



COLORADO

**Department of
Regulatory Agencies**

Division of Professions and Occupations

STATEMENT OF BASIS, PURPOSE and JUSTIFICATION for EMERGENCY RULES

Colorado House Bill 20-1041 extends the requirement of having commercial professional liability insurance coverage to physician assistants with more than three years of practice experience, unless a statutory exception applies. Physician assistants that have been practicing for more than three years must maintain coverage with at least the minimum indemnity amount as required per Statute and Board Rule.

Basis

The basis for these emergency rules are pursuant to the safety clause in Colorado House Bill 20-1041, that states this legislation is necessary for the immediate preservation of the public peace, health, or safety. The Board has rulemaking authority pursuant to sections 12-20-204, 12-240-106(1)(a), 12-240-114.5(5)(b), 13-64-301, and 24-4-103(6)(a), C.R.S.

Purpose

The purpose of these emergency rules are to effectuate the requirements of Colorado House Bill 20-1041. Through this emergency rulemaking, the Colorado Medical Board promulgates immediate rules to address the financial responsibility requirement of physician assistants with more than three years of experience.

Justification

As set forth in House Bill 20-1041, the need exists to immediately expand the financial responsibility requirements to physician assistants with more than three years of experience. Pursuant to section 24-4-103(6)(a), C.R.S., a temporary or emergency rule may be adopted without compliance with section 24-4-103(4), C.R.S., which requires the agency to hold a public hearing “at which it shall afford interested persons an opportunity to submit written a data, views, or arguments and to present the same orally”; and with less than the twenty days’ notice set forth in section 24-4-103(3), C.R.S., or without notice where circumstances imperatively require, only if the agency finds that “[i]mmediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for preservation of the public health, safety or welfare and compliance with the requirements of this section would be contrary to the public interest.”

These temporary/emergency rules take effect May 21, 2020, and remain in effect for a maximum of 120 days after adoption of these emergency rules.