

## HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Cutter

1 Amend printed bill, page 7, line 17, strike "~~and one physician assistant~~"  
2 and substitute "and one physician assistant".

3 Page 8, strike lines 1 and 2 and substitute "APPOINTMENT. Thereafter, the  
4 terms of the members of the board ~~shall be~~ ARE four years."

5 Page 9, strike lines 20 through 27 and substitute:

6 **"SECTION 5.** In Colorado Revised Statutes, **add to article 240**  
7 **of title 12 as relocated by House Bill 19-1172** 12-240-114.5 as follows:  
8 **12-240-114.5. Physician assistants - definitions - supervisory**  
9 **requirements - liability - definitions.** (1) AS USED IN THIS SECTION,  
10 UNLESS THE CONTEXT OTHERWISE REQUIRES:

11 (a) "PERFORMANCE EVALUATION" MEANS A DOCUMENT THAT  
12 INCLUDES DOMAINS OF COMPETENCY RELEVANT TO THE PRACTICE OF A  
13 PHYSICIAN ASSISTANT, USES MORE THAN ONE MODALITY OF ASSESSMENT  
14 TO EVALUATE THE DOMAINS, AND INCLUDES CONSIDERATION OF THE  
15 PHYSICIAN ASSISTANT'S EDUCATION, TRAINING, EXPERIENCE,  
16 COMPETENCY, AND KNOWLEDGE OF THE SPECIALTY IN WHICH THE  
17 PHYSICIAN ASSISTANT IS ENGAGED.

18 (b) "PRACTICE AGREEMENT" MEANS A WRITTEN AGREEMENT  
19 BETWEEN A PHYSICIAN ASSISTANT AND A SUPERVISING PHYSICIAN THAT  
20 DEFINES THE COMMUNICATION AND DECISION-MAKING PROCESS BY WHICH  
21 THE PHYSICIAN ASSISTANT AND THE SUPERVISING PHYSICIAN PROVIDE  
22 CARE TO PATIENTS.

23 (c) "SUPERVISORY PLAN" MEANS A DOCUMENT THAT ALLOWS A  
24 SUPERVISING PHYSICIAN TO FOLLOW THE ONGOING PROFESSIONAL  
25 DEVELOPMENT OF A PHYSICIAN ASSISTANT'S CLINICAL PRACTICE,  
26 PROMOTES A COLLABORATIVE RELATIONSHIP BETWEEN A PHYSICIAN  
27 ASSISTANT AND HIS OR HER SUPERVISING PHYSICIANS, AND ALLOWS A  
28 SUPERVISING PHYSICIAN TO ADDRESS ANY DEFICIENCIES THAT HAVE BEEN  
29 IDENTIFIED IN THE PHYSICIAN ASSISTANT'S CLINICAL COMPETENCIES  
30 DURING THE INITIAL PERFORMANCE PERIOD.

31 (2) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS ARTICLE  
32 240 WHO HAS PRACTICED FOR LESS THAN THREE YEARS IS SUBJECT TO THE  
33 FOLLOWING SUPERVISORY REQUIREMENTS:

34 (a) THE PHYSICIAN ASSISTANT'S FIRST ONE HUNDRED SIXTY  
35 WORKING HOURS SHALL BE SUPERVISED BY A SUPERVISING PHYSICIAN WHO  
36 WORKS AT THE SAME LOCATION AS THE PHYSICIAN ASSISTANT. THE  
37 PHYSICIAN ASSISTANT'S PRIMARY SUPERVISING PHYSICIAN SHALL PROVIDE

1 AT LEAST FORTY HOURS OF SUPERVISION, AND THE REMAINING HOURS MAY  
2 BE PROVIDED BY A SECONDARY SUPERVISING PHYSICIAN WHO IS  
3 DESIGNATED BY THE PRIMARY SUPERVISING PHYSICIAN.

4 (b) AFTER THE PHYSICIAN ASSISTANT COMPLETES ONE HUNDRED  
5 SIXTY WORKING HOURS, A SUPERVISING PHYSICIAN MUST REMAIN  
6 AVAILABLE TO THE PHYSICIAN ASSISTANT VIA A TELECOMMUNICATION  
7 DEVICE AT ALL TIMES WHEN THE PHYSICIAN ASSISTANT IS WORKING.

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

13 (3) (a) THE SUPERVISION OF A PHYSICIAN ASSISTANT LICENSED  
14 PURSUANT TO THIS ARTICLE 240 WHO HAS PRACTICED IN THIS STATE FOR  
15 THREE YEARS OR MORE IS DETERMINED BY A PRACTICE AGREEMENT THAT  
16 SHALL BE CREATED BY THE PHYSICIAN ASSISTANT AND HIS OR HER  
17 PRIMARY SUPERVISING PHYSICIAN NOT LATER THAN THIRTY DAYS AFTER  
18 THE PHYSICIAN ASSISTANT BEGINS PRACTICING UNDER THE SUPERVISION  
19 OF THE PRIMARY SUPERVISING PHYSICIAN. A PRACTICE AGREEMENT MUST  
20 INCLUDE:

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

27 (II) A PROTOCOL FOR DESIGNATING AN ALTERNATIVE PHYSICIAN  
28 FOR CONSULTATION WHEN THE SUPERVISING PHYSICIAN IS UNAVAILABLE  
29 FOR CONSULTATION;

30 (III) THE SIGNATURES OF THE PHYSICIAN ASSISTANT AND  
31 SUPERVISING PHYSICIAN; AND

32 (IV) A TERMINATION PROVISION THAT ALLOWS THE PHYSICIAN  
33 ASSISTANT OR THE SUPERVISING PHYSICIAN TO TERMINATE THE PRACTICE  
34 AGREEMENT AFTER PROVIDING WRITTEN NOTICE OF HIS OR HER INTENT TO  
35 DO SO AT LEAST THIRTY DAYS BEFORE THE DATE OF TERMINATION. IF A  
36 PRACTICE AGREEMENT IS TERMINATED, THE PHYSICIAN ASSISTANT AND  
37 THE PHYSICIAN ASSISTANT'S PRIMARY SUPERVISING PHYSICIAN SHALL  
38 CREATE A NEW PRACTICE AGREEMENT WITHIN FORTY-FIVE DAYS AFTER  
39 THE DATE THE PREVIOUS PRACTICE AGREEMENT WAS TERMINATED.

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

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

1 (4) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO THIS ARTICLE  
2 240 WHO HAS PRACTICED FOR AT LEAST TWELVE MONTHS AND WHO IS  
3 MAKING A SUBSTANTIVE CHANGE IN HIS OR HER SCOPE OF PRACTICE OR  
4 PRACTICE AREA IS SUBJECT TO THE FOLLOWING SUPERVISORY  
5 REQUIREMENTS:

6 (a) THE PHYSICIAN ASSISTANT'S FIRST EIGHTY WORKING HOURS  
7 SHALL BE SUPERVISED BY A SUPERVISING PHYSICIAN WHO WORKS AT THE  
8 SAME LOCATION AS THE PHYSICIAN ASSISTANT. THE PHYSICIAN  
9 ASSISTANT'S PRIMARY SUPERVISING PHYSICIAN SHALL PROVIDE AT LEAST  
10 TWENTY HOURS OF SUPERVISION, AND THE REMAINING HOURS MAY BE  
11 PROVIDED BY A SECONDARY SUPERVISING PHYSICIAN WHO IS DESIGNATED  
12 BY THE PRIMARY SUPERVISING PHYSICIAN.

13 (b) AFTER THE PHYSICIAN ASSISTANT COMPLETES EIGHTY  
14 WORKING HOURS, A SUPERVISING PHYSICIAN SHALL REMAIN AVAILABLE TO  
15 THE PHYSICIAN ASSISTANT VIA A TELECOMMUNICATION DEVICE AT ALL  
16 TIMES WHEN THE PHYSICIAN ASSISTANT IS WORKING.

17 (c) AFTER THE PHYSICIAN ASSISTANT HAS WORKED FOR SIX  
18 MONTHS, AND AGAIN AFTER THE PHYSICIAN ASSISTANT HAS WORKED FOR  
19 TWELVE MONTHS, THE PRIMARY SUPERVISING PHYSICIAN SHALL COMPLETE  
20 A PERFORMANCE ASSESSMENT AND DISCUSS THE PERFORMANCE  
21 ASSESSMENT WITH THE PHYSICIAN ASSISTANT.

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

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

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

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

40 **12-240-107. Practice of medicine defined - exemptions from**  
41 **licensing requirements - unauthorized practice by physician**  
42 **assistants and anesthesiologist assistants - penalties - definitions -**  
43 **rules - repeal.** (6) (b) (I) If the authority to perform an act is delegated  
44 pursuant to subsection (6)(a) of this section, the PHYSICIAN ASSISTANT TO  
45 WHOM THE act IS DELEGATED shall not ~~be performed~~ PERFORM THE ACT

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

17 **SECTION 7.** In Colorado Revised Statutes, 12-240-105, **amend**  
18 **as relocated by House Bill 19-1172** (1)(a) introductory portion,  
19 (1)(a)(II), (1)(b), and (2) as follows:

20 **12-240-105. Colorado medical board - immunity - subject to**  
21 **termination - repeal of article.** (1) (a) There is hereby created the  
22 Colorado medical board, referred to in this article 240 as the "board". The  
23 board shall consist of ~~sixteen~~ SEVENTEEN members appointed by the  
24 governor and possessing the qualifications specified in this article 240  
25 and as follows:

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

28 (b) The terms of the members of the board ~~shall be~~ ARE four years.  
29 For the two physician and one physician assistant appointees added to the  
30 board during the calendar year beginning January 1, 2010, the term for  
31 one of the physician member appointees ~~shall expire~~ EXPIRES four years  
32 after the appointment; the term for the other physician member appointee  
33 ~~shall expire~~ EXPIRES three years after the appointment; and the term for  
34 the physician assistant appointee ~~shall expire~~ EXPIRES two years after the  
35 appointment. THE TERM OF THE PHYSICIAN ASSISTANT APPOINTEE ADDED  
36 TO THE BOARD DURING THE CALENDAR YEAR BEGINNING JANUARY 1,  
37 2019, EXPIRES TWO YEARS AFTER THE APPOINTMENT. Thereafter, the terms  
38 of the members of the board ~~shall be~~ ARE four years.

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

1           **SECTION 8.** In Colorado Revised Statutes, 12-240-116, **amend**  
2 **as relocated by House Bill 19-1172** (1)(a) as follows:

3           **12-240-116. Licensing panel.** (1) (a) The president of the board  
4 shall establish a licensing panel consisting of ~~three~~ FOUR members of the  
5 board as follows:

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

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

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

12          (IV) ONE MEMBER WHO IS A PHYSICIAN ASSISTANT MEMBER OF  
13 THE BOARD.

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

25          (b) Sections 5 through 8 of this act take effect only if House Bill  
26 19-1172 becomes law, in which case sections 5 through 8 take effect  
27 October 1, 2019.

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

30   Strike page 10.

31   Strike "MUST" and substitute "SHALL" on: **Page 3**, lines 21 and 23; **Page**  
32 **4**, line 12; **Page 5**, lines 6, 14, 21, and 23; and **Page 6**, line 1.

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