

CHAPTER 233

HEALTH AND ENVIRONMENT

SENATE BILL 05-231

BY SENATOR(S) Johnson, Groff, Hanna, Hillman, Jones, Kester, Mitchell, Tapia, Tochtrop, Veiga, Fitz-Gerald, and Williams;
also REPRESENTATIVE(S) Plant, Stafford, Green, Hefley, Lindstrom, Madden, McGihon, Sullivan, Weissmann, Witwer, Berens,
Boyd, Buescher, Kerr, Merrifield, Todd, and Vigil.

AN ACT

**CONCERNING THE AUTHORITY OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO
INVESTIGATE ALLEGED MISCONDUCT BY CERTIFIED EMERGENCY MEDICAL TECHNICIANS.**

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

SECTION 1. Part 2 of article 3.5 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-3.5-205. Emergency medical technicians - investigations - discipline.

(1) (a) THE DEPARTMENT SHALL HAVE THE POWER TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT RECORDS AND DOCUMENTS TO INVESTIGATE ALLEGED MISCONDUCT BY CERTIFIED EMERGENCY MEDICAL TECHNICIANS.

(b) UPON FAILURE OF A WITNESS TO COMPLY WITH A SUBPOENA, THE DEPARTMENT MAY APPLY TO A DISTRICT COURT FOR AN ORDER REQUIRING THE PERSON TO APPEAR BEFORE THE DEPARTMENT OR AN ADMINISTRATIVE LAW JUDGE, TO PRODUCE THE RELEVANT RECORDS OR DOCUMENTS, OR TO GIVE TESTIMONY OR EVIDENCE TOUCHING THE MATTER UNDER INVESTIGATION OR IN QUESTION. WHEN SEEKING AN ORDER, THE DEPARTMENT SHALL APPLY TO THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON RESIDES OR CONDUCTS BUSINESS. THE COURT MAY PUNISH SUCH FAILURE AS A CONTEMPT OF COURT.

(2) AN EMERGENCY MEDICAL TECHNICIAN, THE EMPLOYER OF AN EMERGENCY MEDICAL TECHNICIAN, A MEDICAL DIRECTOR, AND A PHYSICIAN PROVIDING MEDICAL DIRECTION OF AN EMERGENCY MEDICAL TECHNICIAN SHALL REPORT TO THE DEPARTMENT ANY MISCONDUCT THAT IS KNOWN OR REASONABLY BELIEVED BY SUCH

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

PERSON TO HAVE OCCURRED.

(3) A PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DEPARTMENT, A WITNESS TESTIFYING, AND A PERSON OR EMPLOYER WHO REPORTS MISCONDUCT TO THE DEPARTMENT UNDER THIS SECTION SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT FOR ACTS OCCURRING WHILE TESTIFYING, PRODUCING EVIDENCE, OR REPORTING MISCONDUCT UNDER THIS SECTION, IF SUCH INDIVIDUAL OR EMPLOYER WAS ACTING IN GOOD FAITH AND WITH A REASONABLE BELIEF OF THE FACTS. A PERSON OR EMPLOYER PARTICIPATING IN GOOD FAITH IN AN INVESTIGATION OR AN ADMINISTRATIVE PROCEEDING PURSUANT TO THIS SECTION SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM SUCH PARTICIPATION.

(4) ALL RECORDS, DOCUMENTS, TESTIMONY, OR EVIDENCE OBTAINED UNDER THIS SECTION SHALL REMAIN CONFIDENTIAL EXCEPT TO THE EXTENT NECESSARY TO SUPPORT THE ADMINISTRATIVE ACTION TAKEN BY THE DEPARTMENT, TO REFER THE MATTER TO ANOTHER REGULATORY AGENCY, OR TO REFER THE MATTER TO A LAW ENFORCEMENT AGENCY FOR CRIMINAL PROSECUTION.

(5) FOR THE PURPOSES OF THIS SECTION:

(a) "MEDICAL DIRECTOR" MEANS A PHYSICIAN WHO SUPERVISES CERTIFIED EMERGENCY MEDICAL TECHNICIANS CONSISTENT WITH THE RULES ADOPTED BY THE BOARD OF MEDICAL EXAMINERS.

(b) "MISCONDUCT" MEANS AN ACTIVITY MEETING THE GOOD CAUSE FOR DISCIPLINARY SANCTIONS STANDARD, AS DEFINED BY THE BOARD.

SECTION 2. 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 (August 10, 2005, if adjournment sine die is on May 11, 2005); 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: June 1, 2005