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An Act

SENATE BILL 19-242

BY SENATOR(S) Garcia, Bridges, Cooke, Court, Crowder, Donovan, Fields, Gardner, Ginal, Gonzales, Hisey, Marble, Moreno, Priola, Rankin, Smallwood, Sonnenberg, Tate, Todd, Winter;
also REPRESENTATIVE(S) Kennedy, Arndt, Bird, Buckner, Buentello, Caraveo, Duran, Froelich, Galindo, Gonzales-Gutierrez, Gray, Hooton, Jaquez Lewis, Kipp, Lontine, Michaelson Jenet, Mullica, Titone, Valdez D.

CONCERNING THE CREATION OF AN EMERGENCY MEDICAL SERVICE PROVIDER LICENSE, AND, IN CONNECTION THEREWITH, SPECIFYING THAT A CERTIFIED EMERGENCY MEDICAL SERVICE PROVIDER MAY OBTAIN A LICENSE FROM THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT IF THE CERTIFIED EMERGENCY MEDICAL SERVICE PROVIDER DEMONSTRATES TO THE DEPARTMENT THAT THE CERTIFIED EMERGENCY MEDICAL SERVICE PROVIDER COMPLETED A FOUR-YEAR BACHELOR'S DEGREE PROGRAM.

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

SECTION 1. In Colorado Revised Statutes, 25-3.5-103, **amend** (8) as follows:

25-3.5-103. Definitions. As used in this article 3.5, unless the

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.

context otherwise requires:

(8) "Emergency medical service provider" means an individual who holds a valid emergency medical service provider certificate OR LICENSE issued by the department as provided in this ~~article~~ ARTICLE 3.5.

SECTION 2. In Colorado Revised Statutes, 25-3.5-203, **amend** (1)(b), (1)(c), (1)(d), (2), and (4); and **add** (1)(b.5) as follows:

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

(I) A statement that a certificate OR LICENSE is valid for a period of three years after the date of issuance;

(II) A statement that the certificate ~~shall be~~ OR LICENSE IS renewable at its expiration upon the certificate holder's OR LICENSEE'S satisfactory completion of the training requirements established pursuant to subsection (2) of this section;

(III) Provisions governing the use of results of national and state criminal history record checks by the department to determine the action to take on a certification OR LICENSE application pursuant to subsection (4) of this section. Notwithstanding ~~the provisions of~~ section 24-5-101, ~~C.R.S.~~; ~~these~~ provisions ~~shall~~ GOVERNING THE USE OF CRIMINAL HISTORY RECORD CHECK RESULTS MUST allow the department to consider whether the applicant has been convicted of a felony or misdemeanor involving moral turpitude and the pertinent circumstances connected with the conviction and to make a determination whether ~~any such~~ THE conviction disqualifies the applicant from certification OR LICENSURE.

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

(VI) PURSUANT TO SUBSECTION (1)(b.5) OF THIS SECTION, RULES REGARDING THE CONVERSION OF AN EMERGENCY MEDICAL SERVICE PROVIDER'S VALID CERTIFICATION TO A LICENSE UPON THE EMERGENCY MEDICAL SERVICE PROVIDER'S DEMONSTRATION TO THE SATISFACTION OF THE DEPARTMENT THAT THE EMERGENCY MEDICAL SERVICE PROVIDER HAS COMPLETED A FOUR-YEAR BACHELOR'S DEGREE PROGRAM FROM AN ACCREDITED COLLEGE OR UNIVERSITY IN A FIELD RELATED TO THE HEALTH SCIENCES OR AN EQUIVALENT FIELD, AS DETERMINED BY THE BOARD BY RULE.

(b.5) (I) ON OR AFTER JANUARY 1, 2021, AN INDIVIDUAL IN THIS STATE WHO HOLDS A VALID EMERGENCY MEDICAL SERVICE PROVIDER CERTIFICATE ISSUED BY THE DEPARTMENT MAY APPLY FOR A LICENSE ISSUED BY THE DEPARTMENT PURSUANT TO THIS SECTION. THE DEPARTMENT MAY ISSUE A LICENSE TO A CERTIFICATE HOLDER WHO HAS COMPLETED A FOUR-YEAR BACHELOR'S DEGREE PROGRAM FROM AN ACCREDITED COLLEGE OR UNIVERSITY IN A FIELD RELATED TO THE HEALTH SCIENCES OR AN EQUIVALENT FIELD, AS DETERMINED BY THE BOARD BY RULE.

(II) THE CONVERSION OF AN EMERGENCY MEDICAL SERVICE PROVIDER'S CERTIFICATION TO LICENSURE PURSUANT TO THIS SUBSECTION (1)(b.5) DOES NOT:

(A) AFFECT ANY PRIOR DISCIPLINE, LIMITATION, OR CONDITION IMPOSED BY THE DEPARTMENT ON AN EMERGENCY MEDICAL SERVICE PROVIDER;

(B) LIMIT THE DEPARTMENT'S AUTHORITY OVER ANY CERTIFICATE HOLDER; OR

(C) AFFECT ANY PENDING INVESTIGATION OR ADMINISTRATIVE PROCEEDING.

(c) (I) The department may issue a provisional certification OR LICENSE to an applicant for certification OR LICENSURE as an emergency medical service provider who requests issuance of a provisional certification OR LICENSE and who pays any fee authorized under rules

adopted by the board. A provisional certification OR LICENSE is valid for not more than ninety days.

(II) The department shall not issue a provisional certification OR LICENSE unless the applicant satisfies the requirements for certification OR LICENSURE in accordance with this section and rules adopted by the board under this subsection (1). If the department finds that an emergency medical service provider that has received a provisional certification OR LICENSE has violated any requirements for certification OR LICENSURE, the department may impose disciplinary sanctions under ~~subparagraph (IV) of paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b)(IV) OF THIS SECTION.

(III) The department may issue a provisional certification OR LICENSE to an applicant whose fingerprint-based criminal history record check has not yet been completed. The department shall require the applicant to submit TO a name-based criminal history record check prior to issuing a provisional certification OR LICENSE.

(IV) The board shall adopt rules as necessary to implement this ~~paragraph (c)~~ SUBSECTION (1)(c), including rules establishing a fee ~~to be charged to applicants seeking a~~ FOR provisional certification OR LICENSURE. THE DEPARTMENT SHALL DEPOSIT any fee collected for a provisional certification ~~shall be deposited~~ OR LICENSE in the emergency medical services account created in section 25-3.5-603.

(d) (I) The department shall exempt certified OR LICENSED emergency medical service providers who have been called to federally funded active duty for more than one hundred twenty days to serve in a war, emergency, or contingency from the payment of certification OR LICENSE fees and from continuing education or professional competency requirements of this ~~article~~ ARTICLE 3.5 for a renewal date during the service or the six months after the completion of service.

(II) Upon presentation of satisfactory evidence by an applicant for CERTIFICATION OR LICENSE renewal, ~~of certification~~, the department may accept continuing medical education, training, or service completed by an individual as a member of the armed forces or reserves of the United States, the National Guard of any state, the military reserves of any state, or the naval militia of any state toward the qualifications to renew the individual's certification OR LICENSE.

(III) (A) A veteran, active military service member, or member of the National Guard and reserves separating from an active duty tour or the spouse of a veteran or member may apply for certification OR LICENSURE under this ~~article~~ ARTICLE 3.5 while stationed or residing within this state. The veteran, member, or spouse is exempt from the initial certification OR LICENSURE requirements in this ~~article~~ ARTICLE 3.5, except for those in subsection (4) of this section, if the veteran, member, or spouse holds a current, valid, and unrestricted certification from the National Registry of Emergency Medical Technicians (NREMT) at or above the level of state certification being sought.

(B) The department shall expedite the processing of a certification OR LICENSE application submitted by a veteran, active military service member, or member of the National Guard and reserves separating from an active duty tour or the spouse of a veteran or member.

(IV) The board shall promulgate rules to implement this ~~paragraph~~ ~~(d)~~ SUBSECTION (1)(d), including the criteria and evidence for acceptable continuing medical education and training or service.

(2) The council shall advise the department and the board in establishing the training requirements for certificate OR LICENSE renewal, ~~Such~~ WHICH training requirements ~~shall consist of~~ MUST INCLUDE A CLASSROOM COMPONENT REQUIRING AT LEAST THIRTY-SIX AND not more than fifty classroom hours. ~~and not less than thirty-six classroom hours.~~

(4) (a) The department ~~may, with reasonable cause, acquire a~~ SHALL REQUIRE A CERTIFICATION OR LICENSURE APPLICANT TO SUBMIT TO A FEDERAL BUREAU OF INVESTIGATION fingerprint-based NATIONAL criminal history record check from the Colorado bureau of investigation to investigate the ~~holder of or~~ applicant for an emergency medical service provider certificate OR LICENSE. The department may acquire a name-based criminal history record check for a certificate ~~holder~~ or an LICENSE applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.

(b) ~~(f) Any government entity that employs a person as or allows a person to volunteer as an emergency medical service provider in a position requiring direct contact with patients shall require all volunteer and employed emergency medical service providers, who have lived in the state~~

~~for three years or less at the time of the initial certification or certification renewal, to submit to a federal bureau of investigation fingerprint-based national criminal history record check to determine eligibility for employment.~~ Each emergency medical service provider CERTIFICATION OR LICENSURE APPLICANT required UNDER THIS SUBSECTION (4) to submit to a federal bureau of investigation fingerprint-based national criminal history record check shall obtain a complete set of fingerprints taken by a local law enforcement agency, another entity designated by the department, or any third party approved by the Colorado bureau of investigation. If an approved third party takes the ~~person's~~ APPLICANT'S fingerprints, the fingerprints may be electronically captured using Colorado bureau of investigation-approved livescan equipment. Third-party vendors shall not keep the ~~person's~~ APPLICANT'S information for more than thirty days unless requested to do so by the ~~person~~ APPLICANT. The approved third party or government entity shall transmit the fingerprints to the Colorado bureau of investigation, which shall in turn forward them to the federal bureau of investigation for a national criminal history record check. The department or other authorized government entity is the authorized agency to receive and disseminate information regarding the result of a national criminal history record check. Each entity handling the national criminal history record check shall comply with Pub.L. 92-544, as amended. Each government entity acting as the authorized recipient of the result of a national criminal history record check shall forward the result of the initial national criminal history record check and any subsequent notification of activity on the record to the department to determine the individual's eligibility for initial certification OR LICENSURE or certification OR LICENSURE renewal.

~~(H) Notwithstanding the provisions of subparagraph (I) of this paragraph (b), the government entity may acquire a name-based criminal history record check for an individual who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.~~

~~(c) (I) (A) A government entity or private, not-for-profit, or for-profit organization that employs a person or allows a person to volunteer as an emergency medical service provider in a position requiring direct contact with patients shall require all volunteer and employed emergency medical service providers, who have lived in the state for more than three years at the time of initial certification or certification renewal, to submit to~~

~~a fingerprint-based criminal history record check by the Colorado bureau of investigation to determine eligibility for employment. The organization shall forward the result of the criminal history record check and any subsequent notification of activity on the record to the department to determine eligibility for initial certification or certification renewal.~~

~~(B) Notwithstanding the provisions of sub-subparagraph (A) of this subparagraph (I), the government entity or private, not-for-profit, or for-profit organization may acquire a name-based criminal history record check for an individual who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.~~

~~(H) Notwithstanding the provisions of subparagraph (I) of this paragraph (c), if a person submitted to a fingerprint-based criminal history record check at the time of initial certification or certification renewal, the person shall not be required to submit to a subsequent fingerprint-based criminal history record check.~~

~~(d) (I) If an applicant for initial certification or certification renewal is not employed at the time of application, the department shall require the applicant to submit to a fingerprint-based criminal history record check by the Colorado bureau of investigation, as defined in rule, by the board of health, if the applicant has lived in the state for more than three years; except that the department may acquire a state name-based criminal history record check for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.~~

~~(H) Notwithstanding the provisions of subparagraph (I) of this paragraph (d), if a person submitted to a fingerprint-based criminal history record check at the time of initial certification or certification renewal, the person shall not be required to submit to a subsequent fingerprint-based criminal history record check.~~

~~(e) If the applicant is not employed or is employed by a nongovernmental entity at the time of application and has lived in the state for three years or less, the department shall require the applicant to submit to a federal bureau of investigation fingerprint-based national criminal history record check; except that the department may acquire a national name-based criminal history record check for an applicant who has twice~~

~~submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable. The department shall be the authorized agency to receive and disseminate information regarding the result of any national criminal history record check. Any such national criminal history record check shall be handled in accordance with Pub.L. 92-544, as amended.~~

(f) IF AN APPLICANT FOR CERTIFICATION OR LICENSURE RENEWAL HAS LIVED IN COLORADO FOR:

(I) MORE THAN THREE YEARS AT THE TIME OF CERTIFICATION OR LICENSURE RENEWAL AND SUBMITTED TO A FEDERAL BUREAU OF INVESTIGATION FINGERPRINT-BASED NATIONAL CRIMINAL HISTORY RECORD CHECK AT THE TIME OF INITIAL CERTIFICATION OR LICENSURE OR AT THE TIME OF A PREVIOUS RENEWAL OF CERTIFICATION OR LICENSURE, THE APPLICANT IS NOT REQUIRED TO SUBMIT TO A SUBSEQUENT FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK; OR

(II) THREE YEARS OR LESS AT THE TIME OF CERTIFICATION OR LICENSURE RENEWAL AND SUBMITTED TO A FEDERAL BUREAU OF INVESTIGATION FINGERPRINT-BASED NATIONAL CRIMINAL HISTORY RECORD CHECK AT THE TIME OF INITIAL CERTIFICATION OR LICENSURE OR A PREVIOUS RENEWAL OF CERTIFICATION OR LICENSURE, THE APPLICANT SHALL SUBMIT TO ANOTHER FEDERAL BUREAU OF INVESTIGATION FINGERPRINT-BASED NATIONAL CRIMINAL HISTORY RECORD CHECK FROM THE COLORADO BUREAU OF INVESTIGATION; EXCEPT THAT THE DEPARTMENT MAY ACQUIRE A STATE NAME-BASED CRIMINAL HISTORY RECORD CHECK FOR AN APPLICANT WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE.

SECTION 3. In Colorado Revised Statutes, 25-3.5-206, **amend** (1), (2)(a) introductory portion, (2)(a)(I)(D), (2)(a)(I)(E), (2)(a)(I)(F), (3)(a), (3)(c), (4)(a) introductory portion, (4)(a)(I), (4)(a)(V)(A), and (4)(a.5)(I) as follows:

25-3.5-206. Emergency medical practice advisory council - creation - powers and duties - emergency medical service provider scope of practice - rules. (1) There is hereby created within the department, as a **type 2** entity under the direction of the ~~executive~~ director, ~~of the department~~, the emergency medical practice advisory council,

referred to in this part 2 as the "advisory council". The advisory council is responsible for advising the department regarding the appropriate scope of practice for emergency medical service providers certified OR LICENSED under section 25-3.5-203.

(2) (a) The ~~emergency medical practice~~ advisory council consists of the following eleven members:

(I) Eight voting members appointed by the governor as follows:

(D) One emergency medical service provider certified OR LICENSED at an advanced life support level who is actively involved in the provision of emergency medical services;

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

(F) One emergency medical service provider certified OR LICENSED at any level who is actively involved in the provision of emergency medical services;

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

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

(c) Modifications to emergency medical service provider certification OR LICENSURE levels and capabilities; and

(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:

(I) Allowable acts for each level of emergency medical service

provider certification OR LICENSURE and the medications that A CERTIFICATE HOLDER OR LICENSEE AT each level of emergency medical service provider certification OR LICENSURE can administer;

(V) (A) Standards for the issuance by the department of a critical care endorsement for emergency medical service providers. An emergency medical service provider with a critical care endorsement is authorized to perform the tasks and procedures specified by rule. The endorsement is valid as long as the emergency medical service provider maintains certification OR LICENSURE by the department.

(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~~ THE EMERGENCY MEDICAL SERVICE PROVIDER'S certification OR LICENSURE by the department.

SECTION 4. In Colorado Revised Statutes, 8-2-123, **amend** (1)(d) as follows:

8-2-123. Health care workers - retaliation prohibited - definitions. (1) As used in this section:

(d) "Health care worker" means any person certified, registered, or licensed pursuant to article 22, 29.5, 32, 33, 35, 36, or 37, or 38 to 43 of title 12 ~~C.R.S.~~, or certified OR LICENSED pursuant to section 25-3.5-203. ~~C.R.S.~~

SECTION 5. In Colorado Revised Statutes, 12-36-106, **amend** (3)(y) as follows:

12-36-106. Practice of medicine defined - exemptions from licensing requirements - unauthorized practice by physician assistants and anesthesiologist assistants - penalties - rules - repeal. (3) A person may engage in, and shall not be required to obtain a license or a physician training license under this article 36 with respect to, any of the following acts:

(y) The rendering of services by an emergency medical service provider certified OR LICENSED under section 25-3.5-203, ~~C.R.S.~~, if the services rendered are consistent with rules adopted by the executive director or chief medical officer, as applicable, under section 25-3.5-206, ~~C.R.S.~~, defining the duties and functions of emergency medical service providers;

SECTION 6. In Colorado Revised Statutes, 12-42.5-408, **amend** (1) as follows:

12-42.5-408. Exemption - waiver. (1) A hospital licensed or certified pursuant to section 25-1.5-103, ~~C.R.S.~~, a prescription drug outlet located within the hospital that is dispensing a controlled substance for a chart order or dispensing less than or equal to a twenty-four-hour supply of a controlled substance, and AN emergency medical ~~services personnel~~ SERVICE PROVIDER certified OR LICENSED pursuant to section 25-3.5-203 ~~C.R.S.~~, are exempt from the reporting provisions of this part 4. A hospital prescription drug outlet licensed pursuant to section 12-42.5-112 shall comply with the provisions of this part 4 for controlled substances dispensed for outpatient care that have more than a twenty-four-hour supply.

SECTION 7. In Colorado Revised Statutes, 13-21-108.2, **amend** (1) and (2)(b) as follows:

13-21-108.2. Persons rendering emergency assistance - competitive sports - exemption from civil liability. (1) (a) Except as provided in subsection (2) of this section, a person licensed as a physician, osteopath, chiropractor, nurse, physical therapist, podiatrist, dentist, or optometrist or certified OR LICENSED as an emergency medical service provider under part 2 of article 3.5 of title 25, ~~C.R.S.~~, who, in good faith and without compensation, renders emergency care or emergency assistance, including sideline or on-field care as a team health care provider, to an individual requiring emergency care or emergency assistance as a result of having engaged in a competitive sport is not liable for civil damages as a result of acts or omissions by the physician, osteopath, chiropractor, nurse, physical therapist, podiatrist, dentist, or optometrist, or person certified OR LICENSED as an emergency medical service provider under part 2 of article 3.5 of title 25. ~~C.R.S.~~

(b) The provisions of this subsection (1) apply to the rendering of

emergency care or emergency assistance to a minor even if the physician, osteopath, chiropractor, nurse, physical therapist, podiatrist, dentist, EMERGENCY MEDICAL SERVICE PROVIDER, or optometrist ~~or the person certified as an emergency service provider under part 2 of article 3.5 of title 25, C.R.S.~~, does not obtain permission from the parent or legal guardian of the minor before rendering the care or assistance; except that, if a parent or guardian refuses the rendering of emergency care, this subsection (1) does not apply.

(2) The exemption from civil liability described in subsection (1) of this section does not apply to:

(b) Acts or omissions that are outside the scope of the license held by the physician, osteopath, chiropractor, nurse, physical therapist, podiatrist, dentist, or optometrist or outside the scope of the certificate OR LICENSE held by ~~a person who is certified as an emergency medical service provider under part 2 of article 3.5 of title 25, C.R.S.~~

SECTION 8. In Colorado Revised Statutes, 15-18.6-101, **amend** the introductory portion and (3) as follows:

15-18.6-101. Definitions. As used in this ~~article~~ ARTICLE 18.6, unless the context otherwise requires:

(3) "Emergency medical service personnel" means an emergency medical service provider at any level who is certified or licensed by the department of public health and environment. "Emergency medical service personnel" includes ~~a first~~ AN EMERGENCY MEDICAL responder ~~certified REGISTERED~~ by the department of public health and environment ~~or the division of fire prevention and control in the department of public safety,~~ in accordance with ~~section 24-33.5-1205 (2)(c), C.R.S.~~ SECTION 25-3.5-1103.

SECTION 9. In Colorado Revised Statutes, 15-18.7-102, **amend** the introductory portion and (8) as follows:

15-18.7-102. Definitions. As used in this ~~article~~ ARTICLE 18.7, unless the context otherwise requires:

(8) "Emergency medical service personnel" means an emergency

medical service provider who is certified or licensed by the department of public health and environment, created and existing under section 25-1-102, C.R.S., or a first OR AN EMERGENCY MEDICAL responder certified REGISTERED by the department of public health and environment or the division of fire prevention and control in the department of public safety, in accordance with part 12 of article 33.5 of title 24, C.R.S. SECTION 25-3.5-1103.

SECTION 10. In Colorado Revised Statutes, 18-3-106, **amend** (4)(d) as follows:

18-3-106. Vehicular homicide. (4) (d) No person except a physician, a registered nurse, a paramedic as certified in AN EMERGENCY MEDICAL SERVICE PROVIDER CERTIFIED OR LICENSED UNDER part 2 of article 3.5 of title 25 C.R.S., an emergency medical service provider as defined in part 1 of article 3.5 of title 25, C.R.S., WHO IS AUTHORIZED WITHIN HIS OR HER SCOPE OF PRACTICE TO DRAW BLOOD, or a person whose normal duties include withdrawing blood samples under the supervision of a physician or registered nurse is entitled to MAY withdraw blood for the purpose of determining the alcoholic ALCOHOL or drug content of the blood for purposes of this section. In a trial for a violation of paragraph (b) of subsection (1) SUBSECTION (1)(b) of this section, testimony of a law enforcement officer that he or she THE OFFICER witnessed the taking of a blood specimen by a person who he or she THE OFFICER reasonably believed was authorized to withdraw blood specimens is sufficient evidence that the person was authorized, and testimony from the person who obtained the blood specimens concerning the person's authorization to obtain blood specimens is not a prerequisite to the admissibility of test results concerning the blood specimens obtained. No Civil liability shall DOES NOT attach to any person authorized to obtain blood, breath, saliva, or urine specimens or to any hospital, clinic, or association in or for which such THE specimens are obtained pursuant to this subsection (4) as a result of the act of obtaining the specimens from a person if the specimens were obtained according to the rules prescribed by the state board of health; except that such provision THIS SUBSECTION (4)(d) does not relieve the person from liability for negligence in obtaining any specimen sample.

SECTION 11. In Colorado Revised Statutes, 18-3-205, **amend** (4)(d) as follows:

18-3-205. Vehicular assault. (4) (d) No person except a physician, a registered nurse, ~~a paramedic as certified in AN EMERGENCY MEDICAL SERVICE PROVIDER CERTIFIED OR LICENSED UNDER part 2 of article 3.5 of title 25 C.R.S., an emergency medical service provider as defined in part 1 of article 3.5 of title 25, C.R.S.,~~ WHO IS AUTHORIZED WITHIN HIS OR HER SCOPE OF PRACTICE TO DRAW BLOOD, or a person whose normal duties include withdrawing blood samples under the supervision of a physician or registered nurse ~~is entitled to~~ MAY withdraw blood to determine the ~~alcoholic~~ ALCOHOL or drug content of the blood for purposes of this section. In a trial for a violation of ~~paragraph (b) of subsection (1)~~ SUBSECTION (1)(b) of this section, testimony of a law enforcement officer that the officer witnessed the taking of a blood specimen by a person who the officer reasonably believed was authorized to withdraw blood specimens is sufficient evidence that the person was authorized, and testimony from the person who obtained the blood specimens concerning the person's authorization to obtain blood specimens is not a prerequisite to the admissibility of test results concerning the blood specimens obtained. ~~No~~ Civil liability ~~shall~~ DOES NOT attach to a person authorized to obtain blood, breath, saliva, or urine specimens or to a hospital, clinic, or association in or for which the specimens are obtained in accordance with this subsection (4) as a result of the act of obtaining the specimens from any person if the specimens were obtained according to the rules prescribed by the state board of health; except that ~~the provision~~ THIS SUBSECTION (4)(d) does not relieve the person from liability for negligence in obtaining the specimen sample.

SECTION 12. In Colorado Revised Statutes, 18-3.5-108, **amend** (5)(d) as follows:

18-3.5-108. Aggravated vehicular unlawful termination of pregnancy - definitions. (5) (d) No person except a physician, a registered nurse, ~~an emergency medical service provider as certified in part 2 of article 3.5 of title 25;~~ OR LICENSED UNDER SECTION 25-3.5-203 WHO IS AUTHORIZED WITHIN HIS OR HER SCOPE OF PRACTICE TO DRAW BLOOD, or a person whose normal duties include withdrawing blood samples under the supervision of a physician or registered nurse ~~shall be entitled to~~ MAY withdraw blood for the purpose of determining the alcohol or drug content ~~therein~~ IN THE BLOOD. In any trial for a violation of subsection (1)(a) of this section, testimony of a law enforcement officer that ~~he or she~~ THE OFFICER witnessed the taking of a blood specimen by a person who ~~he or she~~ THE

OFFICER reasonably believed was authorized to withdraw blood specimens ~~shall be~~ IS sufficient evidence that the person was so authorized, and testimony from the person who obtained the blood specimens concerning the person's authorization to obtain blood specimens ~~shall~~ IS not ~~be~~ a prerequisite to the admissibility of test results concerning the blood specimens obtained. ~~No~~ Civil liability ~~shall~~ DOES NOT attach to any person authorized to obtain blood, breath, saliva, or urine specimens or to any hospital, clinic, or association in or for which ~~such~~ THE specimens are obtained pursuant to this subsection (5) as a result of the act of obtaining ~~such~~ THE specimens from any person if ~~such~~ THE specimens were obtained according to the rules prescribed by the state board of health; except that this subsection (5) does not relieve any such person from liability for negligence in ~~the~~ obtaining ~~of~~ any specimen sample.

SECTION 13. In Colorado Revised Statutes, 19-3-304, **amend** (2)(kk) as follows:

19-3-304. Persons required to report child abuse or neglect.

(2) Persons required to report such abuse or neglect or circumstances or conditions include any:

(kk) Emergency medical service providers, as defined in sections 25-3.5-103 (8) and 25-3.5-103 (12) and certified OR LICENSED pursuant to part 2 of article 3.5 of title 25;

SECTION 14. In Colorado Revised Statutes, 24-60-3502, **amend** section 2 H. as follows:

24-60-3502. Compact approved and ratified.

SECTION 2
DEFINITIONS

As used in this compact:

H. "License" means the authorization by a state for an individual to practice as an EMT, AEMT, or paramedic or at a level between EMT and paramedic. In Colorado, this is accomplished through certification OR LICENSURE of an emergency medical services provider pursuant to section 25-3.5-203 (1)(b). ~~C.R.S.~~

SECTION 15. In Colorado Revised Statutes, 25-3.5-201, **amend** (2) as follows:

25-3.5-201. Training programs. (2) The department shall distribute the curricula and teaching aids to training institutions and hospitals upon request from a recognized training group or hospital. If a county is unable to arrange for necessary training programs, the department shall arrange a training program within the immediate vicinity of the agency requesting the program. The department shall issue emergency medical service provider certificates OR LICENSES in accordance with section 25-3.5-203 (1) and may issue certificates of successful course completion to those individuals who successfully complete other emergency medical services training programs of the department. The programs may provide for the training of emergency medical dispatchers, emergency medical services instructors, emergency medical services coordinators, and other personnel who provide emergency medical services. The receipt of the certificate of course completion is not deemed state licensure, approval, or a determination of competency.

SECTION 16. In Colorado Revised Statutes, **amend** 25-3.5-202 as follows:

25-3.5-202. Personnel - basic requirements. Emergency medical ~~personnel~~ SERVICE PROVIDERS employed or utilized in connection with an ambulance service shall meet the qualifications established, by resolution, by the board of county commissioners of the county in which the ambulance is based in order to be certified OR LICENSED. For ambulance drivers, the minimum requirements include the possession of a valid driver's license and other requirements established by the board by rule under section 25-3.5-308. For any person responsible for providing direct emergency medical care and treatment to patients transported in an ambulance, the minimum requirement is possession of an emergency medical service provider certificate OR LICENSE issued by the department. In the case of an emergency in an ambulance service area where no person possessing the qualifications required by this section is present or available to respond to a call for the emergency transportation of patients by ambulance, any person may operate the ambulance to transport any sick, injured, or otherwise incapacitated or helpless person in order to stabilize the medical condition of the person pending the availability of medical care.

SECTION 17. In Colorado Revised Statutes, 25-3.5-205, **amend** (1)(a) and (5)(a) as follows:

25-3.5-205. Emergency medical service providers - investigation - discipline. (1) (a) The department may administer oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of all relevant records and documents to investigate alleged misconduct by certified OR LICENSED emergency medical service providers.

(5) For the purposes of this section:

(a) "Medical director" means a physician who supervises certified OR LICENSED 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 18. In Colorado Revised Statutes, 25-3.5-603, **amend** (1)(a), (3) introductory portion, and (3)(c)(I) as follows:

25-3.5-603. Emergency medical services account - creation - allocation of funds. (1) (a) There is hereby created a special account within the highway users tax fund established under section 43-4-201, ~~C.R.S.~~, to be known as the emergency medical services account, which consists of all ~~moneys~~ MONEY transferred ~~thereto~~ INTO THE ACCOUNT in accordance with section 42-3-304 (21), ~~C.R.S.~~, fees collected under section 25-3.5-203 for provisional certifications OR LICENSES of emergency medical service providers, and fees collected under section 25-3.5-1103 for provisional registration of emergency medical responders.

(3) ~~On and after July 1, 2002,~~ The general assembly shall appropriate ~~moneys~~ MONEY in the emergency medical services account:

(c) To the direct and indirect costs of planning, developing, implementing, maintaining, and improving the statewide emergency medical and trauma services system. These costs include:

(I) Providing technical assistance and support to local governments, local emergency medical and trauma service providers, and RETACs operating a statewide data collection system, coordinating local and state

programs, providing assistance in selection and purchasing of medical and communication equipment, administering the EMTS grant program, establishing and maintaining scope of practice for certified OR LICENSED EMERGENCY medical service providers, and administering a registration program for emergency medical responders; and

SECTION 19. In Colorado Revised Statutes, 25-3.5-605, **amend** (2) introductory portion, (2)(d) introductory portion, and (2)(d)(I) as follows:

25-3.5-605. Improvement of county emergency medical and trauma services - eligibility for county funding - manner of distributing funds. (2) In order to qualify for ~~moneys~~ MONEY under this section, a county must:

(d) Ensure that all ~~moneys~~ MONEY received under this section ~~are~~ IS expended on developing and updating the emergency medical and trauma services plan and other emergency medical and trauma services needs of the county such as:

(I) Training and certification OR LICENSURE of emergency medical service providers;

SECTION 20. In Colorado Revised Statutes, 25-3.5-903, **amend** (2) as follows:

25-3.5-903. Definitions. As used in this part 9, unless the context otherwise requires:

(2) "Prehospital medical director" or "medical director" means a licensed physician who supervises certified OR LICENSED emergency medical service providers who provide prehospital care.

SECTION 21. In Colorado Revised Statutes, 25-3.5-904, **amend** (2)(a) as follows:

25-3.5-904. Quality management programs - creation - assessments - confidentiality of information - exceptions - immunity for good-faith participants. (2) (a) Except as provided in ~~paragraph (b) of this subsection~~ (2) SUBSECTION (2)(b) or ~~subsection (3) of this section,~~

information required to be collected and maintained, including information from the prehospital care reporting system that identifies an individual, and records, reports, and other information obtained and maintained in accordance with a quality management program established pursuant to this section are confidential and shall not be released except to the department in cases of an alleged violation of board rules pertaining to emergency medical service provider certification OR LICENSURE or except in accordance with section 25-3.5-205 (4).

SECTION 22. In Colorado Revised Statutes, 25-3.5-1101, **amend** (1)(a) as follows:

25-3.5-1101. Legislative declaration. (1) The general assembly hereby finds that:

(a) The department of ~~public health and environment~~ has responsibility for oversight of the emergency medical and trauma services system and the certification OR LICENSURE of emergency medical service providers. Emergency medical service providers are certified OR LICENSED by the department to provide treatment and transport to the sick and injured.

SECTION 23. In Colorado Revised Statutes, 25-3.5-1203, **amend** (6) as follows:

25-3.5-1203. Community assistance referral and education services programs - authorization - scope - repeal. (6) A person working directly or indirectly for a CARES program, whether as an employee or a contractor, may only provide services consistent with the requirements of subsection (3) of this section; except that nothing in this section prohibits a licensed, certified, or registered health care or mental health provider or certified OR LICENSED emergency medical service provider from acting or providing services within ~~his or her~~ THE PROVIDER'S scope of practice if necessary to respond to an emergent situation.

SECTION 24. In Colorado Revised Statutes, 33-13-108.1, **amend** (6) as follows:

33-13-108.1. Operating a vessel while under the influence. (6) The arresting officer having probable cause to believe a person has violated this section shall direct the administration of the tests in accordance

with rules prescribed by the state board of health with utmost respect for the constitutional rights, dignity, and health of the person being tested. No person except a physician, a registered nurse, ~~a paramedic as~~ AN EMERGENCY MEDICAL SERVICE PROVIDER certified in OR LICENSED UNDER part 2 of article 3.5 of title 25 C.R.S., ~~an emergency medical service provider as defined in part 1 of article 3.5 of title 25, C.R.S.,~~ WHO IS AUTHORIZED WITHIN HIS OR HER SCOPE OF PRACTICE TO DRAW BLOOD, or a person whose normal duties include withdrawing blood samples under the supervision of a physician or registered nurse shall withdraw blood to determine the ~~alcoholic~~ ALCOHOL or drug content of the blood for purposes of this section. ~~No~~ Civil liability ~~attaches~~ DOES NOT ATTACH to a person authorized to obtain blood, breath, saliva, or urine specimens or to a hospital in which the specimens are obtained as provided in subsection (4) of this section as a result of the act of obtaining the specimens from any person submitting thereto if the specimens were obtained according to the rules of the state board of health; except that this ~~provision~~ SUBSECTION (6) does not relieve the person from liability for negligence in obtaining a specimen sample.

SECTION 25. In Colorado Revised Statutes, 41-2-102, **amend** (6)(b)(II) as follows:

41-2-102. Operating an aircraft under the influence - operating an aircraft with excessive alcohol content - tests - penalties - useful public service program. (6) (b) (II) No person except a physician, a registered nurse, an emergency medical service provider, as defined in part 1 of article 3.5 of title 25 C.R.S., and as certified in OR LICENSED UNDER part 2 of article 3.5 of title 25 C.R.S., WHO IS AUTHORIZED WITHIN HIS OR HER SCOPE OF PRACTICE TO DRAW BLOOD, or a person whose normal duties include withdrawing blood samples under the supervision of a physician or registered nurse shall withdraw blood to determine the ~~alcoholic~~ ALCOHOL or drug content of the blood for purposes of this section. In a trial for a violation of subsection (1) or (2) of this section, the testimony of a law enforcement officer that ~~he or she~~ THE OFFICER witnessed the taking of a blood specimen by a person who ~~he or she~~ THE OFFICER reasonably believed was authorized to withdraw a blood specimen is sufficient evidence that the person was authorized, and testimony from the person who obtained the blood specimens concerning the person's authorization to obtain blood specimens is not a prerequisite to the admissibility of test results concerning the blood specimen obtained. ~~No~~ Civil liability ~~attaches~~ DOES NOT ATTACH

to a person authorized to obtain blood, breath, saliva, or urine specimens or to a hospital, clinic, or association in or for which the specimens are obtained as provided in this subsection (6) as a result of the act of obtaining the specimens from any person submitting thereto if the specimens were obtained according to the rules and regulations of the state board of health; except that this ~~provision shall~~ SUBSECTION (6)(b)(II) DOES not relieve the person from liability for negligence in ~~the~~ obtaining of any specimen sample.

SECTION 26. In Colorado Revised Statutes, 42-4-1301.1, **amend (6)(a)** as follows:

42-4-1301.1. Expressed consent for the taking of blood, breath, urine, or saliva sample - testing - fund - rules - repeal. (6) (a) No person except a physician, a registered nurse, ~~a paramedic,~~ as AN EMERGENCY MEDICAL SERVICE PROVIDER certified in OR LICENSED UNDER part 2 of article 3.5 of title 25 C.R.S., ~~an emergency medical service provider,~~ as defined in part 1 of article 3.5 of title 25, C.R.S., WHO IS AUTHORIZED WITHIN HIS OR HER SCOPE OF PRACTICE TO DRAW BLOOD, or a person whose normal duties include withdrawing blood samples under the supervision of a physician or registered nurse shall withdraw blood to determine the ~~alcoholic~~ ALCOHOL or drug content of the blood for purposes of this section.

SECTION 27. In Colorado Revised Statutes, 12-240-107, **amend as relocated by House Bill 19-1172 (3)(w)** as follows:

12-240-107. Practice of medicine defined - exemptions from licensing requirements - unauthorized practice by physician assistants and anesthesiologist assistants - penalties - definitions - rules - repeal. (3) A person may engage in, and shall not be required to obtain a license or a physician training license under this article 240 with respect to, any of the following acts:

(w) The rendering of services by an emergency medical service provider certified OR LICENSED under section 25-3.5-203 if the services rendered are consistent with rules adopted under section 25-3.5-206 defining the duties and functions of emergency medical service providers;

SECTION 28. In Colorado Revised Statutes, 12-280-408, **amend as relocated by House Bill 19-1172 (1)** as follows:

12-280-408. Exemption - waiver. (1) A hospital licensed or certified pursuant to section 25-1.5-103, a prescription drug outlet located within the hospital that is dispensing a controlled substance for a chart order or dispensing less than or equal to a twenty-four-hour supply of a controlled substance, and AN emergency medical services personnel SERVICE PROVIDER certified OR LICENSED pursuant to section 25-3.5-203 are exempt from the reporting provisions of this part 4. A hospital prescription drug outlet licensed pursuant to section 12-280-114 shall comply with the provisions of this part 4 for controlled substances dispensed for outpatient care that have more than a twenty-four-hour supply.

SECTION 29. Effective date - applicability. (1) This act takes effect upon passage; except that sections 27 and 28 of this act take effect only if House Bill 19-1172 becomes law, in which case sections 27 and 28 take effect October 1, 2019.

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

SECTION 30. 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.

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