

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 20-0560.01 Christy Chase x2008

HOUSE BILL 20-1041

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING FINANCIAL RESPONSIBILITY REQUIREMENTS FOR**
102 **PHYSICIAN ASSISTANTS WHO HAVE BEEN PRACTICING FOR AT**
103 **LEAST THREE YEARS.**

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 specifies that a physician assistant who has been practicing for at least 3 years must comply with the same financial responsibility requirements to which physicians are subject, namely to maintain professional liability coverage of at least \$1 million per incident and \$3 million aggregate per year. Additionally, the bill authorizes the

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.

SENATE
3rd Reading Unamended
March 4, 2020

SENATE
2nd Reading Unamended
March 3, 2020

HOUSE
3rd Reading Unamended
February 6, 2020

HOUSE
2nd Reading Unamended
February 3, 2020

Colorado medical board to exempt physician assistants from the financial responsibility requirements, or lessen the requirements, to the same extent permitted for physicians.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-240-114.5,
3 **amend** (5)(b) as follows:

4 **12-240-114.5. Physician assistants - supervisory requirements**
5 **- liability - definitions.** (5) (b) A physician assistant who ~~may be liable~~
6 ~~for damages as described in subsection (5)(a) of this section shall~~
7 ~~maintain professional liability insurance in an amount not less than one~~
8 ~~million dollars per claim and three million dollars for all claims~~ HAS BEEN
9 PRACTICING FOR AT LEAST THREE YEARS SHALL COMPLY WITH THE
10 FINANCIAL RESPONSIBILITY REQUIREMENTS SPECIFIED IN SECTION
11 13-64-301 (1) AND RULES ADOPTED BY THE BOARD PURSUANT TO THAT
12 SECTION.

13 **SECTION 2.** In Colorado Revised Statutes, 13-64-301, **amend**
14 (1) introductory portion, (1)(a.5)(I), (1)(a.5)(II) introductory portion,
15 (1)(a.5)(III), (1)(a.5)(IV), (2), and (3) as follows:

16 **13-64-301. Financial responsibility.** (1) As a condition of active
17 licensure or authority to practice in this state, every physician, dentist, or
18 dental hygienist, EVERY PHYSICIAN ASSISTANT WHO HAS BEEN PRACTICING
19 FOR AT LEAST THREE YEARS, and every health care institution as defined
20 in section 13-64-202, except as provided in section 13-64-303.5, that
21 provides health care services shall establish financial responsibility, as
22 follows:

23 (a.5) (I) If a physician OR A PHYSICIAN ASSISTANT, by maintaining
24 commercial professional liability insurance coverage with an insurance

1 company authorized to do business in this state or an eligible nonadmitted
2 insurer allowed to insure in Colorado pursuant to article 5 of title 10
3 ~~C.R.S.~~, in a minimum indemnity amount of one million dollars per
4 incident and three million dollars annual aggregate per year; except that
5 this requirement is not applicable to a physician OR PHYSICIAN ASSISTANT
6 who is a public employee under the "Colorado Governmental Immunity
7 Act", article 10 of title 24. ~~C.R.S.~~

8 (II) The Colorado medical board may, by rule, exempt from or
9 establish lesser financial responsibility standards than those prescribed in
10 this ~~paragraph (a.5)~~ SUBSECTION (1)(a.5) for classes of physicians OR
11 PHYSICIAN ASSISTANTS who:

12 (III) The Colorado medical board may exempt from or establish
13 lesser financial responsibility standards for a physician OR PHYSICIAN
14 ASSISTANT for reasons other than those described in ~~subparagraph (H) of~~
15 ~~this paragraph (a.5)~~ SUBSECTION (1)(a.5)(II) OF THIS SECTION that render
16 the limits provided in ~~subparagraph (I) of this paragraph (a.5)~~
17 SUBSECTION (1)(a.5)(I) OF THIS SECTION unreasonable or unattainable.

18 (IV) Nothing in this ~~paragraph (a.5)~~ shall preclude SUBSECTION
19 (1)(a.5) PRECLUDES or otherwise ~~prohibit~~ PROHIBITS a licensed physician
20 OR PHYSICIAN ASSISTANT from rendering appropriate patient care on an
21 occasional basis when the circumstances surrounding the need for care so
22 warrant.

23 (2) Each such physician, PHYSICIAN ASSISTANT, or dentist, as a
24 condition of receiving and maintaining an active or inactive license or
25 other authority to provide health care services, and each health care
26 institution, as a condition of receiving and maintaining an active license,
27 certification, or other authority to provide health care services in this

1 state, shall furnish the appropriate authority ~~which~~ THAT issues and
2 administers ~~such~~ THE license, certification, or other authority with
3 evidence of compliance with subsection (1) of this section. ~~No such~~ THE
4 license, certification, or other authority shall NOT be issued or renewed
5 unless ~~such~~ THE HEALTH CARE PROFESSIONAL OR HEALTH CARE
6 INSTITUTION PROVIDES evidence of compliance ~~has been furnished~~ WITH
7 SUBSECTION (1) OF THIS SECTION TO THE APPROPRIATE AUTHORITY THAT
8 ISSUES AND ADMINISTERS THE LICENSE, CERTIFICATION, OR OTHER
9 AUTHORITY.

10 (3) Notwithstanding the minimum amount specified in ~~paragraph~~
11 ~~(a.5) of subsection (1)~~ SUBSECTION (1)(a.5) of this section, if the Colorado
12 medical board receives two or more reports pursuant to section 13-64-303
13 during any twelve-month period regarding a physician OR PHYSICIAN
14 ASSISTANT, the minimum amount of financial responsibility for that
15 physician ~~shall be~~ OR PHYSICIAN ASSISTANT IS twice the amount specified
16 in ~~paragraph (a.5) of subsection (1)~~ SUBSECTION (1)(a.5) of this section.
17 The Colorado medical board may reduce the additional amount if the
18 physician OR PHYSICIAN ASSISTANT, upon motion, presents sufficient
19 evidence to the Colorado medical board that one or more of the reports
20 involved an action or claim that did not represent any substantial failure
21 to adhere to accepted professional standards of care. UNDER THESE
22 CIRCUMSTANCES, the board may reduce the additional amount to an
23 amount that would be fair and conscionable.

24 **SECTION 3. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety.