

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 19-0385.01 Duane Gall x4335

**SENATE BILL 19-110**

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**SENATE SPONSORSHIP**

**Crowder,**

**HOUSE SPONSORSHIP**

**Pelton,**

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**Senate Committees**

State, Veterans, & Military Affairs

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE REGULATION OF FACILITIES PERFORMING MEDICAL**  
102 **PROCEDURES OUTSIDE OF A HOSPITAL SETTING.**

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**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://leg.colorado.gov>.)*

Under current law, certain freestanding and office-based facilities performing outpatient procedures such as liposuction and radiation treatments are not regulated to the same extent as facilities within a hospital and, in some cases, not at all. The bill extends the jurisdiction of the department of public health and environment to license these facilities and to adopt rules governing their operation.

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

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

2           **SECTION 1.** In Colorado Revised Statutes, 25-1.5-103, **add**  
3 (2)(a.2) and (6) as follows:

4           **25-1.5-103. Health facilities - powers and duties of department**  
5 **- rules - definitions.** (2) For purposes of this section, unless the context  
6 otherwise requires:

7           (a.2) "AMBULATORY SURGICAL CENTER" HAS THE MEANING SET  
8 FORTH IN SECTION 25-3-100.5 (1.5).

9           (6) (a) THE DEPARTMENT MAY ESTABLISH AND ENFORCE  
10 STANDARDS FOR THE OPERATION OF AN AMBULATORY SURGICAL CENTER  
11 IN ACCORDANCE WITH SUBSECTION (1)(a)(I) OF THIS SECTION.

12           (b) THE STATE BOARD OF HEALTH MAY PROMULGATE RULES:

13           (I) SPECIFYING TYPES OR SUBCATEGORIES OF AMBULATORY  
14 SURGICAL CENTERS AND DIFFERENTIATING THEM FROM OTHER FACILITIES  
15 PERFORMING SURGICAL PROCEDURES IF THE BOARD OF HEALTH DEEMS IT  
16 NECESSARY TO SO DIFFERENTIATE;

17           (II) ESTABLISHING FEES FOR INITIAL LICENSURE AND FOR LICENSE  
18 RENEWAL; AND

19           (III) AUTHORIZING THE DEPARTMENT TO ASSESS PENALTIES IF THE  
20 DEPARTMENT FINDS THAT AN AMBULATORY SURGICAL CENTER DOES NOT  
21 COMPLY WITH STANDARDS ESTABLISHED PURSUANT TO SUBSECTION  
22 (1)(a)(I)(A) OF THIS SECTION. THE DEPARTMENT SHALL ASSESS THE  
23 PENALTY ONLY AFTER THE LICENSEE HAS HAD AN OPPORTUNITY TO  
24 CORRECT THE NONCOMPLIANCE.

25           **SECTION 2.** In Colorado Revised Statutes, 25-3-100.5, **add** (1.5)  
26 as follows:

1           **25-3-100.5. Definitions.** As used in this article 3, unless the  
2 context otherwise requires:

3           (1.5)(a) "AMBULATORY SURGICAL CENTER" MEANS A FACILITY, OR  
4 A DISTINCT PART OF A FACILITY, AT WHICH IS PERFORMED ANY OF THE  
5 FOLLOWING TREATMENTS OR PROCEDURES ON HUMAN PATIENTS WITHOUT  
6 HOSPITALIZATION AND WITHOUT AN ANTICIPATED NEED FOR  
7 POSTSURGICAL OR POSTPROCEDURAL OBSERVATION OR MONITORING THAT  
8 EXCEEDS TWENTY-FOUR HOURS FROM ADMISSION TO DISCHARGE:

9           (I) MEDICALLY NECESSARY SURGERY;

10          (II) ELECTIVE SURGERY;

11          (III) RADIOLOGICAL TREATMENT OR CHEMOTHERAPY FOR CANCER;

12          OR

13          (IV) OTHER TREATMENTS OR PROCEDURES SPECIFIED BY THE  
14 STATE BOARD OF HEALTH BY RULE.

15          (b) "AMBULATORY SURGICAL CENTER" INCLUDES:

16          (I) A PRACTITIONER'S PRIVATE OFFICE OR TREATMENT ROOM IF THE  
17 PRACTITIONER REGULARLY PERFORMS ANY OF THE TREATMENTS OR  
18 PROCEDURES LISTED IN SUBSECTION (1.5)(a) OF THIS SECTION; AND

19          (II) ANY FACILITY OR TREATMENT AREA THAT IS CONTAINED IN OR  
20 ADJACENT TO, AND UNDER COMMON OWNERSHIP OR CONTROL WITH, AN  
21 AMBULATORY SURGICAL CENTER.

22           **SECTION 3. Act subject to petition - effective date.** This act  
23 takes effect January 1, 2020; except that, if a referendum petition is filed  
24 pursuant to section 1 (3) of article V of the state constitution against this  
25 act or an item, section, or part of this act within the ninety-day period  
26 after final adjournment of the general assembly, then the act, item,  
27 section, or part will not take effect unless approved by the people at the

1 general election to be held in November 2020 and, in such case, will take  
2 effect on the date of the official declaration of the vote thereon by the  
3 governor.