



# Colorado Medical Society

*"Advocating excellence in the profession of medicine"*



COLORADO ACADEMY OF  
FAMILY PHYSICIANS



American College of  
Emergency Physicians®

ADVANCING EMERGENCY CARE 

February 7, 2017

Senator Kefalas;  
Senator Scott, Chairman; and  
Members of the State, Veterans and Military Affairs Committee:

It is on behalf of the physicians of **Colorado Medical Society, the Colorado Academy of Family Physicians and the Colorado Chapter of the American College of Emergency Physicians** that I write today.

First, we want express our gratitude to Senator Kefalas for his inclusive and intensive study of the issues being discussed relating to Free Standing Emergency Departments (FSEDs.) There are many nuances to the proper operation of FSEDs and Senator Kefalas brought many to light.

Unfortunately, we do need to express our **opposition to SB17-064** before you today. We believe FSEDs should be appropriately regulated and that consumers need education as to the differences between seeing a physician in their office, an urgent care facility, and FSED and a hospital based emergency department and their insurance coverage for each situation.

SB17-64 does so much more:

- It requires data collection, of which is already available while it further exacerbates the loophole of CCECs and FSEDs.

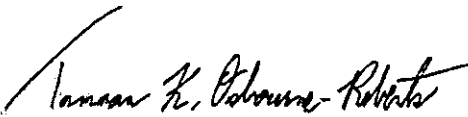
- Federal EMTALA requirements mandate that any patient who believes they may be experiencing an emergency be seen in an ER. Senator Kefalas requires that if the patients' "prudent layperson" identification of an emergency is deemed to be urgent versus emergent, the physician providing care cannot bill the patient for the level of services rendered.
- The bill would have the Board of Health develop "standards of care" which should only be developed by physicians trained and practicing such specialties.
- SB17-064 requires a board certified or board eligible emergency physician on site of at all times. This is unrealistic. There are simply not enough physicians meeting such qualification to staff every shift at every emergency department in Colorado. Family physicians and others often staff emergency departments, especially in rural areas that cannot sustain multiple physicians.
- The bill will set reimbursement rates and business model designs. The State of Colorado should not set reimbursement rates or mandate business models for any private business.

We, the physicians of Colorado stand ready to solve any substantiated issues related to FSEDs. In fact, in 2014 we asked that SB14-016 be brought before the legislature to close the loophole created in the CCEC regulatory scheme that would have prevented the proliferation of this new model of health care delivery. That bill was unsuccessful, and now we must embrace and allow FSEDs to operate with only appropriate and minimal regulation.

Respectfully,



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Chair, Council on Legislation  
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