

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**ENGROSSED**

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

LLS NO. 19-0649.01 Richard Sweetman x4333

**HOUSE BILL 19-1095**

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**HOUSE SPONSORSHIP**

**Cutter and Landgraf,**

**SENATE SPONSORSHIP**

**Fields,**

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**House Committees**

Health & Insurance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING PHYSICIAN ASSISTANTS, AND, IN CONNECTION**  
102            **THEREWITH, ESTABLISHING REQUIREMENTS FOR THE**  
103            **SUPERVISION OF PHYSICIAN ASSISTANTS, ESTABLISHING**  
104            **LIABILITY FOR PHYSICIAN ASSISTANTS, ██████ INCREASING THE**  
105            **NUMBER OF PHYSICIAN ASSISTANT MEMBERS ON THE COLORADO**  
106            **MEDICAL BOARD, AND MAKING AN APPROPRIATION.**

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**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://leg.colorado.gov>.)*

The bill establishes supervisory requirements for physician

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

HOUSE  
Amended 2nd Reading  
March 12, 2019

assistants who:

- ! Have practiced for less than 3 years;
- ! Have practiced for 3 years or more; or
- ! Have practiced for at least 12 months and are making a substantive change in their scope of practice or practice area.

Current law states that a licensed physician may be responsible for the direction and supervision of up to 4 physician assistants at any one time and may be responsible for the direction and supervision of more than 4 physician assistants upon receiving specific approval from the Colorado medical board (board). The bill eliminates this restriction.

The bill adds 2 more physician assistants as members of the board, for a total of 3 physician assistant members. Current law requires the president of the board to establish a licensing panel consisting of 3 members of the board. The bill adds a fourth member to the licensing panel; that is, a person who is a physician assistant member of the board.

The bill states that a physician assistant who has practiced for at least 3 years may be liable for damages resulting from negligence in providing care to a patient; except that a physician assistant is not liable for any such damages that occur as a result of the physician assistant following a direct order from a supervising physician.

Current law requires that when persons licensed to practice medicine form professional service corporations for the practice of medicine, the articles of incorporation of such corporations must state that one or more licensed physician assistants may be a shareholder of the corporation as long as the physician shareholders maintain majority ownership of the corporation. The bill removes this requirement.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 12-36-107.7 as  
3 follows:

4           **12-36-107.7. Physician assistants - definitions - supervisory**  
5 **requirements - liability - definitions.** (1) AS USED IN THIS SECTION,  
6 UNLESS THE CONTEXT OTHERWISE REQUIRES:

7           (a) "PERFORMANCE EVALUATION" MEANS A DOCUMENT THAT  
8 INCLUDES DOMAINS OF COMPETENCY RELEVANT TO THE PRACTICE OF A  
9 PHYSICIAN ASSISTANT, USES MORE THAN ONE MODALITY OF ASSESSMENT  
10 TO EVALUATE THE DOMAINS, AND INCLUDES CONSIDERATION OF THE

1 PHYSICIAN ASSISTANT'S EDUCATION, TRAINING, EXPERIENCE,  
2 COMPETENCY, AND KNOWLEDGE OF THE SPECIALTY IN WHICH THE  
3 PHYSICIAN ASSISTANT IS ENGAGED.

4 (b) "PRACTICE AGREEMENT" MEANS A WRITTEN AGREEMENT  
5 BETWEEN A PHYSICIAN ASSISTANT AND A SUPERVISING PHYSICIAN THAT  
6 DEFINES THE COMMUNICATION AND DECISION-MAKING PROCESS BY WHICH  
7 THE PHYSICIAN ASSISTANT AND THE SUPERVISING PHYSICIAN PROVIDE  
8 CARE TO PATIENTS.

9 (c) "SUPERVISORY PLAN" MEANS A DOCUMENT THAT ALLOWS A  
10 SUPERVISING PHYSICIAN TO FOLLOW THE ONGOING PROFESSIONAL  
11 DEVELOPMENT OF A PHYSICIAN ASSISTANT'S CLINICAL PRACTICE,  
12 PROMOTES A COLLABORATIVE RELATIONSHIP BETWEEN A PHYSICIAN  
13 ASSISTANT AND HIS OR HER SUPERVISING PHYSICIANS, AND ALLOWS A  
14 SUPERVISING PHYSICIAN TO ADDRESS ANY DEFICIENCIES THAT HAVE BEEN  
15 IDENTIFIED IN THE PHYSICIAN ASSISTANT'S CLINICAL COMPETENCIES  
16 DURING THE INITIAL PERFORMANCE PERIOD.

17 (2) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS ARTICLE  
18 36 WHO HAS PRACTICED FOR LESS THAN THREE YEARS IS SUBJECT TO THE  
19 FOLLOWING SUPERVISORY REQUIREMENTS:

20 (a) THE PHYSICIAN ASSISTANT'S FIRST ONE HUNDRED SIXTY  
21 WORKING HOURS SHALL BE SUPERVISED BY A SUPERVISING PHYSICIAN WHO  
22 WORKS AT THE SAME LOCATION AS THE PHYSICIAN ASSISTANT. THE  
23 PHYSICIAN ASSISTANT'S PRIMARY SUPERVISING PHYSICIAN SHALL PROVIDE  
24 AT LEAST FORTY HOURS OF SUPERVISION, AND THE REMAINING HOURS MAY  
25 BE PROVIDED BY A SECONDARY SUPERVISING PHYSICIAN WHO IS  
26 DESIGNATED BY THE PRIMARY SUPERVISING PHYSICIAN.

27 (b) AFTER THE PHYSICIAN ASSISTANT COMPLETES ONE HUNDRED

1 SIXTY WORKING HOURS, A SUPERVISING PHYSICIAN MUST REMAIN  
2 AVAILABLE TO THE PHYSICIAN ASSISTANT VIA A TELECOMMUNICATION  
3 DEVICE AT ALL TIMES WHEN THE PHYSICIAN ASSISTANT IS WORKING.

4 (c) NOT MORE THAN THIRTY DAYS AFTER THE PHYSICIAN  
5 ASSISTANT COMPLETES ONE HUNDRED SIXTY WORKING HOURS, THE  
6 PRIMARY SUPERVISING PHYSICIAN SHALL COMPLETE AN INITIAL  
7 PERFORMANCE ASSESSMENT AND A SUPERVISORY PLAN FOR THE PHYSICIAN  
8 ASSISTANT.

9 (3) (a) THE SUPERVISION OF A PHYSICIAN ASSISTANT LICENSED  
10 PURSUANT TO THIS ARTICLE 36 WHO HAS PRACTICED IN THIS STATE FOR  
11 THREE YEARS OR MORE IS DETERMINED BY A PRACTICE AGREEMENT THAT  
12 SHALL BE CREATED BY THE PHYSICIAN ASSISTANT AND HIS OR HER  
13 PRIMARY SUPERVISING PHYSICIAN NOT LATER THAN THIRTY DAYS AFTER  
14 THE PHYSICIAN ASSISTANT BEGINS PRACTICING UNDER THE SUPERVISION  
15 OF THE PRIMARY SUPERVISING PHYSICIAN. A PRACTICE AGREEMENT MUST  
16 INCLUDE:

17 (I) A PROCESS BY WHICH A PHYSICIAN ASSISTANT AND A  
18 SUPERVISING PHYSICIAN COMMUNICATE AND MAKE DECISIONS  
19 CONCERNING PATIENTS' MEDICAL TREATMENT, WHICH PROCESS UTILIZES  
20 THE KNOWLEDGE AND SKILLS OF THE PHYSICIAN ASSISTANT AND THE  
21 SUPERVISING PHYSICIAN BASED ON THEIR RESPECTIVE EDUCATION,  
22 TRAINING, AND EXPERIENCE;

23 (II) A PROTOCOL FOR DESIGNATING AN ALTERNATIVE PHYSICIAN  
24 FOR CONSULTATION WHEN THE SUPERVISING PHYSICIAN IS UNAVAILABLE  
25 FOR CONSULTATION;

26 (III) THE SIGNATURES OF THE PHYSICIAN ASSISTANT AND  
27 SUPERVISING PHYSICIAN; AND

1 (IV) A TERMINATION PROVISION THAT ALLOWS THE PHYSICIAN  
2 ASSISTANT OR THE SUPERVISING PHYSICIAN TO TERMINATE THE PRACTICE  
3 AGREEMENT AFTER PROVIDING WRITTEN NOTICE OF HIS OR HER INTENT TO  
4 DO SO AT LEAST THIRTY DAYS BEFORE THE DATE OF TERMINATION. IF A  
5 PRACTICE AGREEMENT IS TERMINATED, THE PHYSICIAN ASSISTANT AND  
6 THE PHYSICIAN ASSISTANT'S PRIMARY SUPERVISING PHYSICIAN SHALL  
7 CREATE A NEW PRACTICE AGREEMENT WITHIN FORTY-FIVE DAYS AFTER  
8 THE DATE THE PREVIOUS PRACTICE AGREEMENT WAS TERMINATED.

9 (b) IN ADDITION TO THE COMPONENTS DESCRIBED IN SUBSECTION  
10 (3)(a) OF THIS SECTION, A PRACTICE AGREEMENT MAY IMPOSE CONDITIONS  
11 CONCERNING SPECIFIC DUTIES, PROCEDURES, OR DRUGS.

12 (c) IF THE TERMS OR CONDITIONS OF A PRACTICE AGREEMENT  
13 CHANGE, BOTH THE PHYSICIAN ASSISTANT AND THE SUPERVISING  
14 PHYSICIAN SHALL SIGN AND DATE THE UPDATED PRACTICE AGREEMENT.

15 (4) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS ARTICLE  
16 36 WHO HAS PRACTICED FOR AT LEAST TWELVE MONTHS AND WHO IS  
17 MAKING A SUBSTANTIVE CHANGE IN HIS OR HER SCOPE OF PRACTICE OR  
18 PRACTICE AREA IS SUBJECT TO THE FOLLOWING SUPERVISORY  
19 REQUIREMENTS:

20 (a) THE PHYSICIAN ASSISTANT'S FIRST EIGHTY WORKING HOURS  
21 SHALL BE SUPERVISED BY A SUPERVISING PHYSICIAN WHO WORKS AT THE  
22 SAME LOCATION AS THE PHYSICIAN ASSISTANT. THE PHYSICIAN  
23 ASSISTANT'S PRIMARY SUPERVISING PHYSICIAN SHALL PROVIDE AT LEAST  
24 TWENTY HOURS OF SUPERVISION, AND THE REMAINING HOURS MAY BE  
25 PROVIDED BY A SECONDARY SUPERVISING PHYSICIAN WHO IS DESIGNATED  
26 BY THE PRIMARY SUPERVISING PHYSICIAN.

27 (b) AFTER THE PHYSICIAN ASSISTANT COMPLETES EIGHTY

1 WORKING HOURS, A SUPERVISING PHYSICIAN SHALL REMAIN AVAILABLE TO  
2 THE PHYSICIAN ASSISTANT VIA A TELECOMMUNICATION DEVICE AT ALL  
3 TIMES WHEN THE PHYSICIAN ASSISTANT IS WORKING.

4 (c) AFTER THE PHYSICIAN ASSISTANT HAS WORKED FOR SIX  
5 MONTHS, AND AGAIN AFTER THE PHYSICIAN ASSISTANT HAS WORKED FOR  
6 TWELVE MONTHS, THE PRIMARY SUPERVISING PHYSICIAN SHALL COMPLETE  
7 A PERFORMANCE ASSESSMENT AND DISCUSS THE PERFORMANCE  
8 ASSESSMENT WITH THE PHYSICIAN ASSISTANT.

9 (5) (a) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS  
10 ARTICLE 36 WHO HAS PRACTICED FOR AT LEAST THREE YEARS MAY BE  
11 LIABLE FOR DAMAGES RESULTING FROM NEGLIGENCE IN PROVIDING CARE  
12 TO A PATIENT; EXCEPT THAT A PHYSICIAN ASSISTANT IS NOT LIABLE FOR  
13 ANY DAMAGES THAT OCCUR AS A RESULT OF THE PHYSICIAN ASSISTANT  
14 FOLLOWING A DIRECT ORDER FROM A SUPERVISING PHYSICIAN.

15 (b) A PHYSICIAN ASSISTANT WHO MAY BE LIABLE FOR DAMAGES AS  
16 DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION SHALL MAINTAIN  
17 PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT NOT LESS THAN ONE  
18 MILLION DOLLARS PER CLAIM AND THREE MILLION DOLLARS FOR ALL  
19 CLAIMS.

20 (c) A PHYSICIAN ASSISTANT'S SUPERVISING PHYSICIAN MAY BE  
21 LIABLE FOR DAMAGES RESULTING FROM THE PHYSICIAN ASSISTANT'S  
22 NEGLIGENCE IN PROVIDING CARE TO A PATIENT IF THE PHYSICIAN  
23 ASSISTANT HAS NOT PRACTICED FOR AT LEAST THREE YEARS AS DESCRIBED  
24 IN SUBSECTION (5)(a) OF THIS SECTION.

25 **SECTION 2.** In Colorado Revised Statutes, 12-36-106, **amend**  
26 (5)(b)(I) as follows:

27 **12-36-106. Practice of medicine defined - exemptions from**

1 **licensing requirements - unauthorized practice by physician**  
2 **assistants and anesthesiologist assistants - penalties - rules - repeal.**

3 (5) (b) (I) If the authority to perform an act is delegated pursuant to  
4 ~~paragraph (a) of this subsection (5)~~ SUBSECTION (5)(a) OF THIS SECTION,  
5 the ~~act~~ PHYSICIAN ASSISTANT TO WHOM THE ACT IS DELEGATED shall not  
6 ~~be performed~~ PERFORM THE ACT except under the personal and  
7 responsible direction and supervision of a person licensed under the laws  
8 of this state to practice medicine. A licensed physician may be responsible  
9 for the direction and supervision of up to ~~four~~ EIGHT physician assistants  
10 at any one time. ~~and may be responsible for the direction and supervision~~  
11 ~~of more than four physician assistants upon receiving specific approval~~  
12 ~~from the board.~~ A LICENSED PHYSICIAN SHALL NOT BE MADE RESPONSIBLE  
13 FOR THE DIRECTION AND SUPERVISION OF MORE THAN FOUR PHYSICIAN  
14 ASSISTANTS UNLESS THE LICENSED PHYSICIAN AGREES TO ASSUME THE  
15 RESPONSIBILITY. A LICENSED PHYSICIAN HAS SOLE DISCRETION TO ASSUME  
16 OR REFUSE SUCH RESPONSIBILITY, AND AN EMPLOYER SHALL NOT REQUIRE  
17 A LICENSED PHYSICIAN TO ASSUME SUCH RESPONSIBILITY AS A CONDITION  
18 OF EMPLOYMENT. The board, by rule, may define what constitutes  
19 appropriate direction and supervision of a physician assistant; EXCEPT  
20 THAT THE BOARD SHALL NOT PROMULGATE A RULE THAT IS INCONSISTENT  
21 WITH SECTION 12-36-107.7.

22 **SECTION 3.** In Colorado Revised Statutes, 12-36-103, **amend**  
23 (1)(a)(I) introductory portion, (1)(a)(I)(B), (1)(a)(II), and (2) as follows:

24 **12-36-103. Colorado medical board - immunity - subject to**  
25 **termination - repeal of article.** (1) (a) (I) There is hereby created the  
26 Colorado medical board, referred to in this ~~article~~ ARTICLE 36 as the  
27 "board". The board shall consist of ~~sixteen~~ SEVENTEEN members

1 appointed by the governor and possessing the qualifications specified in  
2 this ~~article~~ ARTICLE 36 and as follows:

3 (B) ~~One member~~ TWO MEMBERS licensed under this ~~article~~  
4 ARTICLE 36 as ~~a physician assistant~~ PHYSICIAN ASSISTANTS; and

5 (II) The terms of the members of the board ~~shall be~~ ARE four  
6 years. For the two physician ~~and one physician assistant~~ appointees added  
7 to the board during the calendar year beginning January 1, 2010, the term  
8 for one of the physician member appointees ~~shall expire~~ EXPIRES four  
9 years after the appointment, the term for the other physician member  
10 appointee ~~shall expire~~ EXPIRES three years after the appointment, and the  
11 term for the physician assistant appointee ~~shall expire~~ EXPIRES two years  
12 ~~after the appointment. THE TERM OF THE PHYSICIAN ASSISTANT APPOINTEE~~  
13 ~~ADDED TO THE BOARD DURING THE CALENDAR YEAR BEGINNING JANUARY~~  
14 ~~1, 2019, EXPIRES TWO YEARS AFTER THE APPOINTMENT. Thereafter, the~~  
15 ~~terms of the members of the board shall be~~ ARE four years.


16 (2) The board ~~shall be comprised~~ MUST INCLUDE at all times ~~of~~  
17 eight members having the degree of doctor of medicine, three members  
18 having the degree of doctor of osteopathy, and ~~one physician assistant~~  
19 TWO PHYSICIAN ASSISTANTS, all of whom ~~shall~~ have been licensed in  
20 good standing and actively engaged in the practice of their professions in  
21 this state for at least three years next preceding their appointments, and  
22 four members of the public at large.

23 **SECTION 4.** In Colorado Revised Statutes, 12-36-111.3, **amend**  
24 (1)(a) as follows:

25 **12-36-111.3. Licensing panel.** (1) (a) The president of the board  
26 shall establish a licensing panel consisting of ~~three~~ FOUR members of the  
27 board as follows:



- 1 (I) One ~~panel~~ member ~~shall be~~ WHO IS a licensed physician having  
2 the degree of doctor of medicine;
- 3 (II) One ~~panel~~ member ~~shall be~~ WHO IS a licensed physician  
4 having the degree of doctor of osteopathy; ~~and~~
- 5 (III) One ~~panel~~ member ~~shall be~~ WHO IS a public member of the  
6 board; AND
- 7 (IV) ONE MEMBER WHO IS A PHYSICIAN ASSISTANT MEMBER OF  
8 THE BOARD.

9 

10 **SECTION 5. Appropriation.** For the 2019-20 state fiscal year,  
11 \$4,650 is appropriated to the department of regulatory agencies for use by  
12 the division of professions and occupations. This appropriation is from  
13 the division of professions and occupations cash fund created in section  
14 24-34-105 (2)(b)(I), C.R.S. To implement this act, the division may use  
15 this appropriation for operating expenses.

16 **SECTION 6.** In Colorado Revised Statutes, **add to article 240**  
17 **of title 12 as relocated by House Bill 19-1172** 12-240-114.5 as follows:

18 **12-240-114.5. Physician assistants - definitions - supervisory**  
19 **requirements - liability - definitions.** (1) AS USED IN THIS SECTION,  
20 UNLESS THE CONTEXT OTHERWISE REQUIRES:

21 (a) "PERFORMANCE EVALUATION" MEANS A DOCUMENT THAT  
22 INCLUDES DOMAINS OF COMPETENCY RELEVANT TO THE PRACTICE OF A  
23 PHYSICIAN ASSISTANT, USES MORE THAN ONE MODALITY OF ASSESSMENT  
24 TO EVALUATE THE DOMAINS, AND INCLUDES CONSIDERATION OF THE  
25 PHYSICIAN ASSISTANT'S EDUCATION, TRAINING, EXPERIENCE,  
26 COMPETENCY, AND KNOWLEDGE OF THE SPECIALTY IN WHICH THE  
27 PHYSICIAN ASSISTANT IS ENGAGED.

1 (b) "PRACTICE AGREEMENT" MEANS A WRITTEN AGREEMENT  
2 BETWEEN A PHYSICIAN ASSISTANT AND A SUPERVISING PHYSICIAN THAT  
3 DEFINES THE COMMUNICATION AND DECISION-MAKING PROCESS BY WHICH  
4 THE PHYSICIAN ASSISTANT AND THE SUPERVISING PHYSICIAN PROVIDE  
5 CARE TO PATIENTS.

6 (c) "SUPERVISORY PLAN" MEANS A DOCUMENT THAT ALLOWS A  
7 SUPERVISING PHYSICIAN TO FOLLOW THE ONGOING PROFESSIONAL  
8 DEVELOPMENT OF A PHYSICIAN ASSISTANT'S CLINICAL PRACTICE,  
9 PROMOTES A COLLABORATIVE RELATIONSHIP BETWEEN A PHYSICIAN  
10 ASSISTANT AND HIS OR HER SUPERVISING PHYSICIANS, AND ALLOWS A  
11 SUPERVISING PHYSICIAN TO ADDRESS ANY DEFICIENCIES THAT HAVE BEEN  
12 IDENTIFIED IN THE PHYSICIAN ASSISTANT'S CLINICAL COMPETENCIES  
13 DURING THE INITIAL PERFORMANCE PERIOD.

14 (2) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS ARTICLE  
15 240 WHO HAS PRACTICED FOR LESS THAN THREE YEARS IS SUBJECT TO THE  
16 FOLLOWING SUPERVISORY REQUIREMENTS:

17 (a) THE PHYSICIAN ASSISTANT'S FIRST ONE HUNDRED SIXTY  
18 WORKING HOURS SHALL BE SUPERVISED BY A SUPERVISING PHYSICIAN WHO  
19 WORKS AT THE SAME LOCATION AS THE PHYSICIAN ASSISTANT. THE  
20 PHYSICIAN ASSISTANT'S PRIMARY SUPERVISING PHYSICIAN SHALL PROVIDE  
21 AT LEAST FORTY HOURS OF SUPERVISION, AND THE REMAINING HOURS MAY  
22 BE PROVIDED BY A SECONDARY SUPERVISING PHYSICIAN WHO IS  
23 DESIGNATED BY THE PRIMARY SUPERVISING PHYSICIAN.

24 (b) AFTER THE PHYSICIAN ASSISTANT COMPLETES ONE HUNDRED  
25 SIXTY WORKING HOURS, A SUPERVISING PHYSICIAN MUST REMAIN  
26 AVAILABLE TO THE PHYSICIAN ASSISTANT VIA A TELECOMMUNICATION  
27 DEVICE AT ALL TIMES WHEN THE PHYSICIAN ASSISTANT IS WORKING.

1 (c) NOT MORE THAN THIRTY DAYS AFTER THE PHYSICIAN  
2 ASSISTANT COMPLETES ONE HUNDRED SIXTY WORKING HOURS, THE  
3 PRIMARY SUPERVISING PHYSICIAN SHALL COMPLETE AN INITIAL  
4 PERFORMANCE ASSESSMENT AND A SUPERVISORY PLAN FOR THE PHYSICIAN  
5 ASSISTANT.

6 (3) (a) THE SUPERVISION OF A PHYSICIAN ASSISTANT LICENSED  
7 PURSUANT TO THIS ARTICLE 240 WHO HAS PRACTICED IN THIS STATE FOR  
8 THREE YEARS OR MORE IS DETERMINED BY A PRACTICE AGREEMENT THAT  
9 SHALL BE CREATED BY THE PHYSICIAN ASSISTANT AND HIS OR HER  
10 PRIMARY SUPERVISING PHYSICIAN NOT LATER THAN THIRTY DAYS AFTER  
11 THE PHYSICIAN ASSISTANT BEGINS PRACTICING UNDER THE SUPERVISION  
12 OF THE PRIMARY SUPERVISING PHYSICIAN. A PRACTICE AGREEMENT MUST  
13 INCLUDE:

14 (I) A PROCESS BY WHICH A PHYSICIAN ASSISTANT AND A  
15 SUPERVISING PHYSICIAN COMMUNICATE AND MAKE DECISIONS  
16 CONCERNING PATIENTS' MEDICAL TREATMENT, WHICH PROCESS UTILIZES  
17 THE KNOWLEDGE AND SKILLS OF THE PHYSICIAN ASSISTANT AND THE  
18 SUPERVISING PHYSICIAN BASED ON THEIR RESPECTIVE EDUCATION,  
19 TRAINING, AND EXPERIENCE;

20 (II) A PROTOCOL FOR DESIGNATING AN ALTERNATIVE PHYSICIAN  
21 FOR CONSULTATION WHEN THE SUPERVISING PHYSICIAN IS UNAVAILABLE  
22 FOR CONSULTATION;

23 (III) THE SIGNATURES OF THE PHYSICIAN ASSISTANT AND  
24 SUPERVISING PHYSICIAN; AND

25 (IV) A TERMINATION PROVISION THAT ALLOWS THE PHYSICIAN  
26 ASSISTANT OR THE SUPERVISING PHYSICIAN TO TERMINATE THE PRACTICE  
27 AGREEMENT AFTER PROVIDING WRITTEN NOTICE OF HIS OR HER INTENT TO

1 DO SO AT LEAST THIRTY DAYS BEFORE THE DATE OF TERMINATION. IF A  
2 PRACTICE AGREEMENT IS TERMINATED, THE PHYSICIAN ASSISTANT AND  
3 THE PHYSICIAN ASSISTANT'S PRIMARY SUPERVISING PHYSICIAN SHALL  
4 CREATE A NEW PRACTICE AGREEMENT WITHIN FORTY-FIVE DAYS AFTER  
5 THE DATE THE PREVIOUS PRACTICE AGREEMENT WAS TERMINATED.

6 (b) IN ADDITION TO THE COMPONENTS DESCRIBED IN SUBSECTION  
7 (3)(a) OF THIS SECTION, A PRACTICE AGREEMENT MAY IMPOSE CONDITIONS  
8 CONCERNING SPECIFIC DUTIES, PROCEDURES, OR DRUGS.

9 (c) IF THE TERMS OR CONDITIONS OF A PRACTICE AGREEMENT  
10 CHANGE, BOTH THE PHYSICIAN ASSISTANT AND THE SUPERVISING  
11 PHYSICIAN SHALL SIGN AND DATE THE UPDATED PRACTICE AGREEMENT.

12 (4) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS ARTICLE  
13 240 WHO HAS PRACTICED FOR AT LEAST TWELVE MONTHS AND WHO IS  
14 MAKING A SUBSTANTIVE CHANGE IN HIS OR HER SCOPE OF PRACTICE OR  
15 PRACTICE AREA IS SUBJECT TO THE FOLLOWING SUPERVISORY  
16 REQUIREMENTS:

17 (a) THE PHYSICIAN ASSISTANT'S FIRST EIGHTY WORKING HOURS  
18 SHALL BE SUPERVISED BY A SUPERVISING PHYSICIAN WHO WORKS AT THE  
19 SAME LOCATION AS THE PHYSICIAN ASSISTANT. THE PHYSICIAN  
20 ASSISTANT'S PRIMARY SUPERVISING PHYSICIAN SHALL PROVIDE AT LEAST  
21 TWENTY HOURS OF SUPERVISION, AND THE REMAINING HOURS MAY BE  
22 PROVIDED BY A SECONDARY SUPERVISING PHYSICIAN WHO IS DESIGNATED  
23 BY THE PRIMARY SUPERVISING PHYSICIAN.

24 (b) AFTER THE PHYSICIAN ASSISTANT COMPLETES EIGHTY  
25 WORKING HOURS, A SUPERVISING PHYSICIAN SHALL REMAIN AVAILABLE TO  
26 THE PHYSICIAN ASSISTANT VIA A TELECOMMUNICATION DEVICE AT ALL  
27 TIMES WHEN THE PHYSICIAN ASSISTANT IS WORKING.

1 (c) AFTER THE PHYSICIAN ASSISTANT HAS WORKED FOR SIX  
2 MONTHS, AND AGAIN AFTER THE PHYSICIAN ASSISTANT HAS WORKED FOR  
3 TWELVE MONTHS, THE PRIMARY SUPERVISING PHYSICIAN SHALL COMPLETE  
4 A PERFORMANCE ASSESSMENT AND DISCUSS THE PERFORMANCE  
5 ASSESSMENT WITH THE PHYSICIAN ASSISTANT.

6 (5) (a) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS  
7 ARTICLE 240 WHO HAS PRACTICED FOR AT LEAST THREE YEARS MAY BE  
8 LIABLE FOR DAMAGES RESULTING FROM NEGLIGENCE IN PROVIDING CARE  
9 TO A PATIENT; EXCEPT THAT A PHYSICIAN ASSISTANT IS NOT LIABLE FOR  
10 ANY DAMAGES THAT OCCUR AS A RESULT OF THE PHYSICIAN ASSISTANT  
11 FOLLOWING A DIRECT ORDER FROM A SUPERVISING PHYSICIAN.

12 (b) A PHYSICIAN ASSISTANT WHO MAY BE LIABLE FOR DAMAGES AS  
13 DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION SHALL MAINTAIN  
14 PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT NOT LESS THAN ONE  
15 MILLION DOLLARS PER CLAIM AND THREE MILLION DOLLARS FOR ALL  
16 CLAIMS.

17 (c) A PHYSICIAN ASSISTANT'S SUPERVISING PHYSICIAN MAY BE  
18 LIABLE FOR DAMAGES RESULTING FROM THE PHYSICIAN ASSISTANT'S  
19 NEGLIGENCE IN PROVIDING CARE TO A PATIENT IF THE PHYSICIAN  
20 ASSISTANT HAS NOT PRACTICED FOR AT LEAST THREE YEARS AS DESCRIBED  
21 IN SUBSECTION (5)(a) OF THIS SECTION.

22 **SECTION 7.** In Colorado Revised Statutes, 12-240-107, **amend**  
23 **as relocated by House Bill 19-1172 (6)(b)(I)** as follows:

24 **12-240-107. Practice of medicine defined - exemptions from**  
25 **licensing requirements - unauthorized practice by physician**  
26 **assistants and anesthesiologist assistants - penalties - definitions -**  
27 **rules - repeal.** (6) (b) (I) If the authority to perform an act is delegated

1 pursuant to subsection (6)(a) of this section, the PHYSICIAN ASSISTANT TO  
2 WHOM THE act IS DELEGATED shall not ~~be performed~~ PERFORM THE ACT  
3 except under the personal and responsible direction and supervision of a  
4 person licensed under the laws of this state to practice medicine. A  
5 licensed physician may be responsible for the direction and supervision  
6 of up to ~~four~~ EIGHT physician assistants at any one time. ~~and may be~~  
7 ~~responsible for the direction and supervision of more than four physician~~  
8 ~~assistants upon receiving specific approval from the board~~ A LICENSED  
9 PHYSICIAN SHALL NOT BE MADE RESPONSIBLE FOR THE DIRECTION AND  
10 SUPERVISION OF MORE THAN FOUR PHYSICIAN ASSISTANTS UNLESS THE  
11 LICENSED PHYSICIAN AGREES TO ASSUME THE RESPONSIBILITY. A  
12 LICENSED PHYSICIAN HAS SOLE DISCRETION TO ASSUME OR REFUSE SUCH  
13 RESPONSIBILITY, AND AN EMPLOYER SHALL NOT REQUIRE A LICENSED  
14 PHYSICIAN TO ASSUME SUCH RESPONSIBILITY AS A CONDITION OF  
15 EMPLOYMENT. The board, by rule, may define what constitutes  
16 appropriate direction and supervision of a physician assistant; EXCEPT  
17 THAT THE BOARD SHALL NOT PROMULGATE A RULE THAT IS INCONSISTENT  
18 WITH SECTION 12-240-114.5.

19 **SECTION 8.** In Colorado Revised Statutes, 12-240-105, **amend**  
20 **as relocated by House Bill 19-1172** (1)(a) introductory portion,  
21 (1)(a)(II), (1)(b), and (2) as follows:

22 **12-240-105. Colorado medical board - immunity - subject to**  
23 **termination - repeal of article.** (1) (a) There is hereby created the  
24 Colorado medical board, referred to in this article 240 as the "board". The  
25 board shall consist of ~~sixteen~~ SEVENTEEN members appointed by the  
26 governor and possessing the qualifications specified in this article 240  
27 and as follows:

1 (II) ~~One member~~ TWO MEMBERS licensed under this article 240 as  
2 a ~~physician assistant~~ PHYSICIAN ASSISTANTS; and

3 (b) The terms of the members of the board ~~shall be~~ ARE four years.  
4 For the two physician and one physician assistant appointees added to the  
5 board during the calendar year beginning January 1, 2010, the term for  
6 one of the physician member appointees ~~shall expire~~ EXPIRES four years  
7 after the appointment; the term for the other physician member appointee  
8 ~~shall expire~~ EXPIRES three years after the appointment; and the term for  
9 the physician assistant appointee ~~shall expire~~ EXPIRES two years after the  
10 appointment. THE TERM OF THE PHYSICIAN ASSISTANT APPOINTEE ADDED  
11 TO THE BOARD DURING THE CALENDAR YEAR BEGINNING JANUARY 1,  
12 2019, EXPIRES TWO YEARS AFTER THE APPOINTMENT. Thereafter, the terms  
13 of the members of the board ~~shall be~~ ARE four years.

14 (2) The board ~~shall be comprised~~ MUST INCLUDE at all times of  
15 eight members having the degree of doctor of medicine, three members  
16 having the degree of doctor of osteopathy, and ~~one physician assistant~~  
17 TWO PHYSICIAN ASSISTANTS, all of whom ~~shall~~ have been licensed in  
18 good standing and actively engaged in the practice of their professions in  
19 this state for at least three years next preceding their appointments, and  
20 four members of the public at large.

21 **SECTION 9.** In Colorado Revised Statutes, 12-240-116, **amend**  
22 **as relocated by House Bill 19-1172** (1)(a) as follows:

23 **12-240-116. Licensing panel.** (1) (a) The president of the board  
24 shall establish a licensing panel consisting of ~~three~~ FOUR members of the  
25 board as follows:

26 (I) One ~~panel~~ member ~~shall be~~ WHO IS a licensed physician having  
27 the degree of doctor of medicine;

1 (II) One ~~panel~~ member ~~shall be~~ WHO IS a licensed physician  
2 having the degree of doctor of osteopathy; and

3 (III) One ~~panel~~ member ~~shall be~~ WHO IS a public member of the  
4 board; AND

5 (IV) ONE MEMBER WHO IS A PHYSICIAN ASSISTANT MEMBER OF  
6 THE BOARD.

7 **SECTION 10. Act subject to petition - effective date -**  
8 **applicability.** (1) (a) Except as otherwise provided in subsection (1)(b)  
9 of this section, this act takes effect at 12:01 a.m. on the day following the  
10 expiration of the ninety-day period after final adjournment of the general  
11 assembly (August 2, 2019, if adjournment sine die is on May 3, 2019);  
12 except that, if a referendum petition is filed pursuant to section 1 (3) of  
13 article V of the state constitution against this act or an item, section, or  
14 part of this act within such period, then the act, item, section, or part will  
15 not take effect unless approved by the people at the general election to be  
16 held in November 2020 and, in such case, will take effect on the date of  
17 the official declaration of the vote thereon by the governor.

18 (b) Sections 5 through 8 of this act take effect only if House Bill  
19 19-1172 becomes law, in which case sections 5 through 8 take effect  
20 October 1, 2019.

21 (2) This act applies to the supervision of persons who practice as  
22 physician assistants on or after the applicable effective date of this act.

23