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HOUSE BILL 21-1190

BY REPRESENTATIVE(S) Rich and Esgar, Bacon, Bernett, Bird, Caraveo, Carver, Cutter, Duran, Exum, Gonzales-Gutierrez, Hooton, Jodeh, Lontine, McCluskie, McLachlan, Michaelson Jenet, Ortiz, Ricks, Sandridge, Valdez D., Van Beber, Van Winkle, Will, Woodrow, Young, Garnett, Geitner, Jackson, Kipp, Mullica, Pelton, Pico, Snyder, Soper, Sullivan, Titone, Valdez A.;

also SENATOR(S) Kirkmeyer and Fields, Bridges, Buckner, Cooke, Coram, Donovan, Fenberg, Gardner, Ginal, Hansen, Hisey, Holbert, Jaquez Lewis, Kolker, Lee, Liston, Lundeen, Moreno, Pettersen, Priola, Rankin, Simpson, Sonnenberg, Story, Winter, Woodward, Zenzinger, Garcia.

CONCERNING THE DEFINITION OF "TELEMEDICINE" FOR THE PURPOSES OF THE "COLORADO MEDICAL PRACTICE ACT".

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

SECTION 1. In Colorado Revised Statutes, 12-240-104, **amend** (6); and **add** (5.7), (5.8), and (5.9) as follows:

12-240-104. Definitions. As used in this article 240, unless the context otherwise requires:

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.

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

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

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

(6) "Telemedicine" means the delivery of medical services ~~and any~~ 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, AS AMENDED, INCLUDING INFORMATION, ELECTRONIC, AND COMMUNICATION TECHNOLOGIES, REMOTE MONITORING TECHNOLOGIES, AND STORE-AND-FORWARD TRANSFERS, TO FACILITATE THE ASSESSMENT, diagnosis, consultation, or treatment ~~using interactive audio, interactive video, or interactive data communication~~ 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.

SECTION 2. In Colorado Revised Statutes, 12-240-107, **amend** (1)(g) as follows:

12-240-107. Practice of medicine defined - exemptions from licensing requirements - unauthorized practice by physician assistants and anesthesiologist assistants - penalties - definitions - rules - repeal.
(1) For the purpose of this article 240, "practice of medicine" means:

(g) The delivery of telemedicine. Nothing in this subsection (1)(g) authorizes physicians to deliver services outside their scope of practice or limits the delivery of health services by other licensed professionals, within the professional's scope of practice, using advanced technology, including, but not limited to, ~~interactive audio, interactive video, or interactive data communication~~ TELEHEALTH, AS DEFINED IN SECTION 10-16-123 (4)(e).

SECTION 3. In Colorado Revised Statutes, 25.5-4-103, **add** (25.7) as follows:

25.5-4-103. Definitions. As used in this article 4 and articles 5 and

6 of this title 25.5, unless the context otherwise requires:

(25.7) "TELEMEDICINE" MEANS THE DELIVERY OF MEDICAL AND HEALTH-CARE SERVICES AND ANY DIAGNOSIS, CONSULTATION, OR TREATMENT USING INTERACTIVE AUDIO, INTERACTIVE VIDEO, OR INTERACTIVE DATA COMMUNICATION.

SECTION 4. In Colorado Revised Statutes, 25.5-5-414, **repeal** (2) as follows:

25.5-5-414. Telemedicine - legislative intent. (2) For the purposes of this section, "telemedicine" shall have the same meaning as set forth in ~~section 12-240-104 (6)~~.

SECTION 5. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO