

1 Amend printed bill, page 7, line 17, strike "and one physician assistant"
2 and substitute "and one physician assistant".

3 Page 8, strike lines 1 and 2 and substitute "APPOINTMENT. Thereafter, the
4 terms of the members of the board ~~shall be~~ ARE four years.".

5 Page 9, strike lines 20 through 27 and substitute:

6 **"SECTION 5.** In Colorado Revised Statutes, **add to article 240**
7 **of title 12 as relocated by House Bill 19-1172** 12-240-114.5 as follows:

8 **12-240-114.5. Physician assistants - definitions - supervisory**
9 **requirements - liability - definitions.** (1) AS USED IN THIS SECTION,
10 UNLESS THE CONTEXT OTHERWISE REQUIRES:

11 (a) "PERFORMANCE EVALUATION" MEANS A DOCUMENT THAT
12 INCLUDES DOMAINS OF COMPETENCY RELEVANT TO THE PRACTICE OF A
13 PHYSICIAN ASSISTANT, USES MORE THAN ONE MODALITY OF ASSESSMENT
14 TO EVALUATE THE DOMAINS, AND INCLUDES CONSIDERATION OF THE
15 PHYSICIAN ASSISTANT'S EDUCATION, TRAINING, EXPERIENCE,
16 COMPETENCY, AND KNOWLEDGE OF THE SPECIALTY IN WHICH THE
17 PHYSICIAN ASSISTANT IS ENGAGED.

18 (b) "PRACTICE AGREEMENT" MEANS A WRITTEN AGREEMENT
19 BETWEEN A PHYSICIAN ASSISTANT AND A SUPERVISING PHYSICIAN THAT
20 DEFINES THE COMMUNICATION AND DECISION-MAKING PROCESS BY WHICH
21 THE PHYSICIAN ASSISTANT AND THE SUPERVISING PHYSICIAN PROVIDE
22 CARE TO PATIENTS.

23 (c) "SUPERVISORY PLAN" MEANS A DOCUMENT THAT ALLOWS A
24 SUPERVISING PHYSICIAN TO FOLLOW THE ONGOING PROFESSIONAL
25 DEVELOPMENT OF A PHYSICIAN ASSISTANT'S CLINICAL PRACTICE,
26 PROMOTES A COLLABORATIVE RELATIONSHIP BETWEEN A PHYSICIAN
27 ASSISTANT AND HIS OR HER SUPERVISING PHYSICIANS, AND ALLOWS A
28 SUPERVISING PHYSICIAN TO ADDRESS ANY DEFICIENCIES THAT HAVE BEEN
29 IDENTIFIED IN THE PHYSICIAN ASSISTANT'S CLINICAL COMPETENCIES
30 DURING THE INITIAL PERFORMANCE PERIOD.

31 (2) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS ARTICLE
32 240 WHO HAS PRACTICED FOR LESS THAN THREE YEARS IS SUBJECT TO THE
33 FOLLOWING SUPERVISORY REQUIREMENTS:

34 (a) THE PHYSICIAN ASSISTANT'S FIRST ONE HUNDRED SIXTY
35 WORKING HOURS SHALL BE SUPERVISED BY A SUPERVISING PHYSICIAN WHO
36 WORKS AT THE SAME LOCATION AS THE PHYSICIAN ASSISTANT. THE
37 PHYSICIAN ASSISTANT'S PRIMARY SUPERVISING PHYSICIAN SHALL PROVIDE

1 AT LEAST FORTY HOURS OF SUPERVISION, AND THE REMAINING HOURS MAY
2 BE PROVIDED BY A SECONDARY SUPERVISING PHYSICIAN WHO IS
3 DESIGNATED BY THE PRIMARY SUPERVISING PHYSICIAN.

4 (b) AFTER THE PHYSICIAN ASSISTANT COMPLETES ONE HUNDRED
5 SIXTY WORKING HOURS, A SUPERVISING PHYSICIAN MUST REMAIN
6 AVAILABLE TO THE PHYSICIAN ASSISTANT VIA A TELECOMMUNICATION
7 DEVICE AT ALL TIMES WHEN THE PHYSICIAN ASSISTANT IS WORKING.

8 (c) NOT MORE THAN THIRTY DAYS AFTER THE PHYSICIAN
9 ASSISTANT COMPLETES ONE HUNDRED SIXTY WORKING HOURS, THE
10 PRIMARY SUPERVISING PHYSICIAN SHALL COMPLETE AN INITIAL
11 PERFORMANCE ASSESSMENT AND A SUPERVISORY PLAN FOR THE PHYSICIAN
12 ASSISTANT.

13 (3) (a) THE SUPERVISION OF A PHYSICIAN ASSISTANT LICENSED
14 PURSUANT TO THIS ARTICLE 240 WHO HAS PRACTICED IN THIS STATE FOR
15 THREE YEARS OR MORE IS DETERMINED BY A PRACTICE AGREEMENT THAT
16 SHALL BE CREATED BY THE PHYSICIAN ASSISTANT AND HIS OR HER
17 PRIMARY SUPERVISING PHYSICIAN NOT LATER THAN THIRTY DAYS AFTER
18 THE PHYSICIAN ASSISTANT BEGINS PRACTICING UNDER THE SUPERVISION
19 OF THE PRIMARY SUPERVISING PHYSICIAN. A PRACTICE AGREEMENT MUST
20 INCLUDE:

21 (I) A PROCESS BY WHICH A PHYSICIAN ASSISTANT AND A
22 SUPERVISING PHYSICIAN COMMUNICATE AND MAKE DECISIONS
23 CONCERNING PATIENTS' MEDICAL TREATMENT, WHICH PROCESS UTILIZES
24 THE KNOWLEDGE AND SKILLS OF THE PHYSICIAN ASSISTANT AND THE
25 SUPERVISING PHYSICIAN BASED ON THEIR RESPECTIVE EDUCATION,
26 TRAINING, AND EXPERIENCE;

27 (II) A PROTOCOL FOR DESIGNATING AN ALTERNATIVE PHYSICIAN
28 FOR CONSULTATION WHEN THE SUPERVISING PHYSICIAN IS UNAVAILABLE
29 FOR CONSULTATION;

30 (III) THE SIGNATURES OF THE PHYSICIAN ASSISTANT AND
31 SUPERVISING PHYSICIAN; AND

32 (IV) A TERMINATION PROVISION THAT ALLOWS THE PHYSICIAN
33 ASSISTANT OR THE SUPERVISING PHYSICIAN TO TERMINATE THE PRACTICE
34 AGREEMENT AFTER PROVIDING WRITTEN NOTICE OF HIS OR HER INTENT TO
35 DO SO AT LEAST THIRTY DAYS BEFORE THE DATE OF TERMINATION. IF A
36 PRACTICE AGREEMENT IS TERMINATED, THE PHYSICIAN ASSISTANT AND
37 THE PHYSICIAN ASSISTANT'S PRIMARY SUPERVISING PHYSICIAN SHALL
38 CREATE A NEW PRACTICE AGREEMENT WITHIN FORTY-FIVE DAYS AFTER
39 THE DATE THE PREVIOUS PRACTICE AGREEMENT WAS TERMINATED.

40 (b) IN ADDITION TO THE COMPONENTS DESCRIBED IN SUBSECTION
41 (3)(a) OF THIS SECTION, A PRACTICE AGREEMENT MAY IMPOSE CONDITIONS
42 CONCERNING SPECIFIC DUTIES, PROCEDURES, OR DRUGS.

43 (c) IF THE TERMS OR CONDITIONS OF A PRACTICE AGREEMENT
44 CHANGE, BOTH THE PHYSICIAN ASSISTANT AND THE SUPERVISING
45 PHYSICIAN SHALL SIGN AND DATE THE UPDATED PRACTICE AGREEMENT.

6 (a) THE PHYSICIAN ASSISTANT'S FIRST EIGHTY WORKING HOURS
7 SHALL BE SUPERVISED BY A SUPERVISING PHYSICIAN WHO WORKS AT THE
8 SAME LOCATION AS THE PHYSICIAN ASSISTANT. THE PHYSICIAN
9 ASSISTANT'S PRIMARY SUPERVISING PHYSICIAN SHALL PROVIDE AT LEAST
10 TWENTY HOURS OF SUPERVISION, AND THE REMAINING HOURS MAY BE
11 PROVIDED BY A SECONDARY SUPERVISING PHYSICIAN WHO IS DESIGNATED
12 BY THE PRIMARY SUPERVISING PHYSICIAN.

17 (c) AFTER THE PHYSICIAN ASSISTANT HAS WORKED FOR SIX
18 MONTHS, AND AGAIN AFTER THE PHYSICIAN ASSISTANT HAS WORKED FOR
19 TWELVE MONTHS, THE PRIMARY SUPERVISING PHYSICIAN SHALL COMPLETE
20 A PERFORMANCE ASSESSMENT AND DISCUSS THE PERFORMANCE
21 ASSESSMENT WITH THE PHYSICIAN ASSISTANT.

22 (5) (a) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS
23 ARTICLE 240 WHO HAS PRACTICED FOR AT LEAST THREE YEARS MAY BE
24 LIABLE FOR DAMAGES RESULTING FROM NEGLIGENCE IN PROVIDING CARE
25 TO A PATIENT; EXCEPT THAT A PHYSICIAN ASSISTANT IS NOT LIABLE FOR
26 ANY DAMAGES THAT OCCUR AS A RESULT OF THE PHYSICIAN ASSISTANT
27 FOLLOWING A DIRECT ORDER FROM A SUPERVISING PHYSICIAN.

28 (b) A PHYSICIAN ASSISTANT WHO MAY BE LIABLE FOR DAMAGES AS
29 DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION SHALL MAINTAIN
30 PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT NOT LESS THAN ONE
31 MILLION DOLLARS PER CLAIM AND THREE MILLION DOLLARS FOR ALL
32 CLAIMS.

33 (c) A PHYSICIAN ASSISTANT'S SUPERVISING PHYSICIAN MAY BE
34 LIABLE FOR DAMAGES RESULTING FROM THE PHYSICIAN ASSISTANT'S
35 NEGLIGENCE IN PROVIDING CARE TO A PATIENT IF THE PHYSICIAN
36 ASSISTANT HAS NOT PRACTICED FOR AT LEAST THREE YEARS AS DESCRIBED
37 IN SUBSECTION (5)(a) OF THIS SECTION.

SECTION 6. In Colorado Revised Statutes, 12-240-107, **amend as relocated by House Bill 19-1172** (6)(b)(I) as follows:

40 **12-240-107. Practice of medicine defined - exemptions from**
41 **licensing requirements - unauthorized practice by physician**
42 **assistants and anesthesiologist assistants - penalties - definitions -**
43 **rules - repeal.** (6) (b) (I) If the authority to perform an act is delegated
44 pursuant to subsection (6)(a) of this section, the PHYSICIAN ASSISTANT TO
45 WHOM THE act IS DELEGATED shall not be performed PERFORM THE ACT

1 except under the personal and responsible direction and supervision of a
2 person licensed under the laws of this state to practice medicine. A
3 licensed physician may be responsible for the direction and supervision
4 of up to ~~four~~ EIGHT physician assistants at any one time. ~~and may be~~
5 ~~responsible for the direction and supervision of more than four physician~~
6 ~~assistants upon receiving specific approval from the board~~ A LICENSED
7 PHYSICIAN SHALL NOT BE MADE RESPONSIBLE FOR THE DIRECTION AND
8 SUPERVISION OF MORE THAN FOUR PHYSICIAN ASSISTANTS UNLESS THE
9 LICENSED PHYSICIAN AGREES TO ASSUME THE RESPONSIBILITY. A
10 LICENSED PHYSICIAN HAS SOLE DISCRETION TO ASSUME OR REFUSE SUCH
11 RESPONSIBILITY, AND AN EMPLOYER SHALL NOT REQUIRE A LICENSED
12 PHYSICIAN TO ASSUME SUCH RESPONSIBILITY AS A CONDITION OF
13 EMPLOYMENT. The board, by rule, may define what constitutes
14 appropriate direction and supervision of a physician assistant; EXCEPT
15 THAT THE BOARD SHALL NOT PROMULGATE A RULE THAT IS INCONSISTENT
16 WITH SECTION 12-240-114.5.

17 **SECTION 7.** In Colorado Revised Statutes, 12-240-105, **amend**
18 **as relocated by House Bill 19-1172** (1)(a) introductory portion,
19 (1)(a)(II), (1)(b), and (2) as follows:

20 **12-240-105. Colorado medical board - immunity - subject to**
21 **termination - repeal of article.** (1) (a) There is hereby created the
22 Colorado medical board, referred to in this article 240 as the "board". The
23 board shall consist of ~~sixteen~~ SEVENTEEN members appointed by the
24 governor and possessing the qualifications specified in this article 240
25 and as follows:

26 (II) ~~One member~~ TWO MEMBERS licensed under this article 240 as
27 a ~~physician assistant~~ PHYSICIAN ASSISTANTS; and

28 (b) The terms of the members of the board ~~shall be~~ ARE four years.
29 For the two physician and one physician assistant appointees added to the
30 board during the calendar year beginning January 1, 2010, the term for
31 one of the physician member appointees ~~shall expire~~ EXPIRES four years
32 after the appointment; the term for the other physician member appointee
33 ~~shall expire~~ EXPIRES three years after the appointment; and the term for
34 the physician assistant appointee ~~shall expire~~ EXPIRES two years after the
35 appointment. THE TERM OF THE PHYSICIAN ASSISTANT APPOINTEE ADDED
36 TO THE BOARD DURING THE CALENDAR YEAR BEGINNING JANUARY 1,
37 2019, EXPIRES TWO YEARS AFTER THE APPOINTMENT. Thereafter, the terms
38 of the members of the board ~~shall be~~ ARE four years.

39 (2) The board ~~shall be comprised~~ MUST INCLUDE at all times ~~of~~
40 eight members having the degree of doctor of medicine, three members
41 having the degree of doctor of osteopathy, and ~~one physician assistant~~
42 TWO PHYSICIAN ASSISTANTS, all of whom ~~shall~~ have been licensed in
43 good standing and actively engaged in the practice of their professions in
44 this state for at least three years next preceding their appointments, and
45 four members of the public at large.

1 **SECTION 8.** In Colorado Revised Statutes, 12-240-116, **amend**
2 **as relocated by House Bill 19-1172** (1)(a) as follows:

3 **12-240-116. Licensing panel.** (1) (a) The president of the board
4 shall establish a licensing panel consisting of ~~three~~ FOUR members of the
5 board as follows:

6 (I) One panel member ~~shall be~~ WHO IS a licensed physician having
7 the degree of doctor of medicine;

8 (II) One panel member ~~shall be~~ WHO IS a licensed physician
9 having the degree of doctor of osteopathy; ~~and~~

10 (III) One panel member ~~shall be~~ WHO IS a public member of the
11 board; ~~AND~~

12 (IV) ONE MEMBER WHO IS A PHYSICIAN ASSISTANT MEMBER OF
13 THE BOARD.

14 **SECTION 9. Act subject to petition - effective date -**
15 **applicability.** (1) (a) Except as otherwise provided in subsection (1)(b)
16 of this section, this act takes effect at 12:01 a.m. on the day following the
17 expiration of the ninety-day period after final adjournment of the general
18 assembly (August 2, 2019, if adjournment sine die is on May 3, 2019);
19 except that, if a referendum petition is filed pursuant to section 1 (3) of
20 article V of the state constitution against this act or an item, section, or
21 part of this act within such period, then the act, item, section, or part will
22 not take effect unless approved by the people at the general election to be
23 held in November 2020 and, in such case, will take effect on the date of
24 the official declaration of the vote thereon by the governor.

25 (b) Sections 5 through 8 of this act take effect only if House Bill
26 19-1172 becomes law, in which case sections 5 through 8 take effect
27 October 1, 2019.

28 (2) This act applies to the supervision of persons who practice as
29 physician assistants on or after the applicable effective date of this act.".

30 Strike page 10.

31 Strike "MUST" and substitute "SHALL" on: **Page 3**, lines 21 and 23; **Page**
32 **4**, line 12; **Page 5**, lines 6, 14, 21, and 23; and **Page 6**, line 1.

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