

**FSMB-FSPPH Joint Session**  
**May 1, 2008**  
**Key Statutory Provisions from the Colorado Medical Practice Act**

Colorado has legislation authorizing establishment of a physicians' and physician assistants' peer health assistance fund<sup>1</sup> to:

- offer assistance in identifying physical, emotional, or psychological problems,
- evaluate the extent of such problems,
- refer for appropriate treatment, and
- provide formal treatment monitoring.

The Colorado Board routinely seeks CPHP's involvement in relation to the following grounds for discipline or restriction<sup>2</sup>:

- Habitual intemperance or excessively use of any habit-forming drug or controlled substance.
- Physical or mental disability that renders the licensee unable to perform medical services with reasonable skill and with safety to the patient.
- Boundaries issues or sexual contact with patients.
- Criminal charges involving drugs, alcohol, or domestic violence.

The Colorado Board has authority to order an examination by CPHP.<sup>3</sup>

- The standard is reasonable cause to believe that a licensee is unable to practice with reasonable skill and safety to patients because of a mental or physical disability or substance abuse-related issue.
- Enforcement is allowed through suspension if the licensee fails to submit to such mental or physical examination. The suspension lasts until the required examinations have been conducted.

Required reporting to the Colorado Board:

- Reporting Self:

An applicant or licensee must disclose to the Board certain health conditions and conduct that may raise health concerns on the application for licensure, renewal, and reinstatement. Resorting to fraud, misrepresentation, or deception in those applications is unprofessional conduct subjecting the licensee to discipline.<sup>4</sup>

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<sup>1</sup> Section 12-36-123.5, Colorado Revised Statutes.

<sup>2</sup> Section 12-36-117(1)(i), (o), (p), and (r), Colorado Revised Statutes; Colorado Board Policies 10-6 and 10-7

<sup>3</sup> Section 12-36-118(9)(a), Colorado Revised Statutes.

<sup>4</sup> Section 12-36-117(1)(a) and (aa), Colorado Revised Statutes.

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- Exception: In response to the application question concerning health conditions and behavior, the applicant or licensee may answer “NO” if the applicant or licensee has already informed CPHP of the behavior or condition and is complying with all of CPHP’s requirements for evaluation, treatment and/or monitoring.
- Reporting Others:

A licensee has the duty to report to the Board any other licensee known, or upon information and belief, to have engaged in unprofessional conduct.

  - Exception: No report is required if the licensee is treating another licensee for a mental disability, habitual intemperance, or excessive use of any habit-forming drug or controlled substance.
  - Exception to the Exception: A treating licensee is required to make a report if he or she believes the impaired licensee presents a danger to himself, herself, or others.<sup>5</sup>
- Additional reporting of Training Licensees:

Graduate training programs must report to the Board any physician training licensee who has been dismissed, suspended, or placed on probation for unprofessional conduct.

  - Exception: The program need not report to the Board if the program has already reported the conduct to CPHP.<sup>6</sup>

Final disciplinary documents are public records. The Board also reports revocations, suspensions, and probationary restrictions to hospitals where a licensee has clinical privileges within 30 days of taking the final action.<sup>7</sup>

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<sup>5</sup> Section 12-36-118(3)(a), Colorado Revised Statutes.

<sup>6</sup> Section 12-36-112.5(9), Colorado Revised Statutes.

<sup>7</sup> Section 12-36-118(10), Colorado Revised Statutes; Colorado Board Policy 10-18.