LLS NO. 19-0377.01 Kristen Forrestal x4217

SENATE BILL 19-193

INTRODUCED

SENATE SPONSORSHIP

Ginal and Lee, Gardner

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

Concerning the continuation of the "Colorado Medical Practice Act", and, in connection therewith, continuing the Colorado Medical Board, eliminating the sixty-day limit on the pro bono license, repealing the requirement that a letter of admonition be sent to licensees by certified mail, and updating language and making technical amendments.

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.)
Sunset Process - Senate Judiciary Committee. The bill implements some of the recommendations in the 2018 sunset review and report by the department of regulatory agencies by:

- Continuing the "Colorado Medical Practice Act" (Act) and the Colorado medical board (board) until September 1, 2026 (sections 2 and 3 of the bill);
- Eliminating the restriction on the number of days that a physician may practice in a calendar year with a pro bono license (section 5);
- Repealing the requirement that the board send a letter of admonition to a licensee by certified mail (section 6); and
- Making technical amendments to the Act (sections 1, 2, 4, and 7).

Sections 9 through 14 make conforming amendments to harmonize the bill with the title 12 recodification bill, House Bill 19-1172.

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

SECTION 1. In Colorado Revised Statutes, 12-36-102.5, amend the introductory portion and (3)(a)(I) as follows:

12-36-102.5. Definitions. As used in this article, unless the context otherwise requires:

(3) (a) "Approved medical college" means a college that:

(I) Conforms to the minimum educational standards for medical colleges as established by the Liaison Committee on Medical Education or any successor organization that is the official accrediting body of educational programs leading to the degree of doctor of medicine and recognized for such purpose by the federal department of education and the Council on postsecondary Accreditation;

SECTION 2. In Colorado Revised Statutes, 12-36-103, amend (1)(a)(II) and (6)(b) as follows:

12-36-103. Colorado medical board - immunity - subject to termination - repeal of article. (1) (a) (II) The terms of the members of
the board shall be four years. For the two physician and one physician assistant appointees added to the board during the calendar year beginning January 1, 2010, the term for one of the physician member appointees shall expire four years after the appointment; the term for the other physician member appointee shall expire three years after the appointment; and the term for the physician assistant appointee shall expire two years after the appointment. Thereafter, the terms of the members of the board shall be four years:

(6) (b) This article ARTICLE 36 is repealed, effective July 1, 2019 SEPTEMBER 1, 2026. BEFORE THE REPEAL, THIS ARTICLE 36 IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

SECTION 3. In Colorado Revised Statutes, 24-34-104, **repeal** (16)(a)(VII); and **add** (27)(a)(VIII) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (16) (a) The following agencies, functions, or both, will repeal on July 1, 2019:

(VII) The Colorado medical board created in article 36 of title 12, C.R.S.

(27) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2026:

(VIII) The Colorado medical board created in article 36 of title 12.

SECTION 4. In Colorado Revised Statutes, 12-36-107, **amend** (1) introductory portion and (1)(b) as follows:

12-36-107. Qualifications for licensure. (1) Subject to the other conditions and provisions of this article ARTICLE 36, a license to practice
medicine shall be granted by the board to an applicant only upon the basis of:

(b) The applicant's passage of examinations conducted by the National Board of Medical Examiners, the National Board of OSTEOPATHIC MEDICAL Examiners, for osteopathic physicians and surgeons, the Federation of State Medical Boards, or any successor to said organizations, as approved by the board;

SECTION 5. In Colorado Revised Statutes, 12-36-114.3, amend (1) introductory portion as follows:

12-36-114.3. Pro bono license - qualifications - reduced fee - rules. (1) Notwithstanding any other provision of this article ARTICLE 36, the board may issue a pro bono license to a physician to practice medicine in this state for not more than sixty days in a calendar year if the physician:

SECTION 6. In Colorado Revised Statutes, 12-36-117, amend (1)(a) as follows:

12-36-117. Unprofessional conduct. (1) "Unprofessional conduct" as used in this article 36 means:

(a) Resorting to fraud, misrepresentation, or deception in applying for, securing, renewing, or seeking reinstatement of a license to practice medicine or a license to practice as a physician assistant OR AN ANESTHESIOLOGIST ASSISTANT in this state or any other state, in applying for professional liability coverage, required pursuant to section 13-64-301, C.R.S., or privileges at a hospital, or in taking the examination provided for in this article ARTICLE 36;

SECTION 7. In Colorado Revised Statutes, 12-36-118, amend (4)(c)(III)(A) and (4)(c)(III)(B) as follows:
12-36-118. Disciplinary action by board - immunity - rules.

(4) (c) On completion of an investigation, the inquiry panel shall make a finding that:

(III) (A) When a complaint or investigation discloses an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit, a letter of admonition may be issued and sent by certified mail, to the licensee.

(B) When a letter of admonition is sent by the board by certified mail, to a licensee, such the licensee shall be advised that he or she has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

SECTION 8. In Colorado Revised Statutes, 12-36-118.5, amend (1) as follows:

12-36-118.5. Confidential agreements to limit practice - violation grounds for discipline. (1) If a physician, physician assistant, or anesthesiologist assistant suffers from a physical illness, a physical condition, or a behavioral or mental health disorder that renders the licensee unable to practice medicine, practice as a physician assistant, or practice as an anesthesiologist assistant with reasonable skill and with safety to patients, the physician, physician assistant, or anesthesiologist assistant shall notify the board of the physical illness, the physical condition, or the behavioral or mental health disorder in a manner and within a period determined by the board. The board may require the licensee to submit to an examination or refer the licensee to a peer health assistance program pursuant to section 12-36-123.5 to evaluate the extent
of the physical illness, the physical condition, or the behavioral or mental
health disorder and its impact on the licensee's ability to practice with
reasonable skill and with safety to patients.

SECTION 9. In Colorado Revised Statutes, 12-240-104, **amend**
as relocated by House Bill 19-1172 (3)(a)(I) as follows:

12-240-104. Definitions. As used in this article 240, unless the
context otherwise requires:

(3) (a) "Approved medical college" means a college that:

(I) Conforms to the minimum educational standards for medical
colleges as established by the Liaison Committee on Medical Education
or any successor organization that is the official accrediting body of
educational programs leading to the degree of doctor of medicine and
recognized for such purpose by the United States department of education
and the Council on Postsecondary FOR HIGHER EDUCATION Accreditation;

SECTION 10. In Colorado Revised Statutes, 12-240-105, **amend**
as relocated by House Bill 19-1172 (1)(b) and (5) as follows:

12-240-105. Colorado medical board - subject to termination
- **repeal of article.** (1) (b) The terms of the members of the board shall
be four years. For the two physician and one physician assistant
appointees added to the board during the calendar year beginning January
1, 2010, the term for one of the physician member appointees shall expire
four years after the appointment; the term for the other physician member
appointee shall expire three years after the appointment; and the term for
the physician assistant appointee shall expire two years after the
appointment. Thereafter, the terms of the members of the board shall be
four years:

(5) This article 240 is repealed, effective July 1, 2019 SEPTEMBER
1, 2026. Before its repeal, this article 240, including an analysis of physician responsibilities related to recommendations for medical marijuana and the provisions of section 25-1.5-106, are scheduled for review in accordance with section 24-34-104.

SECTION 11. In Colorado Revised Statutes, 12-240-110, amend as relocated by House Bill 19-1172 (1)(b) as follows:

12-240-110. Qualifications for licensure. (1) Subject to the other conditions and provisions of this article 240, a license to practice medicine shall be granted by the board to an applicant only upon the basis of:

(b) The applicant's passage of examinations conducted by the National Board of Medical Examiners, the National Board of OSTEOPATHIC MEDICAL Examiners, for Osteopathic Physicians and Surgeons, the Federation of State Medical Boards, or any successor to those organizations, as approved by the board;

SECTION 12. In Colorado Revised Statutes, 12-240-118, amend as relocated by House Bill 19-1172 (1) introductory portion as follows:

12-240-118. Pro bono license - qualifications - reduced fee - rules. (1) Notwithstanding any other provision of this article 240, the board may issue a pro bono license to a physician to practice medicine in this state for not more than sixty days in a calendar year if the physician:

SECTION 13. In Colorado Revised Statutes, 12-240-121, amend as relocated by House Bill 19-1172 (1)(a) as follows:

12-240-121. Unprofessional conduct - definitions. (1) "Unprofessional conduct" as used in this article 240 means:

(a) Resorting to fraud, misrepresentation, or deception in applying for, securing, renewing, or seeking reinstatement of a license to practice
medicine or a license to practice as a physician assistant OR AN ANESTHESIOLOGIST ASSISTANT in this state or any other state, in applying for professional liability coverage, required pursuant to section 13-64-301, or privileges at a hospital, or in taking the examination provided for in this article 240;

SECTION 14. In Colorado Revised Statutes, 12-240-125, amend as relocated by House Bill 19-1172 (4)(c)(IV) as follows:

12-240-125. Disciplinary action by board - rules. (4) (c) On completion of an investigation, the inquiry panel shall make a finding that:

(IV) There is an instance of misconduct that, in the opinion of the board, does not warrant formal action by the board but that should not be dismissed as being without merit. In this case, the board may issue and send a letter of admonition by certified mail, to the licensee in accordance with section 12-20-404 (4).

SECTION 15. Effective date. This act takes effect July 1, 2019; except that sections 9 through 14 take effect only if House Bill 19-1172 becomes law, in which case sections 9 through 14 take effect October 1, 2019.

SECTION 16. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.