

CHAPTER 411

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 19-1095

BY REPRESENTATIVE(S) Cutter and Landgraf, Bird, Buentello, Caraveo, Catlin, Duran, Esgar, Hansen, Herod, Hooton, Jaquez Lewis, Kennedy, Lontine, Michaelson Jenet, Mullica, Snyder, Titone, Valdez D., Becker, Buckner, Exum, Gonzales-Gutierrez, Kraft-Tharp, McLachlan, Will; also SENATOR(S) Fields, Bridges, Crowder, Ginal, Tate, Winter, Woodward.

AN ACT

CONCERNING PHYSICIAN ASSISTANTS, AND, IN CONNECTION THEREWITH, ESTABLISHING REQUIREMENTS FOR THE SUPERVISION OF PHYSICIAN ASSISTANTS, ESTABLISHING LIABILITY FOR PHYSICIAN ASSISTANTS, INCREASING THE NUMBER OF PHYSICIAN ASSISTANT MEMBERS ON THE COLORADO MEDICAL BOARD, AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 12-36-107.7 as follows:

12-36-107.7. Physician assistants - definitions - supervisory requirements - liability - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "PERFORMANCE EVALUATION" MEANS A DOCUMENT THAT INCLUDES DOMAINS OF COMPETENCY RELEVANT TO THE PRACTICE OF A PHYSICIAN ASSISTANT, USES MORE THAN ONE MODALITY OF ASSESSMENT TO EVALUATE THE DOMAINS, AND INCLUDES CONSIDERATION OF THE PHYSICIAN ASSISTANT'S EDUCATION, TRAINING, EXPERIENCE, COMPETENCY, AND KNOWLEDGE OF THE SPECIALTY IN WHICH THE PHYSICIAN ASSISTANT IS ENGAGED.

(b) "PRACTICE AGREEMENT" MEANS A WRITTEN AGREEMENT BETWEEN A PHYSICIAN ASSISTANT AND A SUPERVISING PHYSICIAN THAT DEFINES THE COMMUNICATION AND DECISION-MAKING PROCESS BY WHICH THE PHYSICIAN ASSISTANT AND THE SUPERVISING PHYSICIAN PROVIDE CARE TO PATIENTS.

(c) "SUPERVISORY PLAN" MEANS A DOCUMENT THAT ALLOWS A SUPERVISING PHYSICIAN TO FOLLOW THE ONGOING PROFESSIONAL DEVELOPMENT OF A PHYSICIAN

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.

ASSISTANT'S CLINICAL PRACTICE, PROMOTES A COLLABORATIVE RELATIONSHIP BETWEEN A PHYSICIAN ASSISTANT AND HIS OR HER SUPERVISING PHYSICIANS, AND ALLOWS A SUPERVISING PHYSICIAN TO ADDRESS ANY DEFICIENCIES THAT HAVE BEEN IDENTIFIED IN THE PHYSICIAN ASSISTANT'S CLINICAL COMPETENCIES DURING THE INITIAL PERFORMANCE PERIOD.

(2) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS ARTICLE 36 WHO HAS PRACTICED FOR LESS THAN THREE YEARS IS SUBJECT TO THE FOLLOWING SUPERVISORY REQUIREMENTS:

(a) THE PHYSICIAN ASSISTANT'S FIRST ONE HUNDRED SIXTY WORKING HOURS SHALL BE SUPERVISED BY A SUPERVISING PHYSICIAN WHO WORKS AT THE SAME LOCATION AS THE PHYSICIAN ASSISTANT. THE PHYSICIAN ASSISTANT'S PRIMARY SUPERVISING PHYSICIAN SHALL PROVIDE AT LEAST FORTY HOURS OF SUPERVISION, AND THE REMAINING HOURS MAY BE PROVIDED BY A SECONDARY SUPERVISING PHYSICIAN WHO IS DESIGNATED BY THE PRIMARY SUPERVISING PHYSICIAN.

(b) AFTER THE PHYSICIAN ASSISTANT COMPLETES ONE HUNDRED SIXTY WORKING HOURS, A SUPERVISING PHYSICIAN MUST REMAIN AVAILABLE TO THE PHYSICIAN ASSISTANT VIA A TELECOMMUNICATION DEVICE AT ALL TIMES WHEN THE PHYSICIAN ASSISTANT IS WORKING.

(c) NOT MORE THAN THIRTY DAYS AFTER THE PHYSICIAN ASSISTANT COMPLETES ONE HUNDRED SIXTY WORKING HOURS, THE PRIMARY SUPERVISING PHYSICIAN SHALL COMPLETE AN INITIAL PERFORMANCE ASSESSMENT AND A SUPERVISORY PLAN FOR THE PHYSICIAN ASSISTANT.

(3)(a) THE SUPERVISION OF A PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS ARTICLE 36 WHO HAS PRACTICED IN THIS STATE FOR THREE YEARS OR MORE IS DETERMINED BY A PRACTICE AGREEMENT THAT SHALL BE CREATED BY THE PHYSICIAN ASSISTANT AND HIS OR HER PRIMARY SUPERVISING PHYSICIAN NOT LATER THAN THIRTY DAYS AFTER THE PHYSICIAN ASSISTANT BEGINS PRACTICING UNDER THE SUPERVISION OF THE PRIMARY SUPERVISING PHYSICIAN. A PRACTICE AGREEMENT MUST INCLUDE:

(I) A PROCESS BY WHICH A PHYSICIAN ASSISTANT AND A SUPERVISING PHYSICIAN COMMUNICATE AND MAKE DECISIONS CONCERNING PATIENTS' MEDICAL TREATMENT, WHICH PROCESS UTILIZES THE KNOWLEDGE AND SKILLS OF THE PHYSICIAN ASSISTANT AND THE SUPERVISING PHYSICIAN BASED ON THEIR RESPECTIVE EDUCATION, TRAINING, AND EXPERIENCE;

(II) A PROTOCOL FOR DESIGNATING AN ALTERNATIVE PHYSICIAN FOR CONSULTATION WHEN THE SUPERVISING PHYSICIAN IS UNAVAILABLE FOR CONSULTATION;

(III) THE SIGNATURES OF THE PHYSICIAN ASSISTANT AND SUPERVISING PHYSICIAN;
AND

(IV) A TERMINATION PROVISION THAT ALLOWS THE PHYSICIAN ASSISTANT OR THE SUPERVISING PHYSICIAN TO TERMINATE THE PRACTICE AGREEMENT AFTER PROVIDING WRITTEN NOTICE OF HIS OR HER INTENT TO DO SO AT LEAST THIRTY DAYS

BEFORE THE DATE OF TERMINATION. IF A PRACTICE AGREEMENT IS TERMINATED, THE PHYSICIAN ASSISTANT AND THE PHYSICIAN ASSISTANT'S PRIMARY SUPERVISING PHYSICIAN SHALL CREATE A NEW PRACTICE AGREEMENT WITHIN FORTY-FIVE DAYS AFTER THE DATE THE PREVIOUS PRACTICE AGREEMENT WAS TERMINATED.

(b) IN ADDITION TO THE COMPONENTS DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION, A PRACTICE AGREEMENT MAY IMPOSE CONDITIONS CONCERNING SPECIFIC DUTIES, PROCEDURES, OR DRUGS.

(c) IF THE TERMS OR CONDITIONS OF A PRACTICE AGREEMENT CHANGE, BOTH THE PHYSICIAN ASSISTANT AND THE SUPERVISING PHYSICIAN SHALL SIGN AND DATE THE UPDATED PRACTICE AGREEMENT.

(4) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS ARTICLE 36 WHO HAS PRACTICED FOR AT LEAST TWELVE MONTHS AND WHO IS MAKING A SUBSTANTIVE CHANGE IN HIS OR HER SCOPE OF PRACTICE OR PRACTICE AREA IS SUBJECT TO THE FOLLOWING SUPERVISORY REQUIREMENTS:

(a) THE PHYSICIAN ASSISTANT'S FIRST EIGHTY WORKING HOURS SHALL BE SUPERVISED BY A SUPERVISING PHYSICIAN WHO WORKS AT THE SAME LOCATION AS THE PHYSICIAN ASSISTANT. THE PHYSICIAN ASSISTANT'S PRIMARY SUPERVISING PHYSICIAN SHALL PROVIDE AT LEAST TWENTY HOURS OF SUPERVISION, AND THE REMAINING HOURS MAY BE PROVIDED BY A SECONDARY SUPERVISING PHYSICIAN WHO IS DESIGNATED BY THE PRIMARY SUPERVISING PHYSICIAN.

(b) AFTER THE PHYSICIAN ASSISTANT COMPLETES EIGHTY WORKING HOURS, A SUPERVISING PHYSICIAN SHALL REMAIN AVAILABLE TO THE PHYSICIAN ASSISTANT VIA A TELECOMMUNICATION DEVICE AT ALL TIMES WHEN THE PHYSICIAN ASSISTANT IS WORKING.

(c) AFTER THE PHYSICIAN ASSISTANT HAS WORKED FOR SIX MONTHS, AND AGAIN AFTER THE PHYSICIAN ASSISTANT HAS WORKED FOR TWELVE MONTHS, THE PRIMARY SUPERVISING PHYSICIAN SHALL COMPLETE A PERFORMANCE ASSESSMENT AND DISCUSS THE PERFORMANCE ASSESSMENT WITH THE PHYSICIAN ASSISTANT.

(5) (a) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS ARTICLE 36 WHO HAS PRACTICED FOR AT LEAST THREE YEARS MAY BE LIABLE FOR DAMAGES RESULTING FROM NEGLIGENCE IN PROVIDING CARE TO A PATIENT; EXCEPT THAT A PHYSICIAN ASSISTANT IS NOT LIABLE FOR ANY DAMAGES THAT OCCUR AS A RESULT OF THE PHYSICIAN ASSISTANT FOLLOWING A DIRECT ORDER FROM A SUPERVISING PHYSICIAN.

(b) A PHYSICIAN ASSISTANT WHO MAY BE LIABLE FOR DAMAGES AS DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION SHALL MAINTAIN PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT NOT LESS THAN ONE MILLION DOLLARS PER CLAIM AND THREE MILLION DOLLARS FOR ALL CLAIMS.

(c) A PHYSICIAN ASSISTANT'S SUPERVISING PHYSICIAN MAY BE LIABLE FOR DAMAGES RESULTING FROM THE PHYSICIAN ASSISTANT'S NEGLIGENCE IN PROVIDING CARE TO A PATIENT IF THE PHYSICIAN ASSISTANT HAS NOT PRACTICED FOR AT LEAST THREE YEARS AS DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION.

SECTION 2. In Colorado Revised Statutes, 12-36-106, **amend** (5)(b)(I) as follows:

12-36-106. Practice of medicine defined - exemptions from licensing requirements - unauthorized practice by physician assistants and anesthesiologist assistants - penalties - rules - repeal. (5) (b) (I) If the authority to perform an act is delegated pursuant to ~~paragraph (a) of this subsection (5)~~ SUBSECTION (5)(a) OF THIS SECTION, the ~~act~~ PHYSICIAN ASSISTANT TO WHOM THE ACT IS DELEGATED shall not ~~be performed~~ PERFORM THE ACT except under the personal and responsible direction and supervision of a person licensed under the laws of this state to practice medicine. A licensed physician may be responsible for the direction and supervision of up to ~~four~~ EIGHT physician assistants at any one time. ~~and may be responsible for the direction and supervision of more than four physician assistants upon receiving specific approval from the board.~~ A LICENSED PHYSICIAN SHALL NOT BE MADE RESPONSIBLE FOR THE DIRECTION AND SUPERVISION OF MORE THAN FOUR PHYSICIAN ASSISTANTS UNLESS THE LICENSED PHYSICIAN AGREES TO ASSUME THE RESPONSIBILITY. A LICENSED PHYSICIAN HAS SOLE DISCRETION TO ASSUME OR REFUSE SUCH RESPONSIBILITY, AND AN EMPLOYER SHALL NOT REQUIRE A LICENSED PHYSICIAN TO ASSUME SUCH RESPONSIBILITY AS A CONDITION OF EMPLOYMENT. The board, by rule, may define what constitutes appropriate direction and supervision of a physician assistant; EXCEPT THAT THE BOARD SHALL NOT PROMULGATE A RULE THAT IS INCONSISTENT WITH SECTION 12-36-107.7.

SECTION 3. In Colorado Revised Statutes, 12-36-103, **amend** (1)(a)(I) introductory portion, (1)(a)(I)(B), (1)(a)(II), and (2) as follows:

12-36-103. Colorado medical board - immunity - subject to termination - repeal of article. (1) (a) (I) There is hereby created the Colorado medical board, referred to in this ~~article~~ ARTICLE 36 as the "board". The board shall consist of ~~sixteen~~ SEVENTEEN members appointed by the governor and possessing the qualifications specified in this ~~article~~ ARTICLE 36 and as follows:

(B) ~~One member~~ TWO MEMBERS licensed under this ~~article~~ ARTICLE 36 as a ~~physician assistant~~ PHYSICIAN ASSISTANTS; and

(II) The terms of the members of the board ~~shall be~~ ARE 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~~ EXPIRES four years after the appointment, the term for the other physician member appointee ~~shall expire~~ EXPIRES three years after the appointment, and the term for the physician assistant appointee ~~shall expire~~ EXPIRES two years after the appointment. THE TERM OF THE PHYSICIAN ASSISTANT APPOINTEE ADDED TO THE BOARD DURING THE CALENDAR YEAR BEGINNING JANUARY 1, 2019, EXPIRES TWO YEARS AFTER THE APPOINTMENT. Thereafter, the terms of the members of the board ~~shall be~~ ARE four years.

(2) The board ~~shall be comprised~~ MUST INCLUDE at all times of eight members having the degree of doctor of medicine, three members having the degree of doctor of osteopathy, and ~~one physician assistant~~ TWO PHYSICIAN ASSISTANTS, all of whom ~~shall~~ have been licensed in good standing and actively engaged in the practice of

their professions in this state for at least three years next preceding their appointments, and four members of the public at large.

SECTION 4. In Colorado Revised Statutes, 12-36-111.3, **amend** (1)(a) as follows:

12-36-111.3. Licensing panel. (1) (a) The president of the board shall establish a licensing panel consisting of ~~three~~ FOUR members of the board as follows:

(I) One ~~panel~~ member ~~shall be~~ WHO IS a licensed physician having the degree of doctor of medicine;

(II) One ~~panel~~ member ~~shall be~~ WHO IS a licensed physician having the degree of doctor of osteopathy; ~~and~~

(III) One ~~panel~~ member ~~shall be~~ WHO IS a public member of the board; AND

(IV) ONE MEMBER WHO IS A PHYSICIAN ASSISTANT MEMBER OF THE BOARD.

SECTION 5. In Colorado Revised Statutes, **add to article 240 of title 12 as relocated by House Bill 19-1172** 12-240-114.5 as follows:

12-240-114.5. Physician assistants - definitions - supervisory requirements - liability - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "PERFORMANCE EVALUATION" MEANS A DOCUMENT THAT INCLUDES DOMAINS OF COMPETENCY RELEVANT TO THE PRACTICE OF A PHYSICIAN ASSISTANT, USES MORE THAN ONE MODALITY OF ASSESSMENT TO EVALUATE THE DOMAINS, AND INCLUDES CONSIDERATION OF THE PHYSICIAN ASSISTANT'S EDUCATION, TRAINING, EXPERIENCE, COMPETENCY, AND KNOWLEDGE OF THE SPECIALTY IN WHICH THE PHYSICIAN ASSISTANT IS ENGAGED.

(b) "PRACTICE AGREEMENT" MEANS A WRITTEN AGREEMENT BETWEEN A PHYSICIAN ASSISTANT AND A SUPERVISING PHYSICIAN THAT DEFINES THE COMMUNICATION AND DECISION-MAKING PROCESS BY WHICH THE PHYSICIAN ASSISTANT AND THE SUPERVISING PHYSICIAN PROVIDE CARE TO PATIENTS.

(c) "SUPERVISORY PLAN" MEANS A DOCUMENT THAT ALLOWS A SUPERVISING PHYSICIAN TO FOLLOW THE ONGOING PROFESSIONAL DEVELOPMENT OF A PHYSICIAN ASSISTANT'S CLINICAL PRACTICE, PROMOTES A COLLABORATIVE RELATIONSHIP BETWEEN A PHYSICIAN ASSISTANT AND HIS OR HER SUPERVISING PHYSICIANS, AND ALLOWS A SUPERVISING PHYSICIAN TO ADDRESS ANY DEFICIENCIES THAT HAVE BEEN IDENTIFIED IN THE PHYSICIAN ASSISTANT'S CLINICAL COMPETENCIES DURING THE INITIAL PERFORMANCE PERIOD.

(2) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS ARTICLE 240 WHO HAS PRACTICED FOR LESS THAN THREE YEARS IS SUBJECT TO THE FOLLOWING SUPERVISORY REQUIREMENTS:

(a) THE PHYSICIAN ASSISTANT'S FIRST ONE HUNDRED SIXTY WORKING HOURS

SHALL BE SUPERVISED BY A SUPERVISING PHYSICIAN WHO WORKS AT THE SAME LOCATION AS THE PHYSICIAN ASSISTANT. THE PHYSICIAN ASSISTANT'S PRIMARY SUPERVISING PHYSICIAN SHALL PROVIDE AT LEAST FORTY HOURS OF SUPERVISION, AND THE REMAINING HOURS MAY BE PROVIDED BY A SECONDARY SUPERVISING PHYSICIAN WHO IS DESIGNATED BY THE PRIMARY SUPERVISING PHYSICIAN.

(b) AFTER THE PHYSICIAN ASSISTANT COMPLETES ONE HUNDRED SIXTY WORKING HOURS, A SUPERVISING PHYSICIAN MUST REMAIN AVAILABLE TO THE PHYSICIAN ASSISTANT VIA A TELECOMMUNICATION DEVICE AT ALL TIMES WHEN THE PHYSICIAN ASSISTANT IS WORKING.

(c) NOT MORE THAN THIRTY DAYS AFTER THE PHYSICIAN ASSISTANT COMPLETES ONE HUNDRED SIXTY WORKING HOURS, THE PRIMARY SUPERVISING PHYSICIAN SHALL COMPLETE AN INITIAL PERFORMANCE ASSESSMENT AND A SUPERVISORY PLAN FOR THE PHYSICIAN ASSISTANT.

(3)(a) THE SUPERVISION OF A PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS ARTICLE 240 WHO HAS PRACTICED IN THIS STATE FOR THREE YEARS OR MORE IS DETERMINED BY A PRACTICE AGREEMENT THAT SHALL BE CREATED BY THE PHYSICIAN ASSISTANT AND HIS OR HER PRIMARY SUPERVISING PHYSICIAN NOT LATER THAN THIRTY DAYS AFTER THE PHYSICIAN ASSISTANT BEGINS PRACTICING UNDER THE SUPERVISION OF THE PRIMARY SUPERVISING PHYSICIAN. A PRACTICE AGREEMENT MUST INCLUDE:

(I) A PROCESS BY WHICH A PHYSICIAN ASSISTANT AND A SUPERVISING PHYSICIAN COMMUNICATE AND MAKE DECISIONS CONCERNING PATIENTS' MEDICAL TREATMENT, WHICH PROCESS UTILIZES THE KNOWLEDGE AND SKILLS OF THE PHYSICIAN ASSISTANT AND THE SUPERVISING PHYSICIAN BASED ON THEIR RESPECTIVE EDUCATION, TRAINING, AND EXPERIENCE;

(II) A PROTOCOL FOR DESIGNATING AN ALTERNATIVE PHYSICIAN FOR CONSULTATION WHEN THE SUPERVISING PHYSICIAN IS UNAVAILABLE FOR CONSULTATION;

(III) THE SIGNATURES OF THE PHYSICIAN ASSISTANT AND SUPERVISING PHYSICIAN;
AND

(IV) A TERMINATION PROVISION THAT ALLOWS THE PHYSICIAN ASSISTANT OR THE SUPERVISING PHYSICIAN TO TERMINATE THE PRACTICE AGREEMENT AFTER PROVIDING WRITTEN NOTICE OF HIS OR HER INTENT TO DO SO AT LEAST THIRTY DAYS BEFORE THE DATE OF TERMINATION. IF A PRACTICE AGREEMENT IS TERMINATED, THE PHYSICIAN ASSISTANT AND THE PHYSICIAN ASSISTANT'S PRIMARY SUPERVISING PHYSICIAN SHALL CREATE A NEW PRACTICE AGREEMENT WITHIN FORTY-FIVE DAYS AFTER THE DATE THE PREVIOUS PRACTICE AGREEMENT WAS TERMINATED.

(b) IN ADDITION TO THE COMPONENTS DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION, A PRACTICE AGREEMENT MAY IMPOSE CONDITIONS CONCERNING SPECIFIC DUTIES, PROCEDURES, OR DRUGS.

(c) IF THE TERMS OR CONDITIONS OF A PRACTICE AGREEMENT CHANGE, BOTH THE PHYSICIAN ASSISTANT AND THE SUPERVISING PHYSICIAN SHALL SIGN AND DATE THE

UPDATED PRACTICE AGREEMENT.

(4) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS ARTICLE 240 WHO HAS PRACTICED FOR AT LEAST TWELVE MONTHS AND WHO IS MAKING A SUBSTANTIVE CHANGE IN HIS OR HER SCOPE OF PRACTICE OR PRACTICE AREA IS SUBJECT TO THE FOLLOWING SUPERVISORY REQUIREMENTS:

(a) THE PHYSICIAN ASSISTANT'S FIRST EIGHTY WORKING HOURS SHALL BE SUPERVISED BY A SUPERVISING PHYSICIAN WHO WORKS AT THE SAME LOCATION AS THE PHYSICIAN ASSISTANT. THE PHYSICIAN ASSISTANT'S PRIMARY SUPERVISING PHYSICIAN SHALL PROVIDE AT LEAST TWENTY HOURS OF SUPERVISION, AND THE REMAINING HOURS MAY BE PROVIDED BY A SECONDARY SUPERVISING PHYSICIAN WHO IS DESIGNATED BY THE PRIMARY SUPERVISING PHYSICIAN.

(b) AFTER THE PHYSICIAN ASSISTANT COMPLETES EIGHTY WORKING HOURS, A SUPERVISING PHYSICIAN SHALL REMAIN AVAILABLE TO THE PHYSICIAN ASSISTANT VIA A TELECOMMUNICATION DEVICE AT ALL TIMES WHEN THE PHYSICIAN ASSISTANT IS WORKING.

(c) AFTER THE PHYSICIAN ASSISTANT HAS WORKED FOR SIX MONTHS, AND AGAIN AFTER THE PHYSICIAN ASSISTANT HAS WORKED FOR TWELVE MONTHS, THE PRIMARY SUPERVISING PHYSICIAN SHALL COMPLETE A PERFORMANCE ASSESSMENT AND DISCUSS THE PERFORMANCE ASSESSMENT WITH THE PHYSICIAN ASSISTANT.

(5) (a) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS ARTICLE 240 WHO HAS PRACTICED FOR AT LEAST THREE YEARS MAY BE LIABLE FOR DAMAGES RESULTING FROM NEGLIGENCE IN PROVIDING CARE TO A PATIENT; EXCEPT THAT A PHYSICIAN ASSISTANT IS NOT LIABLE FOR ANY DAMAGES THAT OCCUR AS A RESULT OF THE PHYSICIAN ASSISTANT FOLLOWING A DIRECT ORDER FROM A SUPERVISING PHYSICIAN.

(b) A PHYSICIAN ASSISTANT WHO MAY BE LIABLE FOR DAMAGES AS DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION SHALL MAINTAIN PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT NOT LESS THAN ONE MILLION DOLLARS PER CLAIM AND THREE MILLION DOLLARS FOR ALL CLAIMS.

(c) A PHYSICIAN ASSISTANT'S SUPERVISING PHYSICIAN MAY BE LIABLE FOR DAMAGES RESULTING FROM THE PHYSICIAN ASSISTANT'S NEGLIGENCE IN PROVIDING CARE TO A PATIENT IF THE PHYSICIAN ASSISTANT HAS NOT PRACTICED FOR AT LEAST THREE YEARS AS DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION.

SECTION 6. In Colorado Revised Statutes, 12-240-107, **amend as relocated by House Bill 19-1172 (6)(b)(1)** 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. (6) (b) (I) If the authority to perform an act is delegated pursuant to subsection (6)(a) of this section, the PHYSICIAN ASSISTANT TO WHOM THE act IS DELEGATED shall not ~~be performed~~ ~~PERFORM~~ THE ACT except under the personal and responsible direction and supervision of a person licensed under the laws of this state to practice

medicine. A licensed physician may be responsible for the direction and supervision of up to ~~four~~ EIGHT physician assistants at any one time. ~~and may be responsible for the direction and supervision of more than four physician assistants upon receiving specific approval from the board~~ A LICENSED PHYSICIAN SHALL NOT BE MADE RESPONSIBLE FOR THE DIRECTION AND SUPERVISION OF MORE THAN FOUR PHYSICIAN ASSISTANTS UNLESS THE LICENSED PHYSICIAN AGREES TO ASSUME THE RESPONSIBILITY. A LICENSED PHYSICIAN HAS SOLE DISCRETION TO ASSUME OR REFUSE SUCH RESPONSIBILITY, AND AN EMPLOYER SHALL NOT REQUIRE A LICENSED PHYSICIAN TO ASSUME SUCH RESPONSIBILITY AS A CONDITION OF EMPLOYMENT. The board, by rule, may define what constitutes appropriate direction and supervision of a physician assistant; EXCEPT THAT THE BOARD SHALL NOT PROMULGATE A RULE THAT IS INCONSISTENT WITH SECTION 12-240-114.5.

SECTION 7. In Colorado Revised Statutes, 12-240-105, **amend as relocated by House Bill 19-1172** (1)(a) introductory portion, (1)(a)(II), (1)(b), and (2) as follows:

12-240-105. Colorado medical board - immunity - subject to termination - repeal of article. (1) (a) There is hereby created the Colorado medical board, referred to in this article 240 as the "board". The board shall consist of ~~sixteen~~ SEVENTEEN members appointed by the governor and possessing the qualifications specified in this article 240 and as follows:

(II) ~~One member~~ TWO MEMBERS licensed under this article 240 as ~~a physician assistant~~ PHYSICIAN ASSISTANTS; and

(b) The terms of the members of the board ~~shall be~~ ARE 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~~ EXPIRES four years after the appointment; the term for the other physician member appointee ~~shall expire~~ EXPIRES three years after the appointment; and the term for the physician assistant appointee ~~shall expire~~ EXPIRES two years after the appointment. THE TERM OF THE PHYSICIAN ASSISTANT APPOINTEE ADDED TO THE BOARD DURING THE CALENDAR YEAR BEGINNING JANUARY 1, 2019, EXPIRES TWO YEARS AFTER THE APPOINTMENT. Thereafter, the terms of the members of the board ~~shall be~~ ARE four years.

(2) The board ~~shall be comprised~~ MUST INCLUDE at all times of eight members having the degree of doctor of medicine, three members having the degree of doctor of osteopathy, and ~~one physician assistant~~ TWO PHYSICIAN ASSISTANTS, all of whom ~~shall~~ have been licensed in good standing and actively engaged in the practice of their professions in this state for at least three years next preceding their appointments, and four members of the public at large.

SECTION 8. In Colorado Revised Statutes, 12-240-116, **amend as relocated by House Bill 19-1172** (1)(a) as follows:

12-240-116. Licensing panel. (1) (a) The president of the board shall establish a licensing panel consisting of ~~three~~ FOUR members of the board as follows:

(I) One ~~panel~~ member ~~shall be~~ WHO IS a licensed physician having the degree of

doctor of medicine;

(II) One ~~panel~~ member ~~shall be~~ WHO IS a licensed physician having the degree of doctor of osteopathy; ~~and~~

(III) One ~~panel~~ member ~~shall be~~ WHO IS a public member of the board; AND

(IV) ONE MEMBER WHO IS A PHYSICIAN ASSISTANT MEMBER OF THE BOARD.

SECTION 9. Appropriation. For the 2019-20 state fiscal year, \$4,650 is appropriated to the department of regulatory agencies for use by the division of professions and occupations. This appropriation is from the division of professions and occupations cash fund created in section 24-34-105 (2)(b)(I), C.R.S. To implement this act, the division may use this appropriation for operating expenses.

SECTION 10. Act subject to petition - effective date - applicability.

(1) (a) Except as otherwise provided in subsection (1)(b) of this section, 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.

(b) Sections 5 through 8 of this act take effect only if House Bill 19-1172 becomes law, in which case sections 5 through 8 take effect October 1, 2019.

(2) This act applies to the supervision of persons who practice as physician assistants on or after the applicable effective date of this act.

Approved: June 3, 2019