

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

May 1, 2024
Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

SB24-141 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

5 **12-30-123. Out-of-state telehealth providers - registration -**
6 **financial responsibility - discipline - emergency protocol - disclosures**
7 **- prescriptions - rules - applicability - definitions.** (1) AS USED IN THIS
8 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

14 (c) "ORIGINATING SITE" HAS THE MEANING SET FORTH IN SECTION
15 10-16-123 (4)(b).

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

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

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

24 (g) "TELEHEALTH" MEANS THE DELIVERY OF MEDICAL SERVICES
25 THROUGH TECHNOLOGIES THAT ARE USED IN A MANNER THAT IS
26 COMPLIANT WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND

1 ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, INCLUDING
2 INFORMATION, ELECTRONIC, AND COMMUNICATION TECHNOLOGIES,
3 REMOTE MONITORING TECHNOLOGIES, AND STORE-AND-FORWARD
4 TRANSFERS, TO FACILITATE THE ASSESSMENT, DIAGNOSIS, CONSULTATION,
5 OR TREATMENT OF A PATIENT WHILE THE PATIENT IS LOCATED AT AN
6 ORIGINATING SITE AND THE PERSON WHO PROVIDES THE SERVICES IS
7 LOCATED AT A DISTANT SITE.

8 (2) ON AND AFTER JANUARY 1, 2026, AN APPLICANT WHO
9 POSSESSES AN OUT-OF-STATE CREDENTIAL MAY PROVIDE HEALTH-CARE
10 SERVICES THROUGH TELEHEALTH TO PATIENTS LOCATED IN THIS STATE IF
11 THE APPLICANT IS REGISTERED WITH A REGULATOR, AS APPLICABLE TO THE
12 APPLICANT'S PRACTICE, AND PROVIDES HEALTH-CARE SERVICES WITHIN
13 THE SCOPE OF PRACTICE ESTABLISHED UNDER THE LAWS AND RULES OF
14 THIS STATE THAT APPLY TO THE APPLICANT'S PRACTICE.

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

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

22 (b) THE APPLICANT POSSESSES AN OUT-OF-STATE CREDENTIAL
23 ISSUED BY A GOVERNMENTAL AUTHORITY IN ANOTHER STATE, THE
24 DISTRICT OF COLUMBIA, OR A POSSESSION OR TERRITORY OF THE UNITED
25 STATES AND THE CREDENTIAL IS ACTIVE; UNENCUMBERED; HAS
26 EDUCATIONAL AND SUPERVISORY STANDARDS EQUIVALENT TO OR
27 EXCEEDING THE EDUCATIONAL AND SUPERVISORY STANDARDS REQUIRED
28 FOR THE EQUIVALENT CREDENTIAL, LICENSE, CERTIFICATE, OR
29 REGISTRATION IN THIS STATE OR THE INTERSTATE COMPACT LICENSE FOR
30 THE APPLICABLE CREDENTIAL TYPE; AND ENTITLES THE APPLICANT TO
31 PERFORM HEALTH-CARE SERVICES THAT ARE THE SAME AS OR EQUIVALENT
32 TO HEALTH-CARE SERVICES THAT MAY BE PERFORMED BY A LICENSEE,
33 CERTIFICATE HOLDER, OR REGISTRANT IN THIS STATE;

34 (c) THE APPLICANT HAS NOT BEEN SUBJECT TO ANY DISCIPLINARY
35 ACTION RESULTING IN A LIMITATION, SUSPENSION, OR REVOCATION OF THE
36 APPLICANT'S OUT-OF-STATE CREDENTIAL DURING THE FIVE-YEAR PERIOD
37 IMMEDIATELY PRECEDING THE SUBMISSION OF THE APPLICANT'S
38 APPLICATION PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION, UNLESS
39 THE DISCIPLINARY ACTION PERTAINS TO AN ACTION, BEHAVIOR, OR
40 TREATMENT PERMITTED UNDER COLORADO LAW;

41 (d) THE APPLICANT DEMONSTRATES PASSAGE OF A JURISPRUDENCE
42 EXAMINATION ADMINISTERED BY THE DIVISION IF PASSAGE OF A
43 JURISPRUDENCE EXAMINATION IS REQUIRED FOR SUBSTANTIALLY SIMILAR

1 CREDENTIALING AS A LICENSEE, CERTIFICATE HOLDER, OR REGISTRANT IN
2 THIS STATE;

3 (e) THE APPLICANT DESIGNATES AN AGENT UPON WHOM SERVICE
4 OF PROCESS MAY BE MADE IN THIS STATE ON A FORM PRESCRIBED BY THE
5 DIVISION; AND

6 (f) THE APPLICANT DEMONSTRATES TO THE DIVISION THAT THE
7 APPLICANT IS IN COMPLIANCE WITH SUBSECTION (5) OF THIS SECTION.

8 (4) (a) A REGISTERED PROVIDER SHALL NOTIFY THE APPLICABLE
9 REGULATOR OF:

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

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

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

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

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

24 (6) A REGISTERED PROVIDER PROVIDING HEALTH-CARE SERVICES
25 THROUGH TELEHEALTH TO A PATIENT LOCATED IN THIS STATE SHALL
26 PROVIDE HEALTH-CARE SERVICES IN COMPLIANCE WITH THE PROFESSIONAL
27 PRACTICE STANDARDS APPLICABLE TO A LICENSEE, CERTIFICATE HOLDER,
28 OR REGISTRANT WHO PROVIDES COMPARABLE IN-PERSON HEALTH-CARE
29 SERVICES IN THIS STATE. PROFESSIONAL PRACTICE STANDARDS AND LAWS
30 APPLICABLE TO THE PROVISION OF IN-PERSON HEALTH-CARE SERVICES IN
31 THIS STATE, INCLUDING STANDARDS AND LAWS RELATING TO PRESCRIBING
32 MEDICATION OR TREATMENT, IDENTITY VERIFICATION, DOCUMENTATION,
33 INFORMED CONSENT, CONFIDENTIALITY, DISCLOSURES, PRIVACY, AND
34 SECURITY, APPLY TO THE PROVISION OF HEALTH-CARE SERVICES THROUGH
35 TELEHEALTH IN COLORADO.

36 (7) (a) A REGISTERED PROVIDER WHO PROVIDES TELEHEALTH
37 SERVICES TO A PATIENT SHALL:

38 (I) PROVIDE THE PATIENT WITH GUIDANCE ON APPROPRIATE
39 FOLLOW-UP CARE AS REQUIRED BY THE LAWS, RULES, AND STANDARD OF
40 CARE FOR COLORADO;

41 (II) IN THE EVENT OF AN EMERGENCY SITUATION, MAKE A GOOD
42 FAITH EFFORT TO:

43 (A) DIRECTLY CONTACT AND COORDINATE WITH EMERGENCY

1 SERVICES LOCATED NEAR THE ORIGINATING SITE; OR
2 (B) IF THE URGENT, EMERGENT, OR EMERGENCY SITUATION IS
3 RELATED TO THE PATIENT'S MENTAL HEALTH OR A SUBSTANCE USE
4 CONDITION, FACILITATE CONTACT WITH THE APPROPRIATE LOCAL MENTAL
5 AND BEHAVIORAL HEALTH SERVICES TO INCLUDE LOCAL CRISIS SERVICES,
6 SUCH AS CRISIS STABILIZATION UNITS, CRISIS WALK-IN CENTERS, MOBILE
7 CRISIS RESPONSE SERVICES, AND WITHDRAWAL MANAGEMENT FACILITIES;
8 AND
9 (C) REMAIN ON A SYNCHRONOUS CONNECTION WITH THE PATIENT,
10 IF THE EMERGENCY ARISES DURING A SYNCHRONOUS CONNECTION, UNTIL
11 EMERGENCY SERVICES HAVE REACHED THE ORIGINATING SITE OR THE
12 SITUATION IS RESOLVED IN THE REGISTERED PROVIDER'S CLINICAL
13 JUDGMENT; AND
14 (III) MAINTAIN A WRITTEN EMERGENCY PROTOCOL THAT IS
15 APPROPRIATE TO THE APPLICABLE STANDARD OF CARE FOR COLORADO.
16 THE WRITTEN EMERGENCY PROTOCOL MUST INCLUDE GOOD FAITH
17 METHODS OF ACCOMPLISHING THE FOLLOWING:
18 (A) PROVIDING THE NAME AND LOCATION OF THE PATIENT TO
19 EMERGENCY SERVICES IN ORAL, WRITTEN, OR DIGITAL FORM;
20 (B) DETERMINING THE ORIGINATING SITE IF A PATIENT IS
21 UNAWARE OF THE LOCATION; AND
22 (C) PROVIDING THE CONTACT INFORMATION OF THE PATIENT TO
23 EMERGENCY SERVICES.
24 (b) A REGISTERED PROVIDER MUST MAINTAIN A CURRENT LIST OF
25 HOSPITALS, URGENT CARE CENTERS OR CLINICS, AND CRISIS PROVIDERS,
26 SUCH AS CRISIS STABILIZATION UNITS, CRISIS WALK-IN CENTERS, MOBILE
27 CRISIS RESPONSE SERVICES, AND WITHDRAWAL MANAGEMENT FACILITIES,
28 IN THE AREA WHERE THE PATIENT RESIDES.
29 (8) (a) A REGISTERED PROVIDER SHALL NOT OPEN AN OFFICE IN
30 THIS STATE AND SHALL NOT PROVIDE IN-PERSON HEALTH-CARE SERVICES
31 TO PATIENTS LOCATED IN THIS STATE UNLESS THE REGISTERED PROVIDER
32 OBTAINS THE LICENSE, CERTIFICATION, OR REGISTRATION THAT THE
33 APPLICABLE REGULATOR REQUIRES FOR THE PERFORMANCE OF THE
34 RELEVANT HEALTH-CARE SERVICES IN THIS STATE.
35 (b) A REGISTERED PROVIDER PROVIDING TELEHEALTH SERVICES TO
36 A PATIENT IN THIS STATE SHALL DISCLOSE THE FOLLOWING INFORMATION
37 TO THE PATIENT, AS APPLICABLE:
38 (I) THE LOCATION OF THE REGISTERED PROVIDER; AND
39 (II) THAT THE REGISTERED PROVIDER DOES NOT HAVE A PHYSICAL
40 LOCATION IN COLORADO.
41 (9) (a) THE DIVISION OR THE APPLICABLE REGULATOR MAY TAKE
42 DISCIPLINARY ACTION AGAINST A REGISTERED PROVIDER IF ANY OF THE
43 FOLLOWING APPLIES TO THE REGISTERED PROVIDER:

1 (I) THE REGISTERED PROVIDER FAILS TO NOTIFY THE REGULATOR
2 OF ANY ADVERSE ACTIONS TAKEN AGAINST THE REGISTERED PROVIDER'S
3 OUT-OF-STATE CREDENTIAL AS REQUIRED UNDER SUBSECTION (4) OF THIS
4 SECTION;

5 (II) THE REGISTERED PROVIDER HAS RESTRICTIONS PLACED ON THE
6 REGISTERED PROVIDER'S OUT-OF-STATE CREDENTIAL OR DISCIPLINARY
7 ACTION HAS BEEN COMMENCED AGAINST THE REGISTERED PROVIDER IN
8 ANY STATE OR JURISDICTION;

9 (III) THE REGISTERED PROVIDER VIOLATES ANY OF THE
10 REQUIREMENTS UNDER THIS SECTION; OR

11 (IV) THE REGISTERED PROVIDER COMMITS AN ACT THAT
12 CONSTITUTES GROUNDS FOR DISCIPLINARY ACTION UNDER THE LAW
13 GOVERNING THE APPLICABLE PROFESSION IN COLORADO.

14 (b) THE DEPARTMENT OF REGULATORY AGENCIES MAY NOTIFY
15 OTHER STATES IN WHICH THE REGISTERED PROVIDER IS LICENSED,
16 REGISTERED, OR CERTIFIED TO PRACTICE OF ANY DISCIPLINARY ACTIONS
17 TAKEN AGAINST THE REGISTERED PROVIDER IN THIS STATE.

18 (c) IF A REGULATOR DETERMINES THAT A REGISTERED PROVIDER
19 HAS COMMITTED AN ACT OR ENGAGED IN CONDUCT THAT CONSTITUTES
20 GROUNDS FOR DISCIPLINE OR UNPROFESSIONAL CONDUCT UNDER THE LAW
21 GOVERNING THE APPLICABLE PROFESSION IN COLORADO, THE DIVISION OR
22 THE RELEVANT REGULATOR MAY TAKE DISCIPLINARY OR OTHER ACTION
23 PURSUANT TO SECTION 12-20-404.

24 (10) FOR A REGISTERED PROVIDER PROVIDING HEALTH-CARE
25 SERVICES THROUGH TELEHEALTH TO A PATIENT LOCATED IN THIS STATE,
26 THIS SECTION PROVIDES AN ALTERNATIVE TO LICENSURE, CERTIFICATION,
27 OR REGISTRATION THAT THE APPLICABLE REGULATOR REQUIRES FOR THE
28 PERFORMANCE OF THE RELEVANT HEALTH-CARE SERVICES IN THIS STATE,
29 AND A REGISTERED PROVIDER MUST OTHERWISE ADHERE TO THE LAWS
30 AND RULES THAT APPLY TO THE REGISTERED PROVIDER'S PRACTICE.

31 (11) A REGISTERED PROVIDER SHALL NOT PRESCRIBE A
32 CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 12-280-402 (1).

33 (12) ALL REGISTRATIONS ISSUED PURSUANT TO THIS SECTION ARE
34 SUBJECT TO THE RENEWAL, EXPIRATION, REINSTATEMENT, AND
35 DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202.

36 (13) THE DIVISION MAY PROMULGATE RULES NECESSARY TO
37 IMPLEMENT AND ADMINISTER THIS SECTION.

38 (14) A REGULATOR MAY PROMULGATE RULES NECESSARY TO
39 IMPLEMENT AND ADMINISTER THIS SECTION.

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

42 **SECTION 2. Safety clause.** The general assembly finds,
43 determines, and declares that this act is necessary for the immediate

- 1 preservation of the public peace, health, or safety or for appropriations for
- 2 the support and maintenance of the departments of the state and state
- 3 institutions."

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