

CHAPTER 278

PROFESSIONS AND OCCUPATIONS

SENATE BILL 98-036

BY SENATORS Wham and Hopper;
also REPRESENTATIVE Epps.

AN ACT

CONCERNING A REQUIREMENT FOR LICENSURE OF PHYSICIANS LAWFULLY PRACTICING MEDICINE IN ANOTHER JURISDICTION WHO PERFORM ACTS CONSTITUTING THE PRACTICE OF MEDICINE ON PERSONS PHYSICALLY PRESENT IN COLORADO AT THE TIME SUCH ACTS ARE PERFORMED.

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

SECTION 1. 12-36-106 (1) (a) and (3) (b), Colorado Revised Statutes, are amended, and the said 12-36-106 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-36-106. Practice of medicine defined - exemptions from licensing requirements - repeal. (1) For the purpose of this article, "practice of medicine" means:

(a) Holding out one's self to the public within this state as being able to diagnose, treat, prescribe for, palliate, or prevent any human disease, ailment, pain, injury, deformity, or physical or mental condition, whether by the use of drugs, surgery, manipulation, electricity, **TELEMEDICINE, THE INTERPRETATION OF TESTS, INCLUDING PRIMARY DIAGNOSIS OF PATHOLOGY SPECIMENS, IMAGES, OR PHOTOGRAPHS,** or any physical, mechanical, or other means whatsoever;

(3) Nothing in this section shall be construed to prohibit, or to require a license under this article with respect to, any of the following acts:

(b) The rendering of services in this state by a physician lawfully practicing medicine in another state or territory, **WHETHER OR NOT SUCH PHYSICIAN IS IN COLORADO,** but if any such physician does not limit such services to an occasional CONSULTATION OR case or if ~~he~~ SUCH PHYSICIAN has any established or regularly used hospital connections in this state or if ~~he~~ SUCH PHYSICIAN IS PARTY TO ANY

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

CONTRACT, AGREEMENT, OR UNDERSTANDING TO PROVIDE THE SERVICES DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION OR IF SUCH PHYSICIAN maintains or is provided with for his OR HER regular use any office or other place for the rendering of such services, ~~he~~ SUCH PHYSICIAN shall possess a license to practice medicine in this state;

(3.2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT PATIENT CONSULTATION BETWEEN A PRACTICING PHYSICIAN LICENSED IN COLORADO AND A PRACTICING PHYSICIAN LICENSED IN ANOTHER STATE OR JURISDICTION.

SECTION 2. 12-36-106 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-36-106. Practice of medicine defined - exemptions from licensing requirements - repeal. (3) Nothing in this section shall be construed to prohibit, or to require a license under this article with respect to, any of the following acts:

(u) (I) THE PROVISION, TO A TREATING PHYSICIAN LICENSED IN THIS STATE, OF THE RESULTS OF LABORATORY TESTS, EXCLUDING HISTOPATHOLOGY TESTS AND CYTOLOGY TESTS, PERFORMED IN A LABORATORY CERTIFIED UNDER THE FEDERAL "CLINICAL LABORATORIES IMPROVEMENT ACT OF 1967", AS AMENDED, 42 U.S.C. SEC. 263a, TO PERFORM HIGH COMPLEXITY TESTING, AS SUCH TERM IS USED IN 42 C.F.R. 493.1701 AND ANY RELATED OR SUCCESSOR PROVISION.

(II) THE PROVISION, TO A PATHOLOGIST LICENSED IN THIS STATE, OF THE RESULTS OF HISTOPATHOLOGY TESTS AND CYTOLOGY TESTS PERFORMED IN A LABORATORY CERTIFIED UNDER THE FEDERAL "CLINICAL LABORATORIES IMPROVEMENT ACT OF 1967", AS AMENDED, 42 U.S.C. SEC. 263a, TO PERFORM HIGH COMPLEXITY TESTING, AS SUCH TERM IS USED IN 42 C.F.R. 493.1701 AND ANY RELATED OR SUCCESSOR PROVISION.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 1998, and shall apply to acts committed on or after said date.

SECTION 4. 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: June 1, 1998