

CHAPTER 76

PROFESSIONS AND OCCUPATIONS

SENATE BILL 01-128

BY SENATOR(S) Takis, Chlouber, Epps, Hagedorn, Hanna, and Hernandez;
also REPRESENTATIVE(S) Clapp, Boyd, Cloer, Kester, Marshall, Romanoff, Stafford, Tapia, Weddig, and Williams S.

AN ACT

CONCERNING THE LICENSURE OF PHYSICIAN ASSISTANTS.

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

SECTION 1. 12-32-109.3 (1), Colorado Revised Statutes, is amended to read:

12-32-109.3. Use of physician assistants. (1) A person licensed under the laws of this state to practice podiatry may delegate to a physician assistant ~~certified~~ LICENSED by the Colorado state board of medical examiners pursuant to section 12-36-106 (5) the authority to perform acts which constitute the practice of podiatry to the extent and in the manner authorized by rules and regulations promulgated by the Colorado podiatry board, including the authority to prescribe, on a case-by-case basis and per-patient-visit basis as approved by the supervising podiatrist, and dispense only such drugs as designated by the Colorado podiatry board. Such acts shall be consistent with sound practices of podiatry. Each prescription issued by a physician assistant shall have imprinted thereon the name of his supervising podiatrist, and under no circumstances shall a physician assistant write prescriptions unless countersigned by the supervising podiatrist. Nothing in this section shall limit the ability of otherwise licensed health personnel to perform delegated acts. The dispensing of prescription medication by a physician assistant shall be subject to the provisions of section 12-22-121 (6).

SECTION 2. 12-36-106 (5) (a), (5) (b) (III), the introductory portion to 12-36-106 (5) (c), and 12-36-106 (5) (d), (5) (e), (5) (f), and (5) (i), 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 - definitions - repeal. (5) (a) A person licensed under the laws of

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

this state to practice medicine may delegate to a physician assistant ~~certified~~ LICENSED by the board the authority to perform acts ~~which~~ THAT constitute the practice of medicine to the extent and in the manner authorized by rules and regulations promulgated by the board, including the authority to prescribe medication, including controlled substances, and dispense only such drugs as designated by the board. Such acts shall be consistent with sound medical practice. Each prescription issued by a physician assistant ~~certified~~ LICENSED by the board shall have imprinted thereon the name of his or her supervising physician. Nothing in this subsection (5) shall limit the ability of otherwise licensed health personnel to perform delegated acts. The dispensing of prescription medication by a physician assistant shall be subject to the provisions of section 12-22-121 (6).

(b) (III) If the state board of medical examiners has a reasonable belief that additional supervision or direction may be necessary it may issue a cease and desist order to the supervising physician or physician assistant to require that a function be delegated only on a case-by-case basis, or to require that the supervising physician be present on the premises in specific types of cases that arise in an acute care hospital setting. Such a cease and desist order shall become effective upon delivery to the supervising physician or physician assistant to whom it is issued. Any supervising physician or physician assistant who receives such an order may request a hearing on the merits of the order, which request shall be promptly granted. Any restriction or requirement imposed by such an order shall not be deemed a disciplinary action, restriction, or other limitation on the physician's license or the physician assistant's ~~certification~~ LICENSURE.

(c) To become ~~certified~~ LICENSED, a physician assistant shall have:

(d) The board may determine whether any applicant for ~~certification~~ LICENSURE as a physician assistant possesses ~~sufficient~~ education, experience, or training in health care ~~which may~~ THAT IS SUFFICIENT TO be accepted in lieu of the qualifications required for ~~certification~~ LICENSURE under subparagraph (I) of paragraph (c) of this subsection (5). Every person who desires to qualify for practice as a physician assistant within this state shall file with the secretary of the board his OR HER written application for ~~certification~~ LICENSURE, on which application he OR SHE shall list any act the commission of which would be grounds for disciplinary action against a ~~certified~~ LICENSED physician assistant under section 12-36-117, along with an explanation of the circumstances of such act. The board may deny ~~certification~~ LICENSURE to any applicant who has performed any act ~~which~~ THAT constitutes unprofessional conduct, as defined in section 12-36-117.

(e) No person ~~certified~~ LICENSED as a physician assistant may perform any act ~~which~~ THAT constitutes the practice of medicine within a hospital or nursing care facility ~~which~~ THAT is licensed pursuant to part 1 of article 3 of title 25, C.R.S., or ~~which~~ THAT is required to obtain a certificate of compliance pursuant to section 25-1-107 (1) (I) (II), C.R.S., without authorization from the governing board of the hospital or nursing care facility. Such governing board shall have the authority to grant, deny, or limit such authority to its own established procedures.

(f) The board may take any disciplinary action with respect to a physician assistant ~~certificate~~ LICENSE as it may with respect to the license of a physician, in accordance with procedures established pursuant to this article.

(i) The board shall ~~certify~~ LICENSE and keep a record of physician assistants who have been ~~certified~~ LICENSED pursuant to paragraph (c) of this subsection (5) and shall establish renewal fees and schedules subject to the provisions of section 24-34-102 (8), C.R.S. Every ~~certified~~ LICENSED physician assistant shall pay to the secretary of the board a registration fee to be determined and collected pursuant to section 24-34-105, C.R.S., and shall obtain a registration certificate for the current calendar year.

(6) "LICENSEE", AS USED IN THIS PART 1, MEANS ANY PHYSICIAN OR PHYSICIAN ASSISTANT WHO IS LICENSED PURSUANT TO THIS SECTION.

SECTION 3. 12-36-106.3 (1), Colorado Revised Statutes, is amended to read:

12-36-106.3. Collaborative agreements with advanced practice nurses. (1) A ~~person~~ PHYSICIAN licensed pursuant to the "Colorado Medical Practice Act" may enter into a collaborative agreement for the purposes of prescriptive authority by advanced practice nurses pursuant to section 12-38-111.6 (4) (d) (II).

SECTION 4. 12-36-106.5, Colorado Revised Statutes, is amended to read:

12-36-106.5. Child health associates - scope of practice. On and after July 1, 1990, any person who, on June 30, 1990, was certified only as a child health associate under the laws of this state shall, upon application to the board, be granted ~~certification~~ LICENSE as a physician assistant. The practice of any such person shall be subject to the provisions of section 12-36-106 (5); except that such practice shall be limited to patients under the age of twenty-one.

SECTION 5. 12-36-116 (1) and (2), Colorado Revised Statutes, are amended to read:

12-36-116. Refusal of license - issuance subject to probation. (1) The board may refrain from issuing a license or may grant a license subject to terms of probation if the board determines that an applicant for a license: ~~to practice medicine:~~

(a) Does not possess the qualifications required by this article;

(b) Has engaged in unprofessional conduct, as defined in section 12-36-117;

(c) Has been disciplined in another state or foreign jurisdiction with respect to his or her license to practice medicine OR LICENSE TO PRACTICE AS A PHYSICIAN ASSISTANT; or

(d) Has not actively practiced medicine OR PRACTICED AS A PHYSICIAN ASSISTANT for the two-year period immediately preceding the filing of such application or otherwise maintained continued competency during such period, as determined by the board.

(2) For purposes of this section, "discipline" ~~means~~ INCLUDES any matter ~~which~~ THAT must be reported pursuant to 45 CFR sec. 60.8 and is substantially similar to unprofessional conduct, as defined in section 12-36-117.

SECTION 6. 12-36-117 (1) (a), (1) (r), (1.5) (a), (2), and (3), Colorado Revised Statutes, are amended to read:

12-36-117. Unprofessional conduct. (1) "Unprofessional conduct" as used in this article means:

(a) Resorting to fraud, misrepresentation, or deception in applying for, securing, renewing, or seeking reinstatement of a license to practice medicine OR A LICENSE TO PRACTICE AS A PHYSICIAN ASSISTANT in this state or any other state, in applying for professional liability coverage, required pursuant to section 13-64-301, C.R.S., or privileges at a hospital, or in taking the examination provided for in this article;

(r) Engaging in a sexual act with a patient during the course of patient care or within six months immediately following the termination of the ~~physician's~~ LICENSEE'S professional relationship with the patient. "Sexual act", as used in this paragraph (r), means sexual contact, sexual intrusion, or sexual penetration as defined in section 18-3-401, C.R.S.

(1.5) (a) A ~~physician~~ LICENSEE shall not be subject to disciplinary action by the board solely for prescribing controlled substances for the relief of intractable pain.

(2) The discipline of a license to practice medicine OR OF A LICENSE TO PRACTICE AS A PHYSICIAN ASSISTANT in another state, territory, or country shall be deemed to be unprofessional conduct. For purposes of this subsection (2), "discipline" includes any sanction required to be reported pursuant to 45 CFR sec. 60.8. This subsection (2) shall apply only to discipline that is based upon an act or omission in such other state, territory, or country that is defined substantially the same as unprofessional conduct pursuant to subsection (1) of this section.

(3) (a) For purposes of this section, "alternative medicine" means those health care methods of diagnosis, treatment, or healing that are not generally used but that provide a reasonable potential for therapeutic gain in a patient's medical condition that is not outweighed by the risk of such methods. A ~~physician~~ LICENSEE who practices alternative medicine shall inform each patient in writing, during the initial patient contact, of such ~~physician's~~ LICENSEE'S education, experience, and credentials related to the alternative medicine practiced by such ~~physician~~ LICENSEE. The board shall not take disciplinary action against a ~~physician~~ LICENSEE solely on the grounds that such ~~physician~~ LICENSEE practices alternative medicine.

(b) Nothing in paragraph (a) of this subsection (3) shall be construed to prevent disciplinary action against a ~~physician~~ LICENSEE for practicing medicine OR PRACTICING AS A PHYSICIAN ASSISTANT in violation of this article.

SECTION 7. 12-36-118 (3), (4) (a), (4) (b) (III), (4) (b) (IV), (4) (c) (II.5), (4) (c) (III), (4) (d), (5) (e), the introductory portion to 12-36-118 (5) (g) (III), and 12-36-118 (5) (g) (IV), (5) (g) (V), (8), (9) (a), (9) (b), (11), and (13), Colorado Revised Statutes, are amended to read:

12-36-118. Disciplinary action by board - immunity. (3) In the discharge of its duties, the board may enlist the assistance of other ~~physicians licensed to practice medicine in this state.~~ Physicians LICENSEES. LICENSEES have the duty to report to

the board any ~~physician~~ LICENSEE known, or upon information and belief, to have violated any of the provisions of section 12-36-117 (1); except that no ~~physician~~ LICENSEE who is treating another ~~physician~~ LICENSEE for a mental disability or habitual intemperance or excessive use of any habit-forming drug shall have a duty to report his OR HER patient unless, in the opinion of the treating ~~physician~~ LICENSEE, the impaired ~~physician~~ LICENSEE presents a danger to himself, HERSELF, or others. Any person participating in good faith in the making of a complaint or report or participating in any investigative or administrative proceeding pursuant to this section shall be immune from any liability, civil or criminal, that otherwise might result by reason of such action. When acting in their official capacity, members of the board shall be immune from any liability, civil or criminal, that otherwise might result by reason of participating in the investigation of or an administrative proceeding in connection with a complaint or report pursuant to this section or by reason of any disciplinary action taken by the board pursuant to this section as a result of such a complaint or report.

(4) (a) (I) Written complaints relating to the conduct of a ~~physician~~ LICENSEE licensed or authorized to practice medicine in this state may be made by any person or may be initiated by an inquiry panel of the board on its own motion. The ~~physician~~ LICENSEE complained of shall be given notice by certified mail of the nature of the complaint and shall be given thirty days to answer or explain in writing the matters described in such complaint. Upon receipt of the ~~physician's~~ LICENSEE'S answer or at the conclusion of thirty days, whichever occurs first, the inquiry panel may take further action as set forth in subparagraph (II) of this paragraph (a).

(II) The inquiry panel may then conduct a further investigation, which may be made by one or more members of the inquiry panel, one or more ~~physicians~~ LICENSEES who are not members of the board, a member of the staff of the board, a professional investigator, or any other person or organization as the inquiry panel directs. Any such investigation shall be entirely informal.

(b) The board shall cause an investigation to be made when the board is informed of:

(III) An instance of a medical malpractice settlement or judgment against a ~~physician~~ LICENSEE reported to the board pursuant to section 10-1-124, C.R.S.; or

(IV) ~~Physicians~~ LICENSEES who have been allowed to resign from hospitals for medical misconduct. Such hospitals shall report the same.

(c) On completion of an investigation the inquiry panel shall make a finding that:

(II.5) The investigation discloses an instance of conduct ~~which~~ THAT does not warrant formal action by the board and should be dismissed but in which the inquiry panel has noticed indications of possible errant conduct by the licensee that could lead to serious consequences if not corrected. In such a case, a confidential letter of concern shall be sent to the ~~physician~~ LICENSEE against whom the complaint was made.

(III) The investigation discloses an instance of unprofessional conduct ~~which~~, THAT in the opinion of the inquiry panel, does not warrant formal action by the board but

which should not be dismissed as being without merit; in such case, a certified letter, return receipt requested, of admonition shall be sent to the physician LICENSEE against whom a complaint was made and a copy thereof to the person making the complaint, but, when a letter of admonition is sent by the inquiry panel to a physician LICENSEE complained against, such physician LICENSEE shall be advised that he OR SHE has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated against him OR HER to adjudicate the propriety of the conduct upon which the letter of admonition is based. If such request is timely made, the letter of admonition shall be deemed vacated, and the matter shall be processed by means of formal disciplinary proceedings; or

(d) All proceedings pursuant to this subsection (4) shall be expeditiously and informally conducted so that no physician LICENSEE is subjected to unfair and unjust charges and that no complainant is deprived of his OR HER right to a timely, fair, and proper investigation of his OR HER complaint.

(5) (e) All formal complaints shall be heard and determined in accordance with paragraph (f) of this subsection (5) and section 24-4-105, C.R.S. Except as provided in subsection (1) of this section, all formal hearings shall be conducted by the hearings panel. The physician LICENSEE may be present in person and by counsel, if so desired, to offer evidence and be heard in his or her own defense. At formal hearings, the witnesses shall be sworn and a complete record shall be made of all proceedings and testimony.

(g) (III) If the hearings panel finds the charges proven and orders that discipline be imposed, it shall also determine the extent of such discipline, which shall be in the form of a letter of admonition, suspension for a definite or indefinite period, or revocation of license to practice. In determining appropriate disciplinary action, the hearings panel shall first consider sanctions that are necessary to protect the public. Only after the panel has considered such sanctions may it consider and order requirements designed to rehabilitate the licensee or applicant. If discipline other than revocation of a license to practice is imposed, the hearings panel may also order that the physician LICENSEE be granted probation and allowed to continue to practice during the period of such probation. The hearings panel may also include in any disciplinary order which THAT allows the physician LICENSEE to continue to practice such conditions as the panel may deem appropriate to assure that the physician LICENSEE is physically, mentally, morally, and otherwise qualified to practice medicine or practice as a physician assistant in accordance with generally accepted professional standards of practice, including any or all of the following:

(IV) Upon the failure of the physician LICENSEE to comply with any conditions imposed by the hearings panel pursuant to subparagraph (III) of this paragraph (g), unless due to conditions beyond the physician's LICENSEE'S control, the hearings panel may order suspension of the physician's LICENSEE'S license to practice MEDICINE OR PRACTICE AS A PHYSICIAN ASSISTANT in this state until such time as the physician LICENSEE complies with such conditions.

(V) In making any of the orders provided in subparagraphs (III) and (IV) of this paragraph (g), the hearings panel may take into consideration the physician's LICENSEE'S prior disciplinary record. If the hearings panel does take into consideration any prior discipline of the physician LICENSEE, its findings and

recommendations shall so indicate.

(8) ~~In case IF any person holding a license to practice medicine in this state~~ LICENSEE is determined to be mentally incompetent or insane by a court of competent jurisdiction and a court enters, pursuant to part 3 or part 4 of article 14 of title 15 or section 27-10-109 (4) or 27-10-125, C.R.S., an order specifically finding that the mental incompetency or insanity is of such a degree that the ~~person holding a license~~ LICENSEE is incapable of continuing to practice medicine OR PRACTICE AS A PHYSICIAN ASSISTANT, his OR HER license shall automatically be suspended by the board, and, anything in this article to the contrary notwithstanding, such suspension shall continue until the licensee is found by such court to be competent to practice medicine OR PRACTICE AS A PHYSICIAN ASSISTANT.

(9) (a) If the board has reasonable cause to believe that a ~~person licensed to practice medicine in this state is unable to practice medicine or that a person certified to practice as a physician assistant in this state~~ LICENSEE is unable to practice with reasonable skill and safety to patients because of a condition described in section 12-36-117 (1) (i) or (1) (o), it may require such licensee ~~or physician assistant~~ to submit to mental or physical examinations by physicians designated by the board. If a licensee ~~or physician assistant~~ fails to submit to such mental or physical examinations, the board may suspend the license ~~or certificate~~ until the required examinations are conducted.

(b) Every ~~person licensed to practice medicine or certified to practice as a physician assistant in this state~~ LICENSEE shall be deemed, by so practicing or by applying for annual registration of such person's license, ~~or certificate~~, to have consented to submit to mental or physical examinations when directed in writing by the board. Further, such person shall be deemed to have waived all objections to the admissibility of the examining physician's testimony or examination reports on the ground of privileged communication. Subject to applicable federal law, such ~~physician or physician assistant~~ LICENSEE shall be deemed to have waived all objections to the production of medical records to the board from health care providers ~~which~~ THAT may be necessary for the evaluations described in paragraph (a) of this subsection (9).

(11) A ~~person licensed to practice medicine~~ LICENSEE who, at the request of the board, examines another ~~person licensed to practice medicine~~ LICENSEE shall be immune from suit for damages by the person examined if the examining person conducted the examination and made his OR HER findings or diagnosis in good faith.

(13) Within thirty days after the board takes final action, which is of public record, to revoke or suspend a license ~~of a physician~~ or to place a licensee on probation based on competence or professional conduct, the board shall send notice thereof to any hospital in which the licensee has clinical privileges, as indicated by the licensee.

SECTION 8. 12-36-119, Colorado Revised Statutes, is amended to read:

12-36-119. Appeal of final board actions. When the board refuses to grant a license, imposes disciplinary action pursuant to section 12-36-118, or places a ~~physician~~ LICENSEE on probation, such action may be reviewed by the court of appeals pursuant to section 24-4-106 (11), C.R.S., unless the ~~physician~~ LICENSEE has

accepted a license subject to terms of probation as set forth in section 12-36-116 (3).

SECTION 9. 12-36-121, Colorado Revised Statutes, is amended to read:

12-36-121. Duplicates of license. The board is authorized to issue a duplicate license to any ~~person to whom a license to practice medicine in this state has been issued~~ LICENSEE, upon application, properly verified by oath, establishing to the satisfaction of the board that the original license has been lost or destroyed and upon payment to the board of a fee to be determined by regulation adopted by the board. No person shall be entitled to a duplicate license unless he OR SHE is a licensee in good standing.

SECTION 10. 12-36-123 (1) (a) and (2), Colorado Revised Statutes, are amended to read:

12-36-123. Procedure - registration - fees. (1) (a) The board shall establish procedures for the maintenance of licensee lists and the establishment of renewal fees and schedules, which fees and schedules shall be established subject to section 24-34-102 (8), C.R.S. Every licensee ~~and every certified physician assistant~~ shall pay the board a registration fee to be determined and collected pursuant to section 24-34-105, C.R.S., and shall obtain a registration certificate for the current renewal period.

(2) (a) The board shall mail notice of the provisions of this section, with the application for registration prescribed by the board, to each licensee at the last address shown on the board's records. Such mailing shall be made in accordance with the renewal schedule established pursuant to section 24-34-102 (8), C.R.S. If a licensee ~~or certified physician assistant~~ fails to pay the registration fee prescribed by subsection (1) of this section, the license ~~or certificate~~ of such licensee ~~or certificate holder~~ shall lapse and the name of the licensee ~~or certificate holder~~ shall be omitted from such list.

(b) When a licensee's license lapses, the licensee may file a board-approved application for reinstatement with the board and the license shall be reinstated subject to payment to the board of the renewal fee and a reinstatement fee determined by the board pursuant to section 24-34-105, C.R.S. If charges are made against the licensee pursuant to section 12-36-118, the board shall defer action on the pending application for reinstatement and proceed with a hearing on such charges in accordance with section 12-36-118. After such hearing, the board shall reinstate, further suspend, or revoke such license. The board shall not reinstate any license ~~to practice medicine~~ ~~which~~ THAT has lapsed for more than two years unless the applicant demonstrates continued professional competence in the manner prescribed by the board.

SECTION 11. 12-36-123.5 (3.5) (c) (VII), Colorado Revised Statutes, is amended to read:

12-36-123.5. Physicians' and physician assistants' peer health assistance fund. (3.5) (c) The board shall select one or more peer health assistance programs as designated providers. To be eligible for designation by the board a peer health assistance program shall:

(VII) Agree to make their services available to all licensed Colorado physicians and ~~certified~~ LICENSED Colorado physician assistants.

SECTION 12. 12-36-124, Colorado Revised Statutes, is amended to read:

12-36-124. Certification of licensing. Upon request therefor and the payment of a fee determined pursuant to section 24-34-105, C.R.S., the secretary of the board shall issue its certificate or endorsement with respect to the licensing of, and the official record of the board relating to, any licensee to whom a license ~~to practice medicine in this state~~ has been issued by this or any prior board; and, upon request therefor and the payment of a fee determined pursuant to section 24-34-105, C.R.S., the secretary shall issue a certificate evidencing that any such licensee is duly licensed. ~~to practice medicine in this state.~~

SECTION 13. 12-36-125 (2), Colorado Revised Statutes, is amended to read:

12-36-125. Division of fees - independent advertising or marketing agent.
(2) Violation of the provisions of this section shall constitute grounds for the suspension or revocation of a license ~~to practice medicine~~ or the placing of the holder thereof on probation.

SECTION 14. 12-36-133 (2), Colorado Revised Statutes, is amended to read:

12-36-133. Postmortem examinations by licensee - definition - application of this section. (2) Consent for a ~~licensed physician~~ LICENSEE to conduct a post mortem examination of the body of a deceased person shall be deemed sufficient when given by whichever one of the following assumes custody of the body for purposes of burial: Father, mother, husband, wife, child, guardian, next of kin, or, in the absence of any of the foregoing, a friend or a person charged by law with the responsibility for burial. If two or more such persons assume custody of the body, the consent of one of them shall be deemed sufficient.

SECTION 15. 12-36-135 (1), (2), and (3), Colorado Revised Statutes, are amended to read:

12-36-135. Injuries to be reported - penalty for failure to report - immunity from liability. (1) It shall be the duty of every ~~physician~~ LICENSEE who attends or treats a bullet wound, a gunshot wound, a powder burn, or any other injury arising from the discharge of a firearm, or an injury caused by a knife, an ice pick, or any other sharp or pointed instrument ~~which~~ THAT the ~~physician~~ LICENSEE believes to have been intentionally inflicted upon a person, or any other injury ~~which~~ THAT the ~~physician~~ LICENSEE has reason to believe involves a criminal act, including injuries resulting from domestic violence, to report such injury at once to the police of the city, town, or city and county or the sheriff of the county in which the ~~physician~~ LICENSEE is located. Any ~~physician~~ LICENSEE who fails to make a report as required by this section commits a class 2 petty offense, as defined by section 18-1-107, C.R.S., and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

(2) Any ~~physician~~ LICENSEE who, in good faith, makes a report pursuant to

subsection (1) of this section shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making of such report, and shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

(3) Any ~~physician~~ LICENSEE who makes a report pursuant to subsection (1) of this section shall not be subject to the physician-patient relationship described in section 13-90-107 (1) (d), C.R.S., as to the medical examination and diagnosis. Such ~~physician~~ LICENSEE may be examined as a witness, but not as to any statements made by the patient that are the subject matter of section 13-90-107 (1) (d), C.R.S.

SECTION 16. 12-36-137 (1), (2) (a), and (5), Colorado Revised Statutes, are amended to read:

12-36-137. Inactive license. (1) Any ~~person licensed to practice medicine~~ LICENSEE pursuant to section 12-36-114 may apply to the board to be transferred to an inactive status. Such application shall be in the form and manner designated by the board. The board may grant such status by issuing an inactive license or it may deny the application as set forth in section 12-36-116.

(2) Any person applying for a license under this section shall:

(a) Provide an affidavit to the board that the applicant, after a date certain, shall not practice medicine OR PRACTICE AS A PHYSICIAN ASSISTANT in this state unless the applicant is issued a license to practice medicine OR PRACTICE AS A PHYSICIAN ASSISTANT pursuant to subsection (5) of this section;

(5) Any person licensed under this section who wishes to resume the practice of medicine OR TO RESUME PRACTICE AS A PHYSICIAN ASSISTANT shall file an application in the form and manner the board shall designate, pay the license fee promulgated by the board pursuant to section 12-36-123, and meet the financial responsibility requirements promulgated by the board pursuant to section 13-64-301 (1), C.R.S. The board may approve such application and issue a license to practice medicine or may deny the application as set forth in section 12-36-116.

SECTION 17. 26-2-106 (6) (a), Colorado Revised Statutes, is amended to read:

26-2-106. Applications for public assistance. (6) (a) No application for aid to the needy disabled shall be approved until the applicant's medical condition has been certified by a physician licensed to practice medicine in this state. In addition to a physician, an applicant may be examined by a physician assistant ~~certified~~ LICENSED in this state, by an advanced practice nurse, or by a registered nurse licensed in this state who is functioning within the scope of such nurse's license and training. The supervising physician or the physician or nurse who conducted the examination shall certify in writing upon forms prescribed by the state department as to the diagnosis, prognosis, and other relevant medical or mental factors relating to the disability of the applicant. No applicant disabled as a result of a primary diagnosis of alcoholism or a controlled substance addiction shall be approved for aid to the needy disabled except as provided in section 26-2-111 (4) (e).

SECTION 18. 26-20-104 (1) (d), Colorado Revised Statutes, is amended to read:

26-20-104. Duties relating to use of restraint. (1) Notwithstanding the provisions of section 26-20-103, an agency that uses restraint shall ensure that:

(d) A chemical restraint shall be given only on the order of a physician who has determined, either while present during the course of the emergency justifying the use of the chemical restraint or after telephone consultation with a registered nurse, ~~certified~~ LICENSED physician assistant, or other authorized staff person who is present at the time and site of the emergency and who has participated in the evaluation of the individual, that such form of restraint is the least restrictive, most appropriate alternative available;

SECTION 19. 39-22-126 (2) (a), Colorado Revised Statutes, is amended to read:

39-22-126. Credit for health care professional practicing in rural health care professional shortage areas - legislative declaration - definitions. (2) As used in this section, unless the context otherwise requires:

(a) "Health care professional" means a physician, physician assistant, or advanced practice nurse who is licensed ~~or certified~~ as such under the laws of this state.

SECTION 20. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 28, 2001