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SENATE BILL 19-052

BY SENATOR(S) Garcia, Bridges, Cooke, Crowder, Fields, Gardner, Ginal, Gonzales, Lee, Marble, Moreno, Priola, Rankin, Scott, Smallwood, Story, Tate, Todd;
also REPRESENTATIVE(S) Mullica, Arndt, Beckman, Bird, Buckner, Caraveo, Duran, Exum, Galindo, Hooton, Jackson, Jaquez Lewis, Kipp, Liston, Lontine, McCluskie, McLachlan, Melton, Michaelson Jenet, Roberts, Saine, Snyder, Soper, Tipper, Valdez A., Valdez D., Becker.

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

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

SECTION 1. In Colorado Revised Statutes, 25-3.5-103, **add with amended and relocated provisions** (8.8) as follows:

25-3.5-103. Definitions. As used in this article 3.5, unless the context otherwise requires:

(8.8) [~~Formerly 25-3.5-203 (5)~~] For the purposes of this article, ~~unless the context otherwise requires,~~ "Medical direction" includes, but is not limited to, the following:

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.

(a) Approval of the medical components of treatment protocols and appropriate prearrival instructions;

(b) Routine review of program performance and maintenance of active involvement in quality improvement activities, including access to dispatch tapes as necessary for the evaluation of procedures;

(c) Authority to recommend appropriate changes to protocols for the improvement of patient care; and

(d) ~~Provide~~ PROVISION OF oversight for the ongoing education, training, and quality assurance for providers of emergency care.

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

25-3.5-203. Emergency medical service providers - certification - renewal of certificate - duties of department - rules - criminal history record checks - definitions. (1) (b) The department shall certify emergency medical service providers. The board shall adopt rules for the certification of emergency medical service providers. The rules must include the following:

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

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

(VI) A STATEMENT THAT AN EMERGENCY MEDICAL SERVICE PROVIDER MAY PRACTICE IN A CLINICAL SETTING, AS DEFINED IN SECTION 25-3.5-207 (1)(a), SUBJECT TO THE REQUIREMENTS OF SECTION 25-3.5-207 AND RULES ADOPTED BY THE BOARD.

SECTION 3. In Colorado Revised Statutes, 25-3.5-205, **amend** (2) and (5)(a) as follows:

25-3.5-205. Emergency medical service providers - investigation - discipline. (2) An emergency medical service provider, THE MEDICAL SUPERVISOR OF AN EMERGENCY MEDICAL SERVICE PROVIDER IN A CLINICAL SETTING, AS THOSE TERMS ARE DEFINED IN SECTION 25-3.5-207 (1), the employer of an emergency medical service provider, a medical director, and a physician providing medical direction of an emergency medical service provider shall report to the department any misconduct that is known or reasonably believed by the person to have occurred.

(5) For the purposes of this section:

(a) "Medical director" means a physician who ~~supervises certified~~ PROVIDES MEDICAL DIRECTION TO emergency medical service providers consistent with the rules adopted by the ~~executive~~ director or chief medical officer, as applicable, under section 25-3.5-206.

SECTION 4. In Colorado Revised Statutes, 25-3.5-206, **amend** (4)(a) introductory portion, (4)(a)(III), and (4)(a.5)(I); and **add** (5) as follows:

25-3.5-206. Emergency medical practice advisory council - creation - powers and duties - emergency medical service provider scope of practice - definitions - rules. (4) (a) The director or, if the director is not a physician, the chief medical officer shall adopt rules in accordance with article 4 of title 24 ~~C.R.S.~~, concerning the scope of practice of emergency medical service providers. ~~for prehospital care.~~ The rules must include the following:

(III) Criteria for requests to waive the scope of practice rules IN A PREHOSPITAL SETTING and the conditions for ~~such~~ THE waivers;

(a.5) (I) ~~On or before January 1, 2018,~~ The director or, if the director is not a physician, the chief medical officer shall adopt rules in accordance with article 4 of title 24 ~~C.R.S.~~, concerning the scope of practice of a community paramedic. An emergency medical service provider's endorsement as a community paramedic, issued pursuant to the rules adopted under section 25-3.5-203.5, is valid for as long as the emergency medical service provider maintains ~~his or her~~ certification by the department.

(5) AS USED IN THIS SECTION:

(a) "INTERFACILITY TRANSPORT" HAS THE MEANING SET FORTH IN SECTION 25-3.5-207 (1)(c).

(b) "PREHOSPITAL SETTING" MEANS ONE OF THE FOLLOWING SETTINGS IN WHICH AN EMERGENCY MEDICAL SERVICE PROVIDER PERFORMS PATIENT CARE, WHICH CARE IS SUBJECT TO MEDICAL DIRECTION BY A MEDICAL DIRECTOR:

(I) AT THE SITE OF AN EMERGENCY;

(II) DURING EMERGENCY TRANSPORT; OR

(III) DURING INTERFACILITY TRANSPORT.

(c) "SCOPE OF PRACTICE" HAS THE MEANING SET FORTH IN SECTION 25-3.5-207 (1)(f).

SECTION 5. In Colorado Revised Statutes, **add** 25-3.5-207 as follows:

25-3.5-207. Ability of certified emergency medical service providers to work in clinical settings - restrictions - definitions - rules.

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

(a) "CLINICAL SETTING" MEANS A HEALTH FACILITY LICENSED OR CERTIFIED BY THE DEPARTMENT PURSUANT TO SECTION 25-1.5-103 (1)(a).

(b) "IN-SCOPE TASKS AND PROCEDURES" MEANS TASKS AND PROCEDURES PERFORMED BY AN EMERGENCY MEDICAL SERVICE PROVIDER WITHIN THE EMERGENCY MEDICAL SERVICE PROVIDER'S SCOPE OF PRACTICE.

(c) "INTERFACILITY TRANSPORT" MEANS THE MOVEMENT OF A PATIENT FROM ONE LICENSED HEALTH CARE FACILITY TO ANOTHER LICENSED HEALTH CARE FACILITY.

(d) "MEDICAL SUPERVISION" MEANS THE OVERSIGHT, GUIDANCE, AND INSTRUCTIONS THAT A MEDICAL SUPERVISOR PROVIDES TO AN EMERGENCY MEDICAL SERVICE PROVIDER.

(e) "MEDICAL SUPERVISOR" MEANS A COLORADO-LICENSED PHYSICIAN, PHYSICIAN ASSISTANT, ADVANCED PRACTICE NURSE, OR REGISTERED NURSE.

(f) "SCOPE OF PRACTICE" MEANS THE TASKS, MEDICATIONS, AND PROCEDURES THAT AN EMERGENCY MEDICAL SERVICE PROVIDER IS AUTHORIZED TO PERFORM OR ADMINISTER IN ACCORDANCE WITH SECTIONS 25-3.5-203 AND 25-3.5-206 AND RULES PROMULGATED PURSUANT TO THOSE SECTIONS.

(2) IN ACCORDANCE WITH THE LIMITATIONS CONTAINED IN THIS ARTICLE 3.5, AN EMERGENCY MEDICAL SERVICE PROVIDER MAY WORK IN A CLINICAL SETTING SUBJECT TO THE FOLLOWING CONDITIONS:

(a) THE EMERGENCY MEDICAL SERVICE PROVIDER MAY PERFORM ONLY TASKS AND PROCEDURES THAT ARE WITHIN THE EMERGENCY MEDICAL SERVICE PROVIDER'S APPLICABLE SCOPE OF PRACTICE;

(b) THE EMERGENCY MEDICAL SERVICE PROVIDER SHALL PERFORM IN-SCOPE TASKS AND PROCEDURES PURSUANT TO ORDERS OR INSTRUCTIONS FROM, AND UNDER THE MEDICAL SUPERVISION OF, A MEDICAL SUPERVISOR;

(c) MEDICAL SUPERVISION MUST BE PROVIDED BY A MEDICAL SUPERVISOR WHO IS IMMEDIATELY AVAILABLE AND PHYSICALLY PRESENT AT THE CLINICAL SETTING WHERE THE CARE IS BEING DELIVERED TO PROVIDE OVERSIGHT, GUIDANCE, OR INSTRUCTION TO THE EMERGENCY MEDICAL SERVICE PROVIDER DURING THE EMERGENCY MEDICAL SERVICE PROVIDER'S PERFORMANCE OF IN-SCOPE TASKS AND PROCEDURES;

(d) THE MEDICAL SUPERVISOR OF THE EMERGENCY MEDICAL SERVICE PROVIDER MUST BE LICENSED IN GOOD STANDING; AND

(e) EACH CLINICAL SETTING AT WHICH AN EMERGENCY MEDICAL SERVICE PROVIDER PERFORMS IN-SCOPE TASKS AND PROCEDURES PURSUANT TO THIS SECTION SHALL, IN COLLABORATION WITH ITS MEDICAL STAFF, ESTABLISH OPERATING POLICIES AND PROCEDURES THAT ENSURE THAT EMERGENCY MEDICAL SERVICE PROVIDERS PERFORM TASKS AND PROCEDURES AND ADMINISTER MEDICATIONS WITHIN THEIR SCOPE OF PRACTICE.

(3) NOTHING IN THIS SECTION ALTERS THE AUTHORITY OF A PHYSICIAN OR REGISTERED NURSE IN A CLINICAL SETTING TO DELEGATE ACTS, INCLUDING THE ADMINISTRATION OF MEDICATIONS, THAT ARE OUTSIDE OF AN EMERGENCY MEDICAL SERVICE PROVIDER'S SCOPE OF PRACTICE PURSUANT TO SECTION 12-36-106 OR 12-38-132, AS APPROPRIATE.

(4) THE BOARD MAY PROMULGATE RULES AS NECESSARY TO IMPLEMENT THIS SECTION.

SECTION 6. Repeal of provisions being relocated in this act. In Colorado Revised Statutes, **repeal** 25-3.5-203 (5).

SECTION 7. Act subject to petition - effective date - applicability. (1) 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 (August 2, 2019, if adjournment sine die is on May 3, 2019); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO