

Justification of Emergency Rule – Amended

In addition to adoption of the proposed rule as a permanent rule, the Board finds it is imperatively necessary to adopt the proposed rule as an emergency rule in order to establish the rule's effective date as of the date of this rulemaking hearing. The Board finds that immediate adoption of the proposed rule on an emergency basis is also imperatively necessary for the preservation of the public health, safety or welfare. For the purpose of the emergency rule, the Board finds that, although the Board has complied with publication of notice of the rulemaking hearing, compliance with the requirements of 24-4-103, C.R.S. with regard to publication of the adopted rules with the Secretary of State's office is contrary to the public interest.

The Board previously conducted a rulemaking hearing regarding Rule 800 at its February 2017 meeting, but terminated the proceeding following the Board meeting. The proposed rule changes would have made substantive changes to the delegation and supervision requirements for physicians of unlicensed health care providers that the regulated community anticipated would be in effect as of April 2017. A large number of stakeholders participated in the stakeholder process and attended the February 2017 rulemaking hearing and believe the rule would be in effect in mid-April 2017. To ensure that the Board's rules conform with the regulated community's understanding of the anticipated rule changes, to implement changes to the rules that remove unnecessary restrictions on the regulated community, and to ensure greater access to medical services by the public, in addition to adoption of the proposed rule as a permanent rule, the Board found it was imperatively necessary to adopt the proposed rule as an emergency rule in order to establish the rule's effective date as of the date of the rulemaking hearing.