

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB25-130 be amended as follows:

1 Amend the proposed committee amendment (SB130_L.006), page 4,
2 strike lines 14 through 43 and substitute:

3 **"(9) Investigation and penalty.** (a) THE DEPARTMENT MAY
4 INVESTIGATE A FACILITY THAT NEGLIGENTLY VIOLATES THIS SECTION
5 PURSUANT TO SECTION 25-1.5-103 (1)(a).

6 (b) (I) A PHYSICIAN WHO NEGLIGENTLY VIOLATES THIS SECTION
7 ENGAGES IN UNPROFESSIONAL CONDUCT AND IS SUBJECT TO DISCIPLINE
8 PURSUANT TO SECTION 12-240-121.

9 (II) THIS SUBSECTION (9)(b) APPLIES TO A PHYSICIAN WHO:

10 (A) SIGNS A CERTIFICATION PURSUANT TO SUBSECTION (6)(f)(II)
11 OF THIS SECTION THAT STATES THE MEDICAL BENEFITS REASONABLY
12 EXPECTED FROM APPROPRIATE MEDICAL TREATMENT AT ANOTHER
13 FACILITY OUTWEIGH THE INCREASED RISKS TO THE PATIENT FROM BEING
14 TRANSFERRED IF THE PHYSICIAN KNEW OR SHOULD HAVE KNOWN THE
15 BENEFITS DID NOT OUTWEIGH THE RISKS;

16 (B) MISREPRESENTS A PATIENT'S CONDITION OR OTHER
17 INFORMATION, INCLUDING A FACILITY'S OBLIGATIONS PURSUANT TO THIS
18 SECTION; OR

19 (C) IS THE ON-CALL PHYSICIAN AND FAILS OR REFUSES TO PRESENT
20 TO THE FACILITY WITHIN A REASONABLE PERIOD OF TIME PURSUANT TO
21 SUBSECTION (10)(c)(I)(B) OF THIS SECTION AFTER BEING CONTACTED.

22 (c) IF A CIVIL MONETARY PENALTY IS IMPOSED PURSUANT TO
23 SECTION 25-1.5-103 OR 12-240-121, THE MAXIMUM CIVIL MONETARY
24 PENALTY AMOUNT MUST BE REDUCED BY ANY CIVIL MONETARY PENALTY
25 IMPOSED PURSUANT TO THE FEDERAL "EMERGENCY MEDICAL TREATMENT
26 AND ACTIVE LABOR ACT", 42 U.S.C. 1395dd (d) FOR THE SAME
27 VIOLATION."

28 Page 6, after line 17 insert:

29 **"SECTION 2.** In Colorado Revised Statutes, 12-240-121, **add**
30 (1)(jj) as follows:

31 **12-240-121. Unprofessional conduct - definitions.**

32 (1) "Unprofessional conduct" as used in this article 240 means:

33 (jj) NEGLIGENTLY VIOLATING SECTION 25-3-132."

34 Renumber succeeding sections accordingly.

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