

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0566.01 Sarah Lozano x3858

HOUSE BILL 24-1253

HOUSE SPONSORSHIP

English and Holtorf,

SENATE SPONSORSHIP

Ginal,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE REGULATION OF
102 RESPIRATORY THERAPY, AND, IN CONNECTION THEREWITH,
103 IMPLEMENTING THE RECOMMENDATIONS IN THE 2023 SUNSET
104 REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

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/>.)

Sunset Process - House Health and Human Services Committee. The bill implements the recommendations of the department of regulatory agencies (department), as specified in the department's

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.

sunset review of the regulation of respiratory therapy, as follows:

- **Sections 1 and 2** of the bill continue the regulation of respiratory therapy for 11 years, until September 1, 2035;
- The definition of respiratory therapy in current law includes certain treatments of patients pursuant to a prescription issued by a physician, advanced practice registered nurse, or certified midwife. **Section 3** expands the definition to also include a prescription issued by a physician assistant.
- Current law exempts an unregistered polysomnographic technologist (technologist) who practices respiratory therapy from the state regulatory requirements for respiratory therapists if the technologist is practicing under the supervision of a respiratory therapist, physician, or certain other practitioner. **Section 4** narrows this exemption to practices that do not exceed oxygen titration with pulse oximetry and noninvasive positive pressure ventilation titration.
- **Sections 5 and 6** repeal an obsolete provision and a redundant provision.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-300-116
3 as follows:

4 **12-300-116. Repeal of article - review of functions.** This article
5 300 is repealed, effective ~~September 1, 2024~~ SEPTEMBER 1, 2035. Before
6 the repeal, the licensure functions of the director under this article 300 are
7 scheduled for review in accordance with section 24-34-104.

8 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
9 (25)(a)(XI); and **add** (36) as follows:

10 **24-34-104. General assembly review of regulatory agencies**
11 **and functions for repeal, continuation, or reestablishment - legislative**
12 **declaration - repeal.** (25) (a) The following agencies, functions, or both,
13 are scheduled for repeal on September 1, 2024:

14 (XI) ~~The licensing and regulation of respiratory therapists by the~~

1 ~~division of professions and occupations in the department of regulatory~~
2 ~~agencies in accordance with article 300 of title 12;~~

3 (36) (a) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, ARE
4 SCHEDULED FOR REPEAL ON SEPTEMBER 1, 2035:

5 (I) THE LICENSING AND REGULATION OF RESPIRATORY THERAPISTS
6 BY THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT
7 OF REGULATORY AGENCIES IN ACCORDANCE WITH ARTICLE 300 OF TITLE
8 12;

9 (b) THIS SUBSECTION (36) IS REPEALED, EFFECTIVE SEPTEMBER 1,
10 2037.

11 **SECTION 3.** In Colorado Revised Statutes, 12-300-104, **amend**
12 (3)(c), (3)(d)(II), and (3)(e) as follows:

13 **12-300-104. Definitions.** As used in this article 300, unless the
14 context otherwise requires:

15 (3) "Respiratory therapy" means providing therapy, management,
16 rehabilitation, support services for diagnostic evaluation, and care of
17 patients with deficiencies and abnormalities that affect the pulmonary
18 system under the overall direction of a medical director. Respiratory
19 therapy includes the following:

20 (c) Direct and indirect respiratory care services, including the
21 administration of pharmacological, diagnostic, and therapeutic agents
22 related to respiratory care procedures necessary to implement a treatment,
23 disease prevention, and pulmonary rehabilitative or diagnostic regimen
24 prescribed by a physician, A PHYSICIAN ASSISTANT, an advanced practice
25 registered nurse, or a certified midwife;

26 (d) Observation and monitoring of signs, symptoms, reactions,
27 general behavior, and general physical response to respiratory care

1 treatment and diagnostic testing for:

2 (II) The implementation based on observed abnormalities of

3 appropriate reporting, referral, or respiratory care protocols or changes in

4 treatment regimen pursuant to a prescription by a physician, A PHYSICIAN

5 ASSISTANT, an advanced practice registered nurse, or a certified midwife

6 or the initiation of emergency procedures;

7 (e) The diagnostic and therapeutic use of the following in

8 accordance with the prescription of a physician, A PHYSICIAN ASSISTANT,

9 an advanced practice registered nurse, or a certified midwife:

10 (I) Administration of medical gases, exclusive of general

11 anesthesia;

12 (II) Aerosols;

13 (III) Humidification;

14 (IV) Environmental control systems and biomedical therapy;

15 (V) Pharmacologic agents related to respiratory care procedures;

16 (VI) Mechanical or physiological ventilatory support;

17 (VII) Bronchopulmonary hygiene;

18 (VIII) Respiratory protocol and evaluation;

19 (IX) Cardiopulmonary resuscitation;

20 (X) Maintenance of the natural airways;

21 (XI) Insertion and maintenance of artificial airways;

22 (XII) Diagnostic and testing techniques required for

23 implementation of respiratory care protocols;

24 (XIII) Collection of specimens from the respiratory tract; or

25 (XIV) Analysis of blood gases and respiratory secretions and

26 participation in cardiopulmonary research; and

27 **SECTION 4.** In Colorado Revised Statutes, 12-300-112, **amend**

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

2 **12-300-112. Exceptions.** (1) This article 300 does not prohibit:

3 (a) (III) The practice of respiratory therapy by polysomnographic
4 technologists who are not registered by or do not hold credentials from a
5 nationally recognized organization, but those polysomnographic
6 technologists shall only practice under the supervision of a respiratory
7 therapist, a physician, or an individual exempted from ~~the provisions of~~
8 this article 300 pursuant to subsection (1)(g) of this section, AND THOSE
9 POLYSOMNOGRAPHIC TECHNOLOGISTS' SCOPE OF PRACTICE MUST NOT
10 EXCEED OXYGEN TITRATION WITH PULSE OXIMETRY AND NONINVASIVE
11 POSITIVE PRESSURE VENTILATION TITRATION.

12 **SECTION 5.** In Colorado Revised Statutes, 12-300-107, **amend**
13 (2) as follows:

14 **12-300-107. License - effectiveness - fee.** (2) The director shall
15 issue a license to practice respiratory therapy to an applicant who
16 otherwise meets the qualifications set forth in this article 300 and who
17 submits satisfactory proof and certifies under penalty of perjury that the
18 applicant is either:

19 (a) Eligible for licensure by endorsement pursuant to the
20 occupational credential portability program; OR

21 (b) Holding credentials conferred by a national respiratory therapy
22 credentialing body, as determined by the director, which credentials have
23 not been suspended or revoked. ~~or~~

24 (c) ~~Functioning in the capacity of a respiratory therapist as of July~~
25 ~~1, 2000, and has successfully passed, no later than July 1, 2001, the~~
26 ~~certification or registration examination of a national respiratory therapy~~
27 ~~credentialing body, as determined by the director.~~

1 **SECTION 6.** In Colorado Revised Statutes, **amend** 12-300-108
2 as follows:

3 **12-300-108. Renewal of license.** ~~(1) At least sixty calendar days~~
4 ~~prior to the expiration of a license, the director shall notify the licensee of~~
5 ~~the pending expiration. The director shall make an expiration notice and~~
6 ~~a renewal form available to the licensee. Before the expiration date, the~~
7 ~~licensee shall complete the renewal form and return it to the division with~~
8 ~~the renewal fee.~~

9 ~~(2)~~ Licenses issued pursuant to this article 300 are subject to the
10 renewal, expiration, reinstatement, and delinquency fee provisions
11 specified in section 12-20-202 (1) and (2). Any person whose license has
12 expired ~~shall be~~ IS subject to the penalties provided in this article 300 or
13 section 12-20-202 (1).

14 **SECTION 7. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly; except
17 that, if a referendum petition is filed pursuant to section 1 (3) of article V
18 of the state constitution against this act or an item, section, or part of this
19 act within such period, then the act, item, section, or part will not take
20 effect unless approved by the people at the general election to be held in
21 November 2024 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.