

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 12-0075.02 Jery Payne x2157

HOUSE BILL 12-1059

HOUSE SPONSORSHIP

Looper,

SENATE SPONSORSHIP

King K.,

House Committees

Economic and Business Development
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF A PERSON CREDENTIALLED IN**
102 **ANOTHER STATE WHOSE RESIDENCE IS DETERMINED BY**
103 **MILITARY ORDERS TO PRACTICE AN OCCUPATION REGULATED**
104 **BY COLORADO LAW.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill authorizes military spouses to practice in a regulated profession or occupation other than real estate for one year if the spouse

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unam ended
March 20, 2012

HOUSE
Am ended 2nd Reading
March 19, 2012

is licensed, registered, or certified to practice in another state; there is no other reason to deny the license; and the person consents to be governed by Colorado law. If applying for authority to continue to practice in Colorado, the applicant must notify the agency that the person is practicing in Colorado and include the contact information for the applicant's employer. If the agency denies the application, the agency notifies the employer. The director of the division of registrations may promulgate rules to implement the bill.

The bill also directs agencies to exempt regulated persons who are on active duty for more than 120 days from the requirement to pay certification fees and complete continuing education that became due during the period of active duty, with the exemption continuing for 6 months after the period of active duty. An agency may accept continuing medical education, training, or service from the armed services in satisfaction of Colorado continuing education requirements.

A service member or spouse who is an emergency medical service provider certified or licensed in another state is exempt from certification in Colorado. The term "emergency medical technician" is changed to "emergency medical service provider" to align with the trend in other states.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 71 to title
3 12 as follows:

4 **ARTICLE 71**

5 **Authority to Practice from Other States**

6 **12-71-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "AGENCY" MEANS AN AGENCY OF THE STATE THAT REGULATES
9 A PROFESSION OR OCCUPATION UNDER THIS TITLE.

10 (2) "AUTHORITY TO PRACTICE" OR "AUTHORIZED TO PRACTICE"
11 MEANS THE HOLDING OF A CURRENTLY VALID LICENSE TO PRACTICE IN A
12 PROFESSION OR OCCUPATION OR A CURRENTLY VALID CERTIFICATION OR
13 REGISTRATION NECESSARY TO PRACTICE IN A PROFESSION OR OCCUPATION
14 IF THE PERSON IS LICENSED, CERTIFIED, OR REGISTERED UNDER THIS TITLE

1 OR A SUBSTANTIALLY SIMILAR LAW IN ANOTHER STATE.

2 (3) "MILITARY SPOUSE" MEANS THE SPOUSE OF A PERSON WHO IS
3 ACTIVELY SERVING IN THE UNITED STATES ARMED FORCES AND WHO IS
4 STATIONED IN COLORADO IN ACCORDANCE WITH MILITARY ORDERS.

5 **12-71-102. Authority to practice - reciprocity.**

6 (1) NOTWITHSTANDING ANY OTHER ARTICLE OF THIS TITLE, A PERSON
7 NEED NOT OBTAIN AUTHORITY TO PRACTICE AN OCCUPATION OR
8 PROFESSION UNDER THIS TITLE DURING THE PERSON'S FIRST YEAR OF
9 RESIDENCE IN COLORADO IF:

10 (a) THE PERSON IS A MILITARY SPOUSE WHO IS AUTHORIZED TO
11 PRACTICE THAT OCCUPATION OR PROFESSION IN ANOTHER STATE;

12 (b) OTHER THAN THE PERSON'S LACK OF LICENSURE,
13 REGISTRATION, OR CERTIFICATION IN COLORADO, THERE IS NO BASIS TO
14 DISQUALIFY THE PERSON UNDER THIS TITLE; AND

15 (c) THE PERSON CONSENTS, AS A CONDITION OF PRACTICING IN
16 COLORADO, TO BE SUBJECT TO THE JURISDICTION AND DISCIPLINARY
17 AUTHORITY OF THE APPROPRIATE AGENCY.

18 (2) THIS SECTION DOES NOT PREVENT AN AGENCY FROM ENTERING
19 INTO A RECIPROCITY AGREEMENT WITH THE REGULATING AUTHORITY OF
20 ANOTHER STATE OR JURISDICTION IF OTHERWISE AUTHORIZED BY LAW.

21 (3) THIS SECTION DOES NOT APPLY TO AUTHORITY TO PRACTICE
22 UNDER ARTICLE 25, 28, 36, OR 61 OF THIS TITLE.

23 **12-71-103. Notice.** (1) **Agency.** IF A PERSON WHO IS PRACTICING
24 IN COLORADO UNDER SECTION 12-71-102 APPLIES FOR AUTHORITY TO
25 CONTINUE TO PRACTICE AFTER THE FIRST YEAR UNDER ANOTHER ARTICLE
26 OF THIS TITLE, THE APPLICANT SHALL NOTIFY THE AGENCY RECEIVING THE
27 APPLICATION OF THE FOLLOWING:

1 (a) THE APPLICANT IS CURRENTLY PRACTICING IN COLORADO
2 UNDER THIS ARTICLE;

3 (b) THE DATE THE APPLICANT BEGAN PRACTICING IN COLORADO;
4 AND

5 (c) THE NAME AND CONTACT INFORMATION OF ANY PERSON
6 EMPLOYING THE APPLICANT TO PRACTICE IN COLORADO.

7 (2) **Employer.** IF AN AGENCY DENIES THE APPLICATION FOR
8 AUTHORITY TO PRACTICE UNDER THIS TITLE, THE AGENCY SHALL NOTIFY
9 THE EMPLOYER THAT THE PERSON WAS DENIED AUTHORITY TO CONTINUE
10 TO PRACTICE UNDER THIS TITLE.

11 **12-71-104. Continuing education - regulated service members**

12 **- rules.** (1) AN AGENCY MAY ACCEPT, FROM A PERSON WITH AUTHORITY
13 TO PRACTICE, CONTINUING EDUCATION, TRAINING, OR SERVICE COMPLETED
14 AS A MEMBER OF THE ARMED FORCES OR RESERVES OF THE UNITED
15 STATES, THE NATIONAL GUARD OF ANY STATE, THE MILITARY RESERVES
16 OF ANY STATE, OR THE NAVAL MILITIA OF ANY STATE TOWARD THE
17 EDUCATIONAL QUALIFICATIONS TO RENEW THE PERSON'S AUTHORITY TO
18 PRACTICE.

19 (2) AN AGENCY MAY PROMUGATE RULES ESTABLISHING
20 EDUCATIONAL STANDARDS AND PROCEDURES NECESSARY TO IMPLEMENT
21 THIS SECTION.

22 **12-71-105. Rules.** THE DIRECTOR OF THE DIVISION OF
23 REGISTRATIONS MAY PROMULGATE RULES REASONABLY NECESSARY TO
24 IMPLEMENT THIS ARTICLE.

25 **12-71-106. General application - rules.** BY JULY 1, 2013, THE
26 DIVISION OF REGISTRATIONS SHALL DETERMINE IF PUBLIC SAFETY WOULD
27 SUFFER BY EXPANDING THE AUTHORITY TO PRACTICE BEYOND MILITARY

1 PERSONNEL AND MILITARY SPOUSES. IF THE DIVISION OF REGISTRATIONS
2 DOES NOT FIND THAT THE PUBLIC SAFETY WOULD SUFFER, THE DIVISION OF
3 REGISTRATIONS SHALL PROMULGATE RULES AUTHORIZING ANY PERSON
4 AUTHORIZED TO PRACTICE IN ANOTHER STATE TO PRACTICE IN
5 ACCORDANCE WITH THIS ARTICLE REGARDLESS OF WHETHER THE PERSON
6 IS A MILITARY SPOUSE. THE DIVISION OF REGISTRATIONS MAY EXCLUDE
7 ANY PROFESSION OR OCCUPATION IF IT FINDS THAT APPLICATION OF THIS
8 ARTICLE WOULD INCREASE THE RISK TO PUBLIC SAFETY.

9 **SECTION 2.** In Colorado Revised Statutes, 25-3.5-201, **amend**
10 (2) as follows:

11 **25-3.5-201. Training programs.** (2) The department shall
12 distribute the curricula and teaching aids to training institutions and
13 hospitals upon request from a recognized training group or hospital. If
14 ~~any~~ A county is unable to arrange for necessary training programs, the
15 department shall arrange ~~such~~ A TRAINING program within the immediate
16 vicinity of the agency requesting ~~such~~ THE program. The department shall
17 issue emergency medical ~~technician~~ SERVICE PROVIDER certificates
18 ~~pursuant to~~ IN ACCORDANCE WITH section 25-3.5-203 (1) and may issue
19 certificates of successful course completion to those individuals who
20 successfully complete other emergency medical services training
21 programs of the department. ~~Such~~ THE programs may provide for the
22 training of emergency medical dispatchers, emergency medical services
23 instructors, emergency medical services coordinators, and other personnel
24 who provide emergency medical services. The receipt of ~~such~~ a THE
25 certificate of course completion ~~shall~~ IS not ~~be~~ deemed state licensure,
26 approval, or a determination of competency.

27 **SECTION 3.** In Colorado Revised Statutes, **amend** 25-3.5-202

1 as follows:

2 **25-3.5-202. Personnel - basic requirements.** Emergency
3 medical personnel employed or utilized in connection with an ambulance
4 service shall meet the qualifications established, by resolution, by the
5 board of county commissioners of the county in which the ambulance is
6 based in order to be certified. For ambulance drivers, the minimum
7 requirements shall include the possession of a valid driver's license and
8 other requirements to be established by the board by rule pursuant to
9 UNDER section 25-3.5-308; for any person responsible for providing direct
10 emergency medical care and treatment to patients transported in an
11 ambulance, the minimum requirement shall be IS possession of an
12 emergency medical technician SERVICE PROVIDER certificate issued by the
13 department. In the case of an emergency in any AN ambulance service
14 area where no person possessing the qualifications required by this
15 section is present or available to respond to a call for the emergency
16 transportation of patients by ambulance, any person may operate such THE
17 ambulance to transport any sick, injured, or otherwise incapacitated or
18 helpless person in order to stabilize the medical condition of such THE
19 person pending the availability of medical care.

20 **SECTION 4.** In Colorado Revised Statutes, 25-3.5-203, **amend**
21 (1) (a.5), (1) (b) introductory portion, (1) (c) (I), (1) (c) (II), (4) (a), (4) (b)
22 (I), and (4) (c) (I) (A); and **add** (1) (d) as follows:

23 **25-3.5-203. Emergency medical service providers -**
24 **certification - renewal of certificate - duties of department - rules -**
25 **criminal history record checks.** (1) (a.5) ~~On and after January 1, 2011,~~
26 The executive director or chief medical officer shall regulate the acts
27 emergency medical technicians SERVICE PROVIDERS are authorized to

1 perform subject to the medical direction of a licensed physician. The
2 executive director or chief medical officer, after considering the advice
3 and recommendations of the advisory council, shall adopt and revise
4 rules, as necessary, regarding the regulation of emergency medical
5 ~~technicians~~ SERVICE PROVIDERS and their duties and functions. ~~The~~
6 ~~executive director or chief medical officer may adopt the rules prior to~~
7 ~~January 1, 2011, but the rules shall not take effect until January 1, 2011,~~
8 ~~or later.~~

9 (b) The department shall certify emergency medical ~~technicians~~
10 SERVICE PROVIDERS. The board shall adopt rules for the certification of
11 emergency medical ~~technicians~~ Such SERVICE PROVIDERS. THE rules shall
12 MUST include ~~but not be limited to~~, the following:

13 (c) (I) The department may issue a provisional certification to an
14 applicant for certification as an emergency medical ~~technician~~ SERVICE
15 PROVIDER who requests issuance of a provisional certification and who
16 pays any fee authorized ~~pursuant to~~ UNDER rules adopted by the board. A
17 provisional certification ~~shall be~~ IS valid for not more than ninety days.

18 (II) The department ~~may~~ SHALL NOT issue a provisional
19 certification ~~only if~~ UNLESS the applicant satisfies the requirements for
20 certification ~~pursuant to~~ IN ACCORDANCE WITH this section and rules
21 adopted by the board ~~pursuant to~~ UNDER this subsection (1). If the
22 department finds that an emergency medical ~~technician~~ SERVICE
23 PROVIDER that has received a provisional certification has violated any
24 requirements for certification, the department may impose disciplinary
25 sanctions ~~pursuant to~~ UNDER subparagraph (IV) of paragraph (b) of this
26 subsection (1).

27 (d) (I) THE DEPARTMENT SHALL EXEMPT CERTIFIED EMERGENCY

1 MEDICAL SERVICE PROVIDERS WHO HAVE BEEN CALLED TO FEDERALLY
2 FUNDED ACTIVE DUTY FOR MORE THAN ONE HUNDRED TWENTY DAYS TO
3 SERVE IN A WAR, EMERGENCY, OR CONTINGENCY FROM THE PAYMENT OF
4 CERTIFICATION FEES AND FROM CONTINUING EDUCATION OR
5 PROFESSIONAL COMPETENCY REQUIREMENTS OF THIS ARTICLE FOR A
6 RENEWAL DATE DURING THE SERVICE OR THE SIX MONTHS AFTER THE
7 COMPLETION OF SERVICE.

8 (II) UPON PRESENTATION OF SATISFACTORY EVIDENCE BY AN
9 APPLICANT FOR RENEWAL OF CERTIFICATION, THE DEPARTMENT MAY
10 ACCEPT CONTINUING MEDICAL EDUCATION, TRAINING, OR SERVICE
11 COMPLETED BY AN INDIVIDUAL AS A MEMBER OF THE ARMED FORCES OR
12 RESERVES OF THE UNITED STATES, THE NATIONAL GUARD OF ANY STATE,
13 THE MILITARY RESERVES OF ANY STATE, OR THE NAVAL MILITIA OF ANY
14 STATE TOWARD THE QUALIFICATIONS TO RENEW THE INDIVIDUAL'S
15 CERTIFICATION.

16 (III) AN INDIVIDUAL SERVING IN THE ARMED SERVICES OF THE
17 UNITED STATES OR THE SPOUSE OF THE INDIVIDUAL MAY APPLY FOR
18 CERTIFICATION UNDER THIS ARTICLE WHILE STATIONED WITHIN THIS
19 STATE. THE INDIVIDUAL OR SPOUSE IS EXEMPT FROM THE INITIAL
20 CERTIFICATION REQUIREMENTS IN THIS ARTICLE, EXCEPT FOR THOSE IN
21 SUBSECTION (4) OF THIS SECTION IF THE PERSON HOLDS A VALID
22 CERTIFICATE OR LICENSE TO PROVIDE EMERGENCY MEDICAL SERVICES
23 FROM ANOTHER STATE, THE CERTIFICATE OR LICENSE IS CURRENT, AND
24 THE PERSON IS IN GOOD STANDING.

25 (IV) THE BOARD SHALL PROMULGATE RULES TO IMPLEMENT THIS
26 PARAGRAPH (d), INCLUDING THE CRITERIA AND EVIDENCE FOR
27 ACCEPTABLE CONTINUING MEDICAL EDUCATION AND TRAINING OR

1 SERVICE.

2 (4) (a) The department may, with reasonable cause, acquire a
3 fingerprint-based criminal history record check from the Colorado bureau
4 of investigation ~~for the purpose of investigating~~ TO INVESTIGATE the
5 holder of or applicant for an emergency medical ~~technician~~ SERVICE
6 PROVIDER certificate. The department may acquire a name-based criminal
7 history record check for a certificate holder or an applicant who has twice
8 submitted to a fingerprint-based criminal history record check and whose
9 fingerprints are unclassifiable.

10 (b) (I) Any government entity that employs a person as or allows
11 a person to volunteer as an emergency medical ~~technician~~ SERVICE
12 PROVIDER in a position ~~that would require~~ REQUIRING direct contact with
13 ~~any patient~~ PATIENTS shall require all volunteer and employed emergency
14 medical ~~technicians~~ SERVICE PROVIDERS, who have lived in the state for
15 three years or less at the time of the initial certification or certification
16 renewal, to submit to a federal bureau of investigation fingerprint-based
17 national criminal history record check ~~for the purpose of determining~~ TO
18 DETERMINE eligibility for employment. Each emergency medical
19 ~~technician~~ SERVICE PROVIDER required to submit to a federal bureau of
20 investigation fingerprint-based national criminal history record check
21 shall obtain a complete set of fingerprints taken by a local law
22 enforcement agency or another entity designated by the department. The
23 local law enforcement agency or other ~~such~~ designated entity that took the
24 fingerprints shall transmit them to the Colorado bureau of investigation,
25 which shall in turn forward them to the federal bureau of investigation for
26 a national criminal history record check. The department or other
27 authorized government entity ~~shall be~~ IS the authorized agency to receive

1 and disseminate information regarding the result of ~~any~~ A national
2 criminal history record check. ~~Any such~~ EACH ENTITY HANDLING THE
3 national criminal history record check shall ~~be handled in accordance~~
4 COMPLY with Pub.L. 92-544, as amended. Each government entity acting
5 as the authorized recipient of the result of ~~any~~ A national criminal history
6 record check shall forward the result of ~~any such~~ THE initial national
7 criminal history record check and any subsequent notification of activity
8 on the record to the department ~~for the purpose of determining~~ TO
9 DETERMINE the individual's eligibility for initial certification or
10 certification renewal.

11 (c) (I) (A) ~~Any~~ A government entity or ~~any~~ private, not-for-profit,
12 or for-profit organization that employs a person or allows a person to
13 volunteer as an emergency medical ~~technician~~ SERVICE PROVIDER in a
14 position ~~that would require~~ REQUIRING direct contact with ~~any patient~~
15 PATIENTS shall require all volunteer and employed emergency medical
16 ~~technicians~~ SERVICE PROVIDERS, who have lived in the state for more than
17 three years at the time of initial certification or certification renewal, to
18 submit to a fingerprint-based criminal history record check by the
19 Colorado bureau of investigation ~~for the purpose of determining~~ TO
20 DETERMINE eligibility for employment. The organization shall forward the
21 result of ~~any such~~ THE criminal history record check and any subsequent
22 notification of activity on the record to the department ~~for the purpose of~~
23 ~~determining~~ TO DETERMINE eligibility for initial certification or
24 certification renewal.

25 **SECTION 5.** In Colorado Revised Statutes, 25-3.5-205, **amend**
26 (1) (a), (2), and (5) (a) as follows:

27 **25-3.5-205. Emergency medical service providers -**

1 **investigations - discipline.** (1) (a) The department ~~shall have the power~~
2 ~~to~~ MAY administer oaths, take affirmations of witnesses, and issue
3 subpoenas to compel the attendance of witnesses and the production of
4 all relevant records and documents to investigate alleged misconduct by
5 certified emergency medical ~~technicians~~ SERVICE PROVIDERS.

6 (2) An emergency medical ~~technician~~ SERVICE PROVIDER, the
7 employer of an emergency medical ~~technician~~ SERVICE PROVIDER, a
8 medical director, and a physician providing medical direction of an
9 emergency medical ~~technician~~ SERVICE PROVIDER shall report to the
10 department any misconduct that is known or reasonably believed by ~~such~~
11 THE person to have occurred.

12 (5) For the purposes of this section:

13 (a) "Medical director" means a physician who supervises certified
14 emergency medical ~~technicians~~ SERVICE PROVIDERS consistent with the
15 rules adopted by the executive director or chief medical officer, as
16 applicable, ~~pursuant to~~ UNDER section 25-3.5-206.

17 **SECTION 6.** In Colorado Revised Statutes, 25-3.5-206, **amend**
18 (1), (2)(a) introductory portion, (2) (a) (I) (D), (2) (a) (I) (E), (2) (a) (I)
19 (F), (3) introductory portion, (3) (a), (3) (c), (4) (a) introductory portion,
20 (4) (a) (I), and (4) (a) (II) as follows:

21 **25-3.5-206. Emergency medical practice advisory council -**
22 **creation - powers and duties - emergency medical service provider**
23 **scope of practice rules.** (1) There is hereby created within the
24 department, as a **type 2** entity under the direction of the executive director
25 of the department, the emergency medical practice advisory council,
26 referred to in this part 2 as the "advisory council". The advisory council
27 is responsible for advising the department regarding the appropriate scope

1 of practice for emergency medical ~~technicians~~ SERVICE PROVIDERS
2 certified ~~pursuant to~~ UNDER section 25-3.5-203.

3 (2) (a) The emergency medical practice advisory council ~~shall~~
4 ~~consist~~ CONSISTS of the following eleven members:

5 (I) Eight voting members appointed by the governor as follows:

6 (D) One emergency medical ~~technician~~ SERVICE PROVIDER
7 certified at an advanced life support level who is actively involved in the
8 provision of emergency medical services;

9 (E) One emergency medical ~~technician~~ SERVICE PROVIDER
10 certified at a basic life support level who is actively involved in the
11 provision of emergency medical services; and

12 (F) One emergency medical ~~technician~~ SERVICE PROVIDER
13 certified at any level who is actively involved in the provision of
14 emergency medical services;

15 (3) The advisory council shall provide general technical expertise
16 on matters related to the provision of patient care by emergency medical
17 ~~technicians~~ SERVICE PROVIDERS and shall advise or make
18 recommendations to the department in the following areas:

19 (a) The acts and medications that certified emergency medical
20 ~~technicians~~ SERVICE PROVIDERS at each level of certification are
21 authorized to perform or administer under the direction of a physician
22 medical director;

23 (c) Modifications to emergency medical ~~technician~~ SERVICE
24 PROVIDER certification levels and capabilities; and

25 (4) (a) The executive director or, if the executive director is not
26 a physician, the chief medical officer shall adopt rules in accordance with
27 article 4 of title 24, C.R.S., concerning the scope of practice of emergency

1 medical ~~technicians~~ SERVICE PROVIDERS for prehospital care. The rules
2 ~~shall~~ MUST include ~~but not be limited to~~, the following:

3 (I) Allowable acts for each level of emergency medical ~~technician~~
4 SERVICE PROVIDER certification and the medications that each level of
5 emergency medical ~~technician~~ SERVICE PROVIDER certification can
6 administer;

7 (II) Defining the physician medical direction ~~that is~~ required for
8 appropriate oversight of an emergency medical ~~technician~~ SERVICE
9 PROVIDER by an emergency medical services medical director;

10 **SECTION 7.** In Colorado Revised Statutes, 12-36-106, **amend**
11 (3) introductory portion and (3) (y) as follows:

12 **12-36-106. Practice of medicine defined - exemptions from**
13 **licensing requirements - unauthorized practice by physician**
14 **assistants - penalties - rules.** (3) A person may engage in, and ~~shall~~ IS
15 not ~~be~~ required to obtain a license or a physician training license under
16 this article with respect to, any of the following acts:

17 (y) The rendering of services by an emergency medical ~~technician~~
18 SERVICE PROVIDER certified ~~pursuant to~~ UNDER section 25-3.5-203,
19 C.R.S., ~~as long as~~ IF the services rendered are consistent with rules
20 adopted by the executive director or chief medical officer, as applicable,
21 ~~pursuant to~~ UNDER section 25-3.5-206, C.R.S., defining the duties and
22 functions of emergency medical ~~technicians~~ SERVICE PROVIDERS.

23 **SECTION 8.** In Colorado Revised Statutes, 13-21-108.2, **amend**
24 (1), (2) introductory portion, and (2) (b) as follows:

25 **13-21-108.2. Persons rendering emergency assistance -**
26 **competitive sports - exemption from civil liability.** (1) (a) Except as
27 provided in subsection (2) of this section, a person licensed as a

1 physician, osteopath, chiropractor, nurse, physical therapist, podiatrist,
2 dentist, or optometrist or certified as an emergency medical ~~technician~~
3 SERVICE PROVIDER under part 2 of article 3.5 of title 25, C.R.S., who, in
4 good faith and without compensation, renders emergency care or
5 emergency assistance, including ~~but not limited to~~ sideline or on-field
6 care as a team health care provider, to an individual requiring emergency
7 care or emergency assistance as a result of having engaged in a
8 competitive sport is not liable for civil damages as a result of acts or
9 omissions by the physician, osteopath, chiropractor, nurse, physical
10 therapist, podiatrist, dentist, or optometrist or person certified as an
11 emergency medical ~~technician~~ SERVICE PROVIDER under part 2 of article
12 3.5 of title 25, C.R.S.

13 (b) The provisions of this subsection (1) ~~shall~~ apply to the
14 rendering of emergency care or emergency assistance to a minor even if
15 the physician, osteopath, chiropractor, nurse, physical therapist, podiatrist,
16 dentist, or optometrist or the person certified as an emergency ~~technician~~
17 SERVICE PROVIDER under part 2 of article 3.5 of title 25, C.R.S., does not
18 obtain permission from the parent or legal guardian of the minor before
19 rendering the care or assistance; except that, if a parent or guardian
20 refuses the rendering of emergency care, this subsection (1) ~~shall~~ DOES
21 not apply.

22 (2) The exemption from civil liability described in subsection (1)
23 of this section ~~shall~~ DOES not apply to:

24 (b) Acts or omissions that are outside the scope of the license held
25 by the physician, osteopath, chiropractor, nurse, physical therapist,
26 podiatrist, dentist, or optometrist or outside the scope of the certificate
27 held by a person who is certified as an emergency medical ~~technician~~

1 SERVICE PROVIDER under part 2 of article 3.5 of title 25, C.R.S.

2 **SECTION 9.** In Colorado Revised Statutes, 15-18.6-101, **amend**
3 (3) as follows:

4 **15-18.6-101. Definitions.** As used in this article, unless the
5 context otherwise requires:

6 (3) "Emergency medical service personnel" means ~~any~~ A
7 emergency medical ~~technician~~ SERVICE PROVIDER at any level who is
8 certified or licensed by the department of public health and environment.

9 "Emergency medical service personnel" includes a first responder
10 certified by the department of public health and environment or the
11 division of fire safety in the office of preparedness, security, and fire
12 safety in the department of public safety, in accordance with section
13 24-33.5-1205 (2) (c), C.R.S.

14 **SECTION 10.** In Colorado Revised Statutes, 15-18.7-102,
15 **amend** (8) as follows:

16 **15-18.7-102. Definitions.** As used in this article, unless the
17 context otherwise requires:

18 (8) "Emergency medical service personnel" means an emergency
19 medical ~~technician~~ SERVICE PROVIDER who is certified or licensed by the
20 department of public health and environment, created and existing
21 ~~pursuant to~~ UNDER section 25-1-102, C.R.S., or ~~any~~ A first responder
22 certified by the department of public health and environment or the
23 division of fire safety in the office of preparedness, security, and fire
24 safety in the department of public safety, in accordance with part 12 of
25 article 33.5 of title 24, C.R.S.

26 **SECTION 11.** In Colorado Revised Statutes, 18-1.3-501, **amend**
27 (1.5) as follows:

1 **18-1.3-501. Misdemeanors classified - penalties.** (1.5) (a) If a
2 defendant is convicted of assault in the third degree ~~pursuant to~~ UNDER
3 section 18-3-204 and the victim is a peace officer, emergency medical
4 ~~technician~~ SERVICE PROVIDER, emergency medical care provider, or
5 firefighter engaged in the performance of his or her duties,
6 notwithstanding ~~the provisions of~~ subsection (1) of this section, the court
7 shall sentence the defendant to a term of imprisonment greater than the
8 maximum sentence but no more than twice the maximum sentence
9 authorized for the same crime when the victim is not a peace officer,
10 emergency medical ~~technician~~ SERVICE PROVIDER, emergency medical
11 care provider, or firefighter engaged in the performance of his or her
12 duties. In addition to ~~such~~ THE term of imprisonment, the court may
13 impose a fine on the defendant ~~pursuant to~~ UNDER subsection (1) of this
14 section. At any time after sentencing and ~~prior to~~ BEFORE the discharge
15 of the defendant's sentence, the victim may request that the defendant
16 participate in restorative justice practices with the victim. If the defendant
17 accepts responsibility for and expresses remorse for his or her actions and
18 is willing to repair the harm caused by his or her actions, an individual
19 responsible for the defendant's supervision shall make the necessary
20 arrangements for the restorative justice practices requested by the victim.

21 (b) As used in this section, "peace officer, emergency medical
22 ~~technician~~ SERVICE PROVIDER, emergency medical care provider, or
23 firefighter engaged in the performance of his or her duties" means a peace
24 officer as described in section 16-2.5-101, C.R.S., emergency medical
25 ~~technician~~ SERVICE PROVIDER as defined in part 1 of article 3.5 of title 25,
26 C.R.S., emergency medical care provider as defined by section 18-3-204
27 (4), or a firefighter as defined in section 18-3-201 (1), who is engaged or

1 acting in or who is present ~~for the purpose of engaging~~ TO ENGAGE or
2 ~~acting~~ ACT in the performance of ~~any~~ A duty, service, or function
3 imposed, authorized, required, or permitted by law to be performed by a
4 peace officer, emergency medical ~~technician~~ SERVICE PROVIDER,
5 emergency medical care provider, or firefighter, whether or not the peace
6 officer, emergency medical ~~technician~~ SERVICE PROVIDER, emergency
7 medical care provider, or firefighter is within the territorial limits of his
8 or her jurisdiction, if the peace officer, emergency medical ~~technician~~
9 SERVICE PROVIDER, emergency medical care provider, or firefighter is in
10 uniform or the person committing an assault upon or offense against or
11 otherwise acting toward ~~such~~ THE peace officer, emergency medical
12 ~~technician~~ SERVICE PROVIDER, emergency medical care provider, or
13 firefighter knows or reasonably should know that the victim is a peace
14 officer, emergency medical ~~technician~~ SERVICE PROVIDER, emergency
15 medical care provider, or firefighter or if the peace officer, emergency
16 medical ~~technician~~ SERVICE PROVIDER, emergency medical care provider,
17 or firefighter is intentionally assaulted in retaliation for the performance
18 of his or her official duties.

19 **SECTION 12.** In Colorado Revised Statutes, 18-3-106, **amend**
20 (4) (d) as follows:

21 **18-3-106. Vehicular homicide.** (4) (d) No person except a
22 physician, a registered nurse, a paramedic as certified in part 2 of article
23 3.5 of title 25, C.R.S., an emergency medical ~~technician~~ SERVICE
24 PROVIDER as defined in part 1 of article 3.5 of title 25, C.R.S., or a person
25 whose normal duties include withdrawing blood samples under the
26 supervision of a physician or registered nurse ~~shall be~~ IS entitled to
27 withdraw blood for the purpose of determining the alcoholic or drug

1 content ~~therein~~ OF THE BLOOD FOR PURPOSES OF THIS SECTION. In ~~any~~ A
2 trial for a violation of paragraph (b) of subsection (1) of this section,
3 testimony of a law enforcement officer that he OR SHE witnessed the
4 taking of a blood specimen by a person who he OR SHE reasonably
5 believed was authorized to withdraw blood specimens ~~shall be~~ IS
6 sufficient evidence that ~~such~~ THE person was ~~so~~ authorized, and testimony
7 from the person who obtained the blood specimens concerning ~~such~~ THE
8 person's authorization to obtain blood specimens ~~shall~~ IS not ~~be~~ a
9 prerequisite to the admissibility of test results concerning the blood
10 specimens obtained. No civil liability shall attach to any person
11 authorized to obtain blood, breath, saliva, or urine specimens or to any
12 hospital, clinic, or association in or for which such specimens are
13 obtained pursuant to this subsection (4) as a result of the act of obtaining
14 ~~such~~ THE specimens from ~~any~~ A person if ~~such~~ THE specimens were
15 obtained according to the rules ~~and regulations~~ prescribed by the state
16 board of health; except that such provision ~~shall~~ DOES not relieve ~~any~~
17 ~~such~~ THE person from liability for negligence in ~~the~~ obtaining ~~of~~ any
18 specimen sample.

19 **SECTION 13.** In Colorado Revised Statutes, 18-3-204, **amend**
20 (1) (b) as follows:

21 **18-3-204. Assault in the third degree.** (1) A person commits the
22 crime of assault in the third degree if:

23 (b) The person, with intent to infect, injure, harm, harass, annoy,
24 threaten, or alarm another person whom the actor knows or reasonably
25 should know to be a peace officer, a firefighter, an emergency medical
26 care provider, or an emergency medical ~~technician~~ SERVICE PROVIDER,
27 causes ~~such~~ THE other person to come into contact with blood, seminal

1 fluid, urine, feces, saliva, mucus, vomit, or ~~any~~ toxic, caustic, or
2 hazardous material by any means, including ~~but not limited to~~ throwing,
3 tossing, or expelling ~~such~~ THE fluid or material.

4 **SECTION 14.** In Colorado Revised Statutes, 18-3-205, **amend**
5 (4) (d) as follows:

6 **18-3-205. Vehicular assault.** (4) (d) No person except a
7 physician, a registered nurse, a paramedic as certified in part 2 of article
8 3.5 of title 25, C.R.S., an emergency medical ~~technician~~ SERVICE
9 PROVIDER as defined in part 1 of article 3.5 of title 25, C.R.S., or a person
10 whose normal duties include withdrawing blood samples under the
11 supervision of a physician or registered nurse ~~shall be~~ IS entitled to
12 withdraw blood ~~for the purpose of determining~~ TO DETERMINE the
13 alcoholic or drug content ~~therein~~ OF THE BLOOD FOR PURPOSES OF THIS
14 SECTION. In ~~any~~ A trial for a violation of paragraph (b) of subsection (1)
15 of this section, testimony of a law enforcement officer that ~~he~~ THE
16 OFFICER witnessed the taking of a blood specimen by a person who ~~he~~
17 THE OFFICER reasonably believed was authorized to withdraw blood
18 specimens ~~shall be~~ IS sufficient evidence that ~~such~~ THE person was ~~so~~
19 authorized, and testimony from the person who obtained the blood
20 specimens concerning ~~such~~ THE person's authorization to obtain blood
21 specimens ~~shall~~ IS not ~~be~~ a prerequisite to the admissibility of test results
22 concerning the blood specimens obtained. No civil liability shall attach
23 to ~~any~~ A person authorized to obtain blood, breath, saliva, or urine
24 specimens or to ~~any~~ A hospital, clinic, or association in or for which ~~such~~
25 THE specimens are obtained ~~pursuant to~~ IN ACCORDANCE WITH this
26 subsection (4) as a result of the act of obtaining ~~such~~ THE specimens from
27 any person if ~~such~~ THE specimens were obtained according to the rules

1 ~~and regulations~~ prescribed by the state board of health; except that ~~such~~
2 THE provision ~~shall~~ DOES not relieve ~~any such~~ THE person from liability
3 for negligence in ~~the~~ obtaining of ~~any~~ THE specimen sample.

4 **SECTION 15.** In Colorado Revised Statutes, 18-4-412, **amend**
5 (2) (a) as follows:

6 **18-4-412. Theft of medical records or medical information -**
7 **penalty.** (2) As used in this section:

8 (a) "Medical record" means the written or graphic documentation,
9 sound recording, or computer record pertaining to medical, mental health,
10 and health care services, including medical marijuana services, ~~that are~~
11 performed at the direction of a physician or other licensed health care
12 provider on behalf of a patient by physicians, dentists, nurses, ~~technicians~~
13 SERVICE PROVIDERS, emergency medical ~~technicians~~ SERVICE PROVIDERS,
14 mental health professionals, prehospital providers, or other health care
15 personnel. "Medical record" includes such diagnostic documentation as
16 X rays, electrocardiograms, electroencephalograms, and other test results.
17 "Medical record" includes data entered into the prescription drug
18 monitoring program ~~pursuant to~~ UNDER section 12-22-704, C.R.S.

19 **SECTION 16.** In Colorado Revised Statutes, 24-33.5-1203,
20 **amend** (1) (h) as follows:

21 **24-33.5-1203. Duties of division.** (1) The division shall perform
22 the following duties:

23 (h) Upon the request of local government officials, provide
24 technical assistance in defining and developing solutions to local fire
25 safety problems **including, but not limited to,** fireworks statutes; electrical
26 hazards; public education programs; regulations concerning explosives;
27 inspection of facilities when the performance of ~~such~~ THE inspections is

1 the statutory duty of another state agency; certification of emergency
2 medical ~~technicians~~ SERVICE PROVIDERS and paramedics; hazardous
3 materials storage, handling, and transportation; and volatile, flammable,
4 and carcinogenic materials;

5 **SECTION 17.** In Colorado Revised Statutes, 24-33.5-1802,
6 **amend** (3.3) as follows:

7 **24-33.5-1802. Definitions.** As used in this part 18, unless the
8 context otherwise requires:

9 (3.3) "First responder" means an individual who responds in a
10 professional capacity to an emergency that occurs in a school building,
11 ~~including, but not limited to,~~ peace officers, firefighters, emergency
12 medical ~~technicians~~ SERVICE PROVIDERS, school administrators, and
13 teachers.

14 **SECTION 18.** In Colorado Revised Statutes, 25-1-1202, **amend**
15 (1) (yy) as follows:

16 **25-1-1202. Index of statutory sections regarding medical**
17 **record confidentiality and health information.** (1) Statutory provisions
18 concerning policies, procedures, and references to the release, sharing,
19 and use of medical records and health information include the following:

20 (yy) Section 25-3.5-501, concerning records maintained by
21 ambulance services and emergency medical ~~technicians~~ SERVICE
22 PROVIDERS;

23 **SECTION 19.** In Colorado Revised Statutes, **amend** 25-1-1204
24 as follows:

25 **25-1-1204. On-line exchange of advanced directives forms**
26 **permitted.** A public or private entity, including ~~but not limited to~~ a
27 nonprofit organization, that facilitates the exchange of health information

1 among emergency medical ~~technicians~~ SERVICE PROVIDERS, doctors,
2 hospitals, nursing homes, pharmacies, home health agencies, health plans,
3 and local health information agencies through the use of health
4 information technology may facilitate the voluntary, secure, and
5 confidential exchange of forms containing advanced directives regarding
6 a person's acceptance or rejection of life-sustaining medical or surgical
7 treatment.

8 **SECTION 20.** In Colorado Revised Statutes, 25-3.5-103, **amend**
9 (8), (10.6), (11.5), and (12) as follows:

10 **25-3.5-103. Definitions.** As used in this article, unless the context
11 otherwise requires:

12 (8) "Emergency medical ~~technician~~ SERVICE PROVIDER" means an
13 individual who holds a valid emergency medical ~~technician~~ SERVICE
14 PROVIDER certificate issued by the department as provided in this article.

15 (10.6) "Refresher course program" means a program establishing
16 a course of instruction designed to keep emergency medical ~~technicians~~
17 SERVICE PROVIDERS abreast of developments or new techniques in their
18 profession, which course includes an examination ~~or examinations~~
19 administered at any time during or following ~~such~~ THE course to facilitate
20 continuing evaluation of emergency medical ~~technician-examinees~~
21 SERVICE PROVIDERS.

22 (11.5) "Service agency" means a fixed-base or mobile prehospital
23 provider of emergency medical services that employs emergency medical
24 ~~technicians~~ SERVICE PROVIDERS to render medical care to patients.

25 (12) "Volunteer emergency medical ~~technician~~ SERVICE
26 PROVIDER" means an emergency medical ~~technician~~ SERVICE PROVIDER
27 who does not receive direct remuneration for the performance of

1 emergency medical services.

2 **SECTION 21.** In Colorado Revised Statutes, 25-3.5-603, **amend**
3 (1) (a), (3) introductory portion, (3) (a) (II) introductory portion, (3) (a)
4 (II) (B), (3) (c) introductory portion, and (3) (c) (I) as follows:

5 **25-3.5-603. Emergency medical services account - creation -**
6 **allocation of funds.** (1) (a) There is hereby created a special account
7 within the highway users tax fund established ~~pursuant to~~ UNDER section
8 43-4-201, C.R.S., to be known as the emergency medical services
9 account, which ~~shall consist~~ CONSISTS of all moneys transferred thereto
10 in accordance with section 42-3-304 (21), C.R.S., and fees collected
11 ~~pursuant to~~ UNDER section 25-3.5-203 for provisional certifications of
12 emergency medical ~~technicians~~ SERVICE PROVIDERS.

13 (3) On and after July 1, 2002, THE GENERAL ASSEMBLY SHALL
14 APPROPRIATE moneys in the emergency medical services account: ~~shall~~
15 ~~be appropriated:~~

16 (a) (II) Of the amount appropriated ~~pursuant to~~ UNDER
17 subparagraph (I) of this paragraph (a) for grants:

18 (B) THE DEPARTMENT SHALL AWARD a minimum of one hundred
19 fifty thousand dollars ~~shall be awarded~~ to offset the training costs of
20 emergency medical ~~technicians~~ SERVICE PROVIDERS, emergency medical
21 dispatchers, emergency medical services instructors, emergency medical
22 services coordinators, and other personnel who provide emergency
23 medical services. Of said one hundred fifty thousand dollars, no less than
24 eighty percent shall be used in the training of emergency medical
25 ~~technicians~~ SERVICE PROVIDERS.

26 (c) To the direct and indirect costs of planning, developing,
27 implementing, maintaining, and improving the statewide emergency

1 medical and trauma services system. ~~Such~~ THESE costs ~~shall~~ include:

2 (I) Providing technical assistance and support to local
3 governments, local emergency medical and trauma service providers, and
4 RETACs operating a statewide data collection system, coordinating local
5 and state programs, providing assistance in selection and purchasing of
6 medical and communication equipment, administering the EMTS grant
7 program, and establishing and maintaining scope of practice for certified
8 medical ~~technicians~~ SERVICE PROVIDERS; and

9 **SECTION 22.** In Colorado Revised Statutes, 25-3.5-605, **amend**
10 (2) introductory portion, (2) (d) introductory portion, and (2) (d) (I) as
11 follows:

12 **25-3.5-605. Improvement of county emergency medical and**
13 **trauma services - eligibility for county funding - manner of**
14 **distributing funds.** (2) In order to qualify for moneys under this section,
15 a county ~~shall~~ MUST:

16 (d) Ensure that all moneys received ~~pursuant to~~ UNDER this section
17 ~~shall be~~ ARE expended on developing and updating the emergency
18 medical and trauma services plan and other emergency medical and
19 trauma services needs of the county such as:

20 (I) Training and certification of emergency medical ~~technicians~~
21 SERVICE PROVIDERS;

22 **SECTION 23.** In Colorado Revised Statutes, 33-13-108.1,
23 **amend** (6) as follows:

24 **33-13-108.1. Operating a vessel while under the influence.**

25 (6) The ARRESTING OFFICER HAVING PROBABLE CAUSE TO BELIEVE A
26 PERSON HAS VIOLATED THIS SECTION SHALL DIRECT THE ADMINISTRATION
27 OF THE tests ~~shall be administered at the direction of the arresting officer~~

1 ~~having reasonable grounds to believe that the person had been operating~~
2 ~~a vessel in violation of subsection (1) of this section and in accordance~~
3 with rules prescribed by the state board of health with utmost respect for
4 the constitutional rights, dignity, and health of the person being tested. No
5 person except a physician, a registered nurse, a paramedic as certified in
6 part 2 of article 3.5 of title 25, C.R.S., an emergency medical ~~technician~~
7 SERVICE PROVIDER as defined in part 1 of article 3.5 of title 25, C.R.S., or
8 a person whose normal duties include withdrawing blood samples under
9 the supervision of a physician or registered nurse shall ~~be entitled to~~
10 withdraw blood ~~for the purpose of determining~~ TO DETERMINE the
11 alcoholic or drug content of the blood FOR PURPOSES OF THIS SECTION. No
12 civil liability ~~shall attach~~ ATTACHES to ~~any~~ A person authorized to obtain
13 blood, breath, saliva, or urine specimens or to ~~any~~ A hospital in which the
14 specimens are obtained as provided in subsection (4) of this section as a
15 result of the act of obtaining the specimens from any person submitting
16 thereto if the specimens were obtained according to the rules ~~prescribed~~
17 ~~by~~ OF the state board of health; except that this provision ~~shall~~ DOES not
18 relieve ~~any such~~ THE person from liability for negligence in obtaining a
19 specimen sample.

20 **SECTION 24.** In Colorado Revised Statutes, 41-2-102, **amend**
21 (6) (b) (II) as follows:

22 **41-2-102. Operating an aircraft under the influence -**
23 **operating an aircraft with excessive alcohol content - tests - penalties**
24 **- useful public service program.** (6) (b) (II) No person except a
25 physician, a registered nurse, an emergency medical ~~technician~~ SERVICE
26 PROVIDER, as defined in part 1 of article 3.5 of title 25, C.R.S., and as
27 certified in part 2 of article 3.5 of title 25, C.R.S., or a person whose

1 normal duties include withdrawing blood samples under the supervision
2 of a physician or registered nurse shall ~~be entitled to~~ withdraw blood for
3 ~~the purpose of determining~~ TO DETERMINE the alcoholic or drug content
4 ~~therein~~ OF THE BLOOD FOR PURPOSES OF THIS SECTION. In ~~any~~ A trial for
5 a violation of subsection (1) or (2) of this section, the testimony of a law
6 enforcement officer that he OR SHE witnessed the taking of a blood
7 specimen by a person who he OR SHE reasonably believed was authorized
8 to withdraw a blood specimen ~~shall be~~ IS sufficient evidence that ~~such~~
9 THE person was ~~so~~ authorized, and testimony from the person who
10 obtained the blood specimens concerning ~~such~~ THE person's authorization
11 to obtain blood specimens ~~shall~~ IS not ~~be~~ a prerequisite to the
12 admissibility of test results concerning the blood specimen obtained. No
13 civil liability ~~shall attach~~ ATTACHES to ~~any~~ A person authorized to obtain
14 blood, breath, saliva, or urine specimens or to ~~any~~ A hospital, clinic, or
15 association in or for which ~~such~~ THE specimens are obtained as provided
16 in this subsection (6) as a result of the act of obtaining ~~such~~ THE
17 specimens from any person submitting thereto if ~~such~~ THE specimens
18 were obtained according to the rules and regulations ~~prescribed by~~ OF the
19 state board of health; except that this provision shall not relieve ~~any such~~
20 THE person from liability for negligence in the obtaining of any specimen
21 sample.

22 **SECTION 25.** In Colorado Revised Statutes, 42-4-1301.1,
23 **amend** (6) (a) as follows:

24 **42-4-1301.1. Expressed consent for the taking of blood, breath,**
25 **urine, or saliva sample - testing.** (6) (a) No person except a physician,
26 a registered nurse, a paramedic, as certified in part 2 of article 3.5 of title
27 25, C.R.S., an emergency medical ~~technician~~ SERVICE PROVIDER, as

1 defined in part 1 of article 3.5 of title 25, C.R.S., or a person whose
2 normal duties include withdrawing blood samples under the supervision
3 of a physician or registered nurse shall ~~be entitled to~~ withdraw blood for
4 ~~the purpose of determining~~ TO DETERMINE the alcoholic or drug content
5 ~~therein~~ OF THE BLOOD FOR PURPOSES OF THIS SECTION.

6 **SECTION 26. Effective date - applicability.** This act takes
7 effect July 1, 2012, and applies to acts committed on or after said date.

8 **SECTION 27. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.