

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0981.01 Josh Schultz x5486

SENATE BILL 24-141

SENATE SPONSORSHIP

Van Winkle and Michaelson Jenet,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING OUT-OF-STATE HEALTH-CARE WORKERS PROVIDING
102 HEALTH-CARE SERVICES THROUGH TELEHEALTH TO PATIENTS
103 LOCATED IN COLORADO.

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>.)

The bill allows a health-care provider (applicant) who possesses a license, certificate, registration, or other approval as a health-care provider in another state (out-of-state credential) to provide health-care services through telehealth to patients located in Colorado if the applicant registers with the regulator that regulates the health-care services the

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

applicant will provide (regulator). An applicant is eligible for registration if:

- The applicant submits an application in a manner prescribed by the division of professions and occupations in the department of regulatory agencies (division) and pays the applicable fee;
- The applicant possesses an out-of-state credential issued by a governmental authority in another state, the District of Columbia, or a possession or territory of the United States that is active and unencumbered and that entitles the applicant to perform health-care services that are substantially similar to health-care services that may be performed by a licensee, certificate holder, or registrant in this state;
- The applicant designates an agent upon whom service of process may be made in Colorado; and
- The applicant has not been subject to any disciplinary action relating to the applicant's out-of-state credential during the 5-year period immediately preceding the submission of the applicant's application that has resulted in the applicant's out-of-state credential being limited, suspended, or revoked.

An applicant who has been registered to provide health-care services through telehealth to patients located in Colorado (registered provider) shall:

- Notify the applicable regulator of restrictions placed on the registered provider's out-of-state credential in any state or jurisdiction or of any disciplinary action taken or pending against the registered provider in any state or jurisdiction;
- Maintain and have in effect a form of financial responsibility that covers services provided to patients in this state as required by the applicable regulator; and
- Not open an office in this state and shall not provide in-person health-care services to patients located in this state unless the health-care provider obtains the license, certification, or registration that the applicable regulator requires for the performance of the relevant health-care services in this state.

The bill also allows the division or the regulator to take disciplinary action against a registered provider under specified conditions.

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

1 **SECTION 1.** In Colorado Revised Statutes, **add** 12-30-123 as
2 follows:

3 **12-30-123. Out-of-state telehealth providers - registration -**
4 **financial responsibility - discipline - rules - applicability - definitions.**

5 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "APPLICANT" MEANS AN INDIVIDUAL WHO PERFORMS
8 HEALTH-CARE SERVICES IN ANOTHER STATE AND APPLIES TO THE DIVISION
9 TO PROVIDE TELEHEALTH SERVICES IN THIS STATE.

10 (b) "DISTANT SITE" HAS THE MEANING SET FORTH IN SECTION
11 10-16-123 (4)(a).

12 (c) "ORIGINATING SITE" HAS THE MEANING SET FORTH IN SECTION
13 10-16-123 (4)(b).

14 (d) "OUT-OF-STATE CREDENTIAL" MEANS A LICENSE, CERTIFICATE,
15 REGISTRATION, OR OTHER APPROVAL AS A HEALTH-CARE PROVIDER IN
16 ANOTHER STATE.

17 (e) "REGISTERED PROVIDER" MEANS A HEALTH-CARE PROVIDER
18 REGISTERED TO PROVIDE TELEHEALTH SERVICES IN THIS STATE PURSUANT
19 TO SUBSECTION (3) OF THIS SECTION.

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

22 (g) "TELEHEALTH" MEANS THE DELIVERY OF MEDICAL SERVICES
23 THROUGH TECHNOLOGIES THAT ARE USED IN A MANNER THAT IS
24 COMPLIANT WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND
25 ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, AS AMENDED,
26 INCLUDING INFORMATION, ELECTRONIC, AND COMMUNICATION
27 TECHNOLOGIES, REMOTE MONITORING TECHNOLOGIES, AND

1 STORE-AND-FORWARD TRANSFERS, TO FACILITATE THE ASSESSMENT,
2 DIAGNOSIS, CONSULTATION, OR TREATMENT OF A PATIENT WHILE THE
3 PATIENT IS LOCATED AT AN ORIGINATING SITE AND THE PERSON WHO
4 PROVIDES THE SERVICES IS LOCATED AT A DISTANT SITE.

5 (2) ON AND AFTER JANUARY 1, 2025, AN APPLICANT WHO
6 POSSESSES AN OUT-OF-STATE CREDENTIAL MAY PROVIDE HEALTH-CARE
7 SERVICES THROUGH TELEHEALTH TO PATIENTS LOCATED IN THIS STATE IF
8 THE APPLICANT IS REGISTERED WITH A REGULATOR, AS APPLICABLE TO THE
9 APPLICANT'S PRACTICE, AND PROVIDES HEALTH-CARE SERVICES WITHIN
10 THE SCOPE OF PRACTICE ESTABLISHED UNDER THE LAWS AND RULES OF
11 THIS STATE THAT APPLY TO THE APPLICANT'S PRACTICE.

12 (3) A REGULATOR MAY REGISTER AN APPLICANT WHO DOES NOT
13 POSSESS A LICENSE, CERTIFICATE, OR REGISTRATION IN THIS STATE AS A
14 REGISTERED PROVIDER UNDER THIS SECTION IF THE APPLICANT SATISFIES
15 ALL OF THE FOLLOWING:

16 (a) THE APPLICANT SUBMITS AN APPLICATION ON A FORM
17 PRESCRIBED BY THE DIVISION AND PAYS THE APPLICABLE FEE ESTABLISHED
18 BY THE DIVISION PURSUANT TO SECTION 12-20-105;

19 (b) THE APPLICANT POSSESSES AN OUT-OF-STATE CREDENTIAL
20 ISSUED BY A GOVERNMENTAL AUTHORITY IN ANOTHER STATE, THE
21 DISTRICT OF COLUMBIA, OR A POSSESSION OR TERRITORY OF THE UNITED
22 STATES THAT IS ACTIVE AND UNENCUMBERED AND THAT ENTITLES THE
23 APPLICANT TO PERFORM HEALTH-CARE SERVICES THAT ARE
24 SUBSTANTIALLY SIMILAR TO HEALTH-CARE SERVICES THAT MAY BE
25 PERFORMED BY A LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT IN THIS
26 STATE;

27 (c) THE APPLICANT HAS NOT BEEN SUBJECT TO ANY DISCIPLINARY

1 ACTION RELATING TO THE APPLICANT'S OUT-OF-STATE CREDENTIAL
2 DURING THE FIVE-YEAR PERIOD IMMEDIATELY PRECEDING THE SUBMISSION
3 OF THE APPLICANT'S APPLICATION PURSUANT TO SECTION (3)(a) OF THIS
4 SECTION THAT HAS RESULTED IN THE APPLICANT'S OUT-OF-STATE
5 CREDENTIAL BEING LIMITED, SUSPENDED, OR REVOKED;

6 (d) THE APPLICANT DESIGNATES AN AGENT UPON WHOM SERVICE
7 OF PROCESS MAY BE MADE IN THIS STATE ON A FORM PRESCRIBED BY THE
8 DIVISION; AND

9 (e) THE APPLICANT DEMONSTRATES TO THE DIVISION THAT THE
10 APPLICANT IS IN COMPLIANCE WITH SUBSECTION (5) OF THIS SECTION.

11 (4) (a) A REGISTERED PROVIDER SHALL NOTIFY THE APPLICABLE
12 REGULATOR OF:

13 (I) RESTRICTIONS PLACED ON THE REGISTERED PROVIDER'S
14 OUT-OF-STATE CREDENTIAL IN ANY STATE OR JURISDICTION;

15 (II) ANY DISCIPLINARY ACTION TAKEN OR PENDING AGAINST THE
16 REGISTERED PROVIDER IN ANY STATE OR JURISDICTION; AND

17 (III) ANY FINAL JUDGMENT AGAINST, SETTLEMENT ENTERED INTO
18 BY, OR ARBITRATION AWARD PAID ON BEHALF OF THE REGISTERED
19 PROVIDER FOR MALPRACTICE.

20 (b) THE REGISTERED PROVIDER SHALL PROVIDE NOTIFICATION
21 PURSUANT TO THIS SUBSECTION (4) WITHIN FIVE BUSINESS DAYS AFTER
22 THE RESTRICTION IS PLACED OR DISCIPLINARY ACTION IS INITIATED OR
23 TAKEN.

24 (5) A REGISTERED PROVIDER SHALL MAINTAIN THE METHOD AND
25 AMOUNT OF FINANCIAL RESPONSIBILITY THAT COVERS SERVICES PROVIDED
26 TO PATIENTS IN THIS STATE AS REQUIRED BY THE APPLICABLE REGULATOR.

27 (6) A REGISTERED PROVIDER SHALL NOT OPEN AN OFFICE IN THIS

1 STATE AND SHALL NOT PROVIDE IN-PERSON HEALTH-CARE SERVICES TO
2 PATIENTS LOCATED IN THIS STATE UNLESS THE REGISTERED PROVIDER
3 OBTAINS THE LICENSE, CERTIFICATION, OR REGISTRATION THAT THE
4 APPLICABLE REGULATOR REQUIRES FOR THE PERFORMANCE OF THE
5 RELEVANT HEALTH-CARE SERVICES IN THIS STATE.

6 (7) THE DIVISION OR THE APPLICABLE REGULATOR MAY TAKE
7 DISCIPLINARY ACTION AGAINST A REGISTERED PROVIDER IF ANY OF THE
8 FOLLOWING APPLIES TO THE REGISTERED PROVIDER:

9 (a) THE REGISTERED PROVIDER FAILS TO NOTIFY THE REGULATOR
10 OF ANY ADVERSE ACTIONS TAKEN AGAINST THE REGISTERED PROVIDER'S
11 OUT-OF-STATE CREDENTIAL AS REQUIRED UNDER SUBSECTION (4) OF THIS
12 SECTION;

13 (b) THE REGISTERED PROVIDER HAS RESTRICTIONS PLACED ON THE
14 REGISTERED PROVIDER'S OUT-OF-STATE CREDENTIAL OR DISCIPLINARY
15 ACTION HAS BEEN COMMENCED AGAINST THE REGISTERED PROVIDER IN
16 ANY STATE OR JURISDICTION;

17 (c) THE REGISTERED PROVIDER VIOLATES ANY OF THE
18 REQUIREMENTS UNDER THIS SECTION; OR

19 (d) THE REGISTERED PROVIDER COMMITS AN ACT THAT
20 CONSTITUTES GROUNDS FOR DISCIPLINARY ACTION APPLICABLE TO THE
21 REGISTERED PROVIDER'S PROVISION OF HEALTH-CARE SERVICES THROUGH
22 TELEHEALTH IN THIS STATE.

23 (8) FOR A REGISTERED PROVIDER PROVIDING HEALTH-CARE
24 SERVICES THROUGH TELEHEALTH TO A PATIENT LOCATED IN THIS STATE,
25 THIS SECTION PROVIDES AN ALTERNATIVE TO LICENSURE, CERTIFICATION,
26 OR REGISTRATION THAT THE APPLICABLE REGULATOR REQUIRES FOR THE
27 PERFORMANCE OF THE RELEVANT HEALTH-CARE SERVICES IN THIS STATE,

1 AND A REGISTERED PROVIDER MUST OTHERWISE ADHERE TO THE LAWS
2 AND RULES THAT APPLY TO THE REGISTERED PROVIDER'S PRACTICE.

3 (9) THE PROVISION OF HEALTH-CARE SERVICES PROVIDED
4 PURSUANT TO THIS SECTION OCCURS WHERE THE PATIENT IS LOCATED AT
5 THE TIME OF THE SERVICES.

6 (10) THE DIVISION MAY PROMULGATE RULES NECESSARY TO
7 IMPLEMENT AND ADMINISTER THIS SECTION.

8 (11) A REGULATOR MAY PROMULGATE RULES NECESSARY TO
9 IMPLEMENT AND ADMINISTER THIS SECTION.

10 (12) ARTICLES 1 AND 20 OF THIS TITLE 12 AND THIS ARTICLE 30
11 APPLY, ACCORDING TO THEIR TERMS, TO THIS SECTION.

12 **SECTION 2. Safety clause.** The general assembly finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety or for appropriations for
15 the support and maintenance of the departments of the state and state
16 institutions.