

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0412.01 Jennifer Berman x3286

SENATE BILL 19-052

SENATE SPONSORSHIP

Garcia,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING EXPANSION OF AN EMERGENCY MEDICAL SERVICE
102 PROVIDER'S SCOPE OF PRACTICE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Emergency medical service (EMS) providers are authorized to practice under the medical direction of a physician. **Section 1** of the bill expands an EMS provider's scope of practice by authorizing a provider to practice under the medical direction of an advanced practice nurse or a physician assistant.

Section 1 also:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! Specifies that a provider may practice in a hospital or clinic; and
- ! Authorizes the state board of health to promulgate rules to authorize other types of medical professionals to provide medical direction to EMS providers or to allow EMS providers to practice in other types of licensed health care facilities or health care-related settings.

Section 3 adds an advanced practice nurse and a physician assistant to the membership of the emergency medical practice advisory council and requires the governor to make initial appointments of the additional advisory council members on or before November 1, 2019.

Sections 2, 4, and 5 make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-3.5-203, **amend**
3 (1)(a.5), (1)(b)(IV), and (1)(b)(V); and **add** (1)(b)(VI) as follows:

4 **25-3.5-203. Emergency medical service providers -**
5 **certification - renewal of certificate - duties of department - rules -**
6 **criminal history record checks - definitions.** (1) (a.5) The executive
7 director or chief medical officer shall regulate the acts emergency medical
8 service providers are authorized to perform subject to the medical
9 direction of a licensed physician, AN ADVANCED PRACTICE NURSE
10 REGISTERED IN ACCORDANCE WITH SECTION 12-38-111.5, OR A PHYSICIAN
11 ASSISTANT LICENSED IN ACCORDANCE WITH SECTION 12-36-107.4. The
12 executive director or chief medical officer, after considering the advice
13 and recommendations of the advisory council, shall adopt and revise
14 rules, as necessary, regarding the regulation of emergency medical service
15 providers and their duties and functions. THE BOARD, BY RULE, MAY
16 AUTHORIZE ADDITIONAL TYPES OF MEDICAL PROFESSIONALS WHO CAN
17 PROVIDE MEDICAL DIRECTION TO EMERGENCY MEDICAL SERVICE
18 PROVIDERS.

19 (b) The department shall certify emergency medical service

1 providers. The board shall adopt rules for the certification of emergency
2 medical service providers. The rules must include the following:

3 (IV) Disciplinary sanctions, which ~~shall~~ MUST include provisions
4 for the denial, revocation, and suspension of certificates and the
5 suspension and probation of certificate holders; ~~and~~

6 (V) An appeals process pursuant to sections 24-4-104 and
7 24-4-105 C.R.S., that is applicable to department decisions in connection
8 with certifications and sanctions; AND

9 (VI) A STATEMENT THAT A CERTIFIED EMERGENCY MEDICAL
10 SERVICE PROVIDER MAY PRACTICE IN A CLINIC OR HOSPITAL. THE BOARD,
11 BY RULE, MAY ALSO AUTHORIZE A CERTIFIED EMERGENCY MEDICAL
12 SERVICE PROVIDER TO PRACTICE IN OTHER TYPES OF LICENSED HEALTH
13 CARE FACILITIES OR HEALTH CARE-RELATED SETTINGS.

14 **SECTION 2.** In Colorado Revised Statutes, 25-3.5-205, **amend**
15 (2) and (5)(a) as follows:

16 **25-3.5-205. Emergency medical service providers -**
17 **investigation - discipline.** (2) An emergency medical service provider;
18 the employer of an emergency medical service provider; a medical
19 director; and a physician, ADVANCED PRACTICE NURSE, OR PHYSICIAN
20 ASSISTANT providing medical direction of an emergency medical service
21 provider shall report to the department any misconduct that is known or
22 reasonably believed by the person to have occurred.

23 (5) For the purposes of this section:

24 (a) "Medical director" means a physician, ADVANCED PRACTICE
25 NURSE, OR PHYSICIAN ASSISTANT who supervises certified emergency
26 medical service providers consistent with the rules adopted by the
27 executive director or chief medical officer, as applicable, under section

1 25-3.5-206.

2 **SECTION 3.** In Colorado Revised Statutes, 25-3.5-206, **amend**
3 (2)(a) introductory portion, (2)(a)(I) introductory portion, (2)(a)(I)(E),
4 (2)(g), (3)(a), (3)(d), (4)(a) introductory portion, (4)(a)(II), and (4)(a)(IV);
5 and **add** (2)(a)(I)(G), (2)(a)(I)(H), and (2)(h) as follows:

6 **25-3.5-206. Emergency medical practice advisory council -**
7 **creation - powers and duties - emergency medical service provider**
8 **scope of practice - rules - definition - repeal.** (2) (a) The emergency
9 medical practice advisory council consists of the following ~~eleven~~
10 THIRTEEN members:

11 (I) ~~Eight~~ TEN voting members appointed by the governor as
12 follows:

13 (E) One emergency medical service provider certified at a basic
14 life support level who is actively involved in the provision of emergency
15 medical services; ~~and~~

16 (G) ONE ADVANCED PRACTICE NURSE LICENSED IN GOOD
17 STANDING IN COLORADO; AND

18 (H) ONE PHYSICIAN ASSISTANT LICENSED IN GOOD STANDING IN
19 COLORADO.

20 (g) As used in this subsection (2), "licensed in good standing"
21 means that the physician, ADVANCED PRACTICE NURSE, OR PHYSICIAN
22 ASSISTANT holds a current, valid license to practice ~~medicine~~ AS A
23 PHYSICIAN, ADVANCED PRACTICE NURSE, OR PHYSICIAN ASSISTANT in
24 Colorado that is not subject to any restrictions.

25 (h) (I) ON OR BEFORE NOVEMBER 1, 2019, THE GOVERNOR SHALL
26 MAKE INITIAL APPOINTMENTS OF AN ADVANCED PRACTICE NURSE AND A
27 PHYSICIAN ASSISTANT TO THE ADVISORY COUNCIL PURSUANT TO

1 SUBSECTIONS (2)(a)(I)(G) AND (2)(a)(I)(H) OF THIS SECTION.

2 (II) THIS SUBSECTION (2)(h) IS REPEALED, EFFECTIVE JULY 1, 2020.

3 (3) The advisory council shall provide general technical expertise
4 on matters related to the provision of patient care by emergency medical
5 service providers and shall advise or make recommendations to the
6 department in the following areas:

7 (a) The acts and medications that certified emergency medical
8 service providers at each level of certification are authorized to perform
9 or administer under the direction of a ~~physician~~ medical director;

10 (d) Criteria for physicians, ADVANCED PRACTICE NURSES, OR
11 PHYSICIAN ASSISTANTS to serve as emergency medical service medical
12 directors.

13 (4) (a) The director or, if the director is not a physician, the chief
14 medical officer shall adopt rules in accordance with article 4 of title 24,
15 ~~C.R.S.~~, concerning the scope of practice of emergency medical service
16 providers for prehospital care. The rules must include the following:

17 (II) Defining the ~~physician~~ medical direction required for
18 appropriate oversight of an emergency medical service provider by an
19 emergency medical services medical director;

20 (IV) Minimum standards for physicians, ADVANCED PRACTICE
21 NURSES, OR PHYSICIAN ASSISTANTS to be emergency medical services
22 medical directors; and

23 **SECTION 4.** In Colorado Revised Statutes, 25-3.5-1202, **amend**
24 (2) as follows:

25 **25-3.5-1202. Definitions.** As used in this part 12, unless the
26 context otherwise requires:

27 (2) "Medical direction" means the supervision over and direction

1 of individuals who perform acts on behalf of a CARES program by a
2 physician, ~~or~~ advanced practice ~~registered~~ nurse, OR PHYSICIAN
3 ASSISTANT who is licensed in Colorado and in good standing and who is
4 identified as being responsible for assuring the competency of those
5 individuals in the performance of acts on behalf of the CARES program.

6 **SECTION 5.** In Colorado Revised Statutes, 25-3.5-1301, **amend**
7 (3) as follows:

8 **25-3.5-1301. Definitions.** As used in this part 13, unless the
9 context otherwise requires:

10 (3) "Medical direction" means the supervision over and direction
11 of individuals who perform acts on behalf of an agency by a physician, ~~or~~
12 advanced practice ~~registered~~ nurse, OR PHYSICIAN ASSISTANT, who is
13 licensed in Colorado, is in good standing, and is identified as being
14 responsible for assuring the competency of those individuals in the
15 performance of acts on behalf of the agency. ~~except that, if the agency~~
16 ~~hires or contracts with a community paramedic, only a licensed physician~~
17 ~~in good standing may provide medical direction.~~

18 **SECTION 6. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2020 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.