

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0414.01 Yelana Love x2295

SENATE BILL 19-065

SENATE SPONSORSHIP

Garcia,

HOUSE SPONSORSHIP

(None),

Senate Committees

Health & Human Services
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A PEER HEALTH ASSISTANCE**
102 **PROGRAM FOR EMERGENCY MEDICAL SERVICE PROVIDERS.**

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

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.

- ! 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.

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.

14 (2) THE FEE IMPOSED PURSUANT TO SUBSECTION (1) OF THIS

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

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

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

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

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

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

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

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

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

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

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

21 (6) THE ADMINISTERING ENTITY SHALL:

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

26 (b) PROVIDE AN ANNUAL ACCOUNTING TO THE DEPARTMENT OF
27 ALL AMOUNTS COLLECTED, EXPENSES INCURRED, AND AMOUNTS

1 DISBURSED; AND

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

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

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

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

23 (8) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE
24 DEPARTMENT MAY SUMMARILY SUSPEND THE CERTIFICATION OF ANY
25 CERTIFICATE HOLDER WHO IS REFERRED TO A PEER HEALTH ASSISTANCE
26 PROGRAM BY THE DEPARTMENT AND WHO FAILS TO ATTEND OR TO
27 COMPLETE THE PROGRAM. IF A CERTIFICATE HOLDER OBJECTS TO THE

1 SUSPENSION, THE CERTIFICATE HOLDER MAY SUBMIT A WRITTEN REQUEST
2 TO THE DEPARTMENT FOR THE FORMAL HEARING ON THE SUSPENSION
3 WITHIN TWO DAYS AFTER RECEIVING NOTICE OF THE SUSPENSION AND THE
4 DEPARTMENT SHALL GRANT THE REQUEST. IN THE HEARING, THE
5 CERTIFICATE HOLDER SHALL HAVE THE BURDEN OF PROVING THAT THE
6 CERTIFICATE HOLDER'S CERTIFICATION SHOULD NOT BE SUSPENDED. THE
7 HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 24-4-105.

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

24 (10) THE DEPARTMENT MAY PROMULGATE RULES NECESSARY TO
25 IMPLEMENT THIS SECTION.

26 **SECTION 2. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

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