

NOTE: This bill has been prepared for the signature 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.



SENATE BILL 11-084

BY SENATOR(S) Boyd, Aguilar, Foster, Giron, Guzman, Heath, Hudak, Jahn, Johnston, Mitchell, Morse, Newell, Schwartz, Tochtrop, White, Williams S.;
also REPRESENTATIVE(S) Summers, Acree, Fields, Kefalas, Labuda, Todd, Williams A.

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

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

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

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

SECTION 2. 25-3-103.7 (1) (d) and (2), Colorado Revised Statutes, are amended, and the said 25-3-103.7 (1) is further amended BY THE

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

ADDITION OF A NEW PARAGRAPH, to read:

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

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

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

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

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

(III) AN INDEPENDENT LIVING FACILITY OR A RESIDENCE FOR SENIORS THAT PROVIDES ASSISTANCE TO ITS RESIDENTS IN THE PERFORMANCE OF THEIR DAILY LIVING ACTIVITIES.

(2) (a) A health care facility may employ physicians, subject to the limitations set forth in subsections (3) to (6) of this section. THE EMPLOYMENT OF PHYSICIANS AT A LONG-TERM CARE FACILITY MAY BE DIRECT OR 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, INCLUDING A FOREIGN ENTITY, THAT OWNS, CONTROLS, OR MANAGES THE LONG-TERM CARE FACILITY, SUBJECT TO THE LIMITATIONS SET FORTH IN SUBSECTIONS (3) TO (6) OF THIS SECTION.

(b) NOTHING IN THIS SUBSECTION (2) ALLOWS ANY PERSON WHO IS NOT LICENSED PURSUANT TO ARTICLE 36 OF TITLE 12, C.R.S., TO PRACTICE OR DIRECT THE PRACTICE OF MEDICINE AT A LONG-TERM CARE FACILITY.

SECTION 3. Act subject to petition - effective date. This act shall take 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 10, 2011, if adjournment sine die is on May 11, 2011); 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 shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO