

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 11-0685.01 Kristen Forrestal

SENATE BILL 11-084

SENATE SPONSORSHIP

Boyd,

HOUSE SPONSORSHIP

Summers,

Senate Committees
Health and Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE EMPLOYMENT OF PHYSICIANS AT LONG-TERM CARE**
102 **FACILITIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill expands the definition of "health care facility" to include "long-term care facility" and allows long-term care facilities to employ physicians directly or indirectly through a separate entity authorized to conduct business in this state that has common or overlapping ownership as an affiliate or subsidiary of an entity that owns, controls, or manages

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 2nd Reading
February 25, 2011

the long-term care facility.

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

2 **SECTION 1.** 7-90-813, Colorado Revised Statutes, is amended
3 to read:

4 **7-90-813. Title 12 limitations.** Nothing in this part 8 shall be
5 construed to permit a foreign entity to engage in a profession or
6 occupation as described in title 12, C.R.S., for which there is a specific
7 statutory provision applicable to the practice of such profession or
8 occupation by a corporation or professional corporation in this state
9 unless authorized under applicable provisions of title 12, C.R.S., OR
10 SECTION 25-3-103.7, C.R.S.

11 **SECTION 2.** 25-3-103.7 (1) (d) and (2), Colorado Revised
12 Statutes, are amended, and the said 25-3-103.7 (1) is further amended BY
13 THE ADDITION OF A NEW PARAGRAPH, to read:

14 **25-3-103.7. Employment of physicians - when permissible -**
15 **conditions - definitions.** (1) For purposes of this section:

16 (d) "Health care facility" means a hospital, hospice, community
17 mental health center, federally qualified health center, school-based
18 health center, rural health clinic, ~~or~~ PACE organization, OR LONG-TERM
19 CARE FACILITY.

20 (f.3) "LONG-TERM CARE FACILITY" MEANS:

21 (I) A NURSING FACILITY AS DEFINED BY SECTION 25.5-4-103,
22 C.R.S., AND LICENSED PURSUANT TO SECTION 25-1.5-103;

23 (II) AN ASSISTED LIVING RESIDENCE AS DEFINED BY SECTION
24 25-27-102 AND LICENSED PURSUANT TO SECTION 25-27-103; OR

25 (III) AN INDEPENDENT LIVING FACILITY OR A RESIDENCE FOR

1 SENIORS THAT PROVIDES ASSISTANCE TO ITS RESIDENTS IN THE
2 PERFORMANCE OF THEIR DAILY LIVING ACTIVITIES.

3 (2) (a) A health care facility may employ physicians, subject to
4 the limitations set forth in subsections (3) to (6) of this section. THE
5 EMPLOYMENT OF PHYSICIANS AT A LONG-TERM CARE FACILITY MAY BE
6 DIRECT OR THROUGH A SEPARATE ENTITY AUTHORIZED TO CONDUCT
7 BUSINESS IN THIS STATE THAT HAS COMMON OR OVERLAPPING OWNERSHIP
8 AS AN AFFILIATE OR SUBSIDIARY OF AN ENTITY, INCLUDING A FOREIGN
9 ENTITY, THAT OWNS, CONTROLS, OR MANAGES THE LONG-TERM CARE
10 FACILITY, SUBJECT TO THE LIMITATIONS SET FORTH IN SUBSECTIONS (3) TO
11 (6) OF THIS SECTION.

12 (b) NOTHING IN THIS SUBSECTION (2) ALLOWS A PHYSICIAN WHO
13 IS NOT LICENSED PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S., AND NOT
14 INVOLVED IN PATIENT CARE AT A LONG-TERM CARE FACILITY TO DIRECT
15 OR CONTROL MEDICAL DECISIONS OR THE PRACTICE OF MEDICINE AS
16 DEFINED IN SECTION 12-36-106, C.R.S., IN THE LONG-TERM CARE
17 FACILITY.

18 **SECTION 3. Act subject to petition - effective date.** This act
19 shall take effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part shall not take effect
25 unless approved by the people at the general election to be held in
26 November 2012 and shall take effect on the date of the official
27 declaration of the vote thereon by the governor.