

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 24-0981.01 Josh Schultz x5486

SENATE BILL 24-141

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A BILL FOR AN ACT

101 **CONCERNING OUT-OF-STATE HEALTH-CARE WORKERS PROVIDING**
102 **HEALTH-CARE SERVICES THROUGH TELEHEALTH TO PATIENTS**
103 **LOCATED IN COLORADO.**

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>.)

The bill allows a health-care provider (applicant) who possesses a license, certificate, registration, or other approval as a health-care provider in another state (out-of-state credential) to provide health-care services through telehealth to patients located in Colorado if the applicant registers with the regulator that regulates the health-care services the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

HOUSE
3rd Reading Unamended
May 7, 2024

HOUSE
2nd Reading Unamended
May 6, 2024

SENATE
3rd Reading Unamended
May 2, 2024

SENATE
Amended 2nd Reading
May 1, 2024

applicant will provide (regulator). An applicant is eligible for registration if:

- The applicant submits an application in a manner prescribed by the division of professions and occupations in the department of regulatory agencies (division) and pays the applicable fee;
- The applicant possesses an out-of-state credential issued by a governmental authority in another state, the District of Columbia, or a possession or territory of the United States that is active and unencumbered and that entitles the applicant to perform health-care services that are substantially similar to health-care services that may be performed by a licensee, certificate holder, or registrant in this state;
- The applicant designates an agent upon whom service of process may be made in Colorado; and
- The applicant has not been subject to any disciplinary action relating to the applicant's out-of-state credential during the 5-year period immediately preceding the submission of the applicant's application that has resulted in the applicant's out-of-state credential being limited, suspended, or revoked.

An applicant who has been registered to provide health-care services through telehealth to patients located in Colorado (registered provider) shall:

- Notify the applicable regulator of restrictions placed on the registered provider's out-of-state credential in any state or jurisdiction or of any disciplinary action taken or pending against the registered provider in any state or jurisdiction;
- Maintain and have in effect a form of financial responsibility that covers services provided to patients in this state as required by the applicable regulator; and
- Not open an office in this state and shall not provide in-person health-care services to patients located in this state unless the health-care provider obtains the license, certification, or registration that the applicable regulator requires for the performance of the relevant health-care services in this state.

The bill also allows the division or the regulator to take disciplinary action against a registered provider under specified conditions.

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

1 SECTION 1. In Colorado Revised Statutes, add 12-30-123 as
2 follows:

3 12-30-123. Out-of-state telehealth providers - registration -
4 financial responsibility - discipline - emergency protocol - disclosures
5 - prescriptions - rules - applicability - definitions. (1) AS USED IN THIS
6 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "APPLICANT" MEANS AN INDIVIDUAL WHO PERFORMS
8 HEALTH-CARE SERVICES IN ANOTHER STATE AND APPLIES TO THE DIVISION
9 TO PROVIDE TELEHEALTH SERVICES IN THIS STATE.

10 (b) "DISTANT SITE" HAS THE MEANING SET FORTH IN SECTION
11 10-16-123 (4)(a).

12 (c) "ORIGINATING SITE" HAS THE MEANING SET FORTH IN SECTION
13 10-16-123 (4)(b).

14 (d) "OUT-OF-STATE CREDENTIAL" MEANS A LICENSE, CERTIFICATE,
15 REGISTRATION, OR OTHER APPROVAL AS A HEALTH-CARE PROVIDER IN
16 ANOTHER STATE.

17 (e) "REGISTERED PROVIDER" MEANS A HEALTH-CARE PROVIDER
18 REGISTERED TO PROVIDE TELEHEALTH SERVICES IN THIS STATE PURSUANT
19 TO SUBSECTION (3) OF THIS SECTION.

20 (f) "STORE-AND-FORWARD TRANSFER" HAS THE MEANING SET
21 FORTH IN SECTION 10-16-123 (4)(c).

22 (g) "TELEHEALTH" MEANS THE DELIVERY OF MEDICAL SERVICES
23 THROUGH TECHNOLOGIES THAT ARE USED IN A MANNER THAT IS
24 COMPLIANT WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND
25 ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, INCLUDING
26 INFORMATION, ELECTRONIC, AND COMMUNICATION TECHNOLOGIES,
27 REMOTE MONITORING TECHNOLOGIES, AND STORE-AND-FORWARD

1 TRANSFERS, TO FACILITATE THE ASSESSMENT, DIAGNOSIS, CONSULTATION,
2 OR TREATMENT OF A PATIENT WHILE THE PATIENT IS LOCATED AT AN
3 ORIGINATING SITE AND THE PERSON WHO PROVIDES THE SERVICES IS
4 LOCATED AT A DISTANT SITE.

5 (2) ON AND AFTER JANUARY 1, 2026, AN APPLICANT WHO
6 POSSESSES AN OUT-OF-STATE CREDENTIAL MAY PROVIDE HEALTH-CARE
7 SERVICES THROUGH TELEHEALTH TO PATIENTS LOCATED IN THIS STATE IF
8 THE APPLICANT IS REGISTERED WITH A REGULATOR, AS APPLICABLE TO THE
9 APPLICANT'S PRACTICE, AND PROVIDES HEALTH-CARE SERVICES WITHIN
10 THE SCOPE OF PRACTICE ESTABLISHED UNDER THE LAWS AND RULES OF
11 THIS STATE THAT APPLY TO THE APPLICANT'S PRACTICE.

12 (3) A REGULATOR MAY REGISTER AN APPLICANT WHO DOES NOT
13 POSSESS A LICENSE, CERTIFICATE, OR REGISTRATION IN THIS STATE AS A
14 REGISTERED PROVIDER UNDER THIS SECTION IF THE APPLICANT SATISFIES
15 ALL OF THE FOLLOWING:

16 (a) THE APPLICANT SUBMITS AN APPLICATION ON A FORM
17 PRESCRIBED BY THE DIVISION AND PAYS THE APPLICABLE FEE ESTABLISHED
18 BY THE DIVISION PURSUANT TO SECTION 12-20-105;

19 (b) THE APPLICANT POSSESSES AN OUT-OF-STATE CREDENTIAL
20 ISSUED BY A GOVERNMENTAL AUTHORITY IN ANOTHER STATE, THE
21 DISTRICT OF COLUMBIA, OR A POSSESSION OR TERRITORY OF THE UNITED
22 STATES AND THE CREDENTIAL IS ACTIVE; UNENCUMBERED; HAS
23 EDUCATIONAL AND SUPERVISORY STANDARDS EQUIVALENT TO OR
24 EXCEEDING THE EDUCATIONAL AND SUPERVISORY STANDARDS REQUIRED
25 FOR THE EQUIVALENT CREDENTIAL, LICENSE, CERTIFICATE, OR
26 REGISTRATION IN THIS STATE OR THE INTERSTATE COMPACT LICENSE FOR
27 THE APPLICABLE CREDENTIAL TYPE; AND ENTITLES THE APPLICANT TO

1 PERFORM HEALTH-CARE SERVICES THAT ARE THE SAME AS OR EQUIVALENT
2 TO HEALTH-CARE SERVICES THAT MAY BE PERFORMED BY A LICENSEE,
3 CERTIFICATE HOLDER, OR REGISTRANT IN THIS STATE;

4 (c) THE APPLICANT HAS NOT BEEN SUBJECT TO ANY DISCIPLINARY
5 ACTION RESULTING IN A LIMITATION, SUSPENSION, OR REVOCATION OF THE
6 APPLICANT'S OUT-OF-STATE CREDENTIAL DURING THE FIVE-YEAR PERIOD
7 IMMEDIATELY PRECEDING THE SUBMISSION OF THE APPLICANT'S
8 APPLICATION PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION, UNLESS
9 THE DISCIPLINARY ACTION PERTAINS TO AN ACTION, BEHAVIOR, OR
10 TREATMENT PERMITTED UNDER COLORADO LAW;

11 (d) THE APPLICANT DEMONSTRATES PASSAGE OF A JURISPRUDENCE
12 EXAMINATION ADMINISTERED BY THE DIVISION IF PASSAGE OF A
13 JURISPRUDENCE EXAMINATION IS REQUIRED FOR SUBSTANTIALLY SIMILAR
14 CREDENTIALING AS A LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT IN
15 THIS STATE;

16 (e) THE APPLICANT DESIGNATES AN AGENT UPON WHOM SERVICE
17 OF PROCESS MAY BE MADE IN THIS STATE ON A FORM PRESCRIBED BY THE
18 DIVISION; AND

19 (f) THE APPLICANT DEMONSTRATES TO THE DIVISION THAT THE
20 APPLICANT IS IN COMPLIANCE WITH SUBSECTION (5) OF THIS SECTION.

21 (4) (a) A REGISTERED PROVIDER SHALL NOTIFY THE APPLICABLE
22 REGULATOR OF:

23 (I) RESTRICTIONS PLACED ON THE REGISTERED PROVIDER'S
24 OUT-OF-STATE CREDENTIAL IN ANY STATE OR JURISDICTION;

25 (II) ANY DISCIPLINARY ACTION TAKEN OR PENDING AGAINST THE
26 REGISTERED PROVIDER IN ANY STATE OR JURISDICTION; AND

27 (III) ANY FINAL JUDGMENT AGAINST, SETTLEMENT ENTERED INTO

1 BY, OR ARBITRATION AWARD PAID ON BEHALF OF THE REGISTERED
2 PROVIDER FOR MALPRACTICE.

3 (b) THE REGISTERED PROVIDER SHALL PROVIDE NOTIFICATION
4 PURSUANT TO THIS SUBSECTION (4) WITHIN FIVE BUSINESS DAYS AFTER
5 THE RESTRICTION IS PLACED OR DISCIPLINARY ACTION IS INITIATED OR
6 TAKEN.

7 (5) A REGISTERED PROVIDER SHALL MAINTAIN THE METHOD AND
8 AMOUNT OF FINANCIAL RESPONSIBILITY THAT COVERS SERVICES PROVIDED
9 TO PATIENTS IN THIS STATE AS REQUIRED BY THE APPLICABLE REGULATOR.

10 (6) A REGISTERED PROVIDER PROVIDING HEALTH-CARE SERVICES
11 THROUGH TELEHEALTH TO A PATIENT LOCATED IN THIS STATE SHALL
12 PROVIDE HEALTH-CARE SERVICES IN COMPLIANCE WITH THE PROFESSIONAL
13 PRACTICE STANDARDS APPLICABLE TO A LICENSEE, CERTIFICATE HOLDER,
14 OR REGISTRANT WHO PROVIDES COMPARABLE IN-PERSON HEALTH-CARE
15 SERVICES IN THIS STATE. PROFESSIONAL PRACTICE STANDARDS AND LAWS
16 APPLICABLE TO THE PROVISION OF IN-PERSON HEALTH-CARE SERVICES IN
17 THIS STATE, INCLUDING STANDARDS AND LAWS RELATING TO PRESCRIBING
18 MEDICATION OR TREATMENT, IDENTITY VERIFICATION, DOCUMENTATION,
19 INFORMED CONSENT, CONFIDENTIALITY, DISCLOSURES, PRIVACY, AND
20 SECURITY, APPLY TO THE PROVISION OF HEALTH-CARE SERVICES THROUGH
21 TELEHEALTH IN COLORADO.

22 (7) (a) A REGISTERED PROVIDER WHO PROVIDES TELEHEALTH
23 SERVICES TO A PATIENT SHALL:

24 (I) PROVIDE THE PATIENT WITH GUIDANCE ON APPROPRIATE
25 FOLLOW-UP CARE AS REQUIRED BY THE LAWS, RULES, AND STANDARD OF
26 CARE FOR COLORADO;

27 (II) IN THE EVENT OF AN EMERGENCY SITUATION, MAKE A GOOD

1 FAITH EFFORT TO:

2 (A) DIRECTLY CONTACT AND COORDINATE WITH EMERGENCY
3 SERVICES LOCATED NEAR THE ORIGINATING SITE; OR

4 (B) IF THE URGENT, EMERGENT, OR EMERGENCY SITUATION IS
5 RELATED TO THE PATIENT'S MENTAL HEALTH OR A SUBSTANCE USE
6 CONDITION, FACILITATE CONTACT WITH THE APPROPRIATE LOCAL MENTAL
7 AND BEHAVIORAL HEALTH SERVICES TO INCLUDE LOCAL CRISIS SERVICES,
8 SUCH AS CRISIS STABILIZATION UNITS, CRISIS WALK-IN CENTERS, MOBILE
9 CRISIS RESPONSE SERVICES, AND WITHDRAWAL MANAGEMENT FACILITIES;

10 AND

11 (C) REMAIN ON A SYNCHRONOUS CONNECTION WITH THE PATIENT,
12 IF THE EMERGENCY ARISES DURING A SYNCHRONOUS CONNECTION, UNTIL
13 EMERGENCY SERVICES HAVE REACHED THE ORIGINATING SITE OR THE
14 SITUATION IS RESOLVED IN THE REGISTERED PROVIDER'S CLINICAL
15 JUDGMENT; AND

16 (III) MAINTAIN A WRITTEN EMERGENCY PROTOCOL THAT IS
17 APPROPRIATE TO THE APPLICABLE STANDARD OF CARE FOR COLORADO.
18 THE WRITTEN EMERGENCY PROTOCOL MUST INCLUDE GOOD FAITH
19 METHODS OF ACCOMPLISHING THE FOLLOWING:

20 (A) PROVIDING THE NAME AND LOCATION OF THE PATIENT TO
21 EMERGENCY SERVICES IN ORAL, WRITTEN, OR DIGITAL FORM;

22 (B) DETERMINING THE ORIGINATING SITE IF A PATIENT IS
23 UNAWARE OF THE LOCATION; AND

24 (C) PROVIDING THE CONTACT INFORMATION OF THE PATIENT TO
25 EMERGENCY SERVICES.

26 (b) A REGISTERED PROVIDER MUST MAINTAIN A CURRENT LIST OF
27 HOSPITALS, URGENT CARE CENTERS OR CLINICS, AND CRISIS PROVIDERS,

1 SUCH AS CRISIS STABILIZATION UNITS, CRISIS WALK-IN CENTERS, MOBILE
2 CRISIS RESPONSE SERVICES, AND WITHDRAWAL MANAGEMENT FACILITIES,
3 IN THE AREA WHERE THE PATIENT RESIDES.

4 (8) (a) A REGISTERED PROVIDER SHALL NOT OPEN AN OFFICE IN
5 THIS STATE AND SHALL NOT PROVIDE IN-PERSON HEALTH-CARE SERVICES
6 TO PATIENTS LOCATED IN THIS STATE UNLESS THE REGISTERED PROVIDER
7 OBTAINS THE LICENSE, CERTIFICATION, OR REGISTRATION THAT THE
8 APPLICABLE REGULATOR REQUIRES FOR THE PERFORMANCE OF THE
9 RELEVANT HEALTH-CARE SERVICES IN THIS STATE.

10 (b) A REGISTERED PROVIDER PROVIDING TELEHEALTH SERVICES TO
11 A PATIENT IN THIS STATE SHALL DISCLOSE THE FOLLOWING INFORMATION
12 TO THE PATIENT, AS APPLICABLE:

13 (I) THE LOCATION OF THE REGISTERED PROVIDER; AND

14 (II) THAT THE REGISTERED PROVIDER DOES NOT HAVE A PHYSICAL
15 LOCATION IN COLORADO.

16 (9) (a) THE DIVISION OR THE APPLICABLE REGULATOR MAY TAKE
17 DISCIPLINARY ACTION AGAINST A REGISTERED PROVIDER IF ANY OF THE
18 FOLLOWING APPLIES TO THE REGISTERED PROVIDER:

19 (I) THE REGISTERED PROVIDER FAILS TO NOTIFY THE REGULATOR
20 OF ANY ADVERSE ACTIONS TAKEN AGAINST THE REGISTERED PROVIDER'S
21 OUT-OF-STATE CREDENTIAL AS REQUIRED UNDER SUBSECTION (4) OF THIS
22 SECTION;

23 (II) THE REGISTERED PROVIDER HAS RESTRICTIONS PLACED ON THE
24 REGISTERED PROVIDER'S OUT-OF-STATE CREDENTIAL OR DISCIPLINARY
25 ACTION HAS BEEN COMMENCED AGAINST THE REGISTERED PROVIDER IN
26 ANY STATE OR JURISDICTION;

27 (III) THE REGISTERED PROVIDER VIOLATES ANY OF THE

1 REQUIREMENTS UNDER THIS SECTION; OR

2 (IV) THE REGISTERED PROVIDER COMMITS AN ACT THAT
3 CONSTITUTES GROUNDS FOR DISCIPLINARY ACTION UNDER THE LAW
4 GOVERNING THE APPLICABLE PROFESSION IN COLORADO.

5 (b) THE DEPARTMENT OF REGULATORY AGENCIES MAY NOTIFY
6 OTHER STATES IN WHICH THE REGISTERED PROVIDER IS LICENSED,
7 REGISTERED, OR CERTIFIED TO PRACTICE OF ANY DISCIPLINARY ACTIONS
8 TAKEN AGAINST THE REGISTERED PROVIDER IN THIS STATE.

9 (c) IF A REGULATOR DETERMINES THAT A REGISTERED PROVIDER
10 HAS COMMITTED AN ACT OR ENGAGED IN CONDUCT THAT CONSTITUTES
11 GROUNDS FOR DISCIPLINE OR UNPROFESSIONAL CONDUCT UNDER THE LAW
12 GOVERNING THE APPLICABLE PROFESSION IN COLORADO, THE DIVISION OR
13 THE RELEVANT REGULATOR MAY TAKE DISCIPLINARY OR OTHER ACTION
14 PURSUANT TO SECTION 12-20-404.

15 (10) FOR A REGISTERED PROVIDER PROVIDING HEALTH-CARE
16 SERVICES THROUGH TELEHEALTH TO A PATIENT LOCATED IN THIS STATE,
17 THIS SECTION PROVIDES AN ALTERNATIVE TO LICENSURE, CERTIFICATION,
18 OR REGISTRATION THAT THE APPLICABLE REGULATOR REQUIRES FOR THE
19 PERFORMANCE OF THE RELEVANT HEALTH-CARE SERVICES IN THIS STATE,
20 AND A REGISTERED PROVIDER MUST OTHERWISE ADHERE TO THE LAWS
21 AND RULES THAT APPLY TO THE REGISTERED PROVIDER'S PRACTICE.

22 (11) A REGISTERED PROVIDER SHALL NOT PRESCRIBE A
23 CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 12-280-402 (1).

24 (12) ALL REGISTRATIONS ISSUED PURSUANT TO THIS SECTION ARE
25 SUBJECT TO THE RENEWAL, EXPIRATION, REINSTATEMENT, AND
26 DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202.

27 (13) THE DIVISION MAY PROMULGATE RULES NECESSARY TO

1 IMPLEMENT AND ADMINISTER THIS SECTION.

2 (14) A REGULATOR MAY PROMULGATE RULES NECESSARY TO
3 IMPLEMENT AND ADMINISTER THIS SECTION.

4 (15) ARTICLES 1 AND 20 OF THIS TITLE 12 AND THIS ARTICLE 30
5 APPLY, ACCORDING TO THEIR TERMS, TO THIS SECTION.

6 **SECTION 2. Safety clause.** The general assembly finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety or for appropriations for
9 the support and maintenance of the departments of the state and state
10 institutions.