

An Act

HOUSE BILL 25-1024

BY REPRESENTATIVE(S) Willford and Bradley, Bacon, Boesenecker, Brown, Duran, Lindsay, Marshall, McCormick, McCluskie; also SENATOR(S) Roberts and Frizell, Cutter, Jodeh, Michaelson Jenet.

CONCERNING REQUIRING A MEDICAL PROFESSIONAL TO DISCLOSE CERTAIN INFORMATION TO PATIENTS IF THE MEDICAL PROFESSIONAL DELEGATES MEDICAL-AESTHETIC SERVICES TO AN INDIVIDUAL WHO IS NOT A LICENSED HEALTH-CARE PROVIDER.

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

SECTION 1. In Colorado Revised Statutes, 12-240-104, **amend** (6); **repeal** (5.8) and (5.9); and **add** (7), (8), (9), and (10) as follows:

12-240-104. Definitions. As used in this article 240, unless the context otherwise requires:

(5.8) ~~"Originating site" has the meaning set forth in section 10-16-123(4)(b):~~

(5.9) ~~"Store-and-forward transfer" has the meaning set forth in section 10-16-123(4)(c):~~

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.

(6) ~~"Telemedicine" means the delivery of medical services through technologies that are used in a manner that is compliant with the federal "Health Insurance Portability and Accountability Act of 1996", Pub.L. 104-191, as amended, including information, electronic, and communication technologies, remote monitoring technologies, and store-and-forward transfers, to facilitate the assessment, diagnosis, consultation, or treatment of a patient while the patient is located at an originating site and the person who provides the services is located at a distant site~~ "LICENSED HEALTH-CARE PROVIDER" MEANS AN INDIVIDUAL WHO IS LICENSED OR OTHERWISE AUTHORIZED BY THE STATE PURSUANT TO THIS TITLE 12 OR ARTICLE 3.5 OF TITLE 25 TO PROVIDE HEALTH-CARE SERVICES.

(7) "MEDICAL-AESTHETIC SERVICES" MEANS THERAPEUTIC PROCEDURES USED IN AESTHETICS.

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

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

(10) "TELEMEDICINE" MEANS THE DELIVERY OF MEDICAL SERVICES THROUGH TECHNOLOGIES THAT ARE USED IN A MANNER THAT IS COMPLIANT WITH THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, INCLUDING INFORMATION, ELECTRONIC, AND COMMUNICATION TECHNOLOGIES, REMOTE MONITORING TECHNOLOGIES, AND STORE-AND-FORWARD TRANSFERS, TO FACILITATE THE ASSESSMENT, DIAGNOSIS, CONSULTATION, OR TREATMENT OF A PATIENT WHILE THE PATIENT IS LOCATED AT AN ORIGINATING SITE AND THE INDIVIDUAL WHO PROVIDES THE SERVICES IS LOCATED AT A DISTANT SITE.

SECTION 2. In Colorado Revised Statutes, **add** 12-240-147 as follows:

12-240-147. Delegation of medical-aesthetic services to unlicensed individuals - required disclosures - applicability. (1) AN INDIVIDUAL LICENSED TO PRACTICE MEDICINE UNDER THIS ARTICLE 240 WHO DELEGATES MEDICAL-AESTHETIC SERVICES TO AN INDIVIDUAL WHO IS NOT

A LICENSED HEALTH-CARE PROVIDER SHALL:

(a) POST OR CAUSE TO BE POSTED A NOTICE IN A HIGHLY VISIBLE MANNER AT THE PHYSICAL LOCATION WHERE THE DELEGATED SERVICES OCCUR, WHICH NOTICE INDICATES:

(I) THE NAME OF THE LICENSEE;

(II) THE LICENSEE'S COLORADO PHYSICIAN LICENSE NUMBER;

(III) CONTACT INFORMATION FOR THE LICENSEE; AND

(IV) AN ONLINE ADDRESS WHERE A PATIENT MAY FILE A COMPLAINT WITH THE BOARD;

(b) POST OR CAUSE TO BE POSTED ON THE PUBLIC WEBSITE AND ON ALL ADVERTISING MATERIALS OF THE UNLICENSED INDIVIDUAL A NOTICE THAT:

(I) STATES THAT MEDICAL-AESTHETIC SERVICES ARE DELEGATED;
AND

(II) INDICATES THE NAME AND COLORADO PHYSICIAN LICENSE NUMBER OF THE LICENSEE;

(c) PROVIDE AN INFORMED CONSENT FORM TO EACH PATIENT, WHICH FORM:

(I) STATES THAT THE PATIENT IS RECEIVING MEDICAL-AESTHETIC SERVICES DELEGATED TO AN UNLICENSED INDIVIDUAL FROM A LICENSED INDIVIDUAL;

(II) INCLUDES THE INFORMATION INCLUDED IN THE NOTICE DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION; AND

(III) MUST BE SIGNED BY THE PATIENT; AND

(d) RETAIN EACH CONSENT FORM DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION FOR AT LEAST SEVEN YEARS.

(2) THIS SECTION DOES NOT APPLY TO A FACILITY THAT IS REGULATED UNDER TITLE 25.

SECTION 3. In Colorado Revised Statutes, 12-255-104, **amend** (5.6) and (5.7); and **add** (5.8) as follows:

12-255-104. Definitions. As used in this article 255, unless the context otherwise requires:

~~(5.6) "Medical facility" means a nursing facility licensed by the department of public health and environment or home health agencies certified to receive medicare or medicaid funds, pursuant to the federal "Social Security Act", as amended, distinct part nursing facilities, or home health agencies or entities engaged in nurse aide practice. "Medical facility" does not include hospitals and other facilities licensed or certified pursuant to section 25-1.5-103 (1)(a)~~ "MEDICAL-AESTHETIC SERVICES" MEANS THERAPEUTIC PROCEDURES USED IN AESTHETICS.

~~(5.7) "Nursing facility" has the same meaning as set forth in section 25.5-4-103(14)~~ "MEDICAL FACILITY" MEANS A NURSING FACILITY LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR HOME HEALTH AGENCIES CERTIFIED TO RECEIVE MEDICARE OR MEDICAID FUNDS, PURSUANT TO THE FEDERAL "SOCIAL SECURITY ACT", DISTINCT PART NURSING FACILITIES, OR HOME HEALTH AGENCIES OR ENTITIES ENGAGED IN NURSE AIDE PRACTICE. "MEDICAL FACILITY" DOES NOT INCLUDE HOSPITALS AND OTHER FACILITIES LICENSED OR CERTIFIED PURSUANT TO SECTION 25-1.5-103 (1)(a).

(5.8) "NURSING FACILITY" HAS THE MEANING SET FORTH IN SECTION 25.5-4-103 (14).

SECTION 4. In Colorado Revised Statutes, **add** 12-255-137 as follows:

12-255-137. Delegation of medical-aesthetic services to unlicensed individuals - required disclosures - applicability. (1) AN INDIVIDUAL LICENSED AS AN ADVANCED PRACTICE REGISTERED NURSE PURSUANT TO THIS ARTICLE 255 WHO DELEGATES MEDICAL-AESTHETIC SERVICES TO AN INDIVIDUAL NOT LICENSED AS A LICENSED HEALTH-CARE PROVIDER SHALL:

(a) POST OR CAUSE TO BE POSTED A NOTICE IN A HIGHLY VISIBLE MANNER AT THE PHYSICAL LOCATION WHERE THE DELEGATED SERVICES OCCUR, WHICH NOTICE INDICATES:

(I) THE NAME OF THE LICENSEE;

(II) THE LICENSEE'S COLORADO NURSING LICENSE NUMBER;

(III) CONTACT INFORMATION FOR THE LICENSEE; AND

(IV) AN ONLINE ADDRESS WHERE A PATIENT MAY FILE A COMPLAINT WITH THE BOARD;

(b) POST OR CAUSE TO BE POSTED ON THE PUBLIC WEBSITE AND ON ALL ADVERTISING MATERIALS OF THE UNLICENSED INDIVIDUAL A NOTICE THAT:

(I) STATES THAT MEDICAL-AESTHETIC SERVICES ARE DELEGATED; AND

(II) INDICATES THE NAME AND COLORADO NURSING LICENSE NUMBER OF THE LICENSEE;

(c) PROVIDE AN INFORMED CONSENT FORM TO EACH PATIENT, WHICH FORM:

(I) STATES THAT THE PATIENT IS RECEIVING MEDICAL-AESTHETIC SERVICES DELEGATED TO AN UNLICENSED INDIVIDUAL BY A LICENSED INDIVIDUAL;

(II) INCLUDES THE INFORMATION INCLUDED IN THE NOTICE DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION; AND

(III) MUST BE SIGNED BY THE PATIENT; AND

(d) RETAIN EACH CONSENT FORM DESCRIBED IN SUBSECTION (1)(c) OF THIS SECTION FOR AT LEAST SEVEN YEARS.

(2) THIS SECTION DOES NOT APPLY TO A FACILITY THAT IS REGULATED UNDER TITLE 25.

SECTION 5. In Colorado Revised Statutes, 25-1-801, **amend** (4) as follows:

25-1-801. Patient records in custody of health-care facility - definitions. (4) For the purposes of this section, medical information transmitted during the delivery of health care via telemedicine, as defined in ~~section 12-240-104 (6)~~ SECTION 12-240-104 (10), is part of the patient's medical record maintained by the health-care facility.

SECTION 6. In Colorado Revised Statutes, 25-1-802, **amend** (5) as follows:

25-1-802. Patient records in custody of individual health-care providers. (5) For the purposes of this section, medical information transmitted during the delivery of health care via telemedicine, as defined in ~~section 12-240-104 (6)~~ SECTION 12-240-104 (10), is part of the patient's medical record maintained by a health-care provider.

SECTION 7. In Colorado Revised Statutes, 25.5-1-207, **amend** (1)(l) as follows:

25.5-1-207. Rural provider access and affordability stimulus grant program - advisory committee - fund - reporting - rules - definitions - repeal. (1) **Definitions.** As used in this section:

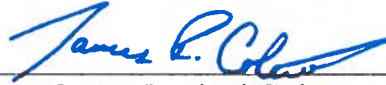
(l) "Telemedicine" has the meaning set forth in ~~section 12-240-104 (6)~~ 12-240-104 (10).

SECTION 8. Act subject to petition - effective date - applicability. (1) 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; 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

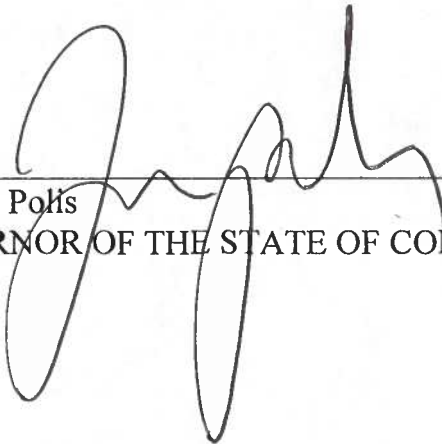


Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED Monday April 7th 2025 at 11:30 AM
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO