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Amending Article 1 of Chapter 91, Colorado Revised Statutes 1963, Concerning the Practice of Medicine

Colorado General Assembly

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CHAPTER 374

MEDICINE AND SURGERY

MEDICAL PRACTICE ACT

(House Bill No. 1447. By Representatives Shore, Farley, and Fentress; also Senators Birmingham and Hodges.)

A N A C T

AMENDING ARTICLE 1 OF CHAPTER 91, COLORADO REVISED STATUTES 1963, CONCERNING THE PRACTICE OF MEDICINE.

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

Section 1. 91-1-3 (4), Colorado Revised Statutes 1963, is amended to read:

91-1-3. State board of medical examiners.—(4) The board shall elect biennially from its members a president, a vice-president and a secretary-treasurer. Regular meetings of the board shall be held in the city and county of Denver on the second Tuesday of January, April, July, and October of each year. Special meetings of the board may be called by the president or by three members of the board at any time on three days' prior notice by mail, or in case of emergency, on twenty-four hours' notice by telephone or telegraph, any such meetings to be held at the place designated in the call therefor. BOARD MEMBERS SHALL RECEIVE A PER DIEM OF THIRTY DOLLARS FOR EACH DAY ON WHICH THEY ATTEND A REGULAR OR SPECIAL MEETING OF THE BOARD. A majority of the board shall constitute a quorum for the transaction of all business, ~~provided, that~~ BUT no license shall be granted, suspended, or revoked, nor shall the holder of such license be placed on probation, except upon the affirmative vote of at least a majority of all of the members of the board, and in case all members are not present at the meeting at which such action is taken, then upon the affirmative vote of at least four members. Members of the board shall be reimbursed for their actual and necessary traveling and subsistence expenses when absent from their places of residence in attendance at meetings or in other performance of their duties. All meetings of the board shall be deemed to have been duly called and regularly held and all decisions, resolutions, and proceedings of the board shall be deemed to have been duly authorized, unless the contrary be proved.

Section 2. 91-1-12, Colorado Revised Statutes 1963, is amended to read:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

91-1-12. License fee.—An applicant for a license to practice medicine to be issued on the basis of an examination by the board shall pay a fee of ~~twenty-five~~ **THIRTY-FIVE** dollars, and an applicant for such a license to be issued on the basis of a certificate from the national board of medical examiners or the national board of examiners for osteopathic physicians and surgeons, or on the basis of a license or certificate from another duly constituted examining board, shall pay a fee of ~~fifty~~ **SEVENTY-FIVE** dollars.

Section 3. 91-1-17 (1) (m), Colorado Revised Statutes 1963, is amended to read:

91-1-17. Unprofessional conduct.—(1) (m) Grossly negligent or ignorant malpractice;

Section 4. 91-1-17 (1), Colorado Revised Statutes 1963, is amended **BY THE ADDITION OF A NEW PARAGRAPH (p)** to read:

91-1-17. Unprofessional conduct.—(1) (p) Such physical or mental disability as to render the licentiate unable to perform medical services with reasonable skill and with safety to the patient.

Section 5. 91-1-22, Colorado Revised Statutes 1963, is amended to read:

91-1-22. Internship—residency—registration.—Any person serving an approved internship or an approved residency, as defined by this article, in a hospital in the state of Colorado may do so for an aggregate period of not to exceed ~~four~~ **SIX** years without a license to practice medicine or the payment of any fee. Such person must register with the board in manner and form as the board shall prescribe.

Section 6. 91-1-23 (1) and (3), Colorado Revised Statutes 1963, are amended to read:

91-1-23. List of licentiates — registration — fee — when payable. — (1) During March of each year the board shall cause its secretary-treasurer to publish and mail to each holder of an unsuspended and unrevoked license to practice medicine, chiropody, or midwifery in this state at his last known address, a complete list of the class of licentiates to which the addressee belongs, corrected to the first of March of the current year, including the name, date, and number of the license, and the business address of each licentiate entitled to practice. Every such licentiate, before March first of each year, shall pay to the secretary-treasurer an annual registration fee of ~~two~~ **FIVE** dollars if he is a legal resident of Colorado and of ten dollars if he is not a legal resident of Colorado, and obtain an annual registration certificate for the current calendar year.

(3) Upon application at any time thereafter made to the board by any such licentiate, on a form prescribed by the board, his license shall be reinstated at the next regular meeting of the board, subject to the payment to the board of all registration fees which would have accrued hereunder had his license not been suspended and the payment of an additional fee in the same amount as required for the original issuance of the license. If before or after such application for reinstatement has been made, charges are preferred against the licentiate by the board or by any person, as provided by section 91-1-18, the board shall defer action on the pending application for reinstatement, if any, and proceed with a hearing on such charges in accordance with section 91-1-18, and thereupon shall reinstate, further suspend, or revoke such license.

Section 7. Article 1 of chapter 91, Colorado Revised Statutes 1963, is amended **BY THE ADDITION OF A NEW SECTION 91-1-36** to read:

91-1-36. Injunctive proceedings.—(1) The board may, in the name of the people of the state of Colorado, through the attorney general of the state of Colorado, apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act prohibited by the provisions of this chapter.

(2) If it be established that the defendant has been or is committing an act prohibited by this chapter, the court, or any judge thereof, shall enter a decree perpetually enjoining said defendant from further committing said act.

(3) Such injunctive proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this article.

Section 8. Safety clause.—The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 9, 1967