

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

State, Veterans & Military Affairs

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 Unamended
March 20, 2012

HOUSE
Amended 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 **Regulation of Military Individuals and Spouses**

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, 40, 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 == ==

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

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

17 **SECTION 3.** In Colorado Revised Statutes, **amend** 25-3.5-202
18 as follows:

19 **25-3.5-202. Personnel - basic requirements.** Emergency
20 medical personnel employed or utilized in connection with an ambulance
21 service shall meet the qualifications established, by resolution, by the
22 board of county commissioners of the county in which the ambulance is
23 based in order to be certified. For ambulance drivers, the minimum
24 requirements ~~shall~~ include the possession of a valid driver's license and
25 other requirements ~~to be~~ established by the board by rule ~~pursuant to~~
26 UNDER section 25-3.5-308; for any person responsible for providing direct
27 emergency medical care and treatment to patients transported in an

1 ambulance, the minimum requirement ~~shall be~~ IS possession of an
2 emergency medical ~~technician~~ SERVICE PROVIDER certificate issued by the
3 department. In the case of an emergency in ~~any~~ AN ambulance service
4 area where no person possessing the qualifications required by this
5 section is present or available to respond to a call for the emergency
6 transportation of patients by ambulance, any person may operate ~~such~~ THE
7 ambulance to transport any sick, injured, or otherwise incapacitated or
8 helpless person in order to stabilize the medical condition of ~~such~~ THE
9 person pending the availability of medical care.

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

13 **25-3.5-203. Emergency medical service providers -**
14 **certification - renewal of certificate - duties of department - rules -**
15 **criminal history record checks.** (1) (a.5) ~~On and after January 1, 2011,~~
16 The executive director or chief medical officer shall regulate the acts
17 emergency medical ~~technicians~~ SERVICE PROVIDERS are authorized to
18 perform subject to the medical direction of a licensed physician. The
19 executive director or chief medical officer, after considering the advice
20 and recommendations of the advisory council, shall adopt and revise
21 rules, as necessary, regarding the regulation of emergency medical
22 ~~technicians~~ SERVICE PROVIDERS and their duties and functions. ~~The~~
23 ~~executive director or chief medical officer may adopt the rules prior to~~
24 ~~January 1, 2011, but the rules shall not take effect until January 1, 2011,~~
25 ~~or later.~~

26 (b) The department shall certify emergency medical ~~technicians~~
27 SERVICE PROVIDERS. The board shall adopt rules for the certification of

1 emergency medical technicians ~~Such~~ SERVICE PROVIDERS. THE rules ~~shall~~
2 MUST include ~~but not be limited to~~, the following:

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

8 (II) The department ~~may~~ SHALL NOT issue a provisional
9 certification ~~only if~~ UNLESS the applicant satisfies the requirements for
10 certification ~~pursuant to~~ IN ACCORDANCE WITH this section and rules
11 adopted by the board ~~pursuant to~~ UNDER this subsection (1). If the
12 department finds that an emergency medical ~~technician~~ SERVICE
13 PROVIDER that has received a provisional certification has violated any
14 requirements for certification, the department may impose disciplinary
15 sanctions ~~pursuant to~~ UNDER subparagraph (IV) of paragraph (b) of this
16 subsection (1).

17 (d) (I) THE DEPARTMENT SHALL EXEMPT CERTIFIED EMERGENCY
18 MEDICAL SERVICE PROVIDERS WHO HAVE BEEN CALLED TO FEDERALLY
19 FUNDED ACTIVE DUTY FOR MORE THAN ONE HUNDRED TWENTY DAYS TO
20 SERVE IN A WAR, EMERGENCY, OR CONTINGENCY FROM THE PAYMENT OF
21 CERTIFICATION FEES AND FROM CONTINUING EDUCATION OR
22 PROFESSIONAL COMPETENCY REQUIREMENTS OF THIS ARTICLE FOR A
23 RENEWAL DATE DURING THE SERVICE OR THE SIX MONTHS AFTER THE
24 COMPLETION OF SERVICE.

25 (II) UPON PRESENTATION OF SATISFACTORY EVIDENCE BY AN
26 APPLICANT FOR RENEWAL OF CERTIFICATION, THE DEPARTMENT MAY
27 ACCEPT CONTINUING MEDICAL EDUCATION, TRAINING, OR SERVICE

1 COMPLETED BY AN INDIVIDUAL AS A MEMBER OF THE ARMED FORCES OR
2 RESERVES OF THE UNITED STATES, THE NATIONAL GUARD OF ANY STATE,
3 THE MILITARY RESERVES OF ANY STATE, OR THE NAVAL MILITIA OF ANY
4 STATE TOWARD THE QUALIFICATIONS TO RENEW THE INDIVIDUAL'S
5 CERTIFICATION.

6 (III) AN INDIVIDUAL SERVING IN THE ARMED SERVICES OF THE
7 UNITED STATES OR THE SPOUSE OF THE INDIVIDUAL MAY APPLY FOR
8 CERTIFICATION UNDER THIS ARTICLE WHILE STATIONED WITHIN THIS
9 STATE. THE INDIVIDUAL OR SPOUSE IS EXEMPT FROM THE INITIAL
10 CERTIFICATION REQUIREMENTS IN THIS ARTICLE, EXCEPT FOR THOSE IN
11 SUBSECTION (4) OF THIS SECTION IF THE PERSON HOLDS A VALID
12 CERTIFICATE OR LICENSE TO PROVIDE EMERGENCY MEDICAL SERVICES
13 FROM ANOTHER STATE, THE CERTIFICATE OR LICENSE IS CURRENT, AND
14 THE PERSON IS IN GOOD STANDING.

15 (IV) THE BOARD SHALL PROMULGATE RULES TO IMPLEMENT THIS
16 PARAGRAPH (d), INCLUDING THE CRITERIA AND EVIDENCE FOR
17 ACCEPTABLE CONTINUING MEDICAL EDUCATION AND TRAINING OR
18 SERVICE.

19 (4) (a) The department may, with reasonable cause, acquire a
20 fingerprint-based criminal history record check from the Colorado bureau
21 of investigation ~~for the purpose of investigating~~ TO INVESTIGATE the
22 holder of or applicant for an emergency medical ~~technician~~ SERVICE
23 PROVIDER certificate. The department may acquire a name-based criminal
24 history record check for a certificate holder or an applicant who has twice
25 submitted to a fingerprint-based criminal history record check and whose
26 fingerprints are unclassifiable.

27 (b) (I) Any government entity that employs a person as or allows

1 a person to volunteer as an emergency medical ~~technician~~ SERVICE
2 PROVIDER in a position ~~that would require~~ REQUIRING direct contact with
3 ~~any patient~~ PATIENTS shall require all volunteer and employed emergency
4 medical ~~technicians~~ SERVICE PROVIDERS, who have lived in the state for
5 three years or less at the time of the initial certification or certification
6 renewal, to submit to a federal bureau of investigation fingerprint-based
7 national criminal history record check ~~for the purpose of determining~~ TO
8 DETERMINE eligibility for employment. Each emergency medical
9 ~~technician~~ SERVICE PROVIDER required to submit to a federal bureau of
10 investigation fingerprint-based national criminal history record check
11 shall obtain a complete set of fingerprints taken by a local law
12 enforcement agency or another entity designated by the department. The
13 local law enforcement agency or other ~~such~~ designated entity that took the
14 fingerprints shall transmit them to the Colorado bureau of investigation,
15 which shall in turn forward them to the federal bureau of investigation for
16 a national criminal history record check. The department or other
17 authorized government entity ~~shall be~~ IS the authorized agency to receive
18 and disseminate information regarding the result of ~~any~~ A national
19 criminal history record check. ~~Any such~~ EACH ENTITY HANDLING THE
20 national criminal history record check shall ~~be handled in accordance~~
21 COMPLY with Pub.L. 92-544, as amended. Each government entity acting
22 as the authorized recipient of the result of ~~any~~ A national criminal history
23 record check shall forward the result of ~~any such~~ THE initial national
24 criminal history record check and any subsequent notification of activity
25 on the record to the department ~~for the purpose of determining~~ TO
26 DETERMINE the individual's eligibility for initial certification or
27 certification renewal.

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

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

17 **25-3.5-205. Emergency medical service providers -**
18 **investigations - discipline.** (1) (a) The department ~~shall have the power~~
19 ~~to~~ MAY administer oaths, take affirmations of witnesses, and issue
20 subpoenas to compel the attendance of witnesses and the production of
21 all relevant records and documents to investigate alleged misconduct by
22 certified emergency medical ~~technicians~~ SERVICE PROVIDERS.

23 (2) An emergency medical ~~technician~~ SERVICE PROVIDER, the
24 employer of an emergency medical ~~technician~~ SERVICE PROVIDER, a
25 medical director, and a physician providing medical direction of an
26 emergency medical ~~technician~~ SERVICE PROVIDER shall report to the
27 department any misconduct that is known or reasonably believed by ~~such~~

1 THE person to have occurred.

2 (5) For the purposes of this section:

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

7 **SECTION 6.** In Colorado Revised Statutes, 25-3.5-206, **amend**
8 (1), (2)(a) introductory portion, (2) (a) (I) (D), (2) (a) (I) (E), (2) (a) (I)
9 (F), (3) introductory portion, (3) (a), (3) (c), (4) (a) introductory portion,
10 (4) (a) (I), and (4) (a) (II) as follows:

11 **25-3.5-206. Emergency medical practice advisory council -**
12 **creation - powers and duties - emergency medical service provider**
13 **scope of practice rules.** (1) There is hereby created within the
14 department, as a **type 2** entity under the direction of the executive director
15 of the department, the emergency medical practice advisory council,
16 referred to in this part 2 as the "advisory council". The advisory council
17 is responsible for advising the department regarding the appropriate scope
18 of practice for emergency medical ~~technicians~~ SERVICE PROVIDERS
19 certified ~~pursuant to~~ UNDER section 25-3.5-203.

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

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

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

26 (E) One emergency medical ~~technician~~ SERVICE PROVIDER
27 certified at a basic life support level who is actively involved in the

1 provision of emergency medical services; and

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

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

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

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

15 (4) (a) The executive director or, if the executive director is not
16 a physician, the chief medical officer shall adopt rules in accordance with
17 article 4 of title 24, C.R.S., concerning the scope of practice of emergency
18 medical ~~technicians~~ SERVICE PROVIDERS for prehospital care. The rules
19 ~~shall~~ MUST include ~~but not be limited to~~, the following:

20 (I) Allowable acts for each level of emergency medical ~~technician~~
21 SERVICE PROVIDER certification and the medications that each level of
22 emergency medical ~~technician~~ SERVICE PROVIDER certification can
23 administer;

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

27 **SECTION 7.** In Colorado Revised Statutes, 12-36-106, **amend**

1 (3) introductory portion and (3) (y) as follows:

2 **12-36-106. Practice of medicine defined - exemptions from**
3 **licensing requirements - unauthorized practice by physician**
4 **assistants - penalties - rules.** (3) A person may engage in, and shall IS
5 not be required to obtain a license or a physician training license under
6 this article with respect to, any of the following acts:

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

13 **SECTION 8.** In Colorado Revised Statutes, 13-21-108.2, **amend**
14 (1), (2) introductory portion, and (2) (b) as follows:

15 **13-21-108.2. Persons rendering emergency assistance -**
16 **competitive sports - exemption from civil liability.** (1) (a) Except as
17 provided in subsection (2) of this section, a person licensed as a
18 physician, osteopath, chiropractor, nurse, physical therapist, podiatrist,
19 dentist, or optometrist or certified as an emergency medical ~~technician~~
20 SERVICE PROVIDER under part 2 of article 3.5 of title 25, C.R.S., who, in
21 good faith and without compensation, renders emergency care or
22 emergency assistance, including ~~but not limited to~~ sideline or on-field
23 care as a team health care provider, to an individual requiring emergency
24 care or emergency assistance as a result of having engaged in a
25 competitive sport is not liable for civil damages as a result of acts or
26 omissions by the physician, osteopath, chiropractor, nurse, physical
27 therapist, podiatrist, dentist, or optometrist or person certified as an

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

3 (b) The provisions of this subsection (1) ~~shall~~ apply to the
4 rendering of emergency care or emergency assistance to a minor even if
5 the physician, osteopath, chiropractor, nurse, physical therapist, podiatrist,
6 dentist, or optometrist or the person certified as an emergency ~~technician~~
7 SERVICE PROVIDER under part 2 of article 3.5 of title 25, C.R.S., does not
8 obtain permission from the parent or legal guardian of the minor before
9 rendering the care or assistance; except that, if a parent or guardian
10 refuses the rendering of emergency care, this subsection (1) ~~shall~~ DOES
11 not apply.

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

14 (b) Acts or omissions that are outside the scope of the license held
15 by the physician, osteopath, chiropractor, nurse, physical therapist,
16 podiatrist, dentist, or optometrist or outside the scope of the certificate
17 held by a person who is certified as an emergency medical ~~technician~~
18 SERVICE PROVIDER under part 2 of article 3.5 of title 25, C.R.S.

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

21 **15-18.6-101. Definitions.** As used in this article, unless the
22 context otherwise requires:

23 (3) "Emergency medical service personnel" means ~~any~~ A
24 emergency medical ~~technician~~ SERVICE PROVIDER at any level who is
25 certified or licensed by the department of public health and environment.
26 "Emergency medical service personnel" includes a first responder
27 certified by the department of public health and environment or the

1 division of fire safety in the office of preparedness, security, and fire
2 safety in the department of public safety, in accordance with section
3 24-33.5-1205 (2) (c), C.R.S.

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

6 **15-18.7-102. Definitions.** As used in this article, unless the
7 context otherwise requires:

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

16 **SECTION 11.** In Colorado Revised Statutes, 18-1.3-501, **amend**
17 (1.5) as follows:

18 **18-1.3-501. Misdemeanors classified - penalties.** (1.5) (a) If a
19 defendant is convicted of assault in the third degree ~~pursuant to~~ UNDER
20 section 18-3-204 and the victim is a peace officer, emergency medical
21 ~~technician~~ SERVICE PROVIDER, emergency medical care provider, or
22 firefighter engaged in the performance of his or her duties,
23 notwithstanding ~~the provisions of~~ subsection (1) of this section, the court
24 shall sentence the defendant to a term of imprisonment greater than the
25 maximum sentence but no more than twice the maximum sentence
26 authorized for the same crime when the victim is not a peace officer,
27 emergency medical ~~technician~~ SERVICE PROVIDER, emergency medical

1 care provider, or firefighter engaged in the performance of his or her
2 duties. In addition to ~~such~~ THE term of imprisonment, the court may
3 impose a fine on the defendant ~~pursuant to~~ UNDER subsection (1) of this
4 section. At any time after sentencing and ~~prior to~~ BEFORE the discharge
5 of the defendant's sentence, the victim may request that the defendant
6 participate in restorative justice practices with the victim. If the defendant
7 accepts responsibility for and expresses remorse for his or her actions and
8 is willing to repair the harm caused by his or her actions, an individual
9 responsible for the defendant's supervision shall make the necessary
10 arrangements for the restorative justice practices requested by the victim.

11 (b) As used in this section, "peace officer, emergency medical
12 ~~technician~~ SERVICE PROVIDER, emergency medical care provider, or
13 firefighter engaged in the performance of his or her duties" means a peace
14 officer as described in section 16-2.5-101, C.R.S., emergency medical
15 ~~technician~~ SERVICE PROVIDER as defined in part 1 of article 3.5 of title 25,
16 C.R.S., emergency medical care provider as defined by section 18-3-204
17 (4), or a firefighter as defined in section 18-3-201 (1), who is engaged or
18 acting in or who is present ~~for the purpose of engaging~~ TO ENGAGE or
19 ~~acting~~ ACT in the performance of ~~any~~ A duty, service, or function
20 imposed, authorized, required, or permitted by law to be performed by a
21 peace officer, emergency medical ~~technician~~ SERVICE PROVIDER,
22 emergency medical care provider, or firefighter, whether or not the peace
23 officer, emergency medical ~~technician~~ SERVICE PROVIDER, emergency
24 medical care provider, or firefighter is within the territorial limits of his
25 or her jurisdiction, if the peace officer, emergency medical ~~technician~~
26 SERVICE PROVIDER, emergency medical care provider, or firefighter is in
27 uniform or the person committing an assault upon or offense against or

1 otherwise acting toward ~~such~~ THE peace officer, emergency medical
2 ~~technician~~ SERVICE PROVIDER, emergency medical care provider, or
3 firefighter knows or reasonably should know that the victim is a peace
4 officer, emergency medical ~~technician~~ SERVICE PROVIDER, emergency
5 medical care provider, or firefighter or if the peace officer, emergency
6 medical ~~technician~~ SERVICE PROVIDER, emergency medical care provider,
7 or firefighter is intentionally assaulted in retaliation for the performance
8 of his or her official duties.

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

11 **18-3-106. Vehicular homicide.** (4) (d) No person except a
12 physician, a registered nurse, a paramedic as certified in part 2 of article
13 3.5 of title 25, C.R.S., an emergency medical ~~technician~~ SERVICE
14 PROVIDER as defined in part 1 of article 3.5 of title 25, C.R.S., or a person
15 whose normal duties include withdrawing blood samples under the
16 supervision of a physician or registered nurse ~~shall be~~ IS entitled to
17 withdraw blood for the purpose of determining the alcoholic or drug
18 content ~~therein~~ OF THE BLOOD FOR PURPOSES OF THIS SECTION. In ~~any~~ A
19 trial for a violation of paragraph (b) of subsection (1) of this section,
20 testimony of a law enforcement officer that he OR SHE witnessed the
21 taking of a blood specimen by a person who he OR SHE reasonably
22 believed was authorized to withdraw blood specimens ~~shall be~~ IS
23 sufficient evidence that ~~such~~ THE person was ~~so~~ authorized, and testimony
24 from the person who obtained the blood specimens concerning ~~such~~ THE
25 person's authorization to obtain blood specimens ~~shall~~ IS not ~~be~~ a
26 prerequisite to the admissibility of test results concerning the blood
27 specimens obtained. No civil liability shall attach to any person

1 authorized to obtain blood, breath, saliva, or urine specimens or to any
2 hospital, clinic, or association in or for which such specimens are
3 obtained pursuant to this subsection (4) as a result of the act of obtaining
4 ~~such~~ THE specimens from ~~any~~ A person if ~~such~~ THE specimens were
5 obtained according to the rules ~~and regulations~~ prescribed by the state
6 board of health; except that such provision ~~shall~~ DOES not relieve ~~any~~
7 ~~such~~ THE person from liability for negligence in ~~the~~ obtaining of any
8 specimen sample.

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

11 **18-3-204. Assault in the third degree.** (1) A person commits the
12 crime of assault in the third degree if:

13 (b) The person, with intent to infect, injure, harm, harass, annoy,
14 threaten, or alarm another person whom the actor knows or reasonably
15 should know to be a peace officer, a firefighter, an emergency medical
16 care provider, or an emergency medical ~~technician~~ SERVICE PROVIDER,
17 causes ~~such~~ THE other person to come into contact with blood, seminal
18 fluid, urine, feces, saliva, mucus, vomit, or ~~any~~ toxic, caustic, or
19 hazardous material by any means, including ~~but not limited to~~ throwing,
20 tossing, or expelling ~~such~~ THE fluid or material.

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

23 **18-3-205. Vehicular assault.** (4) (d) No person except a
24 physician, a registered nurse, a paramedic as certified in part 2 of article
25 3.5 of title 25, C.R.S., an emergency medical ~~technician~~ SERVICE
26 PROVIDER as defined in part 1 of article 3.5 of title 25, C.R.S., or a person
27 whose normal duties include withdrawing blood samples under the

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

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

23 **18-4-412. Theft of medical records or medical information -**
24 **penalty.** (2) As used in this section:

25 (a) "Medical record" means the written or graphic documentation,
26 sound recording, or computer record pertaining to medical, mental health,
27 and health care services, including medical marijuana services, ~~that are~~

1 performed at the direction of a physician or other licensed health care
2 provider on behalf of a patient by physicians, dentists, nurses, ~~technicians~~
3 SERVICE PROVIDERS, emergency medical ~~technicians~~ SERVICE PROVIDERS,
4 mental health professionals, prehospital providers, or other health care
5 personnel. "Medical record" includes such diagnostic documentation as
6 X rays, electrocardiograms, electroencephalograms, and other test results.
7 "Medical record" includes data entered into the prescription drug
8 monitoring program pursuant to UNDER section 12-22-704, C.R.S.

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

11 **24-33.5-1203. Duties of division.** (1) The division shall perform
12 the following duties:

13 (h) Upon the request of local government officials, provide
14 technical assistance in defining and developing solutions to local fire
15 safety problems including, but not limited to, fireworks statutes; electrical
16 hazards; public education programs; regulations concerning explosives;
17 inspection of facilities when the performance of ~~such~~ THE inspections is
18 the statutory duty of another state agency; certification of emergency
19 medical ~~technicians~~ SERVICE PROVIDERS and paramedics; hazardous
20 materials storage, handling, and transportation; and volatile, flammable,
21 and carcinogenic materials;

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

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

26 (3.3) "First responder" means an individual who responds in a
27 professional capacity to an emergency that occurs in a school building,

1 including, but not limited to, peace officers, firefighters, emergency
2 medical technicians SERVICE PROVIDERS, school administrators, and
3 teachers.

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

6 **25-1-1202. Index of statutory sections regarding medical**
7 **record confidentiality and health information.** (1) Statutory provisions
8 concerning policies, procedures, and references to the release, sharing,
9 and use of medical records and health information include the following:

10 (yy) Section 25-3.5-501, concerning records maintained by
11 ambulance services and emergency medical technicians SERVICE
12 PROVIDERS;

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

15 **25-1-1204. On-line exchange of advanced directives forms**
16 **permitted.** A public or private entity, including ~~but not limited to~~ a
17 nonprofit organization, that facilitates the exchange of health information
18 among emergency medical technicians SERVICE PROVIDERS, doctors,
19 hospitals, nursing homes, pharmacies, home health agencies, health plans,
20 and local health information agencies through the use of health
21 information technology may facilitate the voluntary, secure, and
22 confidential exchange of forms containing advanced directives regarding
23 a person's acceptance or rejection of life-sustaining medical or surgical
24 treatment.

25 **SECTION 20.** In Colorado Revised Statutes, 25-3.5-103, **amend**
26 (8), (10.6), (11.5), and (12) as follows:

27 **25-3.5-103. Definitions.** As used in this article, unless the context

1 otherwise requires:

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

5 (10.6) "Refresher course program" means a program establishing
6 a course of instruction designed to keep emergency medical ~~technicians~~
7 SERVICE PROVIDERS abreast of developments or new techniques in their
8 profession, which course includes an examination ~~or examinations~~
9 administered at any time during or following ~~such~~ THE course to facilitate
10 continuing evaluation of emergency medical ~~technician-examinees~~
11 SERVICE PROVIDERS.

12 (11.5) "Service agency" means a fixed-base or mobile prehospital
13 provider of emergency medical services that employs emergency medical
14 ~~technicians~~ SERVICE PROVIDERS to render medical care to patients.

15 (12) "Volunteer emergency medical ~~technician~~ SERVICE
16 PROVIDER" means an emergency medical ~~technician~~ SERVICE PROVIDER
17 who does not receive direct remuneration for the performance of
18 emergency medical services.

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

22 **25-3.5-603. Emergency medical services account - creation -**
23 **allocation of funds.** (1) (a) There is hereby created a special account
24 within the highway users tax fund established ~~pursuant to~~ UNDER section
25 43-4-201, C.R.S., to be known as the emergency medical services
26 account, which ~~shall consist~~ CONSISTS of all moneys transferred thereto
27 in accordance with section 42-3-304 (21), C.R.S., and fees collected

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

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

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

8 (B) THE DEPARTMENT SHALL AWARD a minimum of one hundred
9 fifty thousand dollars ~~shall be awarded~~ to offset the training costs of
10 emergency medical ~~technicians~~ SERVICE PROVIDERS, emergency medical
11 dispatchers, emergency medical services instructors, emergency medical
12 services coordinators, and other personnel who provide emergency
13 medical services. Of said one hundred fifty thousand dollars, no less than
14 eighty percent shall be used in the training of emergency medical
15 ~~technicians~~ SERVICE PROVIDERS.

16 (c) To the direct and indirect costs of planning, developing,
17 implementing, maintaining, and improving the statewide emergency
18 medical and trauma services system. ~~Such~~ THESE costs ~~shall~~ include:

19 (I) Providing technical assistance and support to local
20 governments, local emergency medical and trauma service providers, and
21 RETACs operating a statewide data collection system, coordinating local
22 and state programs, providing assistance in selection and purchasing of
23 medical and communication equipment, administering the EMTS grant
24 program, and establishing and maintaining scope of practice for certified
25 medical ~~technicians~~ SERVICE PROVIDERS; and

26 **SECTION 22.** In Colorado Revised Statutes, 25-3.5-605, **amend**
27 (2) introductory portion, (2) (d) introductory portion, and (2) (d) (I) as

1 follows:

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

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

10 (I) Training and certification of emergency medical ~~technicians~~
11 SERVICE PROVIDERS;

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

14 **33-13-108.1. Operating a vessel while under the influence.**

15 (6) The ARRESTING OFFICER HAVING PROBABLE CAUSE TO BELIEVE A
16 PERSON HAS VIOLATED THIS SECTION SHALL DIRECT THE ADMINISTRATION
17 OF THE tests ~~shall be administered at the direction of the arresting officer~~
18 ~~having reasonable grounds to believe that the person had been operating~~
19 ~~a vessel in violation of subsection (1) of this section and in accordance~~
20 with rules prescribed by the state board of health with utmost respect for
21 the constitutional rights, dignity, and health of the person being tested. No
22 person except a physician, a registered nurse, a paramedic as certified in
23 part 2 of article 3.5 of title 25, C.R.S., an emergency medical ~~technician~~
24 SERVICE PROVIDER as defined in part 1 of article 3.5 of title 25, C.R.S., or
25 a person whose normal duties include withdrawing blood samples under
26 the supervision of a physician or registered nurse shall ~~be entitled to~~
27 withdraw blood ~~for the purpose of determining~~ TO DETERMINE the

1 alcoholic or drug content of the blood FOR PURPOSES OF THIS SECTION. No
2 civil liability ~~shall attach~~ ATTACHES to ~~any~~ A person authorized to obtain
3 blood, breath, saliva, or urine specimens or to ~~any~~ A hospital in which the
4 specimens are obtained as provided in subsection (4) of this section as a
5 result of the act of obtaining the specimens from any person submitting
6 thereto if the specimens were obtained according to the rules ~~prescribed~~
7 ~~by~~ OF the state board of health; except that this provision ~~shall~~ DOES not
8 relieve ~~any such~~ THE person from liability for negligence in obtaining a
9 specimen sample.

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

12 **41-2-102. Operating an aircraft under the influence -**
13 **operating an aircraft with excessive alcohol content - tests - penalties**
14 **- useful public service program.** (6) (b) (II) No person except a
15 physician, a registered nurse, an emergency medical ~~technician~~ SERVICE
16 PROVIDER, as defined in part 1 of article 3.5 of title 25, C.R.S., and as
17 certified in part 2 of article 3.5 of title 25, C.R.S., or a person whose
18 normal duties include withdrawing blood samples under the supervision
19 of a physician or registered nurse shall ~~be entitled to~~ withdraw blood for
20 ~~the purpose of determining~~ TO DETERMINE the alcoholic or drug content
21 ~~therein~~ OF THE BLOOD FOR PURPOSES OF THIS SECTION. In ~~any~~ A trial for
22 a violation of subsection (1) or (2) of this section, the testimony of a law
23 enforcement officer that he OR SHE witnessed the taking of a blood
24 specimen by a person who he OR SHE reasonably believed was authorized
25 to withdraw a blood specimen ~~shall be~~ IS sufficient evidence that ~~such~~
26 THE person was ~~so~~ authorized, and testimony from the person who
27 obtained the blood specimens concerning ~~such~~ THE person's authorization

1 to obtain blood specimens ~~shall~~ IS not ~~be~~ a prerequisite to the
2 admissibility of test results concerning the blood specimen obtained. No
3 civil liability ~~shall attach~~ ATTACHES to ~~any~~ A person authorized to obtain
4 blood, breath, saliva, or urine specimens or to ~~any~~ A hospital, clinic, or
5 association in or for which ~~such~~ THE specimens are obtained as provided
6 in this subsection (6) as a result of the act of obtaining ~~such~~ THE
7 specimens from any person submitting thereto if ~~such~~ THE specimens
8 were obtained according to the rules and regulations ~~prescribed by~~ OF the
9 state board of health; except that this provision shall not relieve ~~any such~~
10 THE person from liability for negligence in the obtaining of any specimen
11 sample.

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

14 **42-4-1301.1. Expressed consent for the taking of blood, breath,**
15 **urine, or saliva sample - testing.** (6) (a) No person except a physician,
16 a registered nurse, a paramedic, as certified in part 2 of article 3.5 of title
17 25, C.R.S., an emergency medical ~~technician~~ SERVICE PROVIDER, as
18 defined in part 1 of article 3.5 of title 25, C.R.S., or a person whose
19 normal duties include withdrawing blood samples under the supervision
20 of a physician or registered nurse shall ~~be entitled to~~ withdraw blood for
21 ~~the purpose of determining~~ TO DETERMINE the alcoholic or drug content
22 ~~therein~~ OF THE BLOOD FOR PURPOSES OF THIS SECTION.

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

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