

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.



HOUSE BILL 12-1332

BY REPRESENTATIVE(S) Balmer, Liston, Hulinghorst, Joshi, Kerr J., Peniston, Schafer S., Young, Ramirez, Labuda, Singer, Gerou, Nikkel; also SENATOR(S) Guzman, Boyd, King S., Morse, Newell.

CONCERNING LICENSURE OF ANESTHESIOLOGIST ASSISTANTS.

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

SECTION 1. In Colorado Revised Statutes, 12-36-102.5, **amend** (6) and (7) as follows:

12-36-102.5. Definitions. As used in this article, unless the context otherwise requires:

(6) "License" means the authority to practice medicine, ~~or~~ practice as a physician assistant, ~~OR PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT~~ under this article.

(7) "Licensee" means any physician, ~~or~~ physician assistant, ~~OR ANESTHESIOLOGIST ASSISTANT~~ who is licensed pursuant to this article.

SECTION 2. In Colorado Revised Statutes, 12-36-104, **amend** (3) as follows:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

12-36-104. Powers and duties of board. (3) To facilitate the licensure of qualified applicants and address the unlicensed practice of medicine, ~~and the unlicensed practice as a physician assistant, AND THE UNLICENSED PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT,~~ the president of the board shall establish a licensing panel in accordance with section 12-36-111.3 to perform licensing functions in accordance with this article and review and resolve matters relating to the unlicensed practice of medicine, ~~and unlicensed practice as a physician assistant, AND UNLICENSED PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT.~~ Two panel members ~~shall~~ constitute a quorum of the panel. Any action taken by a quorum of the panel ~~shall constitute~~ CONSTITUTES action by the board.

SECTION 3. In Colorado Revised Statutes, 12-36-106, **amend** (2); and **add** (7) as follows:

12-36-106. Practice of medicine defined - exemptions from licensing requirements - unauthorized practice by physician assistants and anesthesiologist assistants - penalties - rules. (2) If a person who does not possess and has not filed a license to practice medicine, ~~or practice as a physician assistant, OR PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT~~ in this state, as provided in this article, and who is not exempted from the licensing requirements under this article, performs any of the acts that constitute the practice of medicine as defined in this section, the person shall be deemed to be practicing medicine, ~~or practicing as a physician assistant, OR PRACTICING AS AN ANESTHESIOLOGIST ASSISTANT~~ in violation of this article.

(7) (a) A PHYSICIAN LICENSED IN THIS STATE THAT PRACTICES AS AN ANESTHESIOLOGIST MAY DELEGATE TASKS CONSTITUTING THE PRACTICE OF MEDICINE TO AN ANESTHESIOLOGIST ASSISTANT LICENSED PURSUANT TO SECTION 12-36-107.3 WHO HAS BEEN EDUCATED AND TRAINED IN ACCORDANCE WITH RULES PROMULGATED BY THE BOARD. THE DELEGATED MEDICAL TASKS REFERRED TO IN THIS PARAGRAPH (a) ARE LIMITED TO THE MEDICAL FUNCTIONS THAT CONSTITUTE THE DELIVERY OR PROVISION OF ANESTHESIA SERVICES AS PRACTICED BY THE SUPERVISING PHYSICIAN.

(b) AN ANESTHESIOLOGIST ASSISTANT SHALL PERFORM DELEGATED MEDICAL TASKS ONLY UNDER THE DIRECT SUPERVISION OF A PHYSICIAN WHO PRACTICES AS AN ANESTHESIOLOGIST. A PATIENT OR THE PATIENT'S

REPRESENTATIVE SHALL BE ADVISED IF AN ANESTHESIOLOGIST ASSISTANT IS INVOLVED IN THE CARE OF A PATIENT. UNLESS APPROVED BY THE BOARD, A SUPERVISING PHYSICIAN SHALL NOT CONCURRENTLY SUPERVISE MORE THAN THREE ANESTHESIOLOGIST ASSISTANTS; EXCEPT THAT THE BOARD MAY, BY RULE, ALLOW AN ANESTHESIOLOGIST TO SUPERVISE UP TO FOUR ANESTHESIOLOGIST ASSISTANTS ON AND AFTER JULY 1, 2016. THE BOARD MAY CONSIDER INFORMATION FROM ANESTHESIOLOGISTS, ANESTHESIOLOGIST ASSISTANTS, PATIENTS, AND OTHER SOURCES WHEN CONSIDERING A RATIO CHANGE OF SUPERVISION OF ANESTHESIOLOGIST ASSISTANTS. DIRECT SUPERVISION OF ANESTHESIOLOGIST ASSISTANTS MAY BE TRANSFERRED BETWEEN ANESTHESIOLOGISTS OF THE SAME GROUP OR PRACTICE IN ACCORDANCE WITH GENERALLY ACCEPTED STANDARDS OF CARE.

(c) NOTHING IN THIS SUBSECTION (7) AFFECTS THE PRACTICE OF DENTISTS AND DENTAL ASSISTANTS PRACTICING PURSUANT TO ARTICLE 35 OF TITLE 12.

SECTION 4. In Colorado Revised Statutes, **add** 12-36-107.3 as follows:

12-36-107.3. Anesthesiologist assistant license - qualifications.

(1) TO BE LICENSED AS AN ANESTHESIOLOGIST ASSISTANT UNDER THIS ARTICLE, AN APPLICANT MUST BE AT LEAST TWENTY-ONE YEARS OF AGE AND MUST HAVE:

(a) SUCCESSFULLY COMPLETED AN EDUCATION PROGRAM FOR ANESTHESIOLOGIST ASSISTANTS THAT CONFORMS TO STANDARDS DELINEATED BY THE COMMISSION ON ACCREDITATION OF ALLIED HEALTH EDUCATION PROGRAMS, OR ITS SUCCESSOR ORGANIZATION, AND APPROVED BY THE BOARD;

(b) SUCCESSFULLY COMPLETED THE NATIONAL CERTIFYING EXAMINATION FOR ANESTHESIOLOGIST ASSISTANTS THAT IS ADMINISTERED BY THE NATIONAL COMMISSION FOR CERTIFICATION OF ANESTHESIOLOGIST ASSISTANTS OR A SUCCESSOR ORGANIZATION; AND

(c) SUBMITTED AN APPLICATION TO THE BOARD IN THE MANNER DESIGNATED BY THE BOARD AND PAID THE APPROPRIATE FEE ESTABLISHED BY THE BOARD PURSUANT TO SECTION 24-34-105, C.R.S.

(2) A PERSON APPLYING FOR A LICENSE TO PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT IN THIS STATE SHALL NOTIFY THE BOARD, IN CONNECTION WITH HIS OR HER APPLICATION FOR LICENSURE, OF THE COMMISSION OF ANY ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION AGAINST A LICENSED ANESTHESIOLOGIST ASSISTANT UNDER SECTION 12-36-117, ALONG WITH AN EXPLANATION OF THE CIRCUMSTANCES OF THE ACT. THE BOARD MAY DENY LICENSURE TO ANY APPLICANT AS SET FORTH IN SECTION 12-36-116.

(3) A PERSON LICENSED TO PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT SHALL NOT PERFORM ANY ACT THAT CONSTITUTES THE PRACTICE OF MEDICINE WITHIN A HOSPITAL OR AMBULATORY SURGICAL CENTER LICENSED PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 25, C.R.S., OR REQUIRED TO OBTAIN A CERTIFICATE OF COMPLIANCE PURSUANT TO SECTION 25-1.5-103 (1) (a) (II), C.R.S., UNLESS THE LICENSED ANESTHESIOLOGIST ASSISTANT OBTAINS AUTHORIZATION FROM THE GOVERNING BOARD OF THE HOSPITAL OR AMBULATORY SURGICAL CENTER. THE GOVERNING BOARD OF A HOSPITAL OR AMBULATORY SURGICAL CENTER MAY GRANT, DENY, OR LIMIT A LICENSED ANESTHESIOLOGIST ASSISTANT'S AUTHORIZATION BASED ON THE GOVERNING BOARD'S ESTABLISHED PROCEDURES.

(4) THE BOARD MAY TAKE ANY DISCIPLINARY ACTION WITH RESPECT TO AN ANESTHESIOLOGIST ASSISTANT LICENSE AS IT MAY WITH RESPECT TO THE LICENSE OF A PHYSICIAN, IN ACCORDANCE WITH SECTION 12-36-118.

(5) THE BOARD SHALL LICENSE AND KEEP A RECORD OF ANESTHESIOLOGIST ASSISTANTS WHO HAVE BEEN LICENSED PURSUANT TO THIS SECTION. A LICENSED ANESTHESIOLOGIST ASSISTANT SHALL RENEW HIS OR HER LICENSE IN ACCORDANCE WITH SECTION 12-36-123.

(6) THIS SECTION TAKES EFFECT JULY 1, 2013.

SECTION 5. In Colorado Revised Statutes, 12-36-111.3, **amend** (3) as follows:

12-36-111.3. Licensing panel. (3) The licensing panel shall review and resolve matters relating to the unlicensed practice of medicine. If it appears to the licensing panel, based upon credible evidence in a written complaint by any person or upon credible evidence in a motion of the licensing panel, that a person is practicing or has practiced medicine, ~~or~~

PRACTICED as a physician assistant, OR PRACTICED AS AN ANESTHESIOLOGIST ASSISTANT without a license as required by this article, the licensing panel may issue an order to cease and desist the unlicensed practice. The order ~~shall~~ MUST set forth the particular statutes and rules that have been violated, the facts alleged to have constituted the violation, and the requirement that all unlicensed practices immediately cease. The respondent may request a hearing on a cease-and-desist order in accordance with section 12-36-118 (14) (b). ~~The provisions of Section 12-36-118 (10), exempting board disciplinary proceedings and records from open meetings and public records requirements, shall~~ DOES not apply to a hearing or any other proceeding held by the licensing panel pursuant to this subsection (3) regarding the unlicensed practice of medicine. The procedures specified in section 12-36-118 (15), (16), (17), and (18) ~~shall~~ apply to allegations and orders regarding the unlicensed practice of medicine before the licensing panel.

SECTION 6. In Colorado Revised Statutes, 12-36-114.5, **amend** (1) and (2) as follows:

12-36-114.5. Reentry license. (1) Notwithstanding any other provision of this article, the board may issue a reentry license to a physician, ~~or~~ physician assistant, OR ANESTHESIOLOGIST ASSISTANT who has not actively practiced medicine, ~~or~~ practiced as a physician assistant, OR PRACTICED AS AN ANESTHESIOLOGIST ASSISTANT, as applicable, for the two-year period immediately preceding the filing of an application for a reentry license, or who has not otherwise maintained continued competency during such period, as determined by the board. The board may charge a fee for a reentry license.

(2) (a) In order to qualify for a reentry license, the physician, ~~or~~ physician assistant, OR ANESTHESIOLOGIST ASSISTANT shall submit to evaluations, assessments, and an educational program as required by the board. The board may work with a private entity that specializes in physician, ~~and~~ physician assistant, OR ANESTHESIOLOGIST ASSISTANT assessment to:

(I) Determine the applicant's competency and areas in which improvement is needed, if any;

(II) Develop an educational program specific to the applicant; and

(III) Upon completion of the educational program, conduct an evaluation to determine the applicant's competency.

(b) (I) If, based on the assessment, the board determines that the applicant requires a period of supervised practice, the board may issue a reentry license, allowing the applicant to practice medicine, ~~or PRACTICE~~ as a physician assistant, ~~OR PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT~~, as applicable, under supervision as specified by the board.

(II) After satisfactory completion of the period of supervised practice, as determined by the board, the reentry licensee may apply to the board for conversion of the reentry license to a full license to practice medicine, ~~or to practice as a physician assistant, OR PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT~~, as applicable, under this article.

(c) If, based on the assessment and after completion of an educational program, if prescribed, the board determines that the applicant is competent and qualified to practice medicine ~~or to practice as a physician assistant, as specified in this article~~, without supervision ~~OR PRACTICE AS A PHYSICIAN ASSISTANT OR AS AN ANESTHESIOLOGIST ASSISTANT WITH SUPERVISION AS SPECIFIED IN THIS ARTICLE~~, the board may convert the reentry license to a full license to practice medicine, ~~or to practice as a physician assistant, OR PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT~~, as applicable, under this article.

SECTION 7. In Colorado Revised Statutes, 12-36-116, **amend** (1) (c) and (1) (d) as follows:

12-36-116. Refusal of license - issuance subject to probation.

(1) The board may refrain from issuing a license or may grant a license subject to terms of probation if the board determines that an applicant for a license:

(c) Has been disciplined in another state or foreign jurisdiction with respect to his or her license to practice medicine, ~~or license to practice as a physician assistant, OR LICENSE TO PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT~~; or

(d) Has not actively practiced medicine, ~~or practiced as a physician assistant, OR PRACTICED AS AN ANESTHESIOLOGIST ASSISTANT~~ for the

two-year period immediately preceding the filing of such application or otherwise maintained continued competency during such period, as determined by the board.

SECTION 8. In Colorado Revised Statutes, 12-36-117, **amend** (2) and (3) (b) as follows:

12-36-117. Unprofessional conduct. (2) The discipline of a license to practice medicine, ~~or~~ of a license to practice as a physician assistant, ~~OR OF A LICENSE TO PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT~~ in another state, territory, or country shall be deemed to be unprofessional conduct. For purposes of this subsection (2), "discipline" includes any sanction required to be reported pursuant to 45 CFR 60.8. This subsection (2) ~~shall apply~~ **APPLIES** only to discipline that is based upon an act or omission in such other state, territory, or country that is defined substantially the same as unprofessional conduct pursuant to subsection (1) of this section.

(3) (b) Nothing in paragraph (a) of this subsection (3) ~~shall be construed to prevent~~ **PREVENTS** disciplinary action against a licensee for practicing medicine, ~~or~~ practicing as a physician assistant, ~~OR PRACTICING AS AN ANESTHESIOLOGIST ASSISTANT~~ in violation of this article.

SECTION 9. In Colorado Revised Statutes, 12-36-118, **amend** (5) (g) (III) introductory portion, (5) (g) (IV), (5) (i), and (8) as follows:

12-36-118. Disciplinary action by board - immunity - rules. (5) (g) (III) If the hearings panel finds the charges proven and orders that discipline be imposed, it shall also determine the extent of such discipline, which ~~shall~~ **MUST** be in the form of a letter of admonition, suspension for a definite or indefinite period, or revocation of license to practice. The hearings panel also may impose a fine of up to five thousand dollars per violation. In determining appropriate disciplinary action, the hearings panel shall first consider sanctions that are necessary to protect the public. Only after the panel has considered such sanctions may it consider and order requirements designed to rehabilitate the licensee or applicant. If discipline other than revocation of a license to practice is imposed, the hearings panel may also order that the licensee be granted probation and allowed to continue to practice during the period of such probation. The hearings panel may also include in any disciplinary order that allows the licensee to continue to practice such conditions as the panel may deem appropriate to

assure that the licensee is physically, mentally, morally, and otherwise qualified to practice medicine, ~~or practice as a physician assistant, OR PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT~~ in accordance with generally accepted professional standards of practice, including any or all of the following:

(IV) Upon the failure of the licensee to comply with any conditions imposed by the hearings panel pursuant to subparagraph (III) of this paragraph (g), unless due to conditions beyond the licensee's control, the hearings panel may order suspension of the licensee's license to practice medicine, ~~or practice as a physician assistant, OR PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT~~ in this state until such time as the licensee complies with such conditions.

(i) Any person whose license to practice medicine, ~~or to practice as a physician assistant, OR TO PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT~~ is revoked or who surrenders his or her license to avoid discipline ~~shall~~ IS not ~~be~~ eligible to apply for any license for two years after the date the license is revoked or surrendered. The two-year waiting period applies to any person whose license to practice medicine, to practice as a physician assistant, TO PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT, or to practice any other health care occupation is revoked by any other legally qualified board or regulatory entity.

(8) If any licensee is determined to be mentally incompetent or insane by a court of competent jurisdiction and a court enters, pursuant to part 3 or part 4 of article 14 of title 15 or section 27-65-109 (4) or 27-65-127, C.R.S., an order specifically finding that the mental incompetency or insanity is of such a degree that the licensee is incapable of continuing to practice medicine, ~~or practice as a physician assistant, OR PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT, THE BOARD SHALL AUTOMATICALLY SUSPEND~~ his or her license, ~~shall automatically be suspended by the board,~~ and, anything in this article to the contrary notwithstanding, such suspension ~~shall~~ MUST continue until the licensee is found by such court to be competent to practice medicine, ~~or practice as a physician assistant, OR PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT.~~

SECTION 10. In Colorado Revised Statutes, 12-36-118.5, **amend** (1) and (2) (a) as follows:

12-36-118.5. Confidential agreements to limit practice - violation grounds for discipline. (1) If a physician, ~~or~~ physician assistant, OR ANESTHESIOLOGIST ASSISTANT suffers from a physical or mental illness or condition that renders the licensee unable to practice medicine, ~~or~~ practice as a physician assistant, OR PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT with reasonable skill and with safety to patients, the physician, ~~or~~ physician assistant, OR ANESTHESIOLOGIST ASSISTANT shall notify the board of the illness or condition in a manner and within a period determined by the board. The board may require the licensee to submit to an examination or refer the licensee to a peer health assistance program pursuant to section 12-36-123.5 to evaluate the extent of the illness or condition and its impact on the licensee's ability to practice with reasonable skill and with safety to patients.

(2) (a) Upon determining that a physician, ~~or~~ physician assistant, OR ANESTHESIOLOGIST ASSISTANT with a physical or mental illness or condition is able to render limited medical services with reasonable skill and with safety to patients, the board may enter into a confidential agreement with the physician, ~~or~~ physician assistant, OR ANESTHESIOLOGIST ASSISTANT in which the physician, ~~or~~ physician assistant, OR ANESTHESIOLOGIST ASSISTANT agrees to limit his or her practice based on the restrictions imposed by the illness or condition, as determined by the board.

SECTION 11. In Colorado Revised Statutes, 12-36-123.5, **amend** (3.5) (b) (I) introductory portion, (3.5) (b) (I) (C), (3.5) (b) (II), (3.5) (b) (III), (3.5) (c), (3.5) (e) introductory portion, (3.5) (e) (II), and (5) as follows:

12-36-123.5. Physicians', physician assistants', and anesthesiologist assistants' peer health assistance program. (3.5) (b) (I) As a condition of physician, ~~and~~ physician assistant, AND ANESTHESIOLOGIST ASSISTANT licensure and renewal in this state, every applicant shall pay, pursuant to ~~paragraphs (d) and~~ PARAGRAPH (e) of this subsection (3.5), an amount set by the board, not to exceed sixty-one dollars per year, which maximum amount may be adjusted on January 1, 2011, and annually thereafter by the board to reflect:

(C) Differences in program utilization by physicians, ~~and~~ physician assistants, AND ANESTHESIOLOGIST ASSISTANTS.

(II) Based on differences in utilization rates between physicians, ~~and~~ physician assistants, AND ANESTHESIOLOGIST ASSISTANTS, the board may establish a different fee ~~amount~~ AMOUNTS for physicians, ~~than the amount charged~~ physician assistants, AND ANESTHESIOLOGIST ASSISTANTS.

(III) The fee imposed pursuant to this paragraph (b) ~~shall be used~~ IS to support designated providers that have been selected by the board to provide assistance to physicians, ~~and~~ physician assistants, AND ANESTHESIOLOGIST ASSISTANTS needing help in dealing with physical, emotional, or psychological problems that may be detrimental to their ability to practice medicine, PRACTICE AS A PHYSICIAN ASSISTANT, OR PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT, AS APPLICABLE.

(c) The board shall select one or more peer health assistance programs as designated providers. To be eligible for designation by the board, a peer health assistance program ~~shall~~ MUST:

(I) Provide for the education of physicians, ~~and~~ physician assistants, AND ANESTHESIOLOGIST ASSISTANTS with respect to the recognition and prevention of physical, emotional, and psychological problems and provide for intervention when necessary or under circumstances ~~which~~ THAT may be established by rules promulgated by the board;

(II) Offer assistance to a physician, ~~or~~ physician assistant, OR ANESTHESIOLOGIST ASSISTANT in identifying physical, emotional, or psychological problems;

(III) Evaluate the extent of physical, emotional, or psychological problems and refer the physician, ~~or~~ physician assistant, OR ANESTHESIOLOGIST ASSISTANT for appropriate treatment;

(IV) Monitor the status of a physician, ~~or~~ physician assistant, OR ANESTHESIOLOGIST ASSISTANT who has been referred for treatment;

(V) Provide counseling and support for the physician, ~~or~~ physician assistant, OR ANESTHESIOLOGIST ASSISTANT and for the family of any physician, ~~or~~ physician assistant, OR ANESTHESIOLOGIST ASSISTANT referred for treatment;

(VI) Agree to receive referrals from the board;

(VII) Agree to make their services available to all licensed Colorado physicians, ~~and~~ licensed Colorado physician assistants, AND LICENSED COLORADO ANESTHESIOLOGIST ASSISTANTS.

(e) The responsibilities of the administering entity ~~shall be~~ ARE:

(II) To verify to the board, in a manner acceptable to the board, the names of all physician, ~~and~~ physician assistant, AND ANESTHESIOLOGIST ASSISTANT applicants who have paid the fee set by the board;

(5) Nothing in this section ~~shall be construed to create~~ CREATES any liability on the board or the state of Colorado for the actions of the board in making grants to peer assistance programs, and no civil action may be brought or maintained against the board or the state for an injury alleged to have been the result of the activities of any state-funded peer assistance program or the result of an act or omission of a physician, ~~or~~ physician assistant, OR ANESTHESIOLOGIST ASSISTANT participating in or referred by a state-funded peer assistance program.

SECTION 12. In Colorado Revised Statutes, 12-36-129, **amend** (1), (2) (b), (2) (c), (3), and (4) introductory portion as follows:

12-36-129. Unauthorized practice - penalties. (1) Any person who practices or offers or attempts to practice medicine, ~~or~~ practice as a physician assistant, OR PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT within this state without an active license issued under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and any person committing a second or subsequent offense commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

(2) Any person who engages in any of the following activities commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.:

(b) Gives either false or forged evidence of any kind to the board or any board member in connection with an application for a license to practice medicine, ~~or~~ practice as a physician assistant, OR PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT;

(c) Practices medicine, ~~or~~ practices as a physician assistant, OR PRACTICES AS AN ANESTHESIOLOGIST ASSISTANT under a false or assumed name; or

(3) No action may be maintained against an individual who has been the recipient of services constituting the unlawful practice of medicine, ~~or the unlawful practice of~~ AS a physician assistant, OR UNLAWFUL PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT, for the breach of a contract involving the unlawful practice of medicine, ~~or the unlawful practice of~~ AS a physician assistant, OR UNLAWFUL PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT or the recovery of compensation for services rendered under such a contract.

(4) When an individual has been the recipient of services constituting the unlawful practice of medicine, ~~or the unlawful practice of~~ AS a physician assistant, OR UNLAWFUL PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT, whether or not the individual knew that the rendition of the services was unlawful:

SECTION 13. In Colorado Revised Statutes, 12-36-137, **amend** (2) (a) as follows:

12-36-137. Inactive license. (2) Any person applying for a license under this section shall:

(a) Provide an affidavit to the board that the applicant, after a date certain, ~~shall~~ WILL not practice medicine, ~~or~~ practice as a physician assistant, OR PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT in this state unless the applicant is issued a license to practice medicine, ~~or~~ practice as a physician assistant, OR PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT pursuant to subsection (5) of this section;

SECTION 14. In Colorado Revised Statutes, 13-21-115.5, **amend** (3) (c) (II) (A) as follows:

13-21-115.5. Volunteer service act - immunity - exception for operation of motor vehicles. (3) As used in this section, unless the context otherwise requires:

(c) (II) "Volunteer" includes:

(A) A licensed physician, ~~and~~ a licensed physician assistant, AND A LICENSED ANESTHESIOLOGIST ASSISTANT governed by ~~the provisions of~~ article 36 of title 12, C.R.S., performing the practice of medicine, as defined in section 12-36-106, C.R.S., as a volunteer for a nonprofit organization, a nonprofit corporation, a governmental entity, or a hospital;

SECTION 15. In Colorado Revised Statutes, 18-3-104, **amend** (4) (b) (II) as follows:

18-3-104. Manslaughter. (4) (b) For purposes of this subsection (4):

(II) "Medical caregiver" means a physician, registered nurse, nurse practitioner, ~~or~~ physician assistant, OR ANESTHESIOLOGIST ASSISTANT licensed by this state.

SECTION 16. In Colorado Revised Statutes, 24-34-110, **amend** (3) (a) (IX) as follows:

24-34-110. Medical transparency act of 2010 - disclosure of information about health care licensees - fines - rules - short title - legislative declaration. (3) (a) As used in this section, "applicant" means a person applying for a new, active license, certification, or registration or to renew, reinstate, or reactivate an active license, certification, or registration to practice:

(IX) As a physician assistant OR AN ANESTHESIOLOGIST ASSISTANT pursuant to article 36 of title 12, C.R.S.;

SECTION 17. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO