CONTINUING MEDICAL EDUCATION AND QUALIFY FOR *AMA PRA CATEGORY I CREDIT*TM;

(II) QUALIFY FOR PRESCRIBED CREDIT FROM THE AMERICAN ACADEMY OF FAMILY PHYSICIANS;

(III) BE AN APPROVED PROGRAM OF THE AMERICAN OSTEOPATHIC ASSOCIATION;
OR

(IV) BE A PROGRAM REQUIRED IN ORDER TO MAINTAIN NATIONAL BOARD CERTIFICATION, NOT INCLUDING A PROGRAM SELF-CLAIMED OR SELF-DOCUMENTED BY THE PHYSICIAN.

(e) AS PART OF THE THIRTY CME CREDIT HOURS REQUIRED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION, OR THE ADJUSTED NUMBER OF CME CREDIT HOURS REQUIRED PURSUANT TO SUBSECTION (3)(c) OF THIS SECTION, A PHYSICIAN SHALL COMPLETE CME CREDIT HOURS IN TOPICS SPECIFIED PURSUANT TO SUBSECTION (6) OF THIS SECTION.

(4) (a) THE BOARD MAY RENEW THE LICENSE OF A PHYSICIAN WHO PRESENTS ACCEPTABLE EVIDENCE TO THE BOARD THAT THE PHYSICIAN WAS UNABLE TO COMPLY WITH THE CME CREDIT HOURS REQUIRED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION.

(b) THE BOARD MAY GRANT A SIX-MONTH EXTENSION OF THE COMPLIANCE PERIOD TO A PHYSICIAN WHO IS UNABLE TO COMPLY WITH THE CME CREDIT HOURS REQUIRED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION.

(5) THE BOARD MAY WAIVE THE CME REQUIREMENT FOR A PHYSICIAN'S FIRST RENEWAL PERIOD IF THE PHYSICIAN WAS INITIALLY LICENSED WITHIN TWELVE MONTHS AFTER COMPLETING A BOARD-APPROVED INTERNSHIP OR POSTGRADUATE TRAINING.

(6) AS PART OF THE CME REQUIREMENT ESTABLISHED PURSUANT TO THIS SECTION, IN ADDITION TO CME PROGRAMS COVERING TOPICS SELECTED BY THE PHYSICIAN, A PHYSICIAN'S CME CREDIT HOURS MUST INCLUDE:

(a) CME CREDIT HOURS THAT COMPLY WITH SECTION 12-30-114 AND RELATED BOARD RULES; AND

(b) CME CREDIT HOURS COVERING A TOPIC SPECIFIED BY THE BOARD BY RULE PURSUANT TO SUBSECTION (7)(b) OF THIS SECTION.

(7) THE BOARD SHALL PROMULGATE RULES NECESSARY TO IMPLEMENT A PHYSICIAN CME REQUIREMENT IN ACCORDANCE WITH THIS SECTION. IN ADDITION TO ANY OTHER RULES, THE BOARD SHALL ADOPT RULES:

(a) REQUIRING THAT A PHYSICIAN MAINTAIN A TRANSCRIPT OR CERTIFICATE OF ATTENDANCE AT THE CME PROGRAM THAT INCLUDES A STATEMENT OF THE CREDIT HOURS EARNED;

(b) (I) RELATING TO ANY CME CREDIT HOURS IN A SPECIFIC TOPIC, IF THE BOARD APPROVES THE TOPIC, INCLUDING THE NUMBER OF CREDIT HOURS, THE FREQUENCY OF THE REQUIREMENT, AND WHICH PHYSICIANS ARE SUBJECT TO THE REQUIREMENT. NOTHING IN THIS SUBSECTION (7)(b)(I) ALLOWS THE BOARD TO INCREASE THE NUMBER OF REQUIRED CME CREDIT HOURS SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION.

(II) THE BOARD SHALL INITIATE A STAKEHOLDER PROCESS TO CONSIDER REQUIRING, FOR GENERAL PRACTICE AND FOR ALL SPECIALTIES, SPECIFIC CME CREDIT HOURS RELATING TO HEALTH DISPARITIES AND OUTCOMES DATA; REPRODUCTIVE, SEXUAL, AND GENDER-BASED HEALTH CARE; AND EXPLICIT AND IMPLICIT BIAS, INCLUDING THE NUMBER AND FREQUENCY OF CME CREDIT HOURS.

(c) INDICATING THE CIRCUMSTANCES UNDER WHICH THE BOARD WOULD WAIVE THE CME REQUIREMENT FOR A PHYSICIAN OR EXTEND THE PHYSICIAN'S COMPLIANCE PERIOD PURSUANT TO SUBSECTION (4) OF THIS SECTION;

(d) IMPLEMENTING AN AUDIT OF COMPLIANCE WITH THIS SECTION, IF UNDERTAKEN BY THE BOARD PURSUANT TO SUBSECTION (8) OF THIS SECTION; AND

(e) FOR REINSTATEMENT OF A LICENSE THAT HAS BECOME INACTIVE PURSUANT TO SUBSECTION (9) OF THIS SECTION.

(8) (a) THE BOARD MAY ANNUALLY AUDIT UP TO FIVE PERCENT OF PHYSICIANS, CHOSEN AT RANDOM WITH AN OVERSAMPLING OF NONBOARD-CERTIFIED PHYSICIANS, FOR COMPLIANCE WITH THIS SECTION.

(b) IF CHOSEN BY THE BOARD FOR AN AUDIT OF COMPLIANCE WITH THE CME REQUIREMENT ESTABLISHED PURSUANT TO THIS SECTION, UNLESS THE BOARD HAS ADJUSTED THE NUMBER OF REQUIRED CREDIT HOURS PURSUANT TO SUBSECTION (3)(c) OF THIS SECTION OR GRANTED A WAIVER OR EXTENSION OF THE CME REQUIREMENT DURING THE COMPLIANCE PERIOD PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE PHYSICIAN SHALL PROVIDE EVIDENCE OF THE COMPLETION OF THIRTY CREDIT HOURS OF CME PROGRAMS COMPLETED WITHIN THE TWENTY-FOUR MONTHS PRECEDING THE DATE OF THE PHYSICIAN'S RENEWAL, REINSTATEMENT, OR REACTIVATION OF THE LICENSE.

(9) (a) IF A PHYSICIAN FAILS TO COMPLY WITH THE CME REQUIREMENT ESTABLISHED PURSUANT TO THIS SECTION OR TO PROVIDE THE REQUIRED EVIDENCE OF COMPLETION OF CME CREDIT HOURS IN RESPONSE TO AN AUDIT BY THE BOARD PURSUANT TO SUBSECTION (8)(a) OF THIS SECTION:

(I) THE PHYSICIAN'S FAILURE TO COMPLY WITHOUT REASONABLE CAUSE CONSTITUTES UNPROFESSIONAL CONDUCT PURSUANT TO SECTION 12-240-121 (1)(ii); AND

(II) THE PHYSICIAN'S LICENSE BECOMES INACTIVE UNTIL REINSTATED BY THE BOARD PURSUANT TO BOARD RULE.

(b) A PHYSICIAN WITH AN INACTIVE LICENSE IS NOT REQUIRED TO COMPLY WITH

THIS SECTION BUT SHALL MEET THE CME REQUIREMENT PURSUANT TO THIS SECTION BEFORE THE BOARD REACTIVATES THE LICENSE.

SECTION 5. In Colorado Revised Statutes, 12-240-120, **amend** (1)(c) and (1)(d); and **add** (1)(e) as follows:

12-240-120. Refusal of license - issuance subject to probation. (1) The board may refrain from issuing a license or may grant a license subject to terms of probation if the board determines that an applicant for a license:

(c) Has been disciplined in another state or foreign jurisdiction with respect to ~~his or her~~ THE APPLICANT'S license to practice medicine, license to practice as a physician assistant, or license to practice as an anesthesiologist assistant; ~~or~~

(d) Has not actively practiced medicine, practiced as a physician assistant, or practiced as an anesthesiologist assistant for the two-year period immediately preceding the filing of an application, or otherwise maintained continued competency during that period, as determined by the board; OR

(e) HAS NOT COMPLETED REQUIRED CONTINUING MEDICAL EDUCATION PURSUANT TO SECTION 12-240-130.5.

SECTION 6. In Colorado Revised Statutes, 12-240-141, **amend** (5) as follows:

12-240-141. Inactive license. (5) Any person licensed under this section who wishes to resume the practice of medicine or to resume practice as a physician assistant shall file an application in the form and manner the board shall designate, MEET THE REQUIRED APPLICABLE CONTINUING MEDICAL EDUCATION REQUIREMENTS PURSUANT TO SECTION 12-240-130.5, pay the license fee promulgated by the board pursuant to section 12-240-130, and meet the financial responsibility requirements promulgated by the board pursuant to section 13-64-301 (1). The board may approve the application and issue a license or may deny the application as set forth in section 12-240-120.

SECTION 7. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 4, 2024