

DEPARTMENT OF REGULATORY AGENCIES

Colorado Medical Board

RULE 160 – EMERGENCY RULES AND REGULATIONS REGARDING EXPANDED DELEGATION FOR PHYSICIANS AND PHYSICIAN ASSISTANTS AND EXPANDED SCOPE OF PRACTICE FOR PHYSICIANS, PHYSICIAN ASSISTANTS AND ANESTHESIOLOGIST ASSISTANT

3 CCR 713-46

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

46.1 INTRODUCTION

A. Basis: Through Executive Order d 2020 038, Governor Jared Polis governor temporarily suspended the rulemaking authorities for the Colorado Medical Board ("Board") set forth in section 24-1-122(3)(m)(l), C.R.S. and directed the Executive Director of DORA, through the Director of the Division of Professions and Occupations (Division Director), to promulgate and issue temporary emergency rules consistent with the Executive Order. The basis for these emergency rules is Executive Order D 2020-038 issued by Governor Jared Polis pursuant to the State of Emergency Declaration found in Executive Orders 2020 003, 2020 027 and 2020 032, Article IV, Section 2 of the Colorado Constitution, and the Colorado Disaster Emergency Act, sections 24-33.5-701, et. seq., C.R.S.

B. These Emergency Rules are adopted by the Executive Director of the Department of Regulatory Agencies, through the Division Director, to effectuate Executive Order D 2020 038 directing the immediate expansion of the workforce of trained medical personnel available to provide healthcare services within inpatient facilities due to the coronavirus disease 2019 (COVID-19) pandemic in Colorado.

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46.2 EXPANDED DELEGATION

A. In addition to any delegation authorized by the Medical Practice Act including, but not limited to, section 12-240-107(3)(l), C.R.S., or Colorado Medical Board Rule 800 3 CCR 713-30, physicians are authorized to delegate services in hospitals and inpatient settings as follows:

1. Physicians may delegate medical services within their scope of practice to the following Colorado Licensed Professionals working in a hospital or inpatient facility:

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- a. Podiatrists
- b. Optometrists
- c. Chiropractors
- d. Veterinarians
- e. Dentists
- f. Physical Therapists
- g. Physical Therapy Assistants

- h. Occupational Therapists
- i. Occupational Therapy Assistants
- j. Speech-Language Pathologists
- k. Surgical Assistants
- l. Surgical Technologists
- m. Volunteer Retired Nurses
- n. Nurse Aides
- o. Temporary IMG Licensees

2. Physicians may delegate services within their scope of practice to the following unlicensed persons working in a hospital or inpatient facility:

- a. Volunteer Nursing Students
- b. Medical Assistants

3. Physicians are authorized to provide training to the Colorado licensed professionals and unlicensed persons set forth in this rule, section 46.2(A)(1) and (2).

4. In order to delegate services pursuant to this rule, section 46.2(A)(1) and (2), the physician shall ensure, prior to the delegation, that the delegated service is within the knowledge, skill and training of the delegatee.

5. The physician shall ensure on-premises availability to provide direction and supervision of the delegatee.

6. The delegated services shall be routine, technical services, the performance of which do not require the special skill or decision making ability of a physician.

7. The prescription or selection of medications, performance of surgical or other invasive procedures and anesthesia services may not be delegated pursuant to this Rule 160.

B. In addition to any delegation authorized by the Medical Practice Act and section 25-3.5-207, C.R.S., _____ and notwithstanding any limitations set forth in Colorado Medical Board Rules 400 3 CCR 713-7 or 800 3 CCR 713-30, physician assistants are authorized to delegate services in hospitals and inpatient settings as follows:

1. Physician assistants may delegate services within their scope of practice to the following Colorado Licensed Professionals working in a hospital or inpatient facility:

- a. Podiatrists
- b. Optometrists
- c. Chiropractors
- d. Veterinarians

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- e. Dentists
 - f. Physical Therapists
 - g. Physical Therapy Assistants
 - h. Occupational Therapists
 - i. Occupational Therapy Assistants
 - j. Speech-Language Pathologists
 - k. Surgical Assistants
 - l. Surgical Technologists
 - m. Volunteer Retired Nurses
 - n. Nurse Aides
2. Physician assistants may delegate services within their scope of practice to the following unlicensed persons working in a hospital or inpatient facility:
- a. Volunteer Nursing Students
 - b. Medical Assistants
3. Physician assistants are authorized to provide training to the Colorado licensed professionals and unlicensed persons set forth in Rule 1.27(C)(1) and(2).
4. In order to delegate services pursuant to this Rule, section 46.2(B)(1) and (2),
the physician assistant shall ensure, prior to the delegation, that the delegated service is within the knowledge, skill and training of the delegatee.
5. The physician assistant shall ensure on-premise availability to provide direction and supervision of the delegatee.
6. The delegated services shall be routine, technical services, the performance of which do not require the special skill or decision making ability of a physician assistant..
7. The prescription or selection of medications, performance of surgical or other invasive procedures and anesthesia services may not be delegated pursuant to this Rule 160.

46.3 EXPANDED SCOPE OF PRACTICE

- A. Physicians are authorized to engage in inpatient care to evaluate and treat COVID-19 patients regardless of American Board of Medical Specialties (ABMS) Board certifications, national certifications, national specialty certificates of added qualifications, or current scope of specialty or subspecialty practice, if appropriate based on the physicians' education, training, and experience.
- B. Physician assistants are authorized to engage in inpatient care to evaluate and treat COVID-19 patients regardless of National Commission on Certification for Physician Assistants (NCCPA), national certifications, national specialty certificates of added qualifications, or current scope of

specialty or subspecialty practice, if appropriate based on the physician assistants' education, training, and experience.

C. Anesthesiologist Assistants may expand their scope of practice while working in a hospital or inpatient facility as needed to perform airway management outside of the operative setting.

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