

SB052_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

SB19-052 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 25-3.5-103, add
4 with amended and relocated provisions (8.8) as follows:

5 **25-3.5-103. Definitions.** As used in this article 3.5, unless the
6 context otherwise requires:

7 (8.8) [~~Formerly 25-3.5-203 (5)~~] ~~For the purposes of this article;~~
8 ~~unless the context otherwise requires;~~ "Medical direction" includes, but
9 is not limited to, the following:

10 (a) Approval of the medical components of treatment protocols
11 and appropriate prearrival instructions;

12 (b) Routine review of program performance and maintenance of
13 active involvement in quality improvement activities, including access to
14 dispatch tapes as necessary for the evaluation of procedures;

15 (c) Authority to recommend appropriate changes to protocols for
16 the improvement of patient care; and

17 (d) ~~Provide~~ PROVISION OF oversight for the ongoing education,
18 training, and quality assurance for providers of emergency care.

19 **SECTION 2.** In Colorado Revised Statutes, 25-3.5-203, amend
20 (1)(b)(IV) and (1)(b)(V); and add (1)(b)(VI) as follows:

21 **25-3.5-203. Emergency medical service providers -**
22 **certification - renewal of certificate - duties of department - rules -**
23 **criminal history record checks - definitions.** (1) (b) The department
24 shall certify emergency medical service providers. The board shall adopt
25 rules for the certification of emergency medical service providers. The
26 rules must include the following:

27 (IV) Disciplinary sanctions, which ~~shall~~ MUST include provisions
28 for the denial, revocation, and suspension of certificates and the
29 suspension and probation of certificate holders; ~~and~~

30 (V) An appeals process pursuant to sections 24-4-104 and
31 24-4-105 ~~C.R.S.~~; that is applicable to department decisions in connection
32 with certifications and sanctions; AND

33 (VI) A STATEMENT THAT AN EMERGENCY MEDICAL SERVICE
34 PROVIDER MAY PRACTICE IN A CLINICAL SETTING, AS DEFINED IN SECTION
35 25-3.5-207 (1)(a), SUBJECT TO THE REQUIREMENTS OF SECTION 25-3.5-207
36 AND RULES ADOPTED BY THE BOARD.

37 **SECTION 3.** In Colorado Revised Statutes, 25-3.5-205, amend
38 (2) and (5)(a) as follows:

39 **25-3.5-205. Emergency medical service providers -**

1 **investigation - discipline.** (2) An emergency medical service provider,
2 THE MEDICAL SUPERVISOR OF AN EMERGENCY MEDICAL SERVICE PROVIDER
3 IN A CLINICAL SETTING, AS THOSE TERMS ARE DEFINED IN SECTION
4 25-3.5-207 (1), the employer of an emergency medical service provider,
5 a medical director, and a physician providing medical direction of an
6 emergency medical service provider shall report to the department any
7 misconduct that is known or reasonably believed by the person to have
8 occurred.

9 (5) For the purposes of this section:

10 (a) "Medical director" means a physician who ~~supervises certified~~
11 PROVIDES MEDICAL DIRECTION TO emergency medical service providers
12 consistent with the rules adopted by the ~~executive~~ director or chief
13 medical officer, as applicable, under section 25-3.5-206.

14 **SECTION 4.** In Colorado Revised Statutes, 25-3.5-206, **amend**
15 (4)(a) introductory portion, (4)(a)(III), and (4)(a.5)(I); and **add** (5) as
16 follows:

17 **25-3.5-206. Emergency medical practice advisory council -**
18 **creation - powers and duties - emergency medical service provider**
19 **scope of practice - definitions - rules.** (4) (a) The director or, if the
20 director is not a physician, the chief medical officer shall adopt rules in
21 accordance with article 4 of title 24 ~~C.R.S.~~, concerning the scope of
22 practice of emergency medical service providers. ~~for prehospital care.~~ The
23 rules must include the following:

24 (III) Criteria for requests to waive the scope of practice rules IN A
25 PREHOSPITAL SETTING and the conditions for ~~such~~ THE waivers;

26 (a.5) (I) ~~On or before January 1, 2018,~~ The director or, if the
27 director is not a physician, the chief medical officer shall adopt rules in
28 accordance with article 4 of title 24 ~~C.R.S.~~, concerning the scope of
29 practice of a community paramedic. An emergency medical service
30 provider's endorsement as a community paramedic, issued pursuant to the
31 rules adopted under section 25-3.5-203.5, is valid for as long as the
32 emergency medical service provider maintains ~~his or her~~ certification by
33 the department.

34 (5) AS USED IN THIS SECTION:

35 (a) "INTERFACILITY TRANSPORT" HAS THE MEANING SET FORTH IN
36 SECTION 25-3.5-207 (1)(c).

37 (b) "PREHOSPITAL SETTING" MEANS ONE OF THE FOLLOWING
38 SETTINGS IN WHICH AN EMERGENCY MEDICAL SERVICE PROVIDER
39 PERFORMS PATIENT CARE, WHICH CARE IS SUBJECT TO MEDICAL DIRECTION
40 BY A MEDICAL DIRECTOR:

41 (I) AT THE SITE OF AN EMERGENCY;

42 (II) DURING EMERGENCY TRANSPORT; OR

43 (III) DURING INTERFACILITY TRANSPORT.

44 (c) "SCOPE OF PRACTICE" HAS THE MEANING SET FORTH IN SECTION
45 25-3.5-207 (1)(f).

1 **SECTION 5.** In Colorado Revised Statutes, add 25-3.5-207 as
2 follows:

3 **25-3.5-207. Ability of certified emergency medical service**
4 **providers to work in clinical settings - restrictions - definitions -**
5 **rules.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "CLINICAL SETTING" MEANS A HEALTH FACILITY LICENSED OR
8 CERTIFIED BY THE DEPARTMENT PURSUANT TO SECTION 25-1.5-103 (1)(a).

9 (b) "IN-SCOPE TASKS AND PROCEDURES" MEANS TASKS AND
10 PROCEDURES PERFORMED BY AN EMERGENCY MEDICAL SERVICE PROVIDER
11 WITHIN THE EMERGENCY MEDICAL SERVICE PROVIDER'S SCOPE OF
12 PRACTICE.

13 (c) "INTERFACILITY TRANSPORT" MEANS THE MOVEMENT OF A
14 PATIENT FROM ONE LICENSED HEALTH CARE FACILITY TO ANOTHER
15 LICENSED HEALTH CARE FACILITY.

16 (d) "MEDICAL SUPERVISION" MEANS THE OVERSIGHT, GUIDANCE,
17 AND INSTRUCTIONS THAT A MEDICAL SUPERVISOR PROVIDES TO AN
18 EMERGENCY MEDICAL SERVICE PROVIDER.

19 (e) "MEDICAL SUPERVISOR" MEANS A COLORADO-LICENSED
20 PHYSICIAN, PHYSICIAN ASSISTANT, ADVANCED PRACTICE NURSE, OR
21 REGISTERED NURSE.

22 (f) "SCOPE OF PRACTICE" MEANS THE TASKS, MEDICATIONS, AND
23 PROCEDURES THAT AN EMERGENCY MEDICAL SERVICE PROVIDER IS
24 AUTHORIZED TO PERFORM OR ADMINISTER IN ACCORDANCE WITH SECTIONS
25 25-3.5-203 AND 25-3.5-206 AND RULES PROMULGATED PURSUANT TO
26 THOSE SECTIONS.

27 (2) IN ACCORDANCE WITH THE LIMITATIONS CONTAINED IN THIS
28 ARTICLE 3.5, AN EMERGENCY MEDICAL SERVICE PROVIDER MAY WORK IN
29 A CLINICAL SETTING SUBJECT TO THE FOLLOWING CONDITIONS:

30 (a) THE EMERGENCY MEDICAL SERVICE PROVIDER MAY PERFORM
31 ONLY TASKS AND PROCEDURES THAT ARE WITHIN THE EMERGENCY
32 MEDICAL SERVICE PROVIDER'S APPLICABLE SCOPE OF PRACTICE;

33 (b) THE EMERGENCY MEDICAL SERVICE PROVIDER SHALL PERFORM
34 IN-SCOPE TASKS AND PROCEDURES PURSUANT TO ORDERS OR
35 INSTRUCTIONS FROM, AND UNDER THE MEDICAL SUPERVISION OF, A
36 MEDICAL SUPERVISOR;

37 (c) MEDICAL SUPERVISION MUST BE PROVIDED BY A MEDICAL
38 SUPERVISOR WHO IS IMMEDIATELY AVAILABLE AND PHYSICALLY PRESENT
39 AT THE CLINICAL SETTING WHERE THE CARE IS BEING DELIVERED TO
40 PROVIDE OVERSIGHT, GUIDANCE, OR INSTRUCTION TO THE EMERGENCY
41 MEDICAL SERVICE PROVIDER DURING THE EMERGENCY MEDICAL SERVICE
42 PROVIDER'S PERFORMANCE OF IN-SCOPE TASKS AND PROCEDURES;

43 (d) THE MEDICAL SUPERVISOR OF THE EMERGENCY MEDICAL
44 SERVICE PROVIDER MUST BE LICENSED IN GOOD STANDING; AND

45 (e) EACH CLINICAL SETTING AT WHICH AN EMERGENCY MEDICAL

1 SERVICE PROVIDER PERFORMS IN-SCOPE TASKS AND PROCEDURES
2 PURSUANT TO THIS SECTION SHALL, IN COLLABORATION WITH ITS MEDICAL
3 STAFF, ESTABLISH OPERATING POLICIES AND PROCEDURES THAT ENSURE
4 THAT EMERGENCY MEDICAL SERVICE PROVIDERS PERFORM TASKS AND
5 PROCEDURES AND ADMINISTER MEDICATIONS WITHIN THEIR SCOPE OF
6 PRACTICE.

7 (3) NOTHING IN THIS SECTION ALTERS THE AUTHORITY OF A
8 PHYSICIAN OR REGISTERED NURSE IN A CLINICAL SETTING TO DELEGATE
9 ACTS, INCLUDING THE ADMINISTRATION OF MEDICATIONS, THAT ARE
10 OUTSIDE OF AN EMERGENCY MEDICAL SERVICE PROVIDER'S SCOPE OF
11 PRACTICE PURSUANT TO SECTIONS 12-36-106 OR 12-38-132, AS
12 APPROPRIATE.

13 (4) THE BOARD MAY PROMULGATE RULES AS NECESSARY TO
14 IMPLEMENT THIS SECTION.

15 **SECTION 6. Repeal of provisions being relocated in this act.**
16 In Colorado Revised Statutes, repeal 25-3.5-203 (5).

17 **SECTION 7. Act subject to petition - effective date -**
18 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
19 the expiration of the ninety-day period after final adjournment of the
20 general assembly (August 2, 2019, if adjournment sine die is on May 3,
21 2019); except that, if a referendum petition is filed pursuant to section 1
22 (3) of article V of the state constitution against this act or an item, section,
23 or part of this act within such period, then the act, item, section, or part
24 will not take effect unless approved by the people at the general election
25 to be held in November 2020 and, in such case, will take effect on the
26 date of the official declaration of the vote thereon by the governor.

27 (2) This act applies to conduct occurring on or after the applicable
28 effective date of this act."

** ** ** ** **