

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 24-141

BY SENATOR(S) Van Winkle and Michaelson Jenet, Baisley, Buckner, Cutter, Exum, Ginal, Gonzales, Kirkmeyer, Liston, Pelton R., Priola, Simpson, Smallwood, Will, Winter F.;
also REPRESENTATIVE(S) Bradfield and Rutinel, Boesenecker, Brown, Clifford, Duran, English, Garcia, Lindsay, Martinez, Mauro, McCormick, McLachlan, Ortiz, Ricks, Story, Velasco, McCluskie.

CONCERNING OUT-OF-STATE HEALTH-CARE WORKERS PROVIDING
HEALTH-CARE SERVICES THROUGH TELEHEALTH TO PATIENTS
LOCATED IN COLORADO.

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

SECTION 1. In Colorado Revised Statutes, **add** 12-30-124 as follows:

12-30-124. Out-of-state telehealth providers - registration - financial responsibility - discipline - emergency protocol - disclosures - prescriptions - rules - applicability - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "APPLICANT" MEANS AN INDIVIDUAL WHO PERFORMS

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

HEALTH-CARE SERVICES IN ANOTHER STATE AND APPLIES TO THE DIVISION TO PROVIDE TELEHEALTH SERVICES IN THIS STATE.

(b) "DISTANT SITE" HAS THE MEANING SET FORTH IN SECTION 10-16-123 (4)(a).

(c) "ORIGINATING SITE" HAS THE MEANING SET FORTH IN SECTION 10-16-123 (4)(b).

(d) "OUT-OF-STATE CREDENTIAL" MEANS A LICENSE, CERTIFICATE, REGISTRATION, OR OTHER APPROVAL AS A HEALTH-CARE PROVIDER IN ANOTHER STATE.

(e) "REGISTERED PROVIDER" MEANS A HEALTH-CARE PROVIDER REGISTERED TO PROVIDE TELEHEALTH SERVICES IN THIS STATE PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(f) "STORE-AND-FORWARD TRANSFER" HAS THE MEANING SET FORTH IN SECTION 10-16-123 (4)(c).

(g) "TELEHEALTH" MEANS THE DELIVERY OF MEDICAL SERVICES THROUGH TECHNOLOGIES THAT ARE USED IN A MANNER THAT IS COMPLIANT WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, INCLUDING INFORMATION, ELECTRONIC, AND COMMUNICATION TECHNOLOGIES, REMOTE MONITORING TECHNOLOGIES, AND STORE-AND-FORWARD TRANSFERS, TO FACILITATE THE ASSESSMENT, DIAGNOSIS, CONSULTATION, OR TREATMENT OF A PATIENT WHILE THE PATIENT IS LOCATED AT AN ORIGINATING SITE AND THE PERSON WHO PROVIDES THE SERVICES IS LOCATED AT A DISTANT SITE.

(2) ON AND AFTER JANUARY 1, 2026, AN APPLICANT WHO POSSESSES AN OUT-OF-STATE CREDENTIAL MAY PROVIDE HEALTH-CARE SERVICES THROUGH TELEHEALTH TO PATIENTS LOCATED IN THIS STATE IF THE APPLICANT IS REGISTERED WITH A REGULATOR, AS APPLICABLE TO THE APPLICANT'S PRACTICE, AND PROVIDES HEALTH-CARE SERVICES WITHIN THE SCOPE OF PRACTICE ESTABLISHED UNDER THE LAWS AND RULES OF THIS STATE THAT APPLY TO THE APPLICANT'S PRACTICE.

(3) A REGULATOR MAY REGISTER AN APPLICANT WHO DOES NOT POSSESS A LICENSE, CERTIFICATE, OR REGISTRATION IN THIS STATE AS A

REGISTERED PROVIDER UNDER THIS SECTION IF THE APPLICANT SATISFIES ALL OF THE FOLLOWING:

(a) THE APPLICANT SUBMITS AN APPLICATION ON A FORM PRESCRIBED BY THE DIVISION AND PAYS THE APPLICABLE FEE ESTABLISHED BY THE DIVISION PURSUANT TO SECTION 12-20-105;

(b) THE APPLICANT POSSESSES AN OUT-OF-STATE CREDENTIAL ISSUED BY A GOVERNMENTAL AUTHORITY IN ANOTHER STATE, THE DISTRICT OF COLUMBIA, OR A POSSESSION OR TERRITORY OF THE UNITED STATES AND THE CREDENTIAL IS ACTIVE; UNENCUMBERED; HAS EDUCATIONAL AND SUPERVISORY STANDARDS EQUIVALENT TO OR EXCEEDING THE EDUCATIONAL AND SUPERVISORY STANDARDS REQUIRED FOR THE EQUIVALENT CREDENTIAL, LICENSE, CERTIFICATE, OR REGISTRATION IN THIS STATE OR THE INTERSTATE COMPACT LICENSE FOR THE APPLICABLE CREDENTIAL TYPE; AND ENTITLES THE APPLICANT TO PERFORM HEALTH-CARE SERVICES THAT ARE THE SAME AS OR EQUIVALENT TO HEALTH-CARE SERVICES THAT MAY BE PERFORMED BY A LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT IN THIS STATE;

(c) THE APPLICANT HAS NOT BEEN SUBJECT TO ANY DISCIPLINARY ACTION RESULTING IN A LIMITATION, SUSPENSION, OR REVOCATION OF THE APPLICANT'S OUT-OF-STATE CREDENTIAL DURING THE FIVE-YEAR PERIOD IMMEDIATELY PRECEDING THE SUBMISSION OF THE APPLICANT'S APPLICATION PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION, UNLESS THE DISCIPLINARY ACTION PERTAINS TO AN ACTION, BEHAVIOR, OR TREATMENT PERMITTED UNDER COLORADO LAW;

(d) THE APPLICANT DEMONSTRATES PASSAGE OF A JURISPRUDENCE EXAMINATION ADMINISTERED BY THE DIVISION IF PASSAGE OF A JURISPRUDENCE EXAMINATION IS REQUIRED FOR SUBSTANTIALLY SIMILAR CREDENTIALING AS A LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT IN THIS STATE;

(e) THE APPLICANT DESIGNATES AN AGENT UPON WHOM SERVICE OF PROCESS MAY BE MADE IN THIS STATE ON A FORM PRESCRIBED BY THE DIVISION; AND

(f) THE APPLICANT DEMONSTRATES TO THE DIVISION THAT THE APPLICANT IS IN COMPLIANCE WITH SUBSECTION (5) OF THIS SECTION.

(4) (a) A REGISTERED PROVIDER SHALL NOTIFY THE APPLICABLE REGULATOR OF:

(I) RESTRICTIONS PLACED ON THE REGISTERED PROVIDER'S OUT-OF-STATE CREDENTIAL IN ANY STATE OR JURISDICTION;

(II) ANY DISCIPLINARY ACTION TAKEN OR PENDING AGAINST THE REGISTERED PROVIDER IN ANY STATE OR JURISDICTION; AND

(III) ANY FINAL JUDGMENT AGAINST, SETTLEMENT ENTERED INTO BY, OR ARBITRATION AWARD PAID ON BEHALF OF THE REGISTERED PROVIDER FOR MALPRACTICE.

(b) THE REGISTERED PROVIDER SHALL PROVIDE NOTIFICATION PURSUANT TO THIS SUBSECTION (4) WITHIN FIVE BUSINESS DAYS AFTER THE RESTRICTION IS PLACED OR DISCIPLINARY ACTION IS INITIATED OR TAKEN.

(5) A REGISTERED PROVIDER SHALL MAINTAIN THE METHOD AND AMOUNT OF FINANCIAL RESPONSIBILITY THAT COVERS SERVICES PROVIDED TO PATIENTS IN THIS STATE AS REQUIRED BY THE APPLICABLE REGULATOR.

(6) A REGISTERED PROVIDER PROVIDING HEALTH-CARE SERVICES THROUGH TELEHEALTH TO A PATIENT LOCATED IN THIS STATE SHALL PROVIDE HEALTH-CARE SERVICES IN COMPLIANCE WITH THE PROFESSIONAL PRACTICE STANDARDS APPLICABLE TO A LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT WHO PROVIDES COMPARABLE IN-PERSON HEALTH-CARE SERVICES IN THIS STATE. PROFESSIONAL PRACTICE STANDARDS AND LAWS APPLICABLE TO THE PROVISION OF IN-PERSON HEALTH-CARE SERVICES IN THIS STATE, INCLUDING STANDARDS AND LAWS RELATING TO PRESCRIBING MEDICATION OR TREATMENT, IDENTITY VERIFICATION, DOCUMENTATION, INFORMED CONSENT, CONFIDENTIALITY, DISCLOSURES, PRIVACY, AND SECURITY, APPLY TO THE PROVISION OF HEALTH-CARE SERVICES THROUGH TELEHEALTH IN COLORADO.

(7) (a) A REGISTERED PROVIDER WHO PROVIDES TELEHEALTH SERVICES TO A PATIENT SHALL:

(I) PROVIDE THE PATIENT WITH GUIDANCE ON APPROPRIATE FOLLOW-UP CARE AS REQUIRED BY THE LAWS, RULES, AND STANDARD OF CARE FOR COLORADO;

(II) IN THE EVENT OF AN EMERGENCY SITUATION, MAKE A GOOD FAITH EFFORT TO:

(A) DIRECTLY CONTACT AND COORDINATE WITH EMERGENCY SERVICES LOCATED NEAR THE ORIGINATING SITE; OR

(B) IF THE URGENT, EMERGENT, OR EMERGENCY SITUATION IS RELATED TO THE PATIENT'S MENTAL HEALTH OR A SUBSTANCE USE CONDITION, FACILITATE CONTACT WITH THE APPROPRIATE LOCAL MENTAL AND BEHAVIORAL HEALTH SERVICES TO INCLUDE LOCAL CRISIS SERVICES, SUCH AS CRISIS STABILIZATION UNITS, CRISIS WALK-IN CENTERS, MOBILE CRISIS RESPONSE SERVICES, AND WITHDRAWAL MANAGEMENT FACILITIES; AND

(C) REMAIN ON A SYNCHRONOUS CONNECTION WITH THE PATIENT, IF THE EMERGENCY ARISES DURING A SYNCHRONOUS CONNECTION, UNTIL EMERGENCY SERVICES HAVE REACHED THE ORIGINATING SITE OR THE SITUATION IS RESOLVED IN THE REGISTERED PROVIDER'S CLINICAL JUDGMENT; AND

(III) MAINTAIN A WRITTEN EMERGENCY PROTOCOL THAT IS APPROPRIATE TO THE APPLICABLE STANDARD OF CARE FOR COLORADO. THE WRITTEN EMERGENCY PROTOCOL MUST INCLUDE GOOD FAITH METHODS OF ACCOMPLISHING THE FOLLOWING:

(A) PROVIDING THE NAME AND LOCATION OF THE PATIENT TO EMERGENCY SERVICES IN ORAL, WRITTEN, OR DIGITAL FORM;

(B) DETERMINING THE ORIGINATING SITE IF A PATIENT IS UNAWARE OF THE LOCATION; AND

(C) PROVIDING THE CONTACT INFORMATION OF THE PATIENT TO EMERGENCY SERVICES.

(b) A REGISTERED PROVIDER MUST MAINTAIN A CURRENT LIST OF HOSPITALS, URGENT CARE CENTERS OR CLINICS, AND CRISIS PROVIDERS, SUCH AS CRISIS STABILIZATION UNITS, CRISIS WALK-IN CENTERS, MOBILE CRISIS RESPONSE SERVICES, AND WITHDRAWAL MANAGEMENT FACILITIES, IN THE AREA WHERE THE PATIENT RESIDES.

(8) (a) A REGISTERED PROVIDER SHALL NOT OPEN AN OFFICE IN THIS STATE AND SHALL NOT PROVIDE IN-PERSON HEALTH-CARE SERVICES TO PATIENTS LOCATED IN THIS STATE UNLESS THE REGISTERED PROVIDER OBTAINS THE LICENSE, CERTIFICATION, OR REGISTRATION THAT THE APPLICABLE REGULATOR REQUIRES FOR THE PERFORMANCE OF THE RELEVANT HEALTH-CARE SERVICES IN THIS STATE.

(b) A REGISTERED PROVIDER PROVIDING TELEHEALTH SERVICES TO A PATIENT IN THIS STATE SHALL DISCLOSE THE FOLLOWING INFORMATION TO THE PATIENT, AS APPLICABLE:

(I) THE LOCATION OF THE REGISTERED PROVIDER; AND

(II) THAT THE REGISTERED PROVIDER DOES NOT HAVE A PHYSICAL LOCATION IN COLORADO.

(9) (a) THE DIVISION OR THE APPLICABLE REGULATOR MAY TAKE DISCIPLINARY ACTION AGAINST A REGISTERED PROVIDER IF ANY OF THE FOLLOWING APPLIES TO THE REGISTERED PROVIDER:

(I) THE REGISTERED PROVIDER FAILS TO NOTIFY THE REGULATOR OF ANY ADVERSE ACTIONS TAKEN AGAINST THE REGISTERED PROVIDER'S OUT-OF-STATE CREDENTIAL AS REQUIRED UNDER SUBSECTION (4) OF THIS SECTION;

(II) THE REGISTERED PROVIDER HAS RESTRICTIONS PLACED ON THE REGISTERED PROVIDER'S OUT-OF-STATE CREDENTIAL OR DISCIPLINARY ACTION HAS BEEN COMMENCED AGAINST THE REGISTERED PROVIDER IN ANY STATE OR JURISDICTION;

(III) THE REGISTERED PROVIDER VIOLATES ANY OF THE REQUIREMENTS UNDER THIS SECTION; OR

(IV) THE REGISTERED PROVIDER COMMITS AN ACT THAT CONSTITUTES GROUNDS FOR DISCIPLINARY ACTION UNDER THE LAW GOVERNING THE APPLICABLE PROFESSION IN COLORADO.

(b) THE DEPARTMENT OF REGULATORY AGENCIES MAY NOTIFY OTHER STATES IN WHICH THE REGISTERED PROVIDER IS LICENSED, REGISTERED, OR CERTIFIED TO PRACTICE OF ANY DISCIPLINARY ACTIONS

TAKEN AGAINST THE REGISTERED PROVIDER IN THIS STATE.

(c) IF A REGULATOR DETERMINES THAT A REGISTERED PROVIDER HAS COMMITTED AN ACT OR ENGAGED IN CONDUCT THAT CONSTITUTES GROUNDS FOR DISCIPLINE OR UNPROFESSIONAL CONDUCT UNDER THE LAW GOVERNING THE APPLICABLE PROFESSION IN COLORADO, THE DIVISION OR THE RELEVANT REGULATOR MAY TAKE DISCIPLINARY OR OTHER ACTION PURSUANT TO SECTION 12-20-404.

(10) FOR A REGISTERED PROVIDER PROVIDING HEALTH-CARE SERVICES THROUGH TELEHEALTH TO A PATIENT LOCATED IN THIS STATE, THIS SECTION PROVIDES AN ALTERNATIVE TO LICENSURE, CERTIFICATION, OR REGISTRATION THAT THE APPLICABLE REGULATOR REQUIRES FOR THE PERFORMANCE OF THE RELEVANT HEALTH-CARE SERVICES IN THIS STATE, AND A REGISTERED PROVIDER MUST OTHERWISE ADHERE TO THE LAWS AND RULES THAT APPLY TO THE REGISTERED PROVIDER'S PRACTICE.

(11) A REGISTERED PROVIDER SHALL NOT PRESCRIBE A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 12-280-402 (1).

(12) ALL REGISTRATIONS ISSUED PURSUANT TO THIS SECTION ARE SUBJECT TO THE RENEWAL, EXPIRATION, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202.

(13) THE DIVISION MAY PROMULGATE RULES NECESSARY TO IMPLEMENT AND ADMINISTER THIS SECTION.

(14) A REGULATOR MAY PROMULGATE RULES NECESSARY TO IMPLEMENT AND ADMINISTER THIS SECTION.

(15) ARTICLES 1 AND 20 OF THIS TITLE 12 AND THIS ARTICLE 30 APPLY, ACCORDING TO THEIR TERMS, TO THIS SECTION.

SECTION 2. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO