

CHAPTER 163

HEALTH

SENATE BILL 93-181

BY SENATORS Johnson, Hopper, and Traylor;
also REPRESENTATIVES Shoemaker and Entz.

AN ACT

CONCERNING LOCAL PUBLIC HEALTH SERVICES, AND IN CONNECTION THEREWITH EXTENDING GOVERNMENTAL IMMUNITY TO CERTAIN HEALTH CARE PRACTITIONERS AND AUTHORIZING COUNTY BOARDS OF HEALTH TO PROVIDE ENVIRONMENTAL HEALTH SERVICES.

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

SECTION 1. 24-10-103 (4), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-10-103. Definitions. As used in this article, unless the context otherwise requires:

(4) (a) "Public employee" means an officer, employee, servant, or authorized volunteer of the public entity, whether or not compensated, elected, or appointed, but does not include an independent contractor or any person who is sentenced to participate in any type of useful public service. For the purposes of this subsection (4), "authorized volunteer" means a person who performs an act for the benefit of a public entity at the request of and subject to the control of such public entity.

(b) "Public employee" includes any of the following:

(I) Any health care practitioner employed by a public entity, except for any health care practitioner who is employed on less than a full-time basis by a public entity and who additionally has an independent or other health care practice. ANY SUCH PERSON EMPLOYED ON LESS THAN A FULL-TIME BASIS BY A COUNTY AND WHO ADDITIONALLY HAS AN INDEPENDENT OR OTHER HEALTH CARE PRACTICE SHALL MAINTAIN THE STATUS OF A PUBLIC EMPLOYEE ONLY WHEN SUCH PERSON ENGAGES IN ACTIVITIES AT OR FOR THE COUNTY WHICH ARE WITHIN THE COURSE AND SCOPE OF SUCH PERSON'S

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

RESPONSIBILITIES AS AN EMPLOYEE OF THE COUNTY. For purposes of this subparagraph (I), work performed as an employee of another public entity or of an entity of the United States government shall not be considered to be an independent or other health care practice.

(II) Any health care practitioner employed part-time by and holding a clinical faculty appointment at a public entity as to any injury caused by a health care practitioner-in-training under his SUCH HEALTH CARE PRACTITIONER'S supervision. Any such person shall maintain the status of a public employee when he SUCH PERSON engages in supervisory and educational activities over a health care practitioner-in-training at a nonpublic entity if said activities are within the course and scope of his SUCH PERSON'S responsibilities as an employee of a public entity.

(III) Any health care practitioner-in-training who is duly enrolled and matriculated in an educational program of a public entity and who is working at either a public entity or a nonpublic entity. Any such person shall maintain the status of a public employee when he SUCH PERSON engages in professional or educational activities at a nonpublic entity if said activities are within the course and scope of his SUCH PERSON'S responsibilities as a student or employee of a public entity.

(IV) Any health care practitioner who is a nurse licensed under article 38 of title 12, C.R.S., employed by a public entity. Any such person shall maintain the status of a public employee only when he SUCH PERSON engages in activities at or for the public entity which are within the course and scope of his SUCH PERSON'S responsibilities as an employee of the public entity.

(V) Any health care practitioner who volunteers his services at or on behalf of a public entity, or who volunteers his services as a participant in the community maternity services program, established by section 26-15-109, C.R.S., as to the services which are volunteered.

SECTION 2. 25-1-608, Colorado Revised Statutes, 1989 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-1-608. County board of health. (3) THE BOARD OF HEALTH MAY PROVIDE THE ENVIRONMENTAL HEALTH SERVICES DESCRIBED IN SECTION 25-1-709 (1) (b) AND MAY ASSESS FEES TO OFFSET THE ACTUAL, DIRECT COSTS OF SUCH SERVICES; EXCEPT THAT A FEE FOR ANY SUCH SERVICE SHALL NOT BE ASSESSED AGAINST ANY PERSON WHO HAS ALREADY PAID A FEE TO THE STATE OR FEDERAL GOVERNMENT FOR THE SAME SERVICE.

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, and safety.

Approved: April 30, 1993