

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB25-130 be amended as follows:

1 Amend the proposed committee amendment (SB130\_L.006), page 4,  
2 strike lines 14 through 43 and substitute:

3           **"(9) Investigation and penalty.** (a) THE DEPARTMENT MAY  
4 INVESTIGATE A FACILITY THAT NEGLIGENTLY VIOLATES THIS SECTION  
5 PURSUANT TO SECTION 25-1.5-103 (1)(a).

6           (b) (I) A PHYSICIAN WHO NEGLIGENTLY VIOLATES THIS SECTION  
7 ENGAGES IN UNPROFESSIONAL CONDUCT AND IS SUBJECT TO DISCIPLINE  
8 PURSUANT TO SECTION 12-240-121.

9           (II) THIS SUBSECTION (9)(b) APPLIES TO A PHYSICIAN WHO:

10           (A) SIGNS A CERTIFICATION PURSUANT TO SUBSECTION (6)(f)(II)  
11 OF THIS SECTION THAT STATES THE MEDICAL BENEFITS REASONABLY  
12 EXPECTED FROM APPROPRIATE MEDICAL TREATMENT AT ANOTHER  
13 FACILITY OUTWEIGH THE INCREASED RISKS TO THE PATIENT FROM BEING  
14 TRANSFERRED IF THE PHYSICIAN KNEW OR SHOULD HAVE KNOWN THE  
15 BENEFITS DID NOT OUTWEIGH THE RISKS;

16           (B) MISREPRESENTS A PATIENT'S CONDITION OR OTHER  
17 INFORMATION, INCLUDING A FACILITY'S OBLIGATIONS PURSUANT TO THIS  
18 SECTION; OR

19           (C) IS THE ON-CALL PHYSICIAN AND FAILS OR REFUSES TO PRESENT  
20 TO THE FACILITY WITHIN A REASONABLE PERIOD OF TIME PURSUANT TO  
21 SUBSECTION (10)(c)(I)(B) OF THIS SECTION AFTER BEING CONTACTED.

22           (c) IF A CIVIL MONETARY PENALTY IS IMPOSED PURSUANT TO  
23 SECTION 25-1.5-103 OR 12-240-121, THE MAXIMUM CIVIL MONETARY  
24 PENALTY AMOUNT MUST BE REDUCED BY ANY CIVIL MONETARY PENALTY  
25 IMPOSED PURSUANT TO THE FEDERAL "EMERGENCY MEDICAL TREATMENT  
26 AND ACTIVE LABOR ACT", 42 U.S.C. 1395dd (d) FOR THE SAME  
27 VIOLATION."

28 Page 6, after line 17 insert:

29           **"SECTION 2.** In Colorado Revised Statutes, 12-240-121, **add**  
30 (1)(jj) as follows:

31           **12-240-121. Unprofessional conduct - definitions.**

32           (1) "Unprofessional conduct" as used in this article 240 means:

33           (jj) NEGLIGENTLY VIOLATING SECTION 25-3-132."

34 Renumber succeeding sections accordingly.

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