

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

SB24-141 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** 12-30-123 as
4 follows:

5 **12-30-123. Out-of-state telehealth providers - registration -**
6 **financial responsibility - discipline - emergency protocol - disclosures**
7 **- prescriptions - rules - applicability - definitions.** (1) AS USED IN THIS
8 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 (a) "APPLICANT" MEANS AN INDIVIDUAL WHO PERFORMS
10 HEALTH-CARE SERVICES IN ANOTHER STATE AND APPLIES TO THE DIVISION
11 TO PROVIDE TELEHEALTH SERVICES IN THIS STATE.

12 (b) "DISTANT SITE" HAS THE MEANING SET FORTH IN SECTION
13 10-16-123 (4)(a).

14 (c) "ORIGINATING SITE" HAS THE MEANING SET FORTH IN SECTION
15 10-16-123 (4)(b).

16 (d) "OUT-OF-STATE CREDENTIAL" MEANS A LICENSE, CERTIFICATE,
17 REGISTRATION, OR OTHER APPROVAL AS A HEALTH-CARE PROVIDER IN
18 ANOTHER STATE.

19 (e) "REGISTERED PROVIDER" MEANS A HEALTH-CARE PROVIDER
20 REGISTERED TO PROVIDE TELEHEALTH SERVICES IN THIS STATE PURSUANT
21 TO SUBSECTION (3) OF THIS SECTION.

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

24 (g) "TELEHEALTH" MEANS THE DELIVERY OF MEDICAL SERVICES
25 THROUGH TECHNOLOGIES THAT ARE USED IN A MANNER THAT IS
26 COMPLIANT WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND
27 ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, INCLUDING
28 INFORMATION, ELECTRONIC, AND COMMUNICATION TECHNOLOGIES,
29 REMOTE MONITORING TECHNOLOGIES, AND STORE-AND-FORWARD
30 TRANSFERS, TO FACILITATE THE ASSESSMENT, DIAGNOSIS, CONSULTATION,
31 OR TREATMENT OF A PATIENT WHILE THE PATIENT IS LOCATED AT AN
32 ORIGINATING SITE AND THE PERSON WHO PROVIDES THE SERVICES IS
33 LOCATED AT A DISTANT SITE.

34 (2) ON AND AFTER JANUARY 1, 2026, AN APPLICANT WHO
35 POSSESSES AN OUT-OF-STATE CREDENTIAL MAY PROVIDE HEALTH-CARE
36 SERVICES THROUGH TELEHEALTH TO PATIENTS LOCATED IN THIS STATE IF
37 THE APPLICANT IS REGISTERED WITH A REGULATOR, AS APPLICABLE TO THE
38 APPLICANT'S PRACTICE, AND PROVIDES HEALTH-CARE SERVICES WITHIN
39 THE SCOPE OF PRACTICE ESTABLISHED UNDER THE LAWS AND RULES OF
40 THIS STATE THAT APPLY TO THE APPLICANT'S PRACTICE.

1 (3) A REGULATOR MAY REGISTER AN APPLICANT WHO DOES NOT
2 POSSESS A LICENSE, CERTIFICATE, OR REGISTRATION IN THIS STATE AS A
3 REGISTERED PROVIDER UNDER THIS SECTION IF THE APPLICANT SATISFIES
4 ALL OF THE FOLLOWING:

5 (a) THE APPLICANT SUBMITS AN APPLICATION ON A FORM
6 PRESCRIBED BY THE DIVISION AND PAYS THE APPLICABLE FEE ESTABLISHED
7 BY THE DIVISION PURSUANT TO SECTION 12-20-105;

8 (b) THE APPLICANT POSSESSES AN OUT-OF-STATE CREDENTIAL
9 ISSUED BY A GOVERNMENTAL AUTHORITY IN ANOTHER STATE, THE
10 DISTRICT OF COLUMBIA, OR A POSSESSION OR TERRITORY OF THE UNITED
11 STATES AND THE CREDENTIAL IS ACTIVE; UNENCUMBERED; HAS
12 EDUCATIONAL AND SUPERVISORY STANDARDS EQUIVALENT TO OR
13 EXCEEDING THE EDUCATIONAL AND SUPERVISORY STANDARDS REQUIRED
14 FOR THE EQUIVALENT CREDENTIAL, LICENSE, CERTIFICATE, OR
15 REGISTRATION IN THIS STATE OR THE INTERSTATE COMPACT LICENSE FOR
16 THE APPLICABLE CREDENTIAL TYPE; AND ENTITLES THE APPLICANT TO
17 PERFORM HEALTH-CARE SERVICES THAT ARE THE SAME AS OR EQUIVALENT
18 TO HEALTH-CARE SERVICES THAT MAY BE PERFORMED BY A LICENSEE,
19 CERTIFICATE HOLDER, OR REGISTRANT IN THIS STATE;

20 (c) THE APPLICANT HAS NOT BEEN SUBJECT TO ANY DISCIPLINARY
21 ACTION RESULTING IN A LIMITATION, SUSPENSION, OR REVOCATION OF THE
22 APPLICANT'S OUT-OF-STATE CREDENTIAL DURING THE FIVE-YEAR PERIOD
23 IMMEDIATELY PRECEDING THE SUBMISSION OF THE APPLICANT'S
24 APPLICATION PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION, UNLESS
25 THE DISCIPLINARY ACTION PERTAINS TO AN ACTION, BEHAVIOR, OR
26 TREATMENT PERMITTED UNDER COLORADO LAW;

27 (d) THE APPLICANT DEMONSTRATES PASSAGE OF A JURISPRUDENCE
28 EXAMINATION ADMINISTERED BY THE DIVISION IF PASSAGE OF A
29 JURISPRUDENCE EXAMINATION IS REQUIRED FOR SUBSTANTIALLY SIMILAR
30 CREDENTIALING AS A LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT IN
31 THIS STATE;

32 (e) THE APPLICANT DESIGNATES AN AGENT UPON WHOM SERVICE
33 OF PROCESS MAY BE MADE IN THIS STATE ON A FORM PRESCRIBED BY THE
34 DIVISION; AND

35 (f) THE APPLICANT DEMONSTRATES TO THE DIVISION THAT THE
36 APPLICANT IS IN COMPLIANCE WITH SUBSECTION (5) OF THIS SECTION.

37 (4) (a) A REGISTERED PROVIDER SHALL NOTIFY THE APPLICABLE
38 REGULATOR OF:

39 (I) RESTRICTIONS PLACED ON THE REGISTERED PROVIDER'S
40 OUT-OF-STATE CREDENTIAL IN ANY STATE OR JURISDICTION;

41 (II) ANY DISCIPLINARY ACTION TAKEN OR PENDING AGAINST THE
42 REGISTERED PROVIDER IN ANY STATE OR JURISDICTION; AND

43 (III) ANY FINAL JUDGMENT AGAINST, SETTLEMENT ENTERED INTO

1 BY, OR ARBITRATION AWARD PAID ON BEHALF OF THE REGISTERED
2 PROVIDER FOR MALPRACTICE.

3 (b) THE REGISTERED PROVIDER SHALL PROVIDE NOTIFICATION
4 PURSUANT TO THIS SUBSECTION (4) WITHIN FIVE BUSINESS DAYS AFTER
5 THE RESTRICTION IS PLACED OR DISCIPLINARY ACTION IS INITIATED OR
6 TAKEN.

7 (5) A REGISTERED PROVIDER SHALL MAINTAIN THE METHOD AND
8 AMOUNT OF FINANCIAL RESPONSIBILITY THAT COVERS SERVICES PROVIDED
9 TO PATIENTS IN THIS STATE AS REQUIRED BY THE APPLICABLE REGULATOR.

10 (6) A REGISTERED PROVIDER PROVIDING HEALTH-CARE SERVICES
11 THROUGH TELEHEALTH TO A PATIENT LOCATED IN THIS STATE SHALL
12 PROVIDE HEALTH-CARE SERVICES IN COMPLIANCE WITH THE PROFESSIONAL
13 PRACTICE STANDARDS APPLICABLE TO A LICENSEE, CERTIFICATE HOLDER,
14 OR REGISTRANT WHO PROVIDES COMPARABLE IN-PERSON HEALTH-CARE
15 SERVICES IN THIS STATE. PROFESSIONAL PRACTICE STANDARDS AND LAWS
16 APPLICABLE TO THE PROVISION OF IN-PERSON HEALTH-CARE SERVICES IN
17 THIS STATE, INCLUDING STANDARDS AND LAWS RELATING TO PRESCRIBING
18 MEDICATION OR TREATMENT, IDENTITY VERIFICATION, DOCUMENTATION,
19 INFORMED CONSENT, CONFIDENTIALITY, DISCLOSURES, PRIVACY, AND
20 SECURITY, APPLY TO THE PROVISION OF HEALTH-CARE SERVICES THROUGH
21 TELEHEALTH IN COLORADO.

22 (7) (a) A REGISTERED PROVIDER WHO PROVIDES TELEHEALTH
23 SERVICES TO A PATIENT SHALL:

24 (I) PROVIDE THE PATIENT WITH GUIDANCE ON APPROPRIATE
25 FOLLOW-UP CARE AS REQUIRED BY THE LAWS, RULES, AND STANDARD OF
26 CARE FOR COLORADO;

27 (II) IN THE EVENT OF AN EMERGENCY SITUATION, MAKE A GOOD
28 FAITH EFFORT TO:

29 (A) DIRECTLY CONTACT AND COORDINATE WITH EMERGENCY
30 SERVICES LOCATED NEAR THE ORIGINATING SITE; OR

31 (B) IF THE URGENT, EMERGENT, OR EMERGENCY SITUATION IS
32 RELATED TO THE PATIENT'S MENTAL HEALTH OR A SUBSTANCE USE
33 CONDITION, FACILITATE CONTACT WITH THE APPROPRIATE LOCAL MENTAL
34 AND BEHAVIORAL HEALTH SERVICES TO INCLUDE LOCAL CRISIS SERVICES,
35 SUCH AS CRISIS STABILIZATION UNITS, CRISIS WALK-IN CENTERS, MOBILE
36 CRISIS RESPONSE SERVICES, AND WITHDRAWAL MANAGEMENT FACILITIES;
37 AND

38 (C) REMAIN ON A SYNCHRONOUS CONNECTION WITH THE PATIENT,
39 IF THE EMERGENCY ARISES DURING A SYNCHRONOUS CONNECTION, UNTIL
40 EMERGENCY SERVICES HAVE REACHED THE ORIGINATING SITE OR THE
41 SITUATION IS RESOLVED IN THE REGISTERED PROVIDER'S CLINICAL
42 JUDGMENT; AND

43 (III) MAINTAIN A WRITTEN EMERGENCY PROTOCOL THAT IS

1 APPROPRIATE TO THE APPLICABLE STANDARD OF CARE FOR COLORADO.
2 THE WRITTEN EMERGENCY PROTOCOL MUST INCLUDE GOOD FAITH
3 METHODS OF ACCOMPLISHING THE FOLLOWING:

4 (A) PROVIDING THE NAME AND LOCATION OF THE PATIENT TO
5 EMERGENCY SERVICES IN ORAL, WRITTEN, OR DIGITAL FORM;

6 (B) DETERMINING THE ORIGINATING SITE IF A PATIENT IS
7 UNAWARE OF THE LOCATION; AND

8 (C) PROVIDING THE CONTACT INFORMATION OF THE PATIENT TO
9 EMERGENCY SERVICES.

10 (b) A REGISTERED PROVIDER MUST MAINTAIN A CURRENT LIST OF
11 HOSPITALS, URGENT CARE CENTERS OR CLINICS, AND CRISIS PROVIDERS,
12 SUCH AS CRISIS STABILIZATION UNITS, CRISIS WALK-IN CENTERS, MOBILE
13 CRISIS RESPONSE SERVICES, AND WITHDRAWAL MANAGEMENT FACILITIES,
14 IN THE AREA WHERE THE PATIENT RESIDES.

15 (8) (a) A REGISTERED PROVIDER SHALL NOT OPEN AN OFFICE IN
16 THIS STATE AND SHALL NOT PROVIDE IN-PERSON HEALTH-CARE SERVICES
17 TO PATIENTS LOCATED IN THIS STATE UNLESS THE REGISTERED PROVIDER
18 OBTAINS THE LICENSE, CERTIFICATION, OR REGISTRATION THAT THE
19 APPLICABLE REGULATOR REQUIRES FOR THE PERFORMANCE OF THE
20 RELEVANT HEALTH-CARE SERVICES IN THIS STATE.

21 (b) A REGISTERED PROVIDER PROVIDING TELEHEALTH SERVICES TO
22 A PATIENT IN THIS STATE SHALL DISCLOSE THE FOLLOWING INFORMATION
23 TO THE PATIENT, AS APPLICABLE:

24 (I) THE LOCATION OF THE REGISTERED PROVIDER; AND

25 (II) THAT THE REGISTERED PROVIDER DOES NOT HAVE A PHYSICAL
26 LOCATION IN COLORADO.

27 (9) (a) THE DIVISION OR THE APPLICABLE REGULATOR MAY TAKE
28 DISCIPLINARY ACTION AGAINST A REGISTERED PROVIDER IF ANY OF THE
29 FOLLOWING APPLIES TO THE REGISTERED PROVIDER:

30 (I) THE REGISTERED PROVIDER FAILS TO NOTIFY THE REGULATOR
31 OF ANY ADVERSE ACTIONS TAKEN AGAINST THE REGISTERED PROVIDER'S
32 OUT-OF-STATE CREDENTIAL AS REQUIRED UNDER SUBSECTION (4) OF THIS
33 SECTION;

34 (II) THE REGISTERED PROVIDER HAS RESTRICTIONS PLACED ON THE
35 REGISTERED PROVIDER'S OUT-OF-STATE CREDENTIAL OR DISCIPLINARY
36 ACTION HAS BEEN COMMENCED AGAINST THE REGISTERED PROVIDER IN
37 ANY STATE OR JURISDICTION;

38 (III) THE REGISTERED PROVIDER VIOLATES ANY OF THE
39 REQUIREMENTS UNDER THIS SECTION; OR

40 (IV) THE REGISTERED PROVIDER COMMITS AN ACT THAT
41 CONSTITUTES GROUNDS FOR DISCIPLINARY ACTION UNDER THE LAW
42 GOVERNING THE APPLICABLE PROFESSION IN COLORADO.

43 (b) THE DEPARTMENT OF REGULATORY AGENCIES MAY NOTIFY

1 OTHER STATES IN WHICH THE REGISTERED PROVIDER IS LICENSED,
2 REGISTERED, OR CERTIFIED TO PRACTICE OF ANY DISCIPLINARY ACTIONS
3 TAKEN AGAINST THE REGISTERED PROVIDER IN THIS STATE.
4 (c) IF A REGULATOR DETERMINES THAT A REGISTERED PROVIDER
5 HAS COMMITTED AN ACT OR ENGAGED IN CONDUCT THAT CONSTITUTES
6 GROUNDS FOR DISCIPLINE OR UNPROFESSIONAL CONDUCT UNDER THE LAW
7 GOVERNING THE APPLICABLE PROFESSION IN COLORADO, THE DIVISION OR
8 THE RELEVANT REGULATOR MAY TAKE DISCIPLINARY OR OTHER ACTION
9 PURSUANT TO SECTION 12-20-404.
10 (10) FOR A REGISTERED PROVIDER PROVIDING HEALTH-CARE
11 SERVICES THROUGH TELEHEALTH TO A PATIENT LOCATED IN THIS STATE,
12 THIS SECTION PROVIDES AN ALTERNATIVE TO LICENSURE, CERTIFICATION,
13 OR REGISTRATION THAT THE APPLICABLE REGULATOR REQUIRES FOR THE
14 PERFORMANCE OF THE RELEVANT HEALTH-CARE SERVICES IN THIS STATE,
15 AND A REGISTERED PROVIDER MUST OTHERWISE ADHERE TO THE LAWS
16 AND RULES THAT APPLY TO THE REGISTERED PROVIDER'S PRACTICE.
17 (11) A REGISTERED PROVIDER SHALL NOT PRESCRIBE A
18 CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 12-280-402 (1).
19 (12) ALL REGISTRATIONS ISSUED PURSUANT TO THIS SECTION ARE
20 SUBJECT TO THE RENEWAL, EXPIRATION, REINSTATEMENT, AND
21 DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202.
22 (13) THE DIVISION MAY PROMULGATE RULES NECESSARY TO
23 IMPLEMENT AND ADMINISTER THIS SECTION.
24 (14) A REGULATOR MAY PROMULGATE RULES NECESSARY TO
25 IMPLEMENT AND ADMINISTER THIS SECTION.
26 (15) ARTICLES 1 AND 20 OF THIS TITLE 12 AND THIS ARTICLE 30
27 APPLY, ACCORDING TO THEIR TERMS, TO THIS SECTION.
28 **SECTION 2. Safety clause.** The general assembly finds,
29 determines, and declares that this act is necessary for the immediate
30 preservation of the public peace, health, or safety or for appropriations for
31 the support and maintenance of the departments of the state and state
32 institutions."

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