

CHAPTER 171

**PROFESSIONS AND OCCUPATIONS**

**HOUSE BILL 02-1278**

BY REPRESENTATIVE(S) Stafford, Boyd, Kester, Mace, Marshall, and Williams S.;  
also SENATOR(S) Hanna, Hagedorn, and Hernandez.

**AN ACT**

**CONCERNING PHYSICIAN TRAINING LICENSES, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** The introductory portion to 12-36-106 (3) and 12-36-106 (3) (k), Colorado Revised Statutes, are amended, and the said 12-36-106 (3) is further 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 OR A PHYSICIAN TRAINING LICENSE under this article with respect to, any of the following acts:

(k) The rendering of services by students currently enrolled in an approved medical college; ~~interns, or residents in a hospital or other place as required by their approved educational program subject to the conditions and limitations provided by this article;~~

(v) THE RENDERING OF SERVICES BY ANY PERSON SERVING AN APPROVED INTERNSHIP, RESIDENCY, OR FELLOWSHIP AS DEFINED BY THIS ARTICLE FOR AN AGGREGATE PERIOD NOT TO EXCEED SIXTY DAYS.

**SECTION 2.** Part 1 of article 36 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

**12-36-110.5. Approved fellowship.** (1) AN APPROVED FELLOWSHIP IS A PROGRAM THAT MEETS THE FOLLOWING CRITERIA:

(a) IS SPECIALIZED, CLEARLY DEFINED, AND DELINEATED;

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

(b) FOLLOWS THE COMPLETION OF AN APPROVED RESIDENCY;

(c) PROVIDES ADDITIONAL TRAINING IN A MEDICAL SPECIALTY OR SUBSPECIALTY;  
AND

(d) IS EITHER:

(I) PERFORMED IN A HOSPITAL CONFORMING TO THE MINIMUM STANDARDS FOR FELLOWSHIP TRAINING ESTABLISHED BY THE ACCREDITATION COUNCIL FOR GRADUATE MEDICAL EDUCATION OR THE AMERICAN OSTEOPATHIC ASSOCIATION, OR BY A SUCCESSOR TO EITHER OF SAID ORGANIZATIONS; OR

(II) ANY OTHER PROGRAM THAT IS APPROVED BY THE ACCREDITATION COUNCIL FOR GRADUATE MEDICAL EDUCATION OR AMERICAN OSTEOPATHIC ASSOCIATION OR A SUCCESSOR TO EITHER OF SAID ORGANIZATIONS.

(2) THE BOARD HAS THE AUTHORITY, UPON ITS OWN INVESTIGATION, TO APPROVE ANY OTHER FELLOWSHIP FOR PURPOSES OF ISSUING A PHYSICIAN TRAINING LICENSE.

**12-36-122.5. Intern, resident, or fellow reporting.** (1) NOTWITHSTANDING ANY PROVISION OF 12-36-118 (10) TO THE CONTRARY, THE BOARD SHALL INFORM THE LICENSED PHYSICIANS RESPONSIBLE FOR THE SUPERVISION OF AN INTERN, RESIDENT, OR FELLOW OF ANY COMPLAINT RECEIVED IN WRITING RELATING TO THE INTERN, RESIDENT, OR FELLOW. THE BOARD SHALL ALSO INFORM THE PROGRAM SPONSORING SUCH INTERN, RESIDENT, OR FELLOW OF ACTIONS OF THE BOARD REGARDING SUCH COMPLAINT.

(2) THE BOARD IN ITS DISCRETION MAY RELEASE RECORDS THAT ARE NOT OTHERWISE PRIVILEGED OR CONFIDENTIAL BY LAW TO THE LICENSED PHYSICIANS RESPONSIBLE FOR THE SUPERVISION OF AN INTERN, RESIDENT, OR FELLOW, BUT ONLY IF SUCH PHYSICIAN AGREES IN WRITING NOT TO REDISCLOSE SUCH RECORDS OR THE INFORMATION CONTAINED THEREIN FOR USE OUTSIDE OF ANY PROCEEDING WITHIN THE PROGRAM OR PRACTICE SITE.

**SECTION 3.** 12-36-122, Colorado Revised Statutes, is amended to read:

**12-36-122. Physician training licenses.** (1) Any person serving an approved internship, ~~or~~ residency, OR FELLOWSHIP, as defined by this article, in a hospital in this state may do so for an aggregate period of up to six years UNDER THE AUTHORITY OF A PHYSICIAN TRAINING LICENSE ISSUED PURSUANT TO THIS SUBSECTION AND without a license to practice medicine ~~or the payment of any fee~~ ISSUED PURSUANT TO SECTION 12-36-107 OR 12-36-107.6.

(2) NO PERSON SHALL BE GRANTED A PHYSICIAN TRAINING LICENSE UNLESS SUCH PERSON MEETS THE FOLLOWING CRITERIA:

(a) THE PERSON HAS BEEN ACCEPTED INTO AND DEMONSTRATES THE INTENTION TO PARTICIPATE IN AN APPROVED INTERNSHIP, RESIDENCY, OR FELLOWSHIP, AS DEFINED BY THIS ARTICLE; AND

(b) THE PERSON IS NOT OTHERWISE LICENSED TO PRACTICE MEDICINE IN THIS

STATE.

(3) THE BOARD MAY REFRAIN FROM ISSUING A PHYSICIAN TRAINING LICENSE, OR MAY GRANT A PHYSICIAN TRAINING LICENSE SUBJECT TO TERMS OR PROBATION, FOR ANY OF THE REASONS LISTED IN SECTION 12-36-116 (1) (a), (1) (b), OR (1) (c). AN APPLICANT WHOSE PHYSICIAN TRAINING LICENSE IS DENIED OR IS GRANTED SUBJECT TO TERMS OF PROBATION MAY SEEK REVIEW PURSUANT TO SECTION 24-4-104 (9), C.R.S.; EXCEPT THAT, IF AN APPLICANT ACCEPTS A PHYSICIAN TRAINING LICENSE THAT IS SUBJECT TO TERMS OF PROBATION, SUCH ACCEPTANCE SHALL BE IN LIEU OF AND NOT IN ADDITION TO THE REMEDIES SET FORTH IN SECTION 24-4-104 (9), C.R.S.

(4) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, THE BOARD SHALL ISSUE A PHYSICIAN TRAINING LICENSE UPON RECEIPT OF A STATEMENT FROM THE APPROVED INTERNSHIP, RESIDENCY, OR FELLOWSHIP PROGRAM STATING THAT THE APPLICANT MEETS THE CRITERIA SET FORTH IN SUBSECTION (2) OF THIS SECTION AND THAT THE APPROVED INTERNSHIP, RESIDENCY, OR FELLOWSHIP ACCEPTS RESPONSIBILITY FOR THE APPLICANT'S TRAINING WHILE IN THE PROGRAM. THE STATEMENT SHALL BE SIGNED BY THE PROGRAM DIRECTOR, CLINICAL DIRECTOR, OR OTHER PHYSICIAN RESPONSIBLE FOR THE TRAINING OF THE APPLICANT. THE STATEMENT SHALL BE SUBMITTED TO THE BOARD NO LATER THAN THIRTY DAYS PRIOR TO THE DATE ON WHICH THE APPLICANT BEGINS THE APPROVED INTERNSHIP, RESIDENCY, OR FELLOWSHIP IN THIS STATE.

(5) WHERE FEASIBLE, THE APPLICANT SHALL SUBMIT A COMPLETED APPLICATION, ON A FORM APPROVED BY THE BOARD, ON OR BEFORE THE DATE ON WHICH THE APPLICANT BEGINS THE APPROVED INTERNSHIP, RESIDENCY, OR FELLOWSHIP IN THIS STATE. ANY PHYSICIAN TRAINING LICENSE GRANTED PURSUANT TO THIS SECTION SHALL EXPIRE IF A COMPLETED APPLICATION IS NOT RECEIVED BY THE BOARD SIXTY DAYS AFTER THE APPLICANT BEGINS THE APPROVED INTERNSHIP, RESIDENCY, OR FELLOWSHIP IN THIS STATE. THE BOARD MAY ESTABLISH AND CHARGE AN APPLICATION AND RENEWAL FEE NOT TO EXCEED FIFTY DOLLARS FOR SUCH PHYSICIAN TRAINING LICENSES PURSUANT TO SECTION 24-34-105, C.R.S. SUCH APPLICANTS AND RENEWAL APPLICANTS SHALL NOT BE REQUIRED TO PAY ANY FEE PURSUANT TO SECTION 12-36-123.5.

(6) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, SUCH PHYSICIAN TRAINING LICENSE SHALL BE SUBJECT TO RENEWAL AS SET FORTH IN SECTION 12-36-123 (1) (a) AND (1) (b). IN NO EVENT SHALL ANY PERSON HOLD A COLORADO PHYSICIAN TRAINING LICENSE FOR MORE THAN AN AGGREGATE PERIOD OF SIX YEARS.

(7) A PHYSICIAN TRAINING LICENSEE MAY PRACTICE MEDICINE AS DEFINED BY THIS ARTICLE WITH THE FOLLOWING RESTRICTIONS:

(a) A PHYSICIAN TRAINING LICENSEE SHALL BE AUTHORIZED TO PRACTICE MEDICINE ONLY UNDER THE SUPERVISION OF A PHYSICIAN LICENSED TO PRACTICE MEDICINE PURSUANT TO SECTION 12-36-107 OR 12-36-107.6 AND ONLY AS NECESSARY FOR THE PHYSICIAN TRAINING LICENSEE'S PARTICIPATION IN THE APPROVED INTERNSHIP, RESIDENCY, OR FELLOWSHIP DESIGNATED ON THE LICENSEE'S APPLICATION FOR A PHYSICIAN TRAINING LICENSE.

(b) (I) A PHYSICIAN TRAINING LICENSE SHALL EXPIRE:

(A) WITHIN SIXTY DAYS UNDER THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (5) OF THIS SECTION;

(B) AT THE TIME THE PHYSICIAN TRAINING LICENSEE CEASES TO PARTICIPATE IN THE APPROVED INTERNSHIP, RESIDENCY, OR FELLOWSHIP PROGRAM IDENTIFIED ON THE LICENSEE'S APPLICATION FORM; OR

(C) AT THE TIME THE PHYSICIAN TRAINING LICENSEE OBTAINS ANY OTHER LICENSE TO PRACTICE MEDICINE ISSUED BY THE BOARD.

(II) IF A PHYSICIAN TRAINING LICENSEE ENTERED AN APPROVED INTERNSHIP, RESIDENCY, OR FELLOWSHIP OTHER THAN THE APPROVED INTERNSHIP, RESIDENCY, OR FELLOWSHIP INDICATED ON THE LICENSEE'S APPLICATION, THE LICENSEE SHALL FILE A NEW APPLICATION WITH THE BOARD PURSUANT TO SUBSECTIONS (4) AND (5) OF THIS SECTION.

(c) A PHYSICIAN TRAINING LICENSEE SHALL NOT HAVE THE AUTHORITY TO DELEGATE THE RENDERING OF MEDICAL SERVICES TO A PERSON WHO IS NOT LICENSED TO PRACTICE MEDICINE PURSUANT TO SECTION 12-36-106 (3) (1) AND SHALL NOT HAVE THE AUTHORITY TO SUPERVISE PHYSICIAN ASSISTANTS AS PROVIDED BY SECTION 12-36-106 (5).

(d) THE ISSUANCE OF A PHYSICIAN TRAINING LICENSE SHALL NOT BE CONSTRUED TO REQUIRE THE BOARD TO ISSUE THE PHYSICIAN TRAINING LICENSEE A LICENSE TO PRACTICE MEDICINE PURSUANT TO SECTION 12-36-107 OR 12-36-107.6.

(8) A PHYSICIAN TRAINING LICENSEE MAY BE DISCIPLINED FOR UNPROFESSIONAL CONDUCT AS DEFINED IN SECTION 12-36-117, PURSUANT TO THE PROCEDURES OUTLINED IN SECTION 12-36-118.

(9) Licensed physicians responsible for the supervision of interns, ~~or~~ residents, OR FELLOWS in graduate training programs shall promptly report to the board anything concerning ~~an individual~~ A PHYSICIAN TRAINING LICENSEE in such programs ~~which~~ THAT would constitute a violation of this article. Such physicians shall also report to the board any ~~individual~~ PHYSICIAN TRAINING LICENSEE who has not progressed satisfactorily in the program. ~~or has been dismissed from the program for inadequate performance or ethical reasons~~ THE PHRASE "NOT PROGRESSED SATISFACTORILY IN THE PROGRAM" REFERS TO THOSE PHYSICIAN TRAINING LICENSEES WHO HAVE BEEN DISMISSED, SUSPENDED, OR PLACED ON PROBATION FOR REASONS THAT CONSTITUTE UNPROFESSIONAL CONDUCT AS DEFINED IN SECTION 12-36-117 UNLESS SUCH CONDUCT HAS BEEN REPORTED TO THE PEER HEALTH ASSISTANCE PROGRAM SET FORTH IN SECTION 12-36-123.5.

(10) LICENSED PHYSICIANS RESPONSIBLE FOR THE SUPERVISION OF INTERNS, RESIDENTS, OR FELLOWS IN GRADUATE TRAINING PROGRAMS SHALL REPORT TO THE BOARD NO LATER THAN THIRTY DAYS AFTER A PHYSICIAN TRAINING LICENSEE HAS BEEN TERMINATED OR HAS RESIGNED FROM THE APPROVED INTERNSHIP, RESIDENCY, OR FELLOWSHIP.

**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund

created in section 24-34-105, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 2002, the sum of three thousand two hundred twenty-eight dollars (\$3,228), or so much thereof as may be necessary, for the implementation of this act.

**SECTION 5. Effective date - applicability.** (1) 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, such 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 official declaration of the vote thereon by the proclamation of the governor.

(2) The provisions of this act shall apply to physician training licenses issued or renewed on or after the applicable effective date of this act.

Approved: May 24, 2002