

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0276.01 Jennifer Berman x3286

HOUSE BILL 20-1036

HOUSE SPONSORSHIP

Arndt and McKean, Valdez D., Van Winkle

SENATE SPONSORSHIP

Woodward and Zenzinger, Moreno, Tate

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ADDITION OF REFERENCES TO LICENSED
102 EMERGENCY MEDICAL SERVICE PROVIDERS IN THE EMERGENCY
103 MEDICAL SERVICE PROVIDERS' PEER HEALTH ASSISTANCE
104 PROGRAM STATUTE TO ALIGN THE STATUTE WITH LEGISLATION
105 ENACTED IN 2019 THAT AUTHORIZED CERTIFIED EMERGENCY
106 MEDICAL SERVICE PROVIDERS TO SEEK LICENSURE.

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/>.)

Statutory Revision Committee. In 2019, Senate Bill 19-242 was

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.

enacted to authorize a certified emergency medical service (EMS) provider to seek licensure if the provider demonstrates to the department of public health and environment that the provider has sufficient educational credentials for licensure. Numerous conforming amendments in the bill added references to licensed EMS providers where certified EMS providers were referenced in statute.

Also in 2019, Senate Bill 19-065 was enacted to establish a peer health assistance program for EMS providers. The bill amends the statute created in Senate Bill 19-065 by adding references to licensed EMS providers and licensees to align Senate Bill 19-065 with Senate Bill 19-242.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 hereby finds and declares that the purpose of this act is to clarify statutory
4 provisions relating to the licensing of emergency medical service
5 providers. The general assembly further declares that clarifying these
6 statutory provisions does not alter the scope or applicability of the
7 remaining statutes.

8 **SECTION 2.** In Colorado Revised Statutes, 25-3.5-208, **amend**
9 (1) introductory portion, (4)(g), (7)(a) introductory portion, (7)(b), (8),
10 and (9) as follows:

11 **25-3.5-208. Emergency medical service providers' peer health**
12 **assistance program - fund - rules.** (1) As a condition of initial
13 certification, LICENSURE, and certification OR LICENSURE renewal, every
14 applicant shall pay to the department, at the time of application, two
15 dollars and fifty-five cents. This amount may be adjusted on January 1,
16 2021, and annually thereafter by the board to reflect:

17 (4) The department shall select one or more peer health assistance
18 programs as designated providers. To be eligible for designation by the
19 department, a peer health assistance program must:

1 (g) Agree to make services available to all certified AND LICENSED
2 emergency medical service providers.

3 (7) (a) Any certificate holder OR LICENSEE who does not have
4 access to an employee assistance program may apply to the department
5 for participation in a qualified peer health assistance program. In order to
6 be eligible for participation, a certificate holder OR LICENSEE shall:

7 (b) (I) Any certificate holder OR LICENSEE may self-refer to the
8 qualified peer health assistance program selected by the department. If a
9 certificate holder OR LICENSEE who self-refers in accordance with this
10 subsection (7)(b) has access to an employee assistance program, the
11 certificate holder OR LICENSEE shall cover the cost of the program.

12 (II) A certificate holder OR LICENSEE who self-refers and is
13 accepted into a qualified peer health assistance program shall affirm that,
14 to the best of their knowledge, information, and belief, they know of no
15 instance in which they have violated this article 3.5 or the rules of the
16 board, except in instances affected by the certificate holder's OR
17 LICENSEE'S physical, psychological, or emotional condition.

18 (8) All documents, records, or reports generated in the provision
19 of services to a certificate holder OR LICENSEE who is attending a
20 qualified peer health assistance program are confidential and not subject
21 to subpoena and shall not be used as evidence in any proceeding other
22 than disciplinary action by the department. The documents, records, and
23 reports are not public records for purposes of section 24-72-203.

24 (9) Notwithstanding the provisions of this section, the department
25 may summarily suspend the certification of any certificate holder OR THE
26 LICENSE OF ANY LICENSEE who is referred to a peer health assistance
27 program by the department and who fails to attend or to complete the

1 program. If a certificate holder OR LICENSEE objects to the suspension, the
2 certificate holder OR LICENSEE may submit a written request to the
3 department for the formal hearing on the suspension within two days after
4 receiving notice of the suspension and the department shall grant the
5 request. In the hearing, the certificate holder OR LICENSEE shall have the
6 burden of proving that the certificate holder's certification OR LICENSEE'S
7 LICENSE should not be suspended. The hearing shall be conducted in
8 accordance with section 24-4-105.

9 **SECTION 3. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2020 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.