

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 19-0414.01 Yelana Love x2295

**SENATE BILL 19-065**

**SENATE SPONSORSHIP**

**Garcia,** Bridges, Cooke, Coram, Crowder, Danielson, Donovan, Fenberg, Gardner, Ginal, Gonzales, Priola, Rankin, Rodriguez, Story, Tate, Todd, Williams A., Winter, Woodward, Zenzinger

**HOUSE SPONSORSHIP**

**Exum,** Arndt, Becker, Bird, Buckner, Buentello, Caraveo, Coleman, Cutter, Duran, Esgar, Galindo, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Kipp, Liston, McCluskie, McLachlan, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Valdez A., Valdez D.

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**Senate Committees**

Health & Human Services  
Finance  
Appropriations

**House Committees**

Public Health Care & Human Services  
Appropriations

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**A BILL FOR AN ACT**

101    **CONCERNING THE CREATION OF A PEER HEALTH ASSISTANCE**  
102            **PROGRAM FOR EMERGENCY MEDICAL SERVICE PROVIDERS, AND,**  
103            **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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**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://leg.colorado.gov>.)*

The bill creates a peer health assistance program (program) for emergency medical service providers funded through fees collected from each applicant upon initial or renewal of a certification as an emergency medical service provider. The state board of health (board) is required to select one or more peer health assistance programs as designated

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

HOUSE  
3rd Reading Unamended  
April 10, 2019

HOUSE  
Amended 2nd Reading  
April 9, 2019

SENATE  
3rd Reading Unamended  
March 14, 2019

SENATE  
Amended 2nd Reading  
March 13, 2019

providers. To be selected as a provider, the program must:

- ! Provide for the education of emergency medical service providers with respect to the recognition and prevention of physical, emotional, and psychological problems and provide for intervention when necessary or under circumstances that may be established by rules promulgated by the board;
- ! Offer assistance to an emergency medical service provider in identifying physical, emotional, or psychological problems;
- ! Evaluate the extent of physical, emotional, or psychological problems and refer the emergency medical service provider for appropriate treatment;
- ! Monitor the status of an emergency medical service provider who has been referred for treatment;
- ! Provide counseling and support for the emergency medical service provider and for the family of any emergency medical service provider referred for treatment;
- ! Agree to receive referrals from the board; and
- ! Agree to make services available to all certified emergency medical service providers.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 25-3.5-207** as  
3 follows:

4 **25-3.5-207. Emergency medical service providers' peer health**  
5 **assistance program - rules.** (1) AS A CONDITION OF INITIAL  
6 CERTIFICATION AND CERTIFICATION RENEWAL, EVERY APPLICANT SHALL  
7 PAY TO THE DEPARTMENT, AT THE TIME OF APPLICATION, TWO DOLLARS  
8 AND FIFTY-FIVE CENTS. THIS AMOUNT MAY BE ADJUSTED ON JANUARY 1,  
9 2021, AND ANNUALLY THEREAFTER BY THE BOARD TO REFLECT:

10 (a) CHANGES IN THE UNITED STATES DEPARTMENT OF LABOR,  
11 BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR  
12 DENVER-AURORA-LAKEWOOD, OR ITS SUCCESSOR INDEX; AND

13 (b) OVERALL UTILIZATION OF THE PROGRAM.

1           (2) THE FEE IMPOSED PURSUANT TO SUBSECTION (1) OF THIS  
2 SECTION IS TO SUPPORT DESIGNATED PROVIDERS THE DEPARTMENT  
3 SELECTS TO PROVIDE ASSISTANCE TO EMERGENCY MEDICAL SERVICE  
4 PROVIDERS NEEDING HELP IN DEALING WITH PHYSICAL, EMOTIONAL, OR  
5 PSYCHOLOGICAL CONDITIONS THAT MAY BE DETRIMENTAL TO THEIR  
6 ABILITY TO PROVIDE EMERGENCY MEDICAL SERVICES.

7           (3) THE DEPARTMENT SHALL DEPOSIT THE FEES COLLECTED  
8 PURSUANT TO THIS SECTION IN THE EMERGENCY MEDICAL SERVICES PEER  
9 ASSISTANCE FUND, REFERRED TO IN THIS SECTION AS THE "FUND", WHICH  
10 IS HEREBY CREATED IN THE STATE TREASURY. MONEY IN THE FUND IS NOT  
11 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY. THE  
12 STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED  
13 FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE  
14 FUND. THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,  
15 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF  
16 THIS SECTION.

17           (4) THE DEPARTMENT SHALL SELECT ONE OR MORE PEER HEALTH  
18 ASSISTANCE PROGRAMS AS DESIGNATED PROVIDERS. TO BE ELIGIBLE FOR  
19 DESIGNATION BY THE DEPARTMENT, A PEER HEALTH ASSISTANCE  
20 PROGRAM MUST:

21           (a) PROVIDE FOR THE EDUCATION OF EMERGENCY MEDICAL  
22 SERVICE PROVIDERS WITH RESPECT TO THE RECOGNITION AND PREVENTION  
23 OF PHYSICAL, EMOTIONAL, AND PSYCHOLOGICAL CONDITIONS AND  
24 PROVIDE FOR INTERVENTION WHEN NECESSARY OR UNDER  
25 CIRCUMSTANCES THAT THE DEPARTMENT MAY ESTABLISH BY RULE;

26           (b) OFFER ASSISTANCE TO AN EMERGENCY MEDICAL SERVICE  
27 PROVIDER IN IDENTIFYING PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL

1 CONDITIONS;

2 (c) EVALUATE THE EXTENT OF PHYSICAL, EMOTIONAL, OR  
3 PSYCHOLOGICAL CONDITIONS AND REFER THE EMERGENCY MEDICAL  
4 SERVICE PROVIDER FOR APPROPRIATE TREATMENT;

5 (d) MONITOR THE STATUS OF AN EMERGENCY MEDICAL SERVICE  
6 PROVIDER WHO HAS BEEN REFERRED FOR TREATMENT;

7 (e) PROVIDE COUNSELING AND SUPPORT FOR THE EMERGENCY  
8 MEDICAL SERVICE PROVIDER AND FOR THE FAMILY OF ANY EMERGENCY  
9 MEDICAL SERVICE PROVIDER REFERRED FOR TREATMENT;

10 (f) AGREE TO RECEIVE REFERRALS FROM THE DEPARTMENT; AND

11 (g) AGREE TO MAKE SERVICES AVAILABLE TO ALL CERTIFIED  
12 EMERGENCY MEDICAL SERVICE PROVIDERS.

13 (5) THE DEPARTMENT MAY SELECT AN ENTITY TO ADMINISTER THE  
14 EMERGENCY MEDICAL SERVICE PROVIDERS PEER HEALTH ASSISTANCE  
15 PROGRAM. THE ADMINISTERING ENTITY MUST BE A NONPROFIT PRIVATE  
16 FOUNDATION THAT IS QUALIFIED UNDER SECTION 501 (c)(3) OF THE  
17 FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND IS  
18 DEDICATED TO PROVIDING SUPPORT FOR CHARITABLE, BENEVOLENT,  
19 EDUCATIONAL, AND SCIENTIFIC PURPOSES THAT ARE RELATED TO  
20 MEDICINE, MEDICAL EDUCATION, MEDICAL RESEARCH AND SCIENCE, AND  
21 OTHER MEDICAL CHARITABLE PURPOSES.

22 (6) THE ADMINISTERING ENTITY SHALL:

23 ==

24 (a) DISTRIBUTE THE MONEY COLLECTED FROM THE DEPARTMENT,  
25 LESS EXPENSES, TO AN APPROVED DESIGNATED PROVIDER, AS DIRECTED BY  
26 THE DEPARTMENT;

27 (b) PROVIDE AN ANNUAL ACCOUNTING TO THE DEPARTMENT OF

1 ALL AMOUNTS COLLECTED, EXPENSES INCURRED, AND AMOUNTS  
2 DISBURSED; AND

3 (c) POST A SURETY PERFORMANCE BOND IN AN AMOUNT SPECIFIED  
4 BY THE DEPARTMENT TO SECURE PERFORMANCE UNDER THE  
5 REQUIREMENTS OF THIS SECTION. THE ADMINISTERING ENTITY MAY  
6 RECOVER THE ACTUAL ADMINISTRATIVE COSTS INCURRED IN PERFORMING  
7 ITS DUTIES UNDER THIS SECTION IN AN AMOUNT NOT TO EXCEED TEN  
8 PERCENT OF THE TOTAL AMOUNT COLLECTED.

9  
10 (7)(a) ANY CERTIFICATE HOLDER WHO DOES NOT HAVE ACCESS TO  
11 AN EMPLOYEE ASSISTANCE PROGRAM MAY APPLY TO THE DEPARTMENT  
12 FOR PARTICIPATION IN A QUALIFIED PEER HEALTH ASSISTANCE PROGRAM.  
13 IN ORDER TO BE ELIGIBLE FOR PARTICIPATION, A CERTIFICATE HOLDER  
14 SHALL:

15 (I) ACKNOWLEDGE THE EXISTENCE OR THE POTENTIAL EXISTENCE  
16 OF A PHYSICAL, PSYCHOLOGICAL, OR EMOTIONAL CONDITION; EXCESSIVE  
17 ALCOHOL OR DRUG USE; OR AN ALCOHOL USE DISORDER, AS DEFINED IN  
18 SECTION 27-81-102 (1), OR A SUBSTANCE USE DISORDER, AS DEFINED IN  
19 SECTION 27-82-102 (13.5);

20 (II) AFTER A FULL EXPLANATION OF THE OPERATION AND  
21 REQUIREMENTS OF THE PEER HEALTH ASSISTANCE PROGRAM, AGREE TO  
22 VOLUNTARILY PARTICIPATE IN THE PROGRAM AND AGREE IN WRITING TO  
23 PARTICIPATE IN THE PROGRAM OF THE PEER HEALTH ASSISTANCE  
24 ORGANIZATION DESIGNATED BY THE DEPARTMENT.

25 (b) (I) ANY CERTIFICATE HOLDER MAY SELF-REFER TO THE  
26 QUALIFIED PEER HEALTH ASSISTANCE PROGRAM SELECTED BY THE  
27 DEPARTMENT. IF A CERTIFICATE HOLDER WHO SELF-REFERS IN

1 ACCORDANCE WITH THIS SUBSECTION (7)(b) HAS ACCESS TO AN EMPLOYEE  
2 ASSISTANCE PROGRAM THE CERTIFICATE HOLDER SHALL COVER THE COST  
3 OF THE PROGRAM.

4 (II) A CERTIFICATE HOLDER WHO SELF-REFERS AND IS ACCEPTED  
5 INTO A QUALIFIED PEER HEALTH ASSISTANCE PROGRAM SHALL AFFIRM  
6 THAT, TO THE BEST OF THEIR KNOWLEDGE, INFORMATION, AND BELIEF,  
7 THEY KNOW OF NO INSTANCE IN WHICH THEY HAVE VIOLATED THIS  
8 ARTICLE 3.5 OR THE RULES OF THE BOARD, EXCEPT IN INSTANCES  
9 AFFECTED BY THE CERTIFICATE HOLDER'S PHYSICAL, PSYCHOLOGICAL, OR  
10 EMOTIONAL CONDITION.

11 (8) ALL DOCUMENTS, RECORDS, OR REPORTS GENERATED IN THE  
12 PROVISION OF SERVICES TO A CERTIFICATE HOLDER WHO IS ATTENDING A  
13 QUALIFIED PEER HEALTH ASSISTANCE PROGRAM ARE CONFIDENTIAL AND  
14 NOT SUBJECT TO SUBPOENA AND SHALL NOT BE USED AS EVIDENCE IN ANY  
15 PROCEEDING OTHER THAN DISCIPLINARY ACTION BY THE DEPARTMENT.  
16 THE DOCUMENTS, RECORDS, AND REPORTS ARE NOT PUBLIC RECORDS FOR  
17 PURPOSES OF SECTION 24-72-203.

18 (9) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE  
19 DEPARTMENT MAY SUMMARILY SUSPEND THE CERTIFICATION OF ANY  
20 CERTIFICATE HOLDER WHO IS REFERRED TO A PEER HEALTH ASSISTANCE  
21 PROGRAM BY THE DEPARTMENT AND WHO FAILS TO ATTEND OR TO  
22 COMPLETE THE PROGRAM. IF A CERTIFICATE HOLDER OBJECTS TO THE  
23 SUSPENSION, THE CERTIFICATE HOLDER MAY SUBMIT A WRITTEN REQUEST  
24 TO THE DEPARTMENT FOR THE FORMAL HEARING ON THE SUSPENSION  
25 WITHIN TWO DAYS AFTER RECEIVING NOTICE OF THE SUSPENSION AND THE  
26 DEPARTMENT SHALL GRANT THE REQUEST. IN THE HEARING, THE  
27 CERTIFICATE HOLDER SHALL HAVE THE BURDEN OF PROVING THAT THE

1 CERTIFICATE HOLDER'S CERTIFICATION SHOULD NOT BE SUSPENDED. THE  
2 HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 24-4-105.

3 (10) NOTHING IN THIS SECTION CREATES ANY LIABILITY ON THE  
4 DEPARTMENT OR THE STATE OF COLORADO FOR THE ACTIONS OF THE  
5 DEPARTMENT IN MAKING GRANTS TO PEER ASSISTANCE PROGRAMS, AND  
6 NO CIVIL ACTION MAY BE BROUGHT OR MAINTAINED AGAINST THE  
7 DEPARTMENT OR THE STATE FOR AN INJURY ALLEGED TO HAVE BEEN THE  
8 RESULT OF THE ACTIVITIES OF ANY STATE-FUNDED PEER ASSISTANCE  
9 PROGRAM OR THE RESULT OF AN ACT OR OMISSION OF AN EMERGENCY  
10 MEDICAL SERVICE PROVIDER PARTICIPATING IN OR REFERRED BY A  
11 STATE-FUNDED PEER ASSISTANCE PROGRAM. HOWEVER, THE STATE  
12 REMAINS LIABLE UNDER THE "COLORADO GOVERNMENTAL IMMUNITY  
13 ACT", ARTICLE 10 OF TITLE 24, IF AN INJURY ALLEGED TO HAVE BEEN THE  
14 RESULT OF AN ACT OR OMISSION OF AN EMERGENCY MEDICAL SERVICE  
15 PROVIDER PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER  
16 ASSISTANCE PROGRAM OCCURRED WHILE THE EMERGENCY MEDICAL  
17 SERVICE PROVIDER WAS PERFORMING DUTIES AS AN EMPLOYEE OF THE  
18 STATE.

19 (11) THE DEPARTMENT MAY PROMULGATE RULES NECESSARY TO  
20 IMPLEMENT THIS SECTION.

21 **SECTION 2. Appropriation.** For the 2019-20 state fiscal year,  
22 \$57,242 is appropriated to the department of public health and  
23 environment for use by the health facilities and emergency medical  
24 services division. This appropriation is from the emergency medical  
25 services account within the highway users tax fund created in section  
26 25-3.5-603 (1)(a), C.R.S., and is based on an assumption that the division  
27 will require an additional 0.8 FTE. To implement this act, the division

1 may use this appropriation for the peer health assistance program related  
2 to emergency medical services.

3           **SECTION 3. Act subject to petition - effective date.** This act  
4 takes effect at 12:01 a.m. on the day following the expiration of the  
5 ninety-day period after final adjournment of the general assembly (August  
6 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
7 referendum petition is filed pursuant to section 1 (3) of article V of the  
8 state constitution against this act or an item, section, or part of this act  
9 within such period, then the act, item, section, or part will not take effect  
10 unless approved by the people at the general election to be held in  
11 November 2020 and, in such case, will take effect on the date of the  
12 official declaration of the vote thereon by the governor.