

CHAPTER 45

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 20-1041

BY REPRESENTATIVE(S) Cutter and McKean, Bird, Buckner, Duran, Exum, Hooton, Jackson, Jaquez Lewis, Michaelson Jenet, Snyder, Young;
also SENATOR(S) Fields, Ginal, Hansen, Tate, Winter.

AN ACT

CONCERNING FINANCIAL RESPONSIBILITY REQUIREMENTS FOR PHYSICIAN ASSISTANTS WHO HAVE BEEN PRACTICING FOR AT LEAST THREE YEARS.

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

SECTION 1. In Colorado Revised Statutes, 12-240-114.5, **amend** (5)(b) as follows:

12-240-114.5. Physician assistants - supervisory requirements - liability - definitions. (5) (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~~ HAS BEEN PRACTICING FOR AT LEAST THREE YEARS SHALL COMPLY WITH THE FINANCIAL RESPONSIBILITY REQUIREMENTS SPECIFIED IN SECTION 13-64-301 (1) AND RULES ADOPTED BY THE BOARD PURSUANT TO THAT SECTION.

SECTION 2. In Colorado Revised Statutes, 13-64-301, **amend** (1) introductory portion, (1)(a.5)(I), (1)(a.5)(II) introductory portion, (1)(a.5)(III), (1)(a.5)(IV), (2), and (3) as follows:

13-64-301. Financial responsibility. (1) As a condition of active licensure or authority to practice in this state, every physician, dentist, or dental hygienist, EVERY PHYSICIAN ASSISTANT WHO HAS BEEN PRACTICING FOR AT LEAST THREE YEARS, and every health care institution as defined in section 13-64-202, except as provided in section 13-64-303.5, that provides health care services shall establish financial responsibility, as follows:

(a.5) (I) If a physician OR A PHYSICIAN ASSISTANT, by maintaining commercial

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professional liability insurance coverage with an insurance company authorized to do business in this state or an eligible nonadmitted insurer allowed to insure in Colorado pursuant to article 5 of title 10 C.R.S.; in a minimum indemnity amount of one million dollars per incident and three million dollars annual aggregate per year; except that this requirement is not applicable to a physician OR PHYSICIAN ASSISTANT who is a public employee under the "Colorado Governmental Immunity Act", article 10 of title 24. C.R.S.

(II) The Colorado medical board may, by rule, exempt from or establish lesser financial responsibility standards than those prescribed in this ~~paragraph (a.5)~~ SUBSECTION (1)(a.5) for classes of physicians OR PHYSICIAN ASSISTANTS who:

(III) The Colorado medical board may exempt from or establish lesser financial responsibility standards for a physician OR PHYSICIAN ASSISTANT for reasons other than those described in ~~subparagraph (II) of this paragraph (a.5)~~ SUBSECTION (1)(a.5)(II) OF THIS SECTION that render the limits provided in ~~subparagraph (I) of this paragraph (a.5)~~ SUBSECTION (1)(a.5)(I) OF THIS SECTION unreasonable or unattainable.

(IV) Nothing in this ~~paragraph (a.5)~~ shall preclude SUBSECTION (1)(a.5) PRECLUDES or otherwise ~~prohibit~~ PROHIBITS a licensed physician OR PHYSICIAN ASSISTANT from rendering appropriate patient care on an occasional basis when the circumstances surrounding the need for care so warrant.

(2) Each such physician, PHYSICIAN ASSISTANT, or dentist, as a condition of receiving and maintaining an active or inactive license or other authority to provide health care services, and each health care institution, as a condition of receiving and maintaining an active license, certification, or other authority to provide health care services in this state, shall furnish the appropriate authority ~~which~~ THAT issues and administers ~~such~~ THE license, certification, or other authority with evidence of compliance with subsection (1) of this section. ~~No such~~ THE license, certification, or other authority shall NOT be issued or renewed unless ~~such~~ THE HEALTH CARE PROFESSIONAL OR HEALTH CARE INSTITUTION PROVIDES evidence of compliance ~~has been furnished~~ WITH SUBSECTION (1) OF THIS SECTION TO THE APPROPRIATE AUTHORITY THAT ISSUES AND ADMINISTERS THE LICENSE, CERTIFICATION, OR OTHER AUTHORITY.

(3) Notwithstanding the minimum amount specified in ~~paragraph (a.5) of subsection (1)~~ SUBSECTION (1)(a.5) of this section, if the Colorado medical board receives two or more reports pursuant to section 13-64-303 during any twelve-month period regarding a physician OR PHYSICIAN ASSISTANT, the minimum amount of financial responsibility for that physician ~~shall be~~ OR PHYSICIAN ASSISTANT IS twice the amount specified in ~~paragraph (a.5) of subsection (1)~~ SUBSECTION (1)(a.5) of this section. The Colorado medical board may reduce the additional amount if the physician OR PHYSICIAN ASSISTANT, upon motion, presents sufficient evidence to the Colorado medical board that one or more of the reports involved an action or claim that did not represent any substantial failure to adhere to accepted professional standards of care. UNDER THESE CIRCUMSTANCES, the board may reduce the additional amount to an amount that would be fair and conscionable.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: March 20, 2020