

CHAPTER 72

**HEALTH AND ENVIRONMENT**

HOUSE BILL 20-1036

BY REPRESENTATIVE(S) Arndt and McKean, Valdez D., Van Winkle, Bird, Buentello, Cutter, Exum, Humphrey, Kipp, Kraft-Tharp, Michaelson Jenet, Mullica, Rich, Snyder, Titone, Will; also SENATOR(S) Woodward and Zenzinger, Moreno, Tate, Bridges, Crowder, Ginal, Rankin, Story, Todd, Winter.

**AN ACT**

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

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

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

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

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

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

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

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

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

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

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

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

(9) Notwithstanding the provisions of this section, the department may summarily suspend the certification of any certificate holder OR THE LICENSE OF ANY LICENSEE who is referred to a peer health assistance program by the department and who fails to attend or to complete the program. If a certificate holder OR LICENSEE objects to the suspension, the certificate holder OR LICENSEE may submit a written request to the department for the formal hearing on the suspension within two days after receiving notice of the suspension and the department shall grant the request. In the hearing, the certificate holder OR LICENSEE shall have the burden of proving that the certificate holder's certification OR LICENSEE'S LICENSE should not be suspended. The hearing shall be conducted in accordance with section 24-4-105.

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

Approved: March 24, 2020