

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0903.02 Christy Chase x2008

SENATE BILL 16-158

SENATE SPONSORSHIP

Lundberg,

HOUSE SPONSORSHIP

Primavera,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF A PHYSICIAN ASSISTANT TO PERFORM
102 FUNCTIONS DELEGATED BY A PHYSICIAN THAT ARE WITHIN THE
103 PHYSICIAN ASSISTANT'S SCOPE OF PRACTICE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill clarifies the duties that a physician may delegate to a physician assistant (PA) within his or her scope of practice, including:

- ! In several areas of law where a statement from a physician is required to verify a medical condition, allowing a PA to issue the statement;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! In workers' compensation matters, permitting a licensed PA to obtain level I accreditation;
- ! Under health care coverage laws requiring direct access to certain health care providers, adding PAs to the list of providers of reproductive health care and gynecological care, treatment for intractable pain, and pediatric health care to whom a covered person is entitled to have direct access under a health benefit plan;
- ! Allowing up to 4 PAs to work under the direction and supervision of a licensed podiatrist;
- ! Applies the requirement that a prescription issued by a PA be imprinted with the name of the supervising physician or podiatrist, as applicable, only to prescriptions for schedule II controlled substances and, for all other prescriptions, requires the name and address of the facility where the PA practices to be imprinted on the prescription; and
- ! Adding PAs to the list of health care providers who may serve as the public health director for a county or district board of health or who may issue a certificate of immunization for a college student or a certification that a student should be exempted from immunization for medical reasons.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) The physician and physician assistant team is a critical
5 component of safe and efficient modern medical practice.

6 (b) Under the authority granted in the "Colorado Medical Practice
7 Act", article 36 of title 12, Colorado Revised Statutes, a physician may
8 delegate specific duties to a physician assistant, thereby increasing access
9 to health care.

10 (c) The physician assistant philosophy emphasizes a
11 patient-centered, team approach to health care, working in cooperation
12 with and under the delegated authority of a physician.

13 (d) This act:

1 (I) Enhances how a physician and physician assistant work
2 together within the "Colorado Medical Practice Act" by clarifying what
3 duties a physician may delegate to a physician assistant;

4 (II) Improves access to care in underserved communities within
5 the structure of the "Colorado Medical Practice Act";

6 (III) Codifies physician assistant duties; and

7 (IV) Retains physician supervision and delegation of physician
8 assistant activities.

9 **SECTION 2.** In Colorado Revised Statutes, 1-13.5-1011, **amend**
10 (1) (a) as follows:

11 **1-13.5-1011. Emergency absentee voting - definition.** (1) (a) If
12 an eligible elector is confined in a hospital or at his or her place of
13 residence on election day because of conditions arising after the closing
14 day for absentee voters' ballot applications, he or she may request, by a
15 written statement signed by him or her, that the designated election
16 official send him or her an emergency absentee voter's ballot. The
17 designated election official shall deliver the emergency absentee voter's
18 ballot, with the word "emergency" stamped or written on the stubs of the
19 ballot, at his or her office, during the regular hours of business, to any
20 authorized representative of the elector possessing a written statement
21 from the voter's physician, PHYSICIAN ASSISTANT AUTHORIZED UNDER
22 SECTION 12-36-106 (5), C.R.S., advanced practice nurse, or NURSE
23 practitioner that the voter will be confined in a hospital or his or her place
24 of residence on election day. The authorized representative shall
25 acknowledge receipt of the emergency absentee voter's ballot with his or
26 her signature, name, and address.

27 **SECTION 3.** In Colorado Revised Statutes, 8-42-101, **amend**

1 (3.5) (a) (I) as follows:

2 **8-42-101. Employer must furnish medical aid - approval of**
3 **plan - fee schedule - contracting for treatment - no recovery from**
4 **employee - medical treatment guidelines - accreditation of physicians**
5 **and other medical providers - rules - repeal.**

6 (3.5) (a) (I) (A) "Physician" means, for the purposes of the level I and
7 level II accreditation programs, a physician licensed under the "Colorado
8 Medical Practice Act". For the purposes of level I accreditation only and
9 not level II accreditation, "physician" means a dentist licensed under the
10 "Dental Practice Act", ARTICLE 35 OF TITLE 12, C.R.S.; a podiatrist
11 licensed under ~~the provisions of~~ article 32 of title 12, C.R.S.; and a
12 chiropractor licensed under ~~the provisions of~~ article 33 of title 12, C.R.S.

13 (B) A PHYSICIAN ASSISTANT LICENSED UNDER THE "COLORADO
14 MEDICAL PRACTICE ACT", ARTICLE 36 OF TITLE 12, C.R.S., MAY RECEIVE
15 LEVEL I ACCREDITATION.

16 (C) ~~No~~ A physician shall NOT be deemed ~~to be~~ accredited under
17 either level I or level II solely by reason of being licensed.

18 **SECTION 4.** In Colorado Revised Statutes, 8-73-107, **amend** (1)
19 (c) (I) (E) as follows:

20 **8-73-107. Eligibility conditions - penalty.** (1) Any unemployed
21 individual shall be eligible to receive benefits with respect to any week
22 only if the division finds that:

23 (c) (I) The individual is able to work and is available for all work
24 deemed suitable pursuant to the provisions of section 8-73-108, and, with
25 respect thereto:

26 (E) If an individual left employment because of health-related
27 reasons, the division may require a written medical statement issued by

1 a licensed practicing physician OR LICENSED PRACTICING PHYSICIAN
2 ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S.,
3 addressing any matters related to health.

4 **SECTION 5.** In Colorado Revised Statutes, 8-73-108, **amend** (4)
5 (b) (I), (4) (b) (II), (4) (b) (III), and (4) (b) (IV) (B) as follows:

6 **8-73-108. Benefit awards - repeal. (4) Full award.** An
7 individual separated from a job shall be given a full award of benefits if
8 any of the following reasons and pertinent conditions related thereto are
9 determined by the division to have existed. The determination of whether
10 or not the separation from employment shall result in a full award of
11 benefits shall be the responsibility of the division. The following reasons
12 shall be considered, along with any other factors that may be pertinent to
13 such determination:

14 (b) (I) The health of the worker is such that the worker is
15 separated from his or her employment and must refrain from working for
16 a period of time that exceeds the greater of the employer's medical leave
17 of absence policy or the provisions of the federal "Family and Medical
18 Leave Act of 1993", if applicable, or the worker's health is such that the
19 worker must seek a new occupation, or the health of the worker or the
20 worker's spouse, partner in a civil union, or dependent child is such that
21 the worker must leave the vicinity of the worker's employment; except
22 that, if the health of the worker or the worker's spouse, partner in a civil
23 union, or dependent child has caused the separation from work, the
24 worker, in order to be entitled to a full award, must have complied with
25 the following requirements: Informed the worker's employer in writing,
26 if the employer has posted or given actual advance notice of this writing
27 requirement, of the condition of the worker's health or the health of the

1 worker's spouse, partner in a civil union, or dependent child prior to
2 separation from employment and allowed the employer the opportunity
3 to make reasonable accommodations for the worker's condition;
4 substantiated the cause by a competent written medical statement issued
5 by a licensed practicing physician OR PHYSICIAN ASSISTANT AUTHORIZED
6 UNDER SECTION 12-36-106 (5), C.R.S., prior to the date of separation from
7 employment when so requested by the employer prior to the date of
8 separation from employment or within a reasonable period thereafter;
9 submitted himself or herself or the worker's spouse, partner in a civil
10 union, or dependent child to an examination by a licensed practicing
11 physician OR LICENSED PRACTICING PHYSICIAN ASSISTANT AUTHORIZED
12 UNDER SECTION 12-36-106 (5), C.R.S., selected and paid by the interested
13 employer when so requested by the employer prior to the date of
14 separation from employment or within a reasonable period thereafter; or
15 provided the division, when so requested, with a written medical
16 statement issued by a licensed practicing physician OR LICENSED
17 PRACTICING PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION
18 12-36-106 (5), C.R.S. For purposes of providing the medical statement or
19 submitting to an examination for an employer, "a reasonable period
20 thereafter" ~~shall include~~ INCLUDES the time before adjudication by either
21 a deputy or referee of the division. An award of benefits pursuant to this
22 subparagraph (I) ~~shall include~~ INCLUDES benefits to a worker who, either
23 voluntarily or involuntarily, is separated from employment because of
24 pregnancy and who otherwise satisfies the requirements of this
25 subparagraph (I).

26 (II) In the event of an injury or sudden illness of the worker which
27 would preclude verbal or written notification of the employer prior to

1 such occurrence, the failure of the worker to notify the employer prior to
2 such occurrence will not in itself constitute a reason for the denial of
3 benefits if the worker has notified the employer at the earliest practicable
4 time after such occurrence. Such notice shall be given no later than two
5 working days following such occurrence unless the worker's physician OR
6 PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S.,
7 provides a written statement to the employer within one week ~~of~~ AFTER
8 the employer's request that the worker's condition made giving such
9 notice impracticable and substantiating the illness or injury.

10 (III) Any physician OR PHYSICIAN ASSISTANT AUTHORIZED UNDER
11 SECTION 12-36-106 (5), C.R.S., who makes or is present at any
12 examination required under these provisions shall testify as to the results
13 of his examination; except that no such physician OR PHYSICIAN
14 ASSISTANT shall be required to disclose any confidential communication
15 imparted to him OR HER for the purpose of treatment which is not
16 necessary to a proper understanding of the case.

17 (IV) The off-the-job or on-the-job use of not medically prescribed
18 intoxicating beverages or controlled substances, as defined in section
19 18-18-102 (5), C.R.S., may be reason for a determination for a full award
20 pursuant to this paragraph (b), but only if:

21 (B) The worker has substantiated the addiction by a competent
22 written medical statement issued by a physician licensed to practice
23 medicine pursuant to article 36 of title 12, C.R.S., OR BY A LICENSED
24 PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S.,
25 or has substantiated the successful completion of, or ongoing
26 participation in, a treatment program as described in sub-subparagraph
27 (C) of this subparagraph (IV) within four weeks ~~of~~ AFTER the claimant's

1 admission. Such substantiation shall be in writing to the division and
2 signed by an authorized representative of the approved treatment
3 program.

4 **SECTION 6.** In Colorado Revised Statutes, 10-16-139, **amend**
5 (1), (3) (a) (I), (3) (b) (IV), (3) (c), and (4) (a) as follows:

6 **10-16-139. Access to care - rules. (1) Access to obstetricians**
7 **and gynecologists.** A health benefit plan that is delivered, issued,
8 renewed, or reinstated in this state on or after January 1, 2014, that
9 provides coverage for reproductive health or gynecological care shall not
10 be delivered, issued, renewed, or reinstated unless the plan provides a
11 woman covered by the plan direct access to an obstetrician, a
12 gynecologist, A PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION
13 12-36-106 (5), C.R.S., AND SPECIALIZING IN OBSTETRICS AND
14 GYNECOLOGY, or an advanced practice nurse who is a certified nurse
15 midwife pursuant to section 12-38-111.5, C.R.S., participating and
16 available under the plan for her reproductive health care or gynecological
17 care.

18 (3) **Treatment of intractable pain.** (a) A service or indemnity
19 contract issued or renewed on or after January 1, 1998, by any entity
20 subject to part 2, 3, or 4 of this article shall disclose in the contract and in
21 information on coverage presented to consumers whether the health
22 coverage plan or managed care plan provides coverage for treatment of
23 intractable pain. If the contract is silent on coverage of intractable pain,
24 the contract is presumed to offer coverage for the treatment of intractable
25 pain. If the contract is silent or if the plan specifically includes coverage
26 for the treatment of intractable pain, the plan shall provide access to the
27 treatment for any individual covered by the plan either:

1 (I) By a primary care physician ~~with~~ OR PHYSICIAN ASSISTANT
2 AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S., SO LONG AS THE
3 PHYSICIAN OR PHYSICIAN ASSISTANT HAS demonstrated interest and
4 documented experience in pain management ~~whose~~ AND HAS A practice
5 THAT includes up-to-date pain treatment;

6 (b) The commissioner may promulgate rules to implement and
7 administer this subsection (3) that include the following issues:

8 (IV) Actions that constitute improper penalties imposed upon A
9 primary care ~~physicians~~ PHYSICIAN OR PHYSICIAN ASSISTANT AUTHORIZED
10 UNDER SECTION 12-36-106 (5), C.R.S., as a result of referrals made
11 pursuant to this section; and

12 (c) For purposes of this subsection (3), "intractable pain" means
13 a pain state in which the cause of the pain cannot be removed and for
14 which, in the generally accepted course of medical practice, relief or cure
15 of the cause of the pain is impossible or has not been found after
16 reasonable efforts, including evaluation by the attending physician OR
17 PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S.,
18 and one or more physicians specializing in the treatment of the area,
19 system, or organ of the body perceived as the source of the pain.

20 (4) **Access to pediatric care.** (a) If a carrier offering an
21 individual or small employer health benefit plan requires or provides for
22 the designation of a participating primary health care professional, the
23 carrier shall permit the parent or legal guardian of each covered person
24 who is a child to designate any participating physician OR PHYSICIAN
25 ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S., who
26 specializes in pediatrics as the child's primary health care professional if
27 the pediatrician OR PHYSICIAN ASSISTANT is available to accept the child.

1 **SECTION 7.** In Colorado Revised Statutes, 12-32-109.3, **amend**
2 (1) and (2) as follows:

3 **12-32-109.3. Use of physician assistants - rules.** (1) A person
4 licensed under the laws of this state to practice podiatry may delegate to
5 a physician assistant licensed by the Colorado medical board pursuant to
6 section 12-36-107.4 the authority to perform acts that constitute the
7 practice of podiatry to the extent and in the manner authorized by rules
8 promulgated by the Colorado podiatry board. Such acts shall be consistent
9 with sound practices of podiatry. Each prescription FOR A SCHEDULE II
10 CONTROLLED SUBSTANCE, AS DESCRIBED IN SECTION 18-18-204, C.R.S.,
11 issued by a physician assistant ~~shall~~ MUST have the name of ~~his or her~~ THE
12 PHYSICIAN ASSISTANT'S supervising podiatrist printed on the prescription.
13 FOR ALL OTHER PRESCRIPTIONS ISSUED BY A PHYSICIAN ASSISTANT, THE
14 NAME AND ADDRESS OF THE HEALTH FACILITY WHERE THE PHYSICIAN
15 ASSISTANT IS PRACTICING MUST BE IMPRINTED ON THE PRESCRIPTION.
16 Nothing in this section ~~shall limit~~ LIMITS the ability of otherwise licensed
17 health personnel to perform delegated acts. The dispensing of prescription
18 medication by a physician assistant ~~shall be~~ IS subject to section
19 12-42.5-118 (6).

20 (2) If the authority to perform an act is delegated pursuant to
21 subsection (1) of this section, the act shall not be performed except under
22 the personal and responsible direction and supervision of a person
23 licensed under the laws of this state to practice podiatry, and said person
24 shall not be responsible for the direction and supervision of more than
25 ~~two~~ FOUR physician assistants at any one time without specific approval
26 of the board. The board may define appropriate direction and supervision
27 pursuant to rules. ~~and regulations.~~

1 **SECTION 8.** In Colorado Revised Statutes, 12-36-106, **amend**
2 (5) (a) as follows:

3 **12-36-106. Practice of medicine defined - exemptions from**
4 **licensing requirements - unauthorized practice by physician**
5 **assistants and anesthesiologist assistants - penalties - rules.** (5) (a) A
6 person licensed under the laws of this state to practice medicine may
7 delegate to a physician assistant licensed by the board pursuant to section
8 12-36-107.4 the authority to perform acts that constitute the practice of
9 medicine AND ACTS THAT PHYSICIANS ARE AUTHORIZED BY LAW TO
10 PERFORM to the extent and in the manner authorized by rules promulgated
11 by the board, including the authority to prescribe medication, including
12 controlled substances, and dispense only ~~such~~ THE drugs as designated by
13 the board. Such acts ~~shall~~ MUST be consistent with sound medical
14 practice. Each prescription FOR A SCHEDULE II CONTROLLED SUBSTANCE,
15 AS DESCRIBED IN SECTION 18-18-204, C.R.S., issued by a physician
16 assistant licensed by the board shall be imprinted with the name of ~~his or~~
17 ~~her~~ THE PHYSICIAN ASSISTANT'S supervising physician. FOR ALL OTHER
18 PRESCRIPTIONS ISSUED BY A PHYSICIAN ASSISTANT, THE NAME AND
19 ADDRESS OF THE HEALTH FACILITY WHERE THE PHYSICIAN ASSISTANT IS
20 PRACTICING MUST BE IMPRINTED ON THE PRESCRIPTION. Nothing in this
21 subsection (5) ~~shall limit~~ LIMITS the ability of otherwise licensed health
22 personnel to perform delegated acts. The dispensing of prescription
23 medication by a physician assistant ~~shall be~~ IS subject to ~~the provisions of~~
24 section 12-42.5-118 (6).

25 **SECTION 9.** In Colorado Revised Statutes, 12-41-113, **amend**
26 (3) as follows:

27 **12-41-113. Special practice authorities and requirements -**

1 **rules. (3) Wound debridement.** A physical therapist is authorized to
2 perform wound debridement under a physician's order OR THE ORDER OF
3 A PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106(5) when
4 ~~such~~ debridement is consistent with the scope of physical therapy
5 practice. The performance of ~~such~~ wound debridement ~~shall not be~~
6 ~~deemed to~~ DOES NOT violate the prohibition against performing surgery
7 pursuant to section 12-41-105 (1) (a).

8 **SECTION 10.** In Colorado Revised Statutes, 13-71-105, **amend**
9 (2) (c) and (2) (d) as follows:

10 **13-71-105. Qualifications for juror service.** (2) A prospective
11 trial or grand juror shall be disqualified, based on the following grounds:

12 (c) Inability, by reason of a physical or mental disability, to render
13 satisfactory juror service. Any person claiming this disqualification shall
14 submit a letter, if the jury commissioner requests it, from a licensed
15 physician, LICENSED PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION
16 12-36-106 (5), C.R.S., licensed advanced practice nurse, or authorized
17 Christian science practitioner, stating the nature of the disability and an
18 opinion that such disability prevents the person from rendering
19 satisfactory juror service. The physician, PHYSICIAN ASSISTANT, licensed
20 advanced practice nurse, or authorized Christian science practitioner shall
21 apply the following guideline: A person shall be capable of rendering
22 satisfactory juror service if the person is able to perform a sedentary job
23 requiring close attention for three consecutive business days for six hours
24 per day, with short breaks in the morning and afternoon sessions.

25 (d) Sole responsibility for the daily care of an individual with a
26 permanent disability living in the same household to the extent that the
27 performance of juror service would cause a substantial risk of injury to

1 the health of the individual with a disability. Jurors who are regularly
2 employed at a location other than their households may not be
3 disqualified for this reason. Any person claiming this disqualification
4 shall, if the jury commissioner requests it, submit a letter from a licensed
5 physician, a LICENSED PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION
6 12-36-106 (5), C.R.S., licensed advanced practice nurse, or an authorized
7 Christian science practitioner stating the name, address, and age of the
8 individual with a disability, the nature of care provided by the prospective
9 juror, and an opinion that the performance of juror service would cause
10 a substantial risk of injury to the individual with a disability.

11 **SECTION 11.** In Colorado Revised Statutes, 15-18.7-103,
12 **amend** (1) (e) and (1) (i) as follows:

13 **15-18.7-103. Medical orders for scope of treatment forms -**
14 **form contents.** (1) A medical orders for scope of treatment form shall
15 include the following information concerning the adult whose medical
16 treatment is the subject of the medical orders for scope of treatment form:

17 (e) The name, address, and telephone number of the adult's
18 physician, advanced practice nurse, or ~~physician's~~ PHYSICIAN assistant;

19 (i) The signature of the adult's physician, advanced practice nurse,
20 or, if under the supervision or authority of the physician, ~~physician's~~
21 PHYSICIAN assistant.

22 **SECTION 12.** In Colorado Revised Statutes, 15-18.7-104,
23 **amend** (1) (b) and (5) as follows:

24 **15-18.7-104. Duty to comply with medical orders for scope of**
25 **treatment form - immunity - effect on criminal charges against**
26 **another person - transferability.** (1) (b) The fact that the physician,
27 advanced practice nurse, or ~~physician's~~ PHYSICIAN assistant who signed

1 an adult's medical orders for scope of treatment form does not have
2 admitting privileges at the hospital or health care facility where the adult
3 is being treated does not remove the duty of emergency medical service
4 personnel, a health care provider, or a health care facility to comply with
5 the medical orders for scope of treatment form as required by paragraph
6 (a) of this subsection (1).

7 (5) An adult's physician, advanced practice nurse, or, if under the
8 supervision of the physician, ~~physician's~~ PHYSICIAN assistant may provide
9 ~~a verbal~~ AN ORAL confirmation to a health care provider who shall
10 annotate on the medical orders for scope of treatment form the time and
11 date of the ~~verbal~~ ORAL confirmation and the name and license number
12 of the physician, advanced practice nurse, or ~~physician's~~ PHYSICIAN
13 assistant. The physician, advanced practice nurse, or ~~physician's~~
14 PHYSICIAN assistant shall countersign the annotation of the ~~verbal~~ ORAL
15 confirmation on the medical orders for scope of treatment form within a
16 time period that satisfies any applicable state law or within thirty days,
17 whichever period is less, after providing the ~~verbal~~ ORAL confirmation.
18 The signature of the physician, advanced practice nurse, or ~~physician's~~
19 PHYSICIAN assistant may be provided by photocopy, fax, or electronic
20 means. A medical orders for scope of treatment form with annotated
21 ~~verbal~~ ORAL confirmation, and a photocopy, fax, or other electronic
22 reproduction thereof, shall be given the same force and effect as the
23 original form signed by the physician, advanced practice nurse, or
24 ~~physician's~~ PHYSICIAN assistant.

25 **SECTION 13.** In Colorado Revised Statutes, 15-18.7-107,
26 **amend** (4) as follows:

27 **15-18.7-107. Revision and revocation of a medical orders for**

1 **scope of treatment form - duty to inform.** (4) Emergency medical
2 service personnel, a health care provider, or an authorized surrogate
3 decision-maker who becomes aware of the revocation of a medical orders
4 for scope of treatment form shall promptly communicate the fact of the
5 revocation to a physician, advanced practice nurse, or ~~physician's~~
6 PHYSICIAN assistant who is providing care to the adult who is the subject
7 of the form.

8 **SECTION 14.** In Colorado Revised Statutes, 15-18.7-110,
9 **amend** (1) and (3) (a) as follows:

10 **15-18.7-110. Effect of article on existing advance medical**
11 **directives.** (1) In executing a medical orders for scope of treatment form,
12 an adult, or the adult's authorized surrogate decision-maker, and the
13 physician, advanced practice nurse, or ~~physician's~~ PHYSICIAN assistant
14 who signs the form shall make a good faith effort to locate and
15 incorporate, as appropriate and desired, treatment preferences
16 documented in the adult's previously executed advance medical
17 directives, if any.

18 (3) Notwithstanding the provisions of subsection (1) of this
19 section:

20 (a) An authorized surrogate decision-maker or a physician,
21 advanced practice nurse, or ~~physician's~~ PHYSICIAN assistant may not
22 revoke or alter an adult's previously executed advance medical directive
23 regarding provision of artificial nutrition or hydration if the directive is
24 documented in a declaration executed by the adult pursuant to the
25 "Colorado Medical Treatment Decision Act", article 18 of this title.

26 **SECTION 15.** In Colorado Revised Statutes, 17-1-113, **amend**
27 (2) as follows:

1 **17-1-113. Medical visits - charge to inmates - legislative**
2 **declaration.** (2) The department shall assess a copayment, in an amount
3 established by written procedures of the executive director pursuant to
4 subsection (4) of this section, not to exceed five dollars per visit, against
5 an inmate's account for every inmate-initiated request for medical or
6 mental health services provided to the inmate by a physician, ~~physician's~~
7 PHYSICIAN assistant, nurse practitioner, registered nurse, or licensed
8 practical nurse. The department shall assess a copayment, in an amount
9 established by written procedures of the executive director pursuant to
10 subsection (4) of this section, against an inmate's account for every
11 inmate-initiated visit by the inmate to a dentist or optometrist. The
12 amount of the copayment for the dental or optometric services need not
13 be the same as the copayment for medical or mental health services.

14 **SECTION 16.** In Colorado Revised Statutes, 19-3-401, **amend**
15 (3) (b) and (3) (c) (I) as follows:

16 **19-3-401. Taking children into custody.** (3) (b) A newborn
17 child, as defined in section 19-1-103 (78.5), who is in a hospital setting
18 shall not be taken into temporary protective custody without an order of
19 the court made pursuant to section 19-3-405 (1), which order includes
20 findings that an emergency situation exists and that the newborn child is
21 seriously endangered as described in paragraph (a) of subsection (1) of
22 this section. A newborn child may be detained in a hospital by a law
23 enforcement officer upon the recommendation of a county department of
24 social services OR BY a physician, a registered nurse, a licensed practical
25 nurse, or ~~a physician's~~ PHYSICIAN assistant while an order of the court
26 pursuant to section 19-3-405 (1) is being pursued, but the newborn child
27 must be released if a court order pursuant to section 19-3-405 (1) is

1 denied.

2 (c) The court orders required by paragraphs (a) and (b) of this
3 subsection (3) shall not be required in the following circumstances:

4 (I) When a newborn child is identified by a physician, registered
5 nurse, licensed practical nurse, or ~~physician's~~ PHYSICIAN assistant engaged
6 in the admission, care, or treatment of patients as being affected by
7 substance abuse or demonstrating withdrawal symptoms resulting from
8 prenatal drug exposure;

9 **SECTION 17.** In Colorado Revised Statutes, 25-1-508, **amend**
10 (5) (c) (I) as follows:

11 **25-1-508. County or district boards of public health - public**
12 **health directors.** (5) In addition to all other powers and duties conferred
13 and imposed upon a county board of health or a district board of health
14 by the provisions of this subpart 3, a county board of health or a district
15 board of health shall have and exercise the following specific powers and
16 duties:

17 (c) (I) To select a public health director to serve at the pleasure of
18 the county or district board. The public health director shall possess such
19 minimum qualifications as may be prescribed by the state board. A public
20 health director may be a physician, a PHYSICIAN ASSISTANT, public health
21 nurse, or other qualified public health professional. A public health
22 director may practice medicine, ~~or~~ nursing, OR HIS OR HER PROFESSION
23 within his or her license and scope of practice, as necessary, to carry out
24 the functions of the office of the public health director. The qualifications
25 shall reflect the resources and needs of the county or counties covered by
26 the agency. If the public health director is not a physician, the county or
27 district board shall employ or contract with at least one medical officer to

1 advise the public health director on medical decisions. The public health
2 director shall maintain an office location designated by the county or
3 district board and shall be the custodian of all property and records of the
4 agency.

5 **SECTION 18.** In Colorado Revised Statutes, 25-4-902.5, **amend**
6 (1) as follows:

7 **25-4-902.5. Immunization prior to attending a college or**
8 **university - tuberculosis screening process development.** (1) Except
9 as provided in section 25-4-903, no student shall attend any college or
10 university in the state of Colorado on or after the dates specified in
11 section 25-4-906 (4) unless ~~such~~ THE student can present to the
12 appropriate official of the school a certificate of immunization from a
13 licensed physician, a LICENSED PHYSICIAN ASSISTANT AUTHORIZED UNDER
14 SECTION 12-36-106 (5), C.R.S., licensed advanced practice nurse, or
15 authorized representative of the department of public health and
16 environment or county, district, or municipal public health agency stating
17 that the student has received immunization against communicable
18 diseases as specified by the state board of health or a written authorization
19 signed by one parent or guardian or the emancipated student or the
20 student eighteen years of age or older requesting that local health officials
21 administer the immunizations or a plan signed by one parent or guardian
22 or the emancipated student or the student eighteen years of age or older
23 for receipt by the student of the required inoculation or the first or the
24 next required of a series of inoculations within thirty days.

25 **SECTION 19.** In Colorado Revised Statutes, 25-4-903, **amend**
26 (2) (a) as follows:

27 **25-4-903. Exemptions from immunization - rules.** (2) It is the

1 responsibility of the parent or legal guardian to have his or her child
2 immunized unless the child is exempted pursuant to this section. A
3 student shall be exempted from receiving the required immunizations in
4 the following manner:

5 (a) By submitting to the student's school certification from a
6 licensed physician, PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION
7 12-36-106 (5), C.R.S., or advanced practice nurse that the physical
8 condition of the student is such that one or more specified immunizations
9 would endanger his or her life or health or is medically contraindicated
10 due to other medical conditions; or

11 **SECTION 20.** In Colorado Revised Statutes, 25-4-905, **amend**
12 (1) as follows:

13 **25-4-905. Immunization of indigent children.** (1) The county,
14 district, or municipal public health agency; a public health or school nurse
15 under the supervision of a licensed physician OR PHYSICIAN ASSISTANT
16 AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S.; or the department of
17 public health and environment, in the absence of a county, district, or
18 municipal public health agency or public health nurse, shall provide, at
19 public expense to the extent that funds are available, immunizations
20 required by this part 9 to each child whose parents or guardians cannot
21 afford to have the child immunized or, if emancipated, who cannot
22 himself or herself afford immunization and who has not been exempted.
23 The department of public health and environment shall provide all
24 vaccines necessary to comply with this section as far as funds will permit.
25 Nothing in this section ~~shall preclude~~ PRECLUDES the department of
26 public health and environment from distributing vaccines to physicians,
27 advanced practice nurses, or others as required by law or the rules of the

1 department. No indigent child shall be excluded, suspended, or expelled
2 from school unless the immunizations have been available and readily
3 accessible to the child at public expense.

4 **SECTION 21.** In Colorado Revised Statutes, 25-5.5-203, **amend**
5 (2) (b) (I) as follows:

6 **25-5.5-203. Definitions.** As used in this part 2, unless the context
7 otherwise requires:

8 (2) (b) "Imitation dairy product" does not mean or include:

9 (I) Any distinctive proprietary food compound not readily
10 mistaken for a dairy product, if ~~such~~ THE product is customarily used on
11 the order or prescription of a physician OR PHYSICIAN ASSISTANT
12 AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S., is prepared or
13 designed for medicinal or special dietary use, and is prominently so
14 labeled;

15 **SECTION 22.** In Colorado Revised Statutes, 25.5-4-412, **amend**
16 (2) as follows:

17 **25.5-4-412. Medical services provided by certified family**
18 **planning clinics.** (2) For purposes of this section, "certified family
19 planning clinic" means a family planning clinic certified by the Colorado
20 department of public health and environment, accredited by a national
21 family planning organization, and staffed by medical professionals
22 licensed to practice in the state of Colorado, including, but not limited to,
23 doctors of medicine, doctors of osteopathy, ~~physicians'~~ PHYSICIAN
24 assistants, and advanced practice nurses.

25 **SECTION 23.** In Colorado Revised Statutes, 26-2-106, **amend**
26 (6) (a) as follows:

27 **26-2-106. Applications for public assistance.** (6) (a) No

1 application for aid to the needy disabled shall be approved until the
2 applicant's medical condition has been certified by a physician licensed
3 to practice medicine in this state, A PHYSICIAN ASSISTANT LICENSED IN
4 THIS STATE, or an advanced practice nurse licensed in this state. In
5 addition to a physician, an applicant may be examined by a physician
6 assistant licensed in this state, by an advanced practice nurse, or by a
7 registered nurse licensed in this state who is functioning within the scope
8 of ~~such~~ THE nurse's license and training. The supervising physician, or the
9 physician, PHYSICIAN ASSISTANT, or nurse who conducted the
10 examination shall certify in writing upon forms prescribed by the state
11 department as to the diagnosis, prognosis, and other relevant medical or
12 mental factors relating to the disability of the applicant. No applicant
13 disabled as a result of a primary diagnosis of alcoholism or a controlled
14 substance addiction shall be approved for aid to the needy disabled except
15 as provided in section 26-2-111 (4) (e).

16 **SECTION 24.** In Colorado Revised Statutes, 31-10-1010, **amend**
17 (1) (a) as follows:

18 **31-10-1010. Emergency absentee voting.** (1) (a) If the voter is
19 confined in a hospital or his or her place of residence on election day
20 because of conditions arising after the closing day for absent voters' ballot
21 applications, the voter may request in a written statement, signed by him
22 or her, that the clerk send him or her an absent voter's ballot with the
23 word "EMERGENCY" stamped on the stubs thereof. The clerk shall
24 deliver the emergency absent voter's ballot at his or her office, during the
25 regular hours of business, to any authorized representative of the voter
26 possessing a written statement from the voter's physician, PHYSICIAN
27 ASSISTANT AUTHORIZED UNDER SECTION 12-36-106(5), C.R.S., advanced

1 practice nurse, or practitioner that the voter will be confined in a hospital
2 or his or her place of residence on election day. For the purposes of this
3 paragraph (a), "authorized representative" means a person possessing a
4 written statement from the voter containing the voter's signature, name,
5 and address and requesting that the emergency absent voter's ballot be
6 given to the authorized person as identified by name and address. The
7 authorized person shall acknowledge receipt of the emergency ballot with
8 his or her signature, name, and address.

9 **SECTION 25.** In Colorado Revised Statutes, 39-26-717, **amend**
10 (1) (g) (II), (1) (h) (II), (1) (i) (II), (2) (a) (III), and (2) (b) (III) as follows:

11 **39-26-717. Drugs and medical and therapeutic devices -**
12 **definitions.** (1) The following shall be exempt from taxation under the
13 provisions of part 1 of this article:

14 (g) (II) For purposes of this paragraph (g), "prescription" means
15 any order in writing, dated and signed by a licensed physician, ~~physician's~~
16 PHYSICIAN assistant, or advanced practice nurse with prescriptive
17 authority, or given orally by such a person and immediately reduced to
18 writing by the pharmacist, assistant pharmacist, or pharmacy intern, or by
19 a representative of a business licensed to sell items described in
20 subparagraph (I) of this paragraph (g) so long as such order is also
21 followed by an electronic submission of the order to the business,
22 specifying the name and address of the person for whom an item
23 described in subparagraph (I) of this paragraph (g) is ordered and
24 directions, if any, to be included with such item.

25 (h) (II) For purposes of this paragraph (h), "prescription" means
26 any order in writing, dated and signed by a licensed physician, ~~physician's~~
27 PHYSICIAN assistant, or advanced practice nurse with prescriptive

1 authority, or given orally by such a person and immediately reduced to
2 writing by the pharmacist, assistant pharmacist, or pharmacy intern, or by
3 a representative of a business licensed to sell items described in
4 subparagraph (I) of this paragraph (h) so long as such order is also
5 followed by an electronic submission of the order to the business,
6 specifying the name and address of the person for whom an item
7 described in subparagraph (I) of this paragraph (h) is ordered and
8 directions, if any, to be included with such item.

9 (i) (II) For purposes of this paragraph (i), "prescription" means
10 any order in writing, dated and signed by a licensed physician, ~~physician's~~
11 PHYSICIAN assistant, or advanced practice nurse with prescriptive
12 authority, or given orally by such a person and immediately reduced to
13 writing by the pharmacist, assistant pharmacist, or pharmacy intern, or by
14 a representative of a business licensed to sell items described in
15 subparagraph (I) of this paragraph (i) so long as such order is also
16 followed by an electronic submission of the order to the business,
17 specifying the name and address of the person for whom an item
18 described in subparagraph (I) of this paragraph (i) is ordered and
19 directions, if any, to be included with such item.

20 (2) As used in this section, unless the context otherwise requires:

21 (a) (III) For purposes of this paragraph (a), "prescription" means
22 any order in writing, dated and signed by a licensed physician, ~~physician's~~
23 PHYSICIAN assistant, or advanced practice nurse with prescriptive
24 authority, or given orally by such a person and immediately reduced to
25 writing by the pharmacist, assistant pharmacist, or pharmacy intern, or by
26 a representative of a business licensed to sell items of durable medical
27 equipment so long as such order is also followed by an electronic

1 submission of the order to the business, specifying the name and address
2 of the person for whom an item of durable medical equipment is ordered
3 and directions, if any, to be included with the equipment.

4 (b) (III) For purposes of this paragraph (b), "prescription" means
5 any order in writing, dated and signed by a licensed physician, ~~physician's~~
6 PHYSICIAN assistant, or advanced practice nurse with prescriptive
7 authority, or given orally by such a person and immediately reduced to
8 writing by the pharmacist, assistant pharmacist, or pharmacy intern, or by
9 a representative of a business licensed to sell items of mobility enhancing
10 equipment so long as such order is also followed by an electronic
11 submission of the order to the business, specifying the name and address
12 of the person for whom an item of mobility enhancing equipment is
13 ordered and directions, if any, to be included with the equipment.

14 **SECTION 26.** In Colorado Revised Statutes, 42-2-112, **amend**
15 (1), (2), and (3) as follows:

16 **42-2-112. Medical advice - use by department - provider**
17 **immunity.** (1) In order to determine whether any licensed driver or any
18 applicant for a driver's license is physically or mentally able to operate a
19 motor vehicle safely upon the highways of this state, the department is
20 authorized, pursuant to this section and upon the adoption of rules
21 concerning medical criteria for driver licensing, to seek and receive a
22 written medical opinion from any physician, ~~physician's~~ PHYSICIAN
23 assistant, or optometrist licensed in this state. Such written medical
24 opinion may also be used by the department in regard to the renewal,
25 suspension, revocation, or cancellation of drivers' licenses pursuant to this
26 article. No written medical opinion shall be sought pursuant to this
27 section unless the department has reason to believe that the driver or

1 applicant is physically or mentally unable to operate a motor vehicle
2 safely upon the highways of this state.

3 (2) In addition to the written medical opinion sought and received
4 pursuant to subsection (1) of this section, the department may consider a
5 written medical opinion received from the personal physician, ~~physician's~~
6 PHYSICIAN assistant, or optometrist of an individual driver or applicant.
7 Any written medical opinion requested by the applicant or driver from a
8 personal physician, PHYSICIAN ASSISTANT, or optometrist shall be
9 provided to the department at the expense of the applicant or driver. Any
10 written medical opinion required by the department shall also be at the
11 expense of the applicant or driver.

12 (3) No civil or criminal action shall be brought against any
13 physician, ~~physician's~~ PHYSICIAN assistant, or optometrist licensed to
14 practice in this state for providing a written medical or optometric opinion
15 pursuant to subsection (1) or (2) of this section if ~~such~~ THE physician,
16 PHYSICIAN ASSISTANT, or optometrist acts in good faith and without
17 malice.

18 **SECTION 27. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2016 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.