

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0653.01 Richard Sweetman x4333

HOUSE BILL 25-1024

HOUSE SPONSORSHIP

Willford,

SENATE SPONSORSHIP

Roberts,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING REQUIRING A MEDICAL PROFESSIONAL TO DISCLOSE
102 CERTAIN INFORMATION TO PATIENTS IF THE MEDICAL
103 PROFESSIONAL DELEGATES MEDICAL-AESTHETIC SERVICES TO
104 AN INDIVIDUAL WHO IS NOT A LICENSED HEALTH-CARE
105 PROVIDER.

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 requires an individual who is licensed to practice medicine or licensed to practice as an advanced practice registered nurse to make

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.

certain disclosures to patients if the individual delegates medical-aesthetic services to an individual who is not a licensed health-care provider.

The bill makes nonsubstantive conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-240-104, **amend**
3 **(6); repeal (5.8) and (5.9); and add (7), (8), (9), and (10) as follows:**

4 **12-240-104. Definitions.** As used in this article 240, unless the
5 context otherwise requires:

6 (5.8) ~~"Originating site" has the meaning set forth in section~~
7 ~~10-16-123 (4)(b).~~

8 (5.9) ~~"Store-and-forward transfer" has the meaning set forth in~~
9 ~~section 10-16-123 (4)(c).~~

10 (6) ~~"Telemedicine" means the delivery of medical services~~
11 ~~through technologies that are used in a manner that is compliant with the~~
12 ~~federal "Health Insurance Portability and Accountability Act of 1996",~~
13 ~~Pub.L. 104-191, as amended, including information, electronic, and~~
14 ~~communication technologies, remote monitoring technologies, and~~
15 ~~store-and-forward transfers, to facilitate the assessment, diagnosis,~~
16 ~~consultation, or treatment of a patient while the patient is located at an~~
17 ~~originating site and the person who provides the services is located at a~~
18 ~~distant site~~ "LICENSED HEALTH-CARE PROVIDER" MEANS AN INDIVIDUAL
19 WHO IS LICENSED OR OTHERWISE AUTHORIZED BY THE STATE PURSUANT
20 TO THIS TITLE 12 OR ARTICLE 3.5 OF TITLE 25 TO PROVIDE HEALTH-CARE
21 SERVICES.

22 (7) "MEDICAL-AESTHETIC SERVICES" MEANS THERAPEUTIC
23 PROCEDURES USED IN AESTHETICS.

24 (8) "ORIGINATING SITE" HAS THE MEANING SET FORTH IN SECTION

1 10-16-123 (4)(b).

2 (9) "STORE-AND-FORWARD TRANSFER" HAS THE MEANING SET
3 FORTH IN SECTION 10-16-123 (4)(c).

4 (10) "TELEMEDICINE" MEANS THE DELIVERY OF MEDICAL SERVICES
5 THROUGH TECHNOLOGIES THAT ARE USED IN A MANNER THAT IS
6 COMPLIANT WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND
7 ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, INCLUDING
8 INFORMATION, ELECTRONIC, AND COMMUNICATION TECHNOLOGIES,
9 REMOTE MONITORING TECHNOLOGIES, AND STORE-AND-FORWARD
10 TRANSFERS, TO FACILITATE THE ASSESSMENT, DIAGNOSIS, CONSULTATION,
11 OR TREATMENT OF A PATIENT WHILE THE PATIENT IS LOCATED AT AN
12 ORIGINATING SITE AND THE INDIVIDUAL WHO PROVIDES THE SERVICES IS
13 LOCATED AT A DISTANT SITE.

14 **SECTION 2.** In Colorado Revised Statutes, **add** 12-240-147 as
15 follows:

16 **12-240-147. Delegation of medical-aesthetic services to**
17 **unlicensed individuals - required disclosures - applicability.** (1) AN
18 INDIVIDUAL LICENSED TO PRACTICE MEDICINE UNDER THIS ARTICLE 240
19 WHO DELEGATES MEDICAL-AESTHETIC SERVICES TO AN INDIVIDUAL WHO
20 IS NOT A LICENSED HEALTH-CARE PROVIDER SHALL:

21 (a) POST OR CAUSE TO BE POSTED A NOTICE IN A HIGHLY VISIBLE
22 MANNER AT THE PHYSICAL LOCATION WHERE THE DELEGATED SERVICES
23 OCCUR, WHICH NOTICE INDICATES:

24 (I) THE NAME OF THE LICENSEE;

25 (II) THE LICENSEE'S COLORADO PHYSICIAN LICENSE NUMBER;

26 (III) CONTACT INFORMATION FOR THE LICENSEE; AND

27 (IV) AN ONLINE ADDRESS WHERE A PATIENT MAY FILE A

1 COMPLAINT WITH THE BOARD;

2 (b) POST OR CAUSE TO BE POSTED ON THE PUBLIC WEBSITE AND ON

3 ALL ADVERTISING MATERIALS OF THE UNLICENSED INDIVIDUAL A NOTICE

4 THAT:

5 (I) STATES THAT MEDICAL-AESTHETIC SERVICES ARE DELEGATED;

6 AND

7 (II) INDICATES THE NAME AND COLORADO PHYSICIAN LICENSE

8 NUMBER OF THE LICENSEE;

9 (c) PROVIDE AN INFORMED CONSENT FORM TO EACH PATIENT,

10 WHICH FORM:

11 (I) STATES THAT THE PATIENT IS RECEIVING MEDICAL-AESTHETIC

12 SERVICES DELEGATED TO AN UNLICENSED INDIVIDUAL FROM A LICENSED

13 INDIVIDUAL;

14 (II) INCLUDES THE INFORMATION INCLUDED IN THE NOTICE

15 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION; AND

16 (III) MUST BE SIGNED BY THE PATIENT; AND

17 (d) RETAIN EACH CONSENT FORM DESCRIBED IN SUBSECTION (1)(c)

18 OF THIS SECTION FOR AT LEAST SEVEN YEARS.

19 (2) THIS SECTION DOES NOT APPLY TO A FACILITY THAT IS

20 REGULATED UNDER TITLE 25.

21 **SECTION 3.** In Colorado Revised Statutes, 12-255-104, **amend**

22 (5.6) and (5.7); and **add** (5.8) as follows:

23 **12-255-104. Definitions.** As used in this article 255, unless the

24 context otherwise requires:

25 (5.6) "~~Medical facility~~" means a nursing facility licensed by the

26 ~~department of public health and environment or home health agencies~~

27 ~~certified to receive medicare or medicaid funds, pursuant to the federal~~

1 ~~"Social Security Act", as amended, distinct part nursing facilities, or~~
2 ~~home health agencies or entities engaged in nurse aide practice. "Medical~~
3 ~~facility" does not include hospitals and other facilities licensed or~~
4 ~~certified pursuant to section 25-1.5-103 (1)(a) "MEDICAL-AESTHETIC~~
5 SERVICES" MEANS THERAPEUTIC PROCEDURES USED IN AESTHETICS.

6 (5.7) ~~"Nursing facility" has the same meaning as set forth in~~
7 ~~section 25.5-4-103 (14) "MEDICAL FACILITY" MEANS A NURSING FACILITY~~
8 LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR
9 HOME HEALTH AGENCIES CERTIFIED TO RECEIVE MEDICARE OR MEDICAID
10 FUNDS, PURSUANT TO THE FEDERAL "SOCIAL SECURITY ACT", DISTINCT
11 PART NURSING FACILITIES, OR HOME HEALTH AGENCIES OR ENTITIES
12 ENGAGED IN NURSE AIDE PRACTICE. "MEDICAL FACILITY" DOES NOT
13 INCLUDE HOSPITALS AND OTHER FACILITIES LICENSED OR CERTIFIED
14 PURSUANT TO SECTION 25-1.5-103 (1)(a).

15 (5.8) "NURSING FACILITY" HAS THE MEANING SET FORTH IN
16 SECTION 25.5-4-103 (14).

17 **SECTION 4.** In Colorado Revised Statutes, **add** 12-255-137 as
18 follows:

19 **12-255-137. Delegation of medical-aesthetic services to**
20 **unlicensed individuals - required disclosures - applicability.** (1) AN
21 INDIVIDUAL LICENSED AS AN ADVANCED PRACTICE REGISTERED NURSE
22 PURSUANT TO THIS ARTICLE 255 WHO DELEGATES MEDICAL-AESTHETIC
23 SERVICES TO AN INDIVIDUAL NOT LICENSED AS A LICENSED HEALTH-CARE
24 PROVIDER SHALL:

25 (a) POST OR CAUSE TO BE POSTED A NOTICE IN A HIGHLY VISIBLE
26 MANNER AT THE PHYSICAL LOCATION WHERE THE DELEGATED SERVICES
27 OCCUR, WHICH NOTICE INDICATES:

- 1 (I) THE NAME OF THE LICENSEE;
- 2 (II) THE LICENSEE'S COLORADO NURSING LICENSE NUMBER;
- 3 (III) CONTACT INFORMATION FOR THE LICENSEE; AND
- 4 (IV) AN ONLINE ADDRESS WHERE A PATIENT MAY FILE A
- 5 COMPLAINT WITH THE BOARD;

6 (b) POST OR CAUSE TO BE POSTED ON THE PUBLIC WEBSITE AND ON
7 ALL ADVERTISING MATERIALS OF THE UNLICENSED INDIVIDUAL A NOTICE
8 THAT:

9 (I) STATES THAT MEDICAL-AESTHETIC SERVICES ARE DELEGATED;
10 AND

11 (II) INDICATES THE NAME AND COLORADO NURSING LICENSE
12 NUMBER OF THE LICENSEE;

13 (c) PROVIDE AN INFORMED CONSENT FORM TO EACH PATIENT,
14 WHICH FORM:

15 (I) STATES THAT THE PATIENT IS RECEIVING MEDICAL-AESTHETIC
16 SERVICES DELEGATED TO AN UNLICENSED INDIVIDUAL BY A LICENSED
17 INDIVIDUAL;

18 (II) INCLUDES THE INFORMATION INCLUDED IN THE NOTICE
19 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION; AND

20 (III) MUST BE SIGNED BY THE PATIENT; AND

21 (d) RETAIN EACH CONSENT FORM DESCRIBED IN SUBSECTION (1)(c)
22 OF THIS SECTION FOR AT LEAST SEVEN YEARS.

23 (2) THIS SECTION DOES NOT APPLY TO A FACILITY THAT IS
24 REGULATED UNDER TITLE 25.

25 **SECTION 5.** In Colorado Revised Statutes, 25-1-801, **amend** (4)
26 as follows:

27 **25-1-801. Patient records in custody of health-care facility -**

1 **definitions.** (4) For the purposes of this section, medical information
2 transmitted during the delivery of health care via telemedicine, as defined
3 in ~~section 12-240-104(6)~~ SECTION 12-240-104(10), is part of the patient's
4 medical record maintained by the health-care facility.

5 **SECTION 6.** In Colorado Revised Statutes, 25-1-802, **amend** (5)
6 as follows:

7 **25-1-802. Patient records in custody of individual health-care**
8 **providers.** (5) For the purposes of this section, medical information
9 transmitted during the delivery of health care via telemedicine, as defined
10 in ~~section 12-240-104(6)~~ SECTION 12-240-104(10), is part of the patient's
11 medical record maintained by a health-care provider.

12 **SECTION 7.** In Colorado Revised Statutes, 25.5-1-207, **amend**
13 (1)(1) as follows:

14 **25.5-1-207. Rural provider access and affordability stimulus**
15 **grant program - advisory committee - fund - reporting - rules -**
16 **definitions - repeal.** (1) **Definitions.** As used in this section:

17 (1) "Telemedicine" has the meaning set forth in section
18 ~~12-240-104(6)~~ 12-240-104(10).

19 **SECTION 8. Act subject to petition - effective date -**
20 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
21 the expiration of the ninety-day period after final adjournment of the
22 general assembly; except that, if a referendum petition is filed pursuant
23 to section 1 (3) of article V of the state constitution against this act or an
24 item, section, or part of this act within such period, then the act, item,
25 section, or part will not take effect unless approved by the people at the
26 general election to be held in November 2026 and, in such case, will take
27 effect on the date of the official declaration of the vote thereon by the

1 governor.

2 (2) This act applies to conduct occurring on or after the applicable

3 effective date of this act.