

CHAPTER 406

PROFESSIONS AND OCCUPATIONS

SENATE BILL 19-193

BY SENATOR(S) Ginal and Lee, Gardner, Moreno, Pettersen, Priola, Tate, Woodward;
 also REPRESENTATIVE(S) Tipper, Bird, Caraveo, Exum, Galindo, Hooton, Jaquez Lewis, McKean, Michaelson Jenet, Mullica.

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.

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~~ ARTICLE 36, 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~~ FOR HIGHER EDUCATION Accreditation;

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

12-36-103. Colorado medical board - immunity - subject to termination - repeal of article. (6) (b) This ~~article~~ ARTICLE 36 is repealed, effective ~~July 1, 2019~~ SEPTEMBER 1, 2026.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.

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.

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

(XIV) 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); and **add** (1)(oo) 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;

(oo) (I) ANY SUSPENSION OF A LICENSE PURSUANT TO SECTION 24-4-104(4) AS A RESULT OF A FORMAL CHARGE FOR A CRIME PURSUANT TO TITLE 18, OR THAT UNDER FEDERAL LAW OR THE LAW OF ANOTHER STATE WOULD CONSTITUTE A CRIME UNDER

TITLE 18, WHERE THE BOARD FINDS THE CRIME IS A CONTINUING THREAT TO PATIENT SAFETY.

(II) A SUSPENSION ISSUED PURSUANT TO SUBSECTION (1)(oo)(I) OF THIS SECTION MAY BE CONTINUED UNTIL DISMISSAL, ACQUITTAL, OR CONVICTION OF THE CHARGES. A HEARING ON THE SUSPENSION MAY NOT OCCUR UNTIL AFTER THE DISMISSAL, ACQUITTAL, OR CONVICTION OF SUCH CHARGE UNLESS THE LICENSEE OPTS TO PROCEED TO A HEARING REGARDING THE SUSPENSION.

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~~ HAS 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 (5)** as follows:

12-240-105. Colorado medical board - subject to termination - repeal of article. (5) This article 240 is repealed, effective ~~July 1, 2019~~ SEPTEMBER 1, 2026. Before ~~its~~ THE 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); and add as relocated by House Bill 19-1172 (1)(ff)** 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;

(ff) (I) ANY SUSPENSION OF A LICENSE PURSUANT TO SECTION 24-4-104 (4) AS A

RESULT OF A FORMAL CHARGE FOR A CRIME PURSUANT TO TITLE 18, OR THAT UNDER FEDERAL LAW OR THE LAW OF ANOTHER STATE WOULD CONSTITUTE A CRIME UNDER TITLE 18, WHERE THE BOARD FINDS THE CRIME IS A CONTINUING THREAT TO PATIENT SAFETY.

(II) A SUSPENSION ISSUED PURSUANT TO SUBSECTION (1)(ff)(I) OF THIS SECTION MAY BE CONTINUED UNTIL DISMISSAL, ACQUITTAL, OR CONVICTION OF THE CHARGES. A HEARING ON THE SUSPENSION MAY NOT OCCUR UNTIL AFTER THE DISMISSAL, ACQUITTAL, OR CONVICTION OF SUCH CHARGE UNLESS THE LICENSEE OPTS TO PROCEED TO A HEARING REGARDING THE SUSPENSION.

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.

Approved: May 31, 2019