

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0469.02 Jennifer Berman x3286

SENATE BILL 18-081

SENATE SPONSORSHIP

Garcia,

HOUSE SPONSORSHIP

(None),

Senate Committees
Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING EMERGENCY MEDICAL SERVICE PROVIDER LICENSURE,**
102 **AND, IN CONNECTION THEREWITH, CHANGING REFERENCES**
103 **FROM EMERGENCY MEDICAL SERVICE PROVIDER CERTIFICATION**
104 **TO EMERGENCY MEDICAL SERVICE PROVIDER LICENSURE AND**
105 **REQUIRING LICENSE APPLICANTS TO MAKE CERTAIN**
106 **DISCLOSURES TO THE DIRECTOR OF THE DIVISION OF**
107 **PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF**
108 **REGULATORY AGENCIES AT THE TIME OF APPLICATION.**

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

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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Currently, regulation of an emergency medical service provider, including a paramedic, is referred to as certification. **Section 1** of the bill changes "certification" references to "licensure".

Section 2 requires an emergency medical service provider applying for a new license or renewing, reinstating, or reactivating a license to comply with the "Michael Skilnik Medical Transparency Act of 2010".

Sections 3 to 29 make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-3.5-203, **amend**
3 (1)(b), (1)(c), (1)(d), (2), (4)(a), (4)(b)(I), (4)(c)(I)(A), (4)(c)(II), (4)(d),
4 and (4.5)(a)(III) as follows:

5 **25-3.5-203. Emergency medical service providers - licensure**
6 **- renewal of license - duties of department - rules - criminal history**
7 **record checks - definitions.** (1) (b) The department shall ~~certify~~ LICENSE
8 emergency medical service providers. The board shall adopt rules for the
9 certification LICENSURE of emergency medical service providers. The
10 rules must include the following:

11 (I) A statement that a ~~certificate~~ LICENSE is valid for a period of
12 three years after the date of issuance;

13 (II) A statement that the ~~certificate shall be~~ LICENSE IS renewable
14 at its expiration upon the ~~certificate holder's~~ LICENSEE'S satisfactory
15 completion of the training requirements established pursuant to
16 subsection (2) of this section;

17 (III) Provisions governing the use of results of national and state
18 criminal history record checks by the department to determine the action
19 to take on a ~~certification~~ LICENSE application pursuant to subsection (4)
20 of this section. Notwithstanding ~~the provisions~~ of section 24-5-101,

1 C.R.S., these provisions shall GOVERNING THE USE OF CRIMINAL HISTORY
2 RECORD CHECK RESULTS MUST allow the department to consider whether
3 the applicant has been convicted of a felony or misdemeanor involving
4 moral turpitude and the pertinent circumstances connected with the
5 conviction and to make a determination whether any such conviction
6 disqualifies the applicant from certification LICENSURE.

7 (IV) Disciplinary sanctions, which shall MUST include provisions
8 for the denial, revocation, and suspension of certificates LICENSES and the
9 suspension and probation of certificate holders LICENSEES; and

10 (V) An appeals process pursuant to sections 24-4-104 and
11 24-4-105 C.R.S., that is applicable to department decisions in connection
12 with certifications LICENSES and sanctions.

13 (c) (I) The department may issue a provisional certification
14 LICENSE to an applicant for certification LICENSURE as an emergency
15 medical service provider who requests issuance of a provisional
16 certification LICENSE and who pays any fee authorized under rules
17 adopted by the board. A provisional certification LICENSE is valid for not
18 more than ninety days.

19 (II) The department shall not issue a provisional certification
20 LICENSE unless the applicant satisfies the requirements for certification
21 LICENSURE in accordance with this section and rules adopted by the board
22 under this subsection (1). If the department finds that an emergency
23 medical service provider that has received a provisional certification
24 LICENSE has violated any requirements for certification LICENSURE, the
25 department may impose disciplinary sanctions under subparagraph (IV)
26 of paragraph (b) of this subsection (1) SUBSECTION (1)(b)(IV) OF THIS
27 SECTION.

6 (IV) The board shall adopt rules as necessary to implement this
7 paragraph ~~(c)~~ SUBSECTION (1)(c), including rules establishing a
8 PROVISIONAL LICENSE APPLICATION fee. ~~to be charged to applicants~~
9 seeking a provisional certification. THE DEPARTMENT SHALL DEPOSIT any
10 fee collected for a provisional certification ~~shall be deposited~~ LICENSE in
11 the emergency medical services account created in section 25-3.5-603.

12 (d) (I) The department shall exempt certified LICENSED emergency
13 medical service providers who have been called to federally funded active
14 duty for more than one hundred twenty days to serve in a war, emergency,
15 or contingency from the payment of certification LICENSE fees and from
16 continuing education or professional competency requirements of this
17 article ARTICLE 3.5 for a renewal date during the service or the six months
18 after the completion of service.

26 (III) (A) A veteran, active military service member, or member of
27 the National Guard and reserves separating from an active duty tour or the

1 spouse of a veteran or member may apply for ~~certification~~ LICENSURE
2 under this ~~article~~ ARTICLE 3.5 while stationed or residing within this state.
3 The veteran, member, or spouse is exempt from the initial ~~certification~~
4 LICENSURE requirements in this ~~article~~ ARTICLE 3.5, except for those in
5 subsection (4) of this section, if the veteran, member, or spouse holds a
6 current, valid, and unrestricted certification from the National Registry of
7 Emergency Medical Technicians (NREMT) THAT REQUIRES EXPERIENCE
8 AND EDUCATION at or above the level of ~~state certification being sought~~
9 EXPERIENCE AND EDUCATION REQUIRED FOR LICENSURE IN THIS STATE.

10 (B) The department shall expedite the processing of a ~~certification~~
11 LICENSE application submitted by a veteran, active military service
12 member, or member of the National Guard and reserves separating from
13 an active duty tour or the spouse of a veteran or member.

14 (IV) The board shall promulgate rules to implement this ~~paragraph~~
15 ~~(d)~~ SUBSECTION (1)(d), including the criteria and evidence for acceptable
16 continuing medical education and training or service.

17 (2) The council shall advise the department and the board in
18 establishing the training requirements for ~~certificate~~ LICENSE renewal,
19 ~~Such~~ WHICH training requirements ~~shall consist of~~ MUST INCLUDE A
20 CLASSROOM COMPONENT REQUIRING AT LEAST THIRTY-SIX AND not more
21 than fifty classroom hours. ~~and not less than thirty-six classroom hours.~~

22 (4) (a) The department ~~may, with reasonable cause, acquire a~~
23 SHALL REQUIRE A LICENSE APPLICANT TO SUBMIT TO A FEDERAL BUREAU
24 OF INVESTIGATION fingerprint-based NATIONAL criminal history record
25 check ~~from the Colorado bureau of investigation~~ to investigate the holder
26 of or applicant for an emergency medical service provider ~~certificate~~
27 LICENSE. The department may acquire a name-based criminal history

1 record check for a ~~certificate holder or an~~ LICENSE applicant who has
2 twice submitted to a fingerprint-based criminal history record check and
3 whose fingerprints are unclassifiable.

4 (b) (I) Any government entity that employs a person as or allows
5 a person to volunteer as an emergency medical service provider in a
6 position requiring direct contact with patients shall require all volunteer
7 and employed emergency medical service providers, who have lived in
8 the state for three years or less at the time of the initial ~~certification~~
9 LICENSE or ~~certification~~ LICENSE renewal, to submit to a federal bureau of
10 investigation fingerprint-based national criminal history record check to
11 determine eligibility for employment. Each emergency medical service
12 provider LICENSE APPLICANT required UNDER THIS SUBSECTION (4) to
13 submit to a federal bureau of investigation fingerprint-based national
14 criminal history record check shall obtain a complete set of fingerprints
15 taken by a local law enforcement agency, another entity designated by the
16 department, or any third party approved by the Colorado bureau of
17 investigation. If an approved third party takes the ~~person's~~ LICENSE
18 APPLICANT's fingerprints, the fingerprints may be electronically captured
19 using Colorado bureau of investigation-approved livescan equipment.
20 Third-party vendors shall not keep the ~~person's~~ LICENSE APPLICANT's
21 information for more than thirty days unless requested to do so by the
22 ~~person~~ LICENSE APPLICANT. The approved third party or government
23 entity shall transmit the fingerprints to the Colorado bureau of
24 investigation, which shall in turn forward them to the federal bureau of
25 investigation for a national criminal history record check. The department
26 or other authorized government entity is the authorized agency to receive
27 and disseminate information regarding the result of a national criminal

1 history record check. Each entity handling the national criminal history
2 record check shall comply with Pub.L. 92-544, as amended. Each
3 government entity acting as the authorized recipient of the result of a
4 national criminal history record check shall forward the result of the
5 initial national criminal history record check and any subsequent
6 notification of activity on the record to the department to determine the
7 individual's eligibility for initial ~~certification~~ LICENSURE or ~~certification~~
8 LICENSE renewal.

9 (c) (I) (A) A government entity or private, not-for-profit, or
10 for-profit organization that employs a person or allows a person to
11 volunteer as an emergency medical service provider in a position
12 requiring direct contact with patients shall require all volunteer and
13 employed emergency medical service providers, who have lived in the
14 state for more than three years at the time of initial ~~certification~~
15 LICENSURE or ~~certification~~ LICENSE renewal, to submit to a
16 fingerprint-based criminal history record check by the Colorado bureau
17 of investigation to determine eligibility for employment. The organization
18 shall forward the result of the criminal history record check and any
19 subsequent notification of activity on the record to the department to
20 determine eligibility for initial ~~certification~~ LICENSURE or ~~certification~~
21 LICENSE renewal.

22 (II) Notwithstanding the provisions of subparagraph (I) of this
23 paragraph ~~(c)~~ SUBSECTION (4)(c)(I) OF THIS SECTION, if a person
24 submitted to a fingerprint-based criminal history record check at the time
25 of initial ~~certification~~ LICENSURE or ~~certification~~ LICENSE renewal, the
26 person shall not be required to submit to a subsequent fingerprint-based
27 criminal history record check.

16 (4.5) (a) As used in this subsection (4.5), unless the context
17 otherwise requires:

18 (III) "Emergency medical service provider" means an emergency
19 medical service provider that is certified or licensed by the department.
20 of public health and environment, created under section 25-1-102.

21 **SECTION 2.** In Colorado Revised Statutes, 24-34-110, **amend**
22 (3)(a)(XXVIII) and (3)(a)(XXIX); and **add** (3)(a)(XXX) as follows:

23 **24-34-110. Medical transparency act of 2010 - disclosure of**
24 **information about health care licensees - fines - rules - short title -**
25 **legislative declaration - repeal.** (3) (a) As used in this section,
26 "applicant" means a person applying for a new, active license,
27 certification, or registration or to renew, reinstate, or reactivate an active

1 license, certification, or registration to practice:

2 (XXVIII) As a surgical assistant or surgical technologist pursuant
3 to article 43.2 of title 12; ~~C.R.S.~~; and

4 (XXIX) Naturopathic medicine pursuant to article 37.3 of title 12;
5 ~~C.R.S.~~ AND

6 (XXX) AS AN EMERGENCY MEDICAL SERVICE PROVIDER PURSUANT
7 TO ARTICLE 3.5 OF TITLE 25.

8 **SECTION 3.** In Colorado Revised Statutes, 25-3.5-201, **amend**
9 (2) as follows:

10 **25-3.5-201. Training programs.** (2) The department shall
11 distribute the curricula and teaching aids to training institutions and
12 hospitals upon request from a recognized training group or hospital. If a
13 county is unable to arrange for necessary training programs, the
14 department shall arrange a training program within the immediate vicinity
15 of the agency requesting the program. The department shall issue
16 emergency medical service provider ~~certificates~~ LICENSES in accordance
17 with section 25-3.5-203 (1) and may issue certificates of successful
18 course completion to those individuals who successfully complete other
19 emergency medical services training programs of the department. The
20 programs may provide for the training of emergency medical dispatchers,
21 emergency medical services instructors, emergency medical services
22 coordinators, and other personnel who provide emergency medical
23 services. The receipt of the certificate of course completion is not deemed
24 state licensure, approval, or a determination of competency.

25 **SECTION 4.** In Colorado Revised Statutes, 25-3.5-205, **amend**
26 (1)(a) and (5)(a) as follows:

27 **25-3.5-205. Emergency medical service providers -**

1 **investigation - discipline.** (1) (a) The department may administer oaths,
2 take affirmations of witnesses, and issue subpoenas to compel the
3 attendance of witnesses and the production of all relevant records and
4 documents to investigate alleged misconduct by ~~certified~~ LICENSED
5 emergency medical service providers.

6 (5) For the purposes of this section:

7 (a) "Medical director" means a physician who supervises ~~certified~~
8 LICENSED emergency medical service providers consistent with the rules
9 adopted by the executive director or chief medical officer, as applicable,
10 under section 25-3.5-206.

11 **SECTION 5.** In Colorado Revised Statutes, 25-1-516, **amend** (1)
12 introductory portion and (1)(c) as follows:

13 **25-1-516. Unlawful acts - penalties.** (1) It is unlawful for any
14 person, association, or corporation and the officers ~~thereof~~ OF THE
15 ASSOCIATION OR CORPORATION to:

16 (c) Willfully and falsely make or alter a certificate OR LICENSE or
17 certified copy of ~~any~~ A certificate OR LICENSE issued pursuant to the
18 public health laws;

19 **SECTION 6.** In Colorado Revised Statutes, 25-3.5-103, **amend**
20 the introductory portion and (8) as follows:

21 **25-3.5-103. Definitions.** As used in this ~~article~~ ARTICLE 3.5,
22 unless the context otherwise requires:

23 (8) "Emergency medical service provider" means an individual
24 who holds a valid emergency medical service provider ~~certificate~~ LICENSE
25 issued by the department as provided in this ~~article~~ ARTICLE 3.5.

26 **SECTION 7.** In Colorado Revised Statutes, **amend** 25-3.5-202
27 as follows:

1 **25-3.5-202. Personnel - basic requirements.** Emergency medical
2 personnel SERVICE PROVIDERS employed or utilized in connection with an
3 ambulance service shall meet the qualifications established, by resolution,
4 by the board of county commissioners of the county in which the
5 ambulance is based in order to be certified LICENSED. For ambulance
6 drivers, the minimum requirements include the possession of a valid
7 driver's license and other requirements established by the board by rule
8 under section 25-3.5-308. For any person responsible for providing direct
9 emergency medical care and treatment to patients transported in an
10 ambulance, the minimum requirement is possession of an emergency
11 medical service provider certificate LICENSE issued by the department. In
12 the case of an emergency in an ambulance service area where no person
13 possessing the qualifications required by this section is present or
14 available to respond to a call for the emergency transportation of patients
15 by ambulance, any person may operate the ambulance to transport any
16 sick, injured, or otherwise incapacitated or helpless person in order to
17 stabilize the medical condition of the person pending the availability of
18 medical care.

19 **SECTION 8.** In Colorado Revised Statutes, 25-3.5-206, amend
20 (1), (2)(a)(I)(D), (2)(a)(I)(E), (2)(a)(I)(F), (3)(a), (3)(c), (4)(a)
21 introductory portion, (4)(a)(I), (4)(a)(V)(A), and (4)(a.5)(I) as follows:

22 **25-3.5-206. Emergency medical practice advisory council -**
23 **creation - powers and duties - emergency medical service provider**
24 **scope of practice - rules.** (1) There is hereby created within the
25 department, as a type 2 entity under the direction of the executive director
26 of the department, the emergency medical practice advisory council,
27 referred to in this part 2 as the "advisory council". The advisory council

1 is responsible for advising the department regarding the appropriate scope
2 of practice for emergency medical service providers ~~certified~~ LICENSED
3 under section 25-3.5-203.

4 (2) (a) The emergency medical practice advisory council consists
5 of the following eleven members:

6 (I) Eight voting members appointed by the governor as follows:

7 (D) One emergency medical service provider ~~certified~~ LICENSED
8 at an advanced life support level who is actively involved in the provision
9 of emergency medical services;

10 (E) One emergency medical service provider ~~certified~~ LICENSED
11 at a basic life support level who is actively involved in the provision of
12 emergency medical services; and

13 (F) One emergency medical service provider ~~certified~~ LICENSED
14 at any level who is actively involved in the provision of emergency
15 medical services;

16 (3) The advisory council shall provide general technical expertise
17 on matters related to the provision of patient care by emergency medical
18 service providers and shall advise or make recommendations to the
19 department in the following areas:

20 (a) The acts and medications that ~~certified~~ emergency medical
21 service providers at each level of ~~certification~~ LICENSURE are authorized
22 to perform or administer under the direction of a physician medical
23 director;

24 (c) Modifications to emergency medical service provider
25 ~~certification~~ LICENSURE levels and capabilities; and

26 (4) (a) The director or, if the director is not a physician, the chief
27 medical officer shall adopt rules, in accordance with article 4 of title 24,

1 C.R.S., concerning the scope of practice of emergency medical service
2 providers for prehospital care. The rules must include the following:

3 (I) Allowable acts for each level of emergency medical service
4 provider ~~certification~~ LICENSURE and the medications that A LICENSEE AT
5 each level of emergency medical service provider ~~certification~~ LICENSURE
6 can administer;

7 (V) (A) Standards for the issuance by the department of a critical
8 care endorsement for emergency medical service providers. An
9 emergency medical service provider with a critical care endorsement is
10 authorized to perform the tasks and procedures specified by rule. The
11 endorsement is valid as long as the emergency medical service provider
12 maintains ~~certification~~ LICENSURE by the department.

13 (a.5) (I) On or before January 1, 2018, the director, or, if the
14 director is not a physician, the chief medical officer shall adopt rules, in
15 accordance with article 4 of title 24, C.R.S., concerning the scope of
16 practice of a community paramedic. An emergency medical service
17 provider's endorsement as a community paramedic, issued pursuant to the
18 rules adopted under section 25-3.5-203.5, is valid for as long as the
19 emergency medical service provider maintains his or her ~~certification~~
20 LICENSURE by the department.

21 **SECTION 9.** In Colorado Revised Statutes, 25-3.5-603, **amend**
22 (1)(a), (3) introductory portion, and (3)(c)(I) as follows:

23 **25-3.5-603. Emergency medical services account - creation -**
24 **allocation of funds.** (1) (a) There is hereby created a special account
25 within the highway users tax fund established under section 43-4-201
26 C.R.S., to be known as the emergency medical services account, which
27 consists of all ~~moneys~~ MONEY transferred ~~thereto~~ INTO THE ACCOUNT in

1 accordance with section 42-3-304 (21), ~~C.R.S.~~, fees collected under
2 section 25-3.5-203 for provisional ~~certifications~~ LICENSES of emergency
3 medical service providers, and fees collected under section 25-3.5-1103
4 for provisional registration of emergency medical responders.

5 (3) ~~On and after July 1, 2002;~~ The general assembly shall
6 appropriate ~~moneys~~ MONEY in the emergency medical services account:

7 (c) To the direct and indirect costs of planning, developing,
8 implementing, maintaining, and improving the statewide emergency
9 medical and trauma services system. These costs include:

10 (I) Providing technical assistance and support to local
11 governments, local emergency medical and trauma service providers, and
12 RETACs operating a statewide data collection system, coordinating local
13 and state programs, providing assistance in selection and purchasing of
14 medical and communication equipment, administering the EMTS grant
15 program, establishing and maintaining scope of practice for ~~certified~~
16 LICENSED EMERGENCY medical service providers, and administering a
17 registration program for emergency medical responders; and

18 **SECTION 10.** In Colorado Revised Statutes, 25-3.5-605, **amend**
19 (2) introductory portion, (2)(d) introductory portion, and (2)(d)(I) as
20 follows:

21 **25-3.5-605. Improvement of county emergency medical and**
22 **trauma services - eligibility for county funding - manner of**
23 **distributing funds.** (2) In order to qualify for ~~moneys~~ MONEY under this
24 section, a county must:

25 (d) Ensure that all ~~moneys~~ MONEY received under this section are
26 IS expended on developing and updating the emergency medical and
27 trauma services plan and other emergency medical and trauma services

1 needs of the county such as:

2 (I) Training and ~~certification~~ LICENSURE of emergency medical
3 service providers;

4 **SECTION 11.** In Colorado Revised Statutes, 25-3.5-903, **amend**
5 (2) as follows:

6 **25-3.5-903. Definitions.** As used in this part 9, unless the context
7 otherwise requires:

8 (2) "Prehospital medical director" or "medical director" means a
9 licensed physician who supervises ~~certified~~ LICENSED emergency medical
10 service providers who provide prehospital care.

11 **SECTION 12.** In Colorado Revised Statutes, 25-3.5-904, **amend**
12 (2)(a) as follows:

13 **25-3.5-904. Quality management programs - creation -**
14 **assessments - confidentiality of information - exceptions - immunity**
15 **for good-faith participants.** (2) (a) Except as provided in paragraph (b)
16 of this subsection (2) SUBSECTION (2)(b) or subsection (3) of this section,
17 information required to be collected and maintained, including
18 information from the prehospital care reporting system that identifies an
19 individual, and records, reports, and other information obtained and
20 maintained in accordance with a quality management program established
21 pursuant to this section are confidential and shall not be released except
22 to the department in cases of an alleged violation of board rules
23 pertaining to emergency medical service provider ~~certification~~ LICENSURE
24 or except in accordance with section 25-3.5-205 (4).

25 **SECTION 13.** In Colorado Revised Statutes, 25-3.5-1101,
26 **amend** (1)(a) as follows:

27 **25-3.5-1101. Legislative declaration.** (1) The general assembly

1 hereby finds that:

2 (a) The department of public health and environment has
3 responsibility for oversight of the emergency medical and trauma services
4 system and the ~~certification~~ LICENSURE of emergency medical service
5 providers. Emergency medical service providers are ~~certified~~ LICENSED
6 by the department to provide treatment and transport to the sick and
7 injured.

8 **SECTION 14.** In Colorado Revised Statutes, 25-3.5-1203,
9 **amend** (6) as follows:

10 **25-3.5-1203. Community assistance referral and education**
11 **services programs - authorization - scope - repeal.** (6) A person
12 working directly or indirectly for a CARES program, whether as an
13 employee or a contractor, may only provide services consistent with the
14 requirements of subsection (3) of this section; except that nothing in this
15 section prohibits a licensed, certified, or registered health care or mental
16 health provider or ~~certified~~ LICENSED emergency medical service provider
17 from acting or providing services within his or her scope of practice if
18 necessary to respond to an emergent situation.

19 **SECTION 15.** In Colorado Revised Statutes, 8-2-123, **amend**
20 (1)(d) as follows:

21 **8-2-123. Health care workers - retaliation prohibited -**
22 **definitions.** (1) As used in this section:

23 (d) "Health care worker" means any person certified, registered,
24 or licensed pursuant to article 22, 29.5, 32, 33, 35, 36, or 37, or 38 to 43
25 of title 12 C.R.S., or ~~certified~~ LICENSED pursuant to section 25-3.5-203.
26 C.R.S.

27 **SECTION 16.** In Colorado Revised Statutes, 12-36-106, **amend**

1 (3) introductory portion and (3)(y) as follows:

2 **12-36-106. Practice of medicine defined - exemptions from**
3 **licensing requirements - unauthorized practice by physician**
4 **assistants and anesthesiologist assistants - penalties - rules - repeal.**

5 (3) A person may engage in, and shall not be required to obtain a license
6 or a physician training license under this ~~article~~ ARTICLE 36 with respect
7 to, any of the following acts:

8 (y) The rendering of services by an emergency medical service
9 provider ~~certified~~ LICENSED under section 25-3.5-203, ~~C.R.S.~~, if the
10 services rendered are consistent with rules adopted by the executive
11 director or chief medical officer, as applicable, under section 25-3.5-206,
12 ~~C.R.S.~~, defining the duties and functions of emergency medical service
13 providers;

14 **SECTION 17.** In Colorado Revised Statutes, 12-42.5-408,
15 **amend** (1) as follows:

16 **12-42.5-408. Exemption - waiver.** (1) A hospital licensed or
17 certified pursuant to section 25-1.5-103, ~~C.R.S.~~, a prescription drug outlet
18 located within the hospital that is dispensing a controlled substance for a
19 chart order or dispensing less than or equal to a twenty-four-hour supply
20 of a controlled substance, and ~~AN~~ emergency medical ~~services~~ personnel
21 ~~certified~~ SERVICE PROVIDER LICENSED pursuant to section 25-3.5-203
22 ~~C.R.S.~~, are exempt from the reporting provisions of this part 4. A hospital
23 prescription drug outlet licensed pursuant to section 12-42.5-112 shall
24 comply with the provisions of this part 4 for controlled substances
25 dispensed for outpatient care that have more than a twenty-four-hour
26 supply.

27 **SECTION 18.** In Colorado Revised Statutes, 12-64-104, **amend**

1 (3)(a)(III) as follows:

2 **12-64-104. License requirements and exceptions - definitions**

3 **- rules.** (3) (a) As used in this subsection (3), unless the context
4 otherwise requires:

5 (III) "Emergency medical service provider" means an emergency
6 medical service provider who is ~~certified or~~ licensed by the department
7 of public health and environment, created under section 25-1-102. ~~C.R.S.~~

8 **SECTION 19.** In Colorado Revised Statutes, 13-21-108.2,
9 **amend** (1) and (2)(b) as follows:

10 **13-21-108.2. Persons rendering emergency assistance -**
11 **competitive sports - exemption from civil liability.** (1) (a) Except as
12 provided in subsection (2) of this section, a person licensed as a
13 physician, osteopath, chiropractor, nurse, physical therapist, podiatrist,
14 dentist, EMERGENCY MEDICAL SERVICE PROVIDER, or optometrist ~~or~~
15 ~~certified as an emergency medical service provider under part 2 of article~~
16 ~~3.5 of title 25, C.R.S.~~, who, in good faith and without compensation,
17 renders emergency care or emergency assistance, including sideline or
18 on-field care as a team health care provider, to an individual requiring
19 emergency care or emergency assistance as a result of having engaged in
20 a competitive sport is not liable for civil damages as a result of acts or
21 omissions by the physician, osteopath, chiropractor, nurse, physical
22 therapist, podiatrist, dentist, EMERGENCY MEDICAL SERVICE PROVIDER, or
23 optometrist. ~~or person certified as an emergency medical service provider~~
24 ~~under part 2 of article 3.5 of title 25, C.R.S.~~

25 (b) The provisions of this subsection (1) apply to the rendering of
26 emergency care or emergency assistance to a minor even if the physician,
27 osteopath, chiropractor, nurse, physical therapist, podiatrist, dentist,

1 EMERGENCY MEDICAL SERVICE PROVIDER, or optometrist ~~or the person~~
2 certified as an emergency service provider under part 2 of article 3.5 of
3 title 25, C.R.S.; does not obtain permission from the parent or legal
4 guardian of the minor before rendering the care or assistance; except that,
5 if a parent or guardian refuses the rendering of emergency care, this
6 subsection (1) does not apply.

7 (2) The exemption from civil liability described in subsection (1)
8 of this section does not apply to:

9 (b) Acts or omissions that are outside the scope of the license held
10 by the physician, osteopath, chiropractor, nurse, physical therapist,
11 podiatrist, dentist, EMERGENCY MEDICAL SERVICE PROVIDER, or
12 optometrist. ~~or outside the scope of the certificate held by a person who~~
13 ~~is certified as an emergency medical service provider under part 2 of~~
14 ~~article 3.5 of title 25, C.R.S.~~

15 **SECTION 20.** In Colorado Revised Statutes, 15-18.6-101,
16 **amend** the introductory portion and (3) as follows:

17 **15-18.6-101. Definitions.** As used in this ~~article~~ ARTICLE 18.6,
18 unless the context otherwise requires:

19 (3) "Emergency medical service personnel" means an emergency
20 medical service provider at any level who is ~~certified or~~ licensed by the
21 department of public health and environment. "Emergency medical
22 service personnel" includes ~~a first~~ AN EMERGENCY MEDICAL responder
23 certified REGISTERED by the department of public health and environment
24 ~~or the division of fire prevention and control in the department of public~~
25 ~~safety, in accordance with section 24-33.5-1205 (2)(c), C.R.S.~~ SECTION
26 25-3.5-1103.

27 **SECTION 21.** In Colorado Revised Statutes, 15-18.7-102,

1 **amend** the introductory portion and (8) as follows:

2 **15-18.7-102. Definitions.** As used in this ~~article~~ ARTICLE 18.7,

3 unless the context otherwise requires:

4 (8) "Emergency medical service personnel" means an emergency
5 medical service provider who is ~~certified or~~ licensed by the department
6 of public health and environment, created and existing under section
7 25-1-102, C.R.S.; or a ~~first~~ AN EMERGENCY MEDICAL responder ~~certified~~
8 REGISTERED by the department of public health and environment ~~or the~~
9 division of fire prevention and control in the department of public safety,
10 in accordance with part 12 of article 33.5 of title 24, C.R.S. SECTION
11 25-3.5-1103.

12 **SECTION 22.** In Colorado Revised Statutes, 18-3-106, **amend**

13 (4)(d) as follows:

14 **18-3-106. Vehicular homicide.** (4) (d) No person except a
15 physician, a registered nurse, ~~a paramedic as certified in~~ AN EMERGENCY
16 MEDICAL SERVICE PROVIDER LICENSED UNDER part 2 of article 3.5 of title
17 25, C.R.S., ~~an emergency medical service provider as defined in part 1 of~~
18 article 3.5 of title 25, C.R.S., or a person whose normal duties include
19 withdrawing blood samples under the supervision of a physician or
20 registered nurse is entitled to withdraw blood for the purpose of
21 determining the ~~alcoholic~~ ALCOHOL or drug content of the blood for
22 purposes of this section. In a trial for a violation of ~~paragraph (b) of~~
23 subsection ~~(1)~~ SUBSECTION (1)(b) of this section, testimony of a law
24 enforcement officer that he or she witnessed the taking of a blood
25 specimen by a person who he or she reasonably believed was authorized
26 to withdraw blood specimens is sufficient evidence that the person was
27 authorized, and testimony from the person who obtained the blood

1 specimens concerning the person's authorization to obtain blood
2 specimens is not a prerequisite to the admissibility of test results
3 concerning the blood specimens obtained. ~~No~~ Civil liability ~~shall~~ DOES
4 NOT attach to any person authorized to obtain blood, breath, saliva, or
5 urine specimens or to any hospital, clinic, or association in or for which
6 ~~such~~ THE specimens are obtained pursuant to this subsection (4) as a
7 result of the act of obtaining the specimens from a person if the
8 specimens were obtained according to the rules prescribed by the state
9 board of health; except that ~~such provision~~ THIS SUBSECTION (4)(d) does
10 not relieve the person from liability for negligence in obtaining any
11 specimen sample.

12 **SECTION 23.** In Colorado Revised Statutes, 18-3-205, **amend**
13 (4)(d) as follows:

14 **18-3-205. Vehicular assault.** (4) (d) No person except a
15 physician, a registered nurse, ~~a paramedic as certified in~~ AN EMERGENCY
16 MEDICAL SERVICE PROVIDER LICENSED UNDER part 2 of article 3.5 of title
17 25, ~~C.R.S., an emergency medical service provider as defined in part 1 of~~
18 ~~article 3.5 of title 25, C.R.S.,~~ or a person whose normal duties include
19 withdrawing blood samples under the supervision of a physician or
20 registered nurse is entitled to withdraw blood to determine the ~~alcoholic~~
21 ALCOHOL or drug content of the blood for purposes of this section. In a
22 trial for a violation of ~~paragraph (b) of subsection (1)~~ SUBSECTION (1)(b)
23 of this section, testimony of a law enforcement officer that the officer
24 witnessed the taking of a blood specimen by a person who the officer
25 reasonably believed was authorized to withdraw blood specimens is
26 sufficient evidence that the person was authorized, and testimony from
27 the person who obtained the blood specimens concerning the person's

1 authorization to obtain blood specimens is not a prerequisite to the
2 admissibility of test results concerning the blood specimens obtained. ~~No~~
3 Civil liability ~~shall~~ DOES NOT attach to a person authorized to obtain
4 blood, breath, saliva, or urine specimens or to a hospital, clinic, or
5 association in or for which the specimens are obtained in accordance with
6 this subsection (4) as a result of the act of obtaining the specimens from
7 any person if the specimens were obtained according to the rules
8 prescribed by the state board of health; except that ~~the provision~~ THIS
9 SUBSECTION (4)(d) does not relieve the person from liability for
10 negligence in obtaining the specimen sample.

11 **SECTION 24.** In Colorado Revised Statutes, 18-3.5-108, **amend**
12 (5)(d) as follows:

13 **18-3.5-108. Aggravated vehicular unlawful termination of**
14 **pregnancy - definitions.** (5) (d) No person except a physician, a
15 registered nurse, an emergency medical service provider ~~as certified in~~ in
16 part 2 of article 3.5 of title 25, C.R.S., an ~~emergency medical technician~~
17 ~~as defined in part 1 of article 3.5 of title 25, C.R.S.~~ LICENSED UNDER
18 SECTION 25-3.5-203, or a person whose normal duties include
19 withdrawing blood samples under the supervision of a physician or
20 registered nurse ~~shall be entitled to~~ MAY withdraw blood for the purpose
21 of determining the alcohol or drug content ~~therein~~ IN THE BLOOD. In any
22 trial for a violation of ~~paragraph (b) of subsection (1)~~ SUBSECTION (1)(b)
23 of this section, testimony of a law enforcement officer that he or she
24 witnessed the taking of a blood specimen by a person who he or she
25 reasonably believed was authorized to withdraw blood specimens ~~shall be~~
26 IS sufficient evidence that the person was so authorized, and testimony
27 from the person who obtained the blood specimens concerning the

1 person's authorization to obtain blood specimens ~~shall~~ IS not be a
2 prerequisite to the admissibility of test results concerning the blood
3 specimens obtained. ~~No~~ Civil liability ~~shall~~ DOES NOT attach to any person
4 authorized to obtain blood, breath, saliva, or urine specimens or to any
5 hospital, clinic, or association in or for which ~~such~~ THE specimens are
6 obtained pursuant to this subsection (5) as a result of the act of obtaining
7 ~~such~~ THE specimens from any person if ~~such~~ THE specimens were
8 obtained according to the rules ~~and regulations~~ prescribed by the state
9 board of health; except that this subsection (5) ~~shall~~ DOES not relieve any
10 such person from liability for negligence in ~~the~~ obtaining ~~of~~ any specimen
11 sample.

12 **SECTION 25.** In Colorado Revised Statutes, 19-3-304, amend
13 (2)(kk) as follows:

19-3-304. Persons required to report child abuse or neglect.

15 (2) Persons required to report such abuse or neglect or circumstances or
16 conditions include any:

17 (kk) Emergency medical service providers, as defined in sections
18 25-3.5-103 (8) and 25-3.5-103 (12) and certified LICENSED pursuant to
19 part 2 of article 3.5 of title 25;

20 **SECTION 26.** In Colorado Revised Statutes, 24-60-3502, amend
21 section 2 H. as follows:

24-60-3502. Compact approved and ratified.

SECTION 2

DEFINITIONS

25 As used in this compact:

26 H. "License" means the authorization by a state for an individual
27 to practice as an EMT, AEMT, or paramedic or at a level between EMT

1 and paramedic. In Colorado, this is accomplished through certification of
2 an emergency medical services provider pursuant to section 25-3.5-203
3 (1)(b), C.R.S.

4 **SECTION 27.** In Colorado Revised Statutes, 33-13-108.1,
5 **amend** (6) as follows:

6 **33-13-108.1. Operating a vessel while under the influence.**
7 (6) The arresting officer having probable cause to believe a person has
8 violated this section shall direct the administration of the tests in
9 accordance with rules prescribed by the state board of health with utmost
10 respect for the constitutional rights, dignity, and health of the person
11 being tested. No person except a physician, a registered nurse, a
12 ~~paramedic as certified in~~ AN EMERGENCY MEDICAL SERVICE PROVIDER
13 LICENSED UNDER part 2 of article 3.5 of title 25, C.R.S., ~~an emergency~~
14 ~~medical service provider as defined in part 1 of article 3.5 of title 25,~~
15 C.R.S., or a person whose normal duties include withdrawing blood
16 samples under the supervision of a physician or registered nurse shall
17 withdraw blood to determine the ~~alcoholic~~ ALCOHOL or drug content of
18 the blood for purposes of this section. ~~No~~ Civil liability ~~attaches~~ DOES
19 NOT ATTACH to a person authorized to obtain blood, breath, saliva, or
20 urine specimens or to a hospital in which the specimens are obtained as
21 provided in subsection (4) of this section as a result of the act of obtaining
22 the specimens from any person submitting thereto if the specimens were
23 obtained according to the rules of the state board of health; except that
24 this ~~provision~~ SUBSECTION (6) does not relieve the person from liability
25 for negligence in obtaining a specimen sample.

26 **SECTION 28.** In Colorado Revised Statutes, 41-2-102, **amend**
27 (6)(b)(II) as follows:

1 **41-2-102. Operating an aircraft under the influence -**
2 **operating an aircraft with excessive alcohol content - tests - penalties**
3 **- useful public service program.** (6) (b) (II) No person except a
4 physician, a registered nurse, an emergency medical service provider, as
5 defined in part 1 of article 3.5 of title 25 ~~C.R.S.~~, and as ~~certified in~~
6 LICENSED UNDER part 2 of article 3.5 of title 25, ~~C.R.S.~~, or a person whose
7 normal duties include withdrawing blood samples under the supervision
8 of a physician or registered nurse shall withdraw blood to determine the
9 ~~alcoholie~~ ALCOHOL or drug content of the blood for purposes of this
10 section. In a trial for a violation of subsection (1) or (2) of this section, the
11 testimony of a law enforcement officer that he or she witnessed the taking
12 of a blood specimen by a person who he or she reasonably believed was
13 authorized to withdraw a blood specimen is sufficient evidence that the
14 person was authorized, and testimony from the person who obtained the
15 blood specimens concerning the person's authorization to obtain blood
16 specimens is not a prerequisite to the admissibility of test results
17 concerning the blood specimen obtained. ~~No~~ Civil liability ~~attaches~~ DOES
18 NOT ATTACH to a person authorized to obtain blood, breath, saliva, or
19 urine specimens or to a hospital, clinic, or association in or for which the
20 specimens are obtained as provided in this subsection (6) as a result of the
21 act of obtaining the specimens from any person submitting thereto if the
22 specimens were obtained according to the rules ~~and regulations~~ of the
23 state board of health; except that this ~~provision~~ ~~shall~~ SUBSECTION (6) DOES
24 not relieve the person from liability for negligence in ~~the~~ obtaining ~~of~~ any
25 specimen sample.

26 **SECTION 29.** In Colorado Revised Statutes, 42-4-1301.1,
27 **amend (6)(a)** as follows:

1 **42-4-1301.1. Expressed consent for the taking of blood, breath,**
2 **urine, or saliva sample - testing - fund - rules - repeal.** (6) (a) No
3 person except a physician, a registered nurse, ~~a paramedic, as certified in~~
4 AN EMERGENCY MEDICAL SERVICE PROVIDER LICENSED UNDER part 2 of
5 article 3.5 of title 25, C.R.S., ~~an emergency medical service provider, as~~
6 defined in part 1 of article 3.5 of title 25, C.R.S., or a person whose
7 normal duties include withdrawing blood samples under the supervision
8 of a physician or registered nurse shall withdraw blood to determine the
9 ~~alcoholic~~ ALCOHOL or drug content of the blood for purposes of this
10 section.

11 **SECTION 30. Act subject to petition - effective date -**
12 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
13 the expiration of the ninety-day period after final adjournment of the
14 general assembly (August 8, 2018, if adjournment sine die is on May 9,
15 2018); except that, if a referendum petition is filed pursuant to section 1
16 (3) of article V of the state constitution against this act or an item, section,
17 or part of this act within such period, then the act, item, section, or part
18 will not take effect unless approved by the people at the general election
19 to be held in November 2018 and, in such case, will take effect on the
20 date of the official declaration of the vote thereon by the governor.

21 (2) This act applies to conduct occurring on or after the applicable
22 effective date of this act.