

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 20-0512.01 Christy Chase x2008

HOUSE BILL 20-1216

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A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE STATE BOARD OF NURSING,**
102 **AND, IN CONNECTION THEREWITH, IMPLEMENTING THE**
103 **RECOMMENDATIONS CONTAINED IN THE 2019 SUNSET REPORT**
104 **BY THE DEPARTMENT OF REGULATORY AGENCIES.**

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/>.)

Sunset Process - House Health and Insurance Committee. The bill implements the recommendations of the department of regulatory agencies in its sunset review and report on the "Nurse Practice Act" (act),

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
Amended 3rd Reading
March 11, 2020

HOUSE
Amended 2nd Reading
March 10, 2020

under which nurses are regulated by the state board of nursing (board). Specifically, the bill:

- ! Continues the act for 7 years, until September 1, 2027 (**sections 1 and 2** of the bill);
- ! Authorizes the board to enter into a confidential agreement to limit practice with a nurse who has a health condition that affects the ability of the nurse to practice safely and modifies grounds for disciplining a nurse to specify that a nurse may be disciplined for failing to notify the board of a health condition that limits the nurse's ability to practice safely, failing to act within the limits imposed by the health condition, or failing to comply with the terms of a confidential agreement entered into with the board (**sections 3 through 5**);
- ! Adds, as a ground for disciplining a nurse, engaging in a sexual act with a patient during the course of care or within 6 months after care is concluded (**section 4**);
- ! Requires licensees and insurance carriers to report malpractice settlements and judgments (**sections 4 and 6 through 8**);
- ! Modifies the grounds for discipline relating to alcohol or drug use or abuse to clarify that the use or abuse need not be ongoing to trigger discipline (**section 4**);
- ! Requires a nurse to report an adverse action or the surrender of a license within 30 days after the action (**section 4**);
- ! Requires a nurse to report a criminal conviction within 30, rather than 45, days after the conviction (**section 4**);
- ! Repeals the standards of "willful" and "negligent" with regard to certain grounds for disciplining a nurse (**section 4**);
- ! Changes the title "advanced practice nurse" and the acronym "A.P.N." to "advanced practice registered nurse" and "A.P.R.N." (**sections 9 through 17**);
- ! Eliminates the requirement that an advanced practice nurse (APN) with prescriptive authority maintain and update an articulated plan once the APN has completed the provisional prescriptive authority period (**section 13**);
- ! Authorizes, rather than requires, the board to conduct random audits of an APN's articulated plan regarding the APN's provisional prescriptive authority (**section 13**);
- ! Eliminates the age limit for a nurse to obtain a volunteer license (**sections 18 and 19**);
- ! Repeals the requirement for the director of the division of professions and occupations to consult with the board

- before appointing an executive administrator and other personnel for the board (**section 20**);
- ! Repeals the requirement for at least one board member to sit on the panel to interview candidates for the board executive administrator position (**section 20**); and
- ! Makes technical amendments to the act to: Split 2 distinct grounds for discipline that are included in a single paragraph in the disciplinary section of the act into 2 separate paragraphs; replaces references in the act to the term "refuse" with the term "deny"; and repeals an obsolete provision (**sections 4 and 21 through 25**).

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 finds and determines that the experience hours for advanced practice
4 registered nurses to obtain prescriptive authority, as specified in section
5 12-255-112 (4)(b), Colorado Revised Statutes, should be reduced in order
6 to remove barriers to advanced practice registered nurses obtaining full
7 prescriptive authority and to align with standards of the National Council
8 of State Boards of Nursing and should not be adjusted downward again
9 until after the next scheduled review of the state board of nursing
10 pursuant to section 24-34-104, Colorado Revised Statutes, at which time
11 the department of regulatory agencies should review and determine
12 whether the experience hours require further adjustments.

13 **SECTION 2.** In Colorado Revised Statutes, **amend** 12-255-134
14 as follows:

15 **12-255-134. Repeal of article - subject to review.** This article
16 255 is repealed, effective ~~July 1, 2020~~ SEPTEMBER 1, 2027. Before the
17 repeal, the board is scheduled for review in accordance with section
18 24-34-104.

19 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **repeal**

1 (18)(a)(V); and **add** (28)(a)(III) as follows:

2 **24-34-104. General assembly review of regulatory agencies**
3 **and functions for repeal, continuation, or reestablishment - legislative**
4 **declaration - repeal.** (18) (a) The following agencies, functions, or both,
5 are scheduled to repeal on July 1, 2020:

6 (V) ~~The state board of nursing created in article 255 of title 12;~~

7 (28) (a) The following agencies, functions, or both, are scheduled
8 for repeal on September 1, 2027:

9 (III) THE STATE BOARD OF NURSING CREATED IN ARTICLE 255 OF
10 TITLE 12;

11 **SECTION 4.** In Colorado Revised Statutes, 12-30-108, **repeal**
12 (4)(a)(I)(C) as follows:

13 **12-30-108. Confidential agreement to limit practice - violation**
14 **grounds for discipline.** (4) (a) This section does not apply to:

15 (I) The following health care professionals:

16 (C) ~~Nurses regulated pursuant to article 255 of this title 12;~~

17 **SECTION 5.** In Colorado Revised Statutes, 12-255-120, **amend**
18 (1)(c), (1)(f), (1)(g), (1)(i), (1)(j), (1)(z), **and (1)(aa); repeal (1)(bb);** and
19 **add** (1)(cc), (1)(dd), (1)(ee), (1)(ff), and (1)(gg) as follows:

20 **12-255-120. Grounds for discipline.** (1) "Grounds for
21 discipline", as used in this article 255, means any action by any person
22 who:

23 (c) Has ~~willfully or negligently~~ acted in a manner inconsistent
24 with the health or safety of persons under his or her care;

25 (f) Has ~~negligently or willfully~~ practiced nursing in a manner that
26 fails to meet generally accepted standards for the nursing practice;

27 (g) Has ~~negligently or willfully~~ violated any order or rule of the

1 board pertaining to nursing practice or licensure;

2 (i) Excessively OR HABITUALLY uses or abuses OR HAS ENGAGED
3 IN EXCESSIVE OR HABITUAL USE OR ABUSE OF alcohol, A habit-forming
4 ~~drugs~~ DRUG, A controlled ~~substances~~ SUBSTANCE, as defined in section
5 18-18-102 (5), or ANY other ~~drugs~~ DRUG having similar effects; ~~or is~~
6 ~~diverting controlled substances, as defined in section 18-18-102 (5), or~~
7 ~~other drugs having similar effects from the licensee's place of~~
8 ~~employment;~~ except that the board has the discretion not to discipline the
9 licensee if the licensee is participating in good faith in a program
10 approved by the board designed to end the excessive OR HABITUAL use or
11 abuse;

12 (j) Has FAILED TO:

13 (I) NOTIFY THE BOARD, AS REQUIRED BY SECTION 12-30-108 (1),
14 OF a physical ILLNESS, PHYSICAL CONDITION, or BEHAVIORAL HEALTH,
15 mental ~~disability~~ HEALTH, OR SUBSTANCE USE DISORDER that ~~renders the~~
16 ~~person unable~~ AFFECTS THE PERSON'S ABILITY to practice nursing with
17 reasonable skill and safety to ~~the patients and~~ OR that may endanger the
18 health or safety of ~~persons~~ INDIVIDUALS under the person's care;

19 (II) ACT WITHIN THE LIMITATIONS CREATED BY A PHYSICAL
20 ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL HEALTH, MENTAL
21 HEALTH, OR SUBSTANCE USE DISORDER THAT RENDERS THE PERSON
22 UNABLE TO PRACTICE NURSING WITH REASONABLE SKILL AND SAFETY TO
23 PATIENTS OR THAT MAY ENDANGER THE HEALTH OR SAFETY OF
24 INDIVIDUALS UNDER THE PERSON'S CARE; OR

25 (III) COMPLY WITH THE LIMITATIONS AGREED TO UNDER A
26 CONFIDENTIAL AGREEMENT ENTERED INTO PURSUANT TO SECTION
27 12-30-108;

1 (z) Has failed to report to the board, within ~~forty-five~~ THIRTY days
2 after a final conviction, that the person has been convicted of a crime, as
3 defined in title 18;

4 (aa) Fails to maintain professional liability insurance in
5 accordance with section 12-255-113; or

6 ~~(bb) Has verified by signature the articulated plan developed by
7 an advanced practice nurse pursuant to sections 12-240-108 and
8 12-255-112 (4) if the articulated plan fails to comply with the
9 requirements of section 12-255-112 (4)(b)(H).~~

10 (cc) ENGAGED IN A SEXUAL ACT WITH A PATIENT DURING THE
11 COURSE OF PATIENT CARE OR WITHIN SIX MONTHS IMMEDIATELY
12 FOLLOWING THE TERMINATION OF THE PERSON'S PROFESSIONAL
13 RELATIONSHIP WITH THE PATIENT. AS USED IN THIS SUBSECTION (1)(cc),
14 "SEXUAL ACT" MEANS SEXUAL CONTACT, SEXUAL INTRUSION, OR SEXUAL
15 PENETRATION AS DEFINED IN SECTION 18-3-401.

16 (dd) HAS FAILED TO NOTIFY THE BOARD, IN WRITING AND WITHIN
17 THIRTY DAYS AFTER A JUDGMENT OR SETTLEMENT IS ENTERED, OF A FINAL
18 JUDGMENT BY A COURT OF COMPETENT JURISDICTION AGAINST THE
19 LICENSEE FOR MALPRACTICE OF NURSING OR A SETTLEMENT BY THE
20 LICENSEE IN RESPONSE TO CHARGES OR ALLEGATIONS OF MALPRACTICE OF
21 NURSING AND, IN THE CASE OF A JUDGMENT, HAS FAILED TO INCLUDE IN
22 THE NOTICE THE NAME OF THE COURT, THE CASE NUMBER, AND THE NAMES
23 OF ALL PARTIES TO THE ACTION;

24 (ee) FAILS TO REPORT TO THE BOARD, WITHIN THIRTY DAYS AFTER
25 AN ADVERSE ACTION, THAT AN ADVERSE ACTION HAS BEEN TAKEN
26 AGAINST THE PERSON BY ANOTHER LICENSING AGENCY IN ANOTHER STATE
27 OR JURISDICTION, A PEER REVIEW BODY, A HEALTH CARE INSTITUTION, A

1 PROFESSIONAL OR NURSING SOCIETY OR ASSOCIATION, A GOVERNMENTAL
2 AGENCY, A LAW ENFORCEMENT AGENCY, OR A COURT FOR ACTS OR
3 CONDUCT THAT WOULD CONSTITUTE GROUNDS FOR DISCIPLINARY OR
4 ADVERSE ACTION AS DESCRIBED IN THIS ARTICLE 255;

5 (ff) FAILS TO REPORT TO THE BOARD, WITHIN THIRTY DAYS, THE
6 SURRENDER OF A LICENSE OR OTHER AUTHORIZATION TO PRACTICE
7 NURSING IN ANOTHER STATE OR JURISDICTION OR THE SURRENDER OF
8 MEMBERSHIP ON ANY NURSING STAFF OR IN ANY NURSING OR
9 PROFESSIONAL ASSOCIATION OR SOCIETY WHILE UNDER INVESTIGATION BY
10 ANY OF THOSE AUTHORITIES OR BODIES FOR ACTS OR CONDUCT SIMILAR TO
11 ACTS OR CONDUCT THAT WOULD CONSTITUTE GROUNDS FOR ACTION AS
12 DESCRIBED IN THIS ARTICLE 255; OR

13 (gg) IS DIVERTING OR HAS DIVERTED A CONTROLLED SUBSTANCE,
14 AS DEFINED IN SECTION 18-18-102 (5), OR ANY OTHER DRUG HAVING
15 SIMILAR EFFECTS FROM THE PERSON'S PLACE OF EMPLOYMENT.

16 **SECTION 6.** In Colorado Revised Statutes, **add** 12-255-135 as
17 follows:

18 **12-255-135. Confidential agreement to limit practice.**

19 (1) EXCEPT AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION, SECTION
20 12-30-108 CONCERNING CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE
21 APPLIES TO THIS ARTICLE 255.

22 (2) THIS SECTION AND SECTION 12-30-108 DO NOT APPLY TO A
23 NURSE SUBJECT TO DISCIPLINE UNDER SECTION 12-255-120 (1)(i).

24 **SECTION 7.** In Colorado Revised Statutes, **add** 10-1-120.5 as
25 follows:

26 **10-1-120.5. Reporting of malpractice claims against nurses.**

27 (1) EACH INSURANCE COMPANY LICENSED TO DO BUSINESS IN THIS STATE

1 AND ENGAGED IN WRITING MALPRACTICE INSURANCE FOR NURSES SHALL
2 SEND TO THE STATE BOARD OF NURSING, IN THE FORM PRESCRIBED BY THE
3 COMMISSIONER, INFORMATION RELATING TO EACH MALPRACTICE CLAIM
4 AGAINST A LICENSED NURSE THAT IS SETTLED OR IN WHICH JUDGMENT IS
5 RENDERED AGAINST THE INSURED.

6 (2) THE INFORMATION MUST INCLUDE INFORMATION DEEMED
7 NECESSARY BY THE STATE BOARD OF NURSING TO CONDUCT A FURTHER
8 INVESTIGATION AND HEARING.

9 **SECTION 8.** In Colorado Revised Statutes, **amend** 13-64-303 as
10 follows:

11 **13-64-303. Judgments and settlements - reported.** Any final
12 judgment, settlement, or arbitration award against any health care
13 professional or health care institution for medical malpractice shall be
14 reported within fourteen days by ~~such~~ THE professional's or institution's
15 medical malpractice insurance carrier in accordance with section
16 10-1-120, **10-1-120.5**, 10-1-121, 10-1-124, or 10-1-125, ~~C.R.S.~~, or by
17 such professional or institution if there is no commercial medical
18 malpractice insurance coverage to the licensing agency of the health care
19 professional or health care institution for review, investigation, and,
20 where appropriate, disciplinary or other action. Any health care
21 professional, health care institution, or insurance carrier that knowingly
22 fails to report as required by this section shall be subject to a civil penalty
23 of not more than two thousand five hundred dollars. Such penalty shall
24 be determined and collected by the district court in the city and county of
25 Denver. All penalties collected pursuant to this section shall be
26 transmitted to the state treasurer, who shall credit the same to the general
27 fund.

1 **SECTION 9.** In Colorado Revised Statutes, 25-51-104, **amend**
2 (1)(c) and (1)(e) as follows:

3 **25-51-104. Payment and financial resolution.** (1) If a patient
4 accepts an offer of compensation made pursuant to section 25-51-103 (5)
5 and receives the compensation, the payment of compensation to the
6 patient is not a payment resulting from:

7 (c) A malpractice claim settled or in which judgment is rendered
8 against a professional for purposes of reporting by malpractice insurance
9 companies under section 10-1-120, **10-1-120.5**, 10-1-121, 10-1-124,
10 10-1-125, or 10-1-125.5;

11 (e) A judgment, administrative action, settlement, or arbitration
12 award involving malpractice under section 12-200-106 (5), 12-210-105
13 (5), 12-215-115 (1)(i), 12-220-130 (1)(q) or (1)(r), 12-235-111 (1)(i),
14 12-240-125 (4)(b)(III), 12-245-226 (8), 12-250-116, 12-255-119
15 (3)(b)(II), **12-255-120 (1)(dd)**, 12-275-120 (1)(p) or (1)(v), 12-275-129,
16 12-280-111 (1), 12-285-120 (1)(o), 12-285-127 (1)(a), 12-285-211 (1)(k),
17 12-285-216 (1)(a), or 12-290-113 (2)(b)(III).

18 **SECTION 10.** In Colorado Revised Statutes, 12-255-104, **amend**
19 (1), (2), (7), (8)(a), (8)(b), (9), (10)(a), (10)(b) introductory portion,
20 (10)(b)(IV), and (12); and **add** (3.5), (4.5), and (5.5) as follows:

21 **12-255-104. Definitions.** As used in this article 255, unless the
22 context otherwise requires:

23 (1) "Advanced practice REGISTERED nurse" means ~~an advanced~~
24 ~~practice registered nurse who is~~ a REGISTERED professional nurse ~~and~~
25 WHO is licensed to practice pursuant to this article 255, who obtains
26 specialized education or training as provided in ~~this section~~ SECTION
27 12-255-111, and who applies to and is accepted by the board for inclusion

1 in the advanced practice registry ESTABLISHED PURSUANT TO SECTION
2 12-255-111.

3 (2) "Approved education program" means a course of training
4 EDUCATION conducted by an educational or health care institution that
5 implements the basic practical or professional nursing curriculum
6 prescribed and approved by the board.

7 (3.5) "COLLABORATION" MEANS THE ACT OF LICENSED HEALTH
8 CARE PROVIDERS WORKING COOPERATIVELY WITHIN EACH LICENSED
9 HEALTH CARE PROVIDER'S SCOPE OF PRACTICE TO FORMULATE AND CARRY
10 OUT THE PLAN OF PATIENT CARE.

11 (4.5) (a) "DELEGATION OF PATIENT CARE" MEANS ASPECTS OF
12 PATIENT CARE THAT ARE CONSISTENT WITH A PLAN OF PATIENT CARE
13 PRESCRIBED BY A LICENSED HEALTH CARE PROVIDER WITHIN THE SCOPE OF
14 THE PROVIDER'S PRACTICE AND THAT MAY BE DELEGATED TO A
15 REGISTERED NURSE OR LICENSED PRACTICAL NURSE WITHIN THE SCOPE OF
16 THE NURSE'S PRACTICE. "DELEGATION OF PATIENT CARE" INCLUDES
17 ASPECTS OF PATIENT CARE THAT MAY BE DELEGATED BY A LICENSED
18 HEALTH CARE PROVIDER WITHIN THE SCOPE OF THE PROVIDER'S PRACTICE
19 AND WITHIN THE PROVIDER'S PROFESSIONAL JUDGMENT TO A LICENSED OR
20 AN UNLICENSED HEALTH CARE PROVIDER WITHIN THE SCOPE OF THAT
21 PROVIDER'S PRACTICE. NOTHING IN THIS SUBSECTION (4.5) LIMITS OR
22 EXPANDS THE SCOPE OF PRACTICE OF ANY NURSE LICENSED PURSUANT TO
23 THIS ARTICLE 255.

24 (b) FOR PURPOSES OF THIS SUBSECTION (4.5), "PLAN OF PATIENT
25 CARE" MEANS A WRITTEN PLAN, VERBAL ORDER, STANDING ORDER, OR
26 PROTOCOL, WHETHER PATIENT SPECIFIC OR NOT, THAT AUTHORIZES
27 SPECIFIC OR DISCRETIONARY NURSING ACTION AND THAT MAY INCLUDE

1 THE ADMINISTRATION OF MEDICATION.

2 (5.5) "LICENSED HEALTH CARE PROVIDER" MEANS AN INDIVIDUAL
3 WHO IS LICENSED OR OTHERWISE AUTHORIZED BY THE STATE PURSUANT
4 TO THIS TITLE 12 OR ARTICLE 3.5 OF TITLE 25 TO PROVIDE HEALTH CARE
5 SERVICES.

6 (7) "Practical nurse", "trained practical nurse", "licensed
7 vocational nurse", or "licensed practical nurse" means a person who holds
8 a license to practice pursuant to this article 255 as a licensed practical
9 nurse in this state or is licensed in another state and is practicing in this
10 state pursuant to section 24-60-3802, with the right to use the title
11 "licensed practical nurse" and its abbreviation, "L.P.N." OR "LICENSED
12 VOCATIONAL NURSE" AND ITS ABBREVIATION "L.V.N."

13 (8)(a) "Practice of advanced practice REGISTERED nursing" means
14 an expanded scope of professional nursing in a scope, role, and
15 population focus approved by the board, with or without compensation or
16 personal profit, and includes the practice of professional nursing.

17 (b) "Practice of advanced practice REGISTERED nursing" includes
18 prescribing medications as may be authorized pursuant to section
19 12-255-112.

20 (9) (a) "Practice of practical nursing" means the performance,
21 under the supervision of a ~~dentist, physician, podiatrist, or professional~~
22 ~~nurse~~ LICENSED HEALTH CARE PROVIDER authorized to practice in this
23 state, of those services requiring the education, training, and experience,
24 as evidenced by knowledge, abilities, and skills required in this article
25 255 for licensing as a practical nurse pursuant to section 12-255-114, in:

26 (I) Caring for the ill, injured, or infirm;

27 (II) Teaching and promoting preventive health measures;

1 (III) Acting to safeguard life and health; or

2 (IV) Administering treatments and medications prescribed by A
3 LICENSED HEALTH CARE PROVIDER; OR

4 (A) A legally authorized dentist, podiatrist, or physician; or

5 (B) A physician assistant implementing a medical plan pursuant
6 to subsection (4) of this section.

7 (V) PARTICIPATING IN THE ASSESSMENT, PLANNING,
8 IMPLEMENTATION, AND EVALUATION OF THE DELIVERY OF PATIENT CARE
9 SERVICES THAT IS COMMENSURATE WITH THE PRACTICAL NURSE'S
10 EDUCATION.

11 (b) "Practice of practical nursing" includes:

12 (I) The performance of delegated medical functions AND
13 DELEGATED PATIENT CARE FUNCTIONS;

14 (II) THE ASSUMPTION OF RESPONSIBILITIES AND ACCOUNTABILITIES
15 FOR THE PERFORMANCE OF ACTS WITHIN THE PRACTICAL NURSE'S
16 EDUCATIONAL BACKGROUND AND USING PROCEDURES LEADING TO
17 PREDICTABLE OUTCOMES; AND

18 (III) THE ADMINISTRATION AND MANAGEMENT OF NURSING,
19 INCLUDING DIRECTING AND ASSIGNING NURSING INTERVENTIONS THAT
20 MAY BE PERFORMED BY OTHER LICENSED OR UNLICENSED HEALTH CARE
21 PERSONNEL.

22 (c) Nothing in this article 255 shall limit or deny LIMITS OR DENIES
23 a practical nurse from supervising other practical nurses or other
24 LICENSED OR UNLICENSED health care personnel.

25 (10) (a) "Practice of professional nursing" means the performance
26 of both independent nursing functions and delegated medical functions
27 in accordance with accepted practice standards DELIVERY OF

1 INDEPENDENT AND COLLABORATIVE NURSING CARE TO INDIVIDUALS OF
2 ALL AGES, FAMILIES, GROUPS, AND COMMUNITIES, WHETHER SICK OR
3 WELL, IN ALL SETTINGS. The functions include the initiation and
4 performance of nursing care through health promotion, supportive or
5 restorative care, disease prevention, diagnosis and treatment of human
6 disease, ailment, pain, injury, deformity, and physical or mental condition
7 using specialized knowledge, judgment, and skill involving the
8 application of biological, physical, social, and behavioral science
9 principles required for licensure as a professional nurse pursuant to
10 section 12-255-110.

11 (b) The "practice of professional nursing" ~~shall include~~ INCLUDES
12 the performance of such services as:

13 (IV) Executing delegated medical functions AND DELEGATED
14 PATIENT CARE FUNCTIONS;

15 (12) "Treating" means the selection, recommendation, execution,
16 and monitoring of those nursing measures essential to the effective
17 determination and management of actual or potential human health
18 problems and to the execution of the delegated medical functions AND
19 DELEGATED PATIENT CARE FUNCTIONS. The delegated medical functions
20 AND DELEGATED PATIENT CARE FUNCTIONS shall be performed under the
21 responsible direction and supervision of a ~~person licensed under the laws~~
22 ~~of this state to practice medicine, podiatry, or dentistry~~ LICENSED HEALTH
23 CARE PROVIDER. "Treatment" has a corresponding meaning.

24 **SECTION 11.** In Colorado Revised Statutes, 12-255-105, **amend**
25 (1)(a) introductory portion and (1)(a)(II)(D) as follows:

26 **12-255-105. State board of nursing created - removal of board**
27 **members - meetings of board.** (1) (a) There is hereby created the state

1 board of nursing in the division, which board ~~shall consist~~ CONSISTS of
2 eleven members who are residents of this state, appointed by the governor
3 as follows:

4 (II) Seven members of the board shall be licensed professional
5 nurses who are actively employed in their respective nursing professions
6 and licensed in this state. The professional nurse members shall have been
7 employed for at least three years in their respective categories. Members
8 shall be as follows:

9 (D) One member shall be registered as an advanced practice
10 REGISTERED nurse pursuant to section 12-255-111;

11 **SECTION 12.** In Colorado Revised Statutes, 12-255-107, **amend**
12 (1)(b)(I) as follows:

13 **12-255-107. Powers and duties of the board - rules - definition.**

14 (1) The board has the following powers and duties:

15 (b) (I) To examine, license, reactivate, and renew licenses of
16 qualified applicants and to grant to the applicants temporary licenses and
17 permits to engage in the practice of practical nursing and professional
18 nursing in this state within the limitations imposed by this article 255.
19 Licenses issued pursuant to this article 255 are subject to the renewal,
20 expiration, reinstatement, and delinquency fee provisions specified in
21 section 12-20-202 (1) and (2). The director may increase fees to obtain or
22 renew a professional nurse license or advanced practice REGISTERED
23 nurse authority consistent with section 12-30-105 (4) to fund the
24 division's costs in administering and staffing the nurse-physician advisory
25 task force for Colorado health care created in section 12-30-105 (1). Any
26 person whose license has expired shall be subject to the penalties
27 provided in this article 255 or section 12-20-202 (1).

1 **SECTION 13.** In Colorado Revised Statutes, 12-255-111, **amend**
2 (1), (2), (3)(b), (3)(c), (4), (5), (6)(a) introductory portion, and (6)(b)(I)
3 as follows:

4 **12-255-111. Requirements for advanced practice registered**
5 **nurse registration - legislative declaration - advanced practice**
6 **registry - rules.** (1) The general assembly hereby recognizes that some
7 **individuals REGISTERED PROFESSIONAL NURSES practicing pursuant to this**
8 **article 255 have acquired additional preparation for advanced NURSING**
9 **practice and hereby determines that it is appropriate for the state to**
10 **maintain a registry of those individuals. The registry shall be known as**
11 **the "advanced practice registry".**

12 (2) The board shall establish the advanced practice registry and
13 shall require that a REGISTERED PROFESSIONAL nurse applying for
14 registration ON THE ADVANCED PRACTICE REGISTRY identify ~~his or her~~ THE
15 NURSE'S role and population focus. The board shall establish reasonable
16 criteria for designation of specific role and population foci based on
17 currently accepted professional standards. A REGISTERED PROFESSIONAL
18 nurse who is included in the advanced practice registry has the right to
19 use the title "advanced practice REGISTERED nurse" or, if authorized by
20 the board, to use the title "certified nurse midwife", "clinical nurse
21 specialist", "certified registered nurse anesthetist", or "nurse practitioner".
22 These titles may be abbreviated as "~~A.P.N.~~" "A.P.R.N", "C.N.M.",
23 "C.N.S.", "C.R.N.A.", or "N.P.", respectively. It is unlawful for any
24 person to use any of the titles or abbreviations listed in this subsection (2)
25 unless included in the registry and authorized by the board to do so.

26 (3) (b) On and after July 1, 2010, in addition to the requirements
27 of subsection (3)(a) of this section, a REGISTERED professional nurse shall

1 obtain national certification from a nationally recognized accrediting
2 agency, as defined by the board by rule, in the appropriate role and
3 population focus in order to be included in the advanced practice registry;
4 except that REGISTERED professional nurses who are included in the
5 registry as of June 30, 2010, but have not obtained the national
6 certification, may thereafter continue to be included in the registry and to
7 use the appropriate title and abbreviation.

8 (c) A REGISTERED professional nurse may be included in the
9 advanced practice registry by endorsement if the REGISTERED professional
10 nurse meets one of the following qualifying standards:

11 (I) The REGISTERED professional nurse is recognized as an
12 advanced practice REGISTERED nurse in another state or jurisdiction and
13 has practiced as an advanced practice REGISTERED nurse for at least two
14 of the last five years immediately preceding the date of application for
15 inclusion in the advanced practice registry; or

16 (II) The REGISTERED professional nurse holds national
17 certification as provided in subsection (3)(b) of this section and possesses
18 an appropriate graduate degree as determined by the board.

19 (4) A nurse who meets the definition of advanced practice
20 REGISTERED nurse and the requirements of section 12-255-112 may be
21 granted prescriptive authority as a function in addition to those defined
22 in section 12-255-104 (10).

23 (5) An advanced practice REGISTERED nurse shall practice in
24 accordance with the standards of the appropriate national professional
25 nursing organization and have a safe mechanism for consultation or
26 collaboration with a physician or, when appropriate, referral to a
27 physician. Advanced practice REGISTERED nursing also includes, when

1 appropriate, referral to other health care providers.

2 (6) (a) In order to enhance the cost efficiency and continuity of
3 care, an advanced practice REGISTERED nurse may, within ~~his or her~~ THE
4 NURSE'S scope of practice and within the advanced practice REGISTERED
5 nurse-patient relationship, sign an affidavit, certification, or similar
6 document that:

7 (b) The affidavit, certification, or similar document may not:

8 (I) Be the prescription of medication unless the advanced practice
9 REGISTERED nurse has been granted prescriptive authority pursuant to
10 section 12-255-112; or

11 **SECTION 14.** In Colorado Revised Statutes, 12-255-112, **amend**
12 (1), (3)(a), (3)(b)(I), (4)(a) introductory portion, (4)(a)(VI), (4)(b)
13 introductory portion, (4)(b)(I), (4)(b)(III), (4)(b)(IV), (4)(c), (4)(d),
14 (5), (6)(a), (7)(a), (7)(c)(I), (9), (10), (11), and (12); **repeal** (4)(b)(II)
15 and (4)(e); and **add** (4)(f) as follows:

16 **12-255-112. Prescriptive authority - advanced practice**
17 **registered nurses - limits on opioid prescriptions - rules - financial**
18 **benefit for prescribing prohibited - repeal.** (1) The board may
19 authorize an advanced practice REGISTERED nurse who is listed on the
20 advanced practice registry, has a license in good standing without
21 disciplinary sanctions issued pursuant to section 12-255-110, and has
22 fulfilled requirements established by the board pursuant to this section to
23 prescribe controlled substances or prescription drugs as defined in ~~part 1~~
24 ~~of article 280 of this title 12~~ SECTION 12-280-103.

25 (3) (a) An advanced practice REGISTERED nurse may be granted
26 authority to prescribe prescription drugs and controlled substances to
27 provide treatment to clients within the role and population focus of the

1 advanced practice REGISTERED nurse.

2 (b) (I) An advanced practice REGISTERED nurse who has been
3 granted authority to prescribe prescription drugs and controlled
4 substances under this article 255 may advise the nurse's patients of their
5 option to have the symptom or purpose for which a prescription is being
6 issued included on the prescription order.

7 (4) (a) An advanced practice REGISTERED nurse applying for
8 prescriptive authority shall provide evidence to the board of the
9 following:

10 (VI) A signed attestation ~~that states he or she~~ STATING THAT THE
11 ADVANCED PRACTICE REGISTERED NURSE has completed at least three
12 years of combined clinical work experience as a professional nurse or as
13 an advanced practice REGISTERED nurse.

14 (b) Upon satisfaction of the requirements set forth in subsection
15 (4)(a) of this section, the board may grant provisional prescriptive
16 authority to an advanced practice REGISTERED nurse. The provisional
17 prescriptive authority that is granted is limited to those patients and
18 medications appropriate to the advanced practice REGISTERED nurse's role
19 and population focus. In order to retain provisional prescriptive authority
20 and obtain and retain full prescriptive authority pursuant to this
21 subsection (4) for patients and medications appropriate for the advanced
22 practice REGISTERED nurse's role and population focus, an advanced
23 practice REGISTERED nurse shall satisfy the following requirements:

24 (I) (A) Once the provisional prescriptive authority is granted, the
25 advanced practice REGISTERED nurse must obtain ~~one thousand~~ SEVEN
26 HUNDRED FIFTY hours of documented experience in a mutually structured
27 prescribing mentorship either with a physician or with an advanced

1 practice REGISTERED nurse who has full prescriptive authority and
2 experience in prescribing medications. The mentor must be practicing in
3 Colorado and have education, training, experience, and an active practice
4 that corresponds with the role and population focus of the advanced
5 practice REGISTERED nurse.

6 (B) Remote communication with the mentor is permissible within
7 the mentorship as long as the communication is synchronous.
8 Synchronous communication does not include communication by e-mail.

9 (C) The physician or advanced practice REGISTERED nurse serving
10 as a mentor shall not require payment or employment as a condition of
11 entering into the mentorship relationship, but the mentor may request
12 reimbursement of reasonable expenses and time spent as a result of the
13 mentorship relationship.

14 (D) Upon successful completion of the mentorship period, the
15 mentor shall provide ~~his or her~~ THE MENTOR'S signature and attestation to
16 verify that the advanced practice REGISTERED nurse has successfully
17 completed the mentorship within the required period after the provisional
18 prescriptive authority was granted.

19 (E) If an advanced practice REGISTERED nurse with provisional
20 prescriptive authority fails to complete the mentorship required by this
21 subsection (4)(b)(I) within three years or otherwise fails to demonstrate
22 competence as determined by the board, the advanced practice
23 REGISTERED nurse's provisional prescriptive authority expires for failure
24 to comply with the statutory requirements.

25 
26 (II) ~~The advanced practice nurse with provisional prescriptive~~
27 ~~authority shall develop an articulated plan for safe prescribing that~~

1 documents how the advanced practice nurse intends to maintain ongoing
2 collaboration with physicians and other health care professionals in
3 connection with the advanced practice nurse's practice of prescribing
4 medication within his or her role and population focus. The articulated
5 plan shall guide the advanced practice nurse's prescriptive practice. The
6 physician or advanced practice nurse that serves as a mentor as described
7 in subsection (4)(b)(I) of this section shall provide his or her signature
8 and attestation on the articulated plan to verify that the advanced practice
9 nurse has developed an articulated plan. The advanced practice nurse
10 shall retain the articulated plan on file, shall review the plan annually, and
11 shall update the plan as necessary. The articulated plan is subject to
12 review by the board, and the advanced practice nurse shall provide the
13 plan to the board upon request. If an advanced practice nurse with
14 provisional prescriptive authority fails to develop the required articulated
15 plan within three years or otherwise fails to demonstrate competence as
16 determined by the board, the advanced practice nurse's provisional
17 prescriptive authority expires for failure to comply with the statutory
18 requirements. An articulated plan developed pursuant to this subsection
19 (4)(b)(II) must include at least the following:

20 (A) A mechanism for consultation and referral for issues
21 regarding prescriptive authority;

22 (B) A quality assurance plan;

23 (C) Decision support tools; and

24 (D) Documentation of ongoing continuing education in
25 pharmacology and safe prescribing.

26 (III) The advanced practice REGISTERED nurse shall maintain
27 professional liability insurance as required by section 12-255-113.

1 (IV) The advanced practice REGISTERED nurse shall maintain
2 national certification, as specified in subsection (4)(a)(III) of this section,
3 unless the board grants an exception.

4 (c) An advanced practice REGISTERED nurse who was granted
5 prescriptive authority prior to July 1, 2010, shall satisfy the following
6 requirements in order to retain prescriptive authority:

7 ~~(I) The advanced practice nurse shall develop an articulated plan
8 as specified in subsection (4)(b)(II) of this section; except that to verify
9 development of an articulated plan, the advanced practice nurse shall
10 obtain the signature of either a physician or an advanced practice nurse
11 who has prescriptive authority and experience in prescribing medications,
12 is practicing in Colorado, and has education, training, experience, and
13 active practice that corresponds with the role and population focus of the
14 advanced practice nurse developing the plan.~~

15 (II) The advanced practice REGISTERED nurse shall maintain
16 professional liability insurance as required by section 12-255-113.

17 (III) The advanced practice REGISTERED nurse shall maintain
18 national certification, as specified in subsection (4)(a)(III) of this section,
19 unless:

20 (A) The advanced practice REGISTERED nurse was included on the
21 advanced practice registry prior to July 1, 2010, and has not obtained
22 national certification;

23 (B) The advanced practice REGISTERED nurse was included on the
24 advanced practice registry prior to July 1, 2008, and has not completed a
25 graduate degree as specified in section 12-255-111 (3)(a); or

26 (C) The board grants an exception.

27 (d) In order to obtain provisional prescriptive authority and obtain

1 and retain full prescriptive authority in this state, an advanced practice
2 REGISTERED nurse from another state must meet the requirements of this
3 section or substantially equivalent requirements, as determined by the
4 board.

5 ~~(e) The board shall conduct random audits of articulated plans to~~
6 ~~ensure that the plans satisfy the requirements of this subsection (4) and~~
7 ~~rules adopted by the board.~~

8 (f) ONCE AN ADVANCED PRACTICE REGISTERED NURSE OBTAINS
9 FULL PRESCRIPTIVE AUTHORITY PURSUANT TO THIS SUBSECTION (4), THE
10 ADVANCED PRACTICE REGISTERED NURSE IS NOT REQUIRED TO MAINTAIN
11 OR UPDATE AN ARTICULATED PLAN AS DESCRIBED IN SUBSECTION
12 (4)(b)(II) OR (4)(c)(I) OF THIS SECTION.

13 (5) An advanced practice REGISTERED nurse who obtains
14 prescriptive authority pursuant to this section shall be assigned a specific
15 identifier by the state board of nursing. This identifier shall be available
16 to the Colorado medical board and the state board of pharmacy. The state
17 board of nursing shall establish a mechanism to assure that the
18 prescriptive authority of an advanced practice REGISTERED nurse may be
19 readily verified.

20 (6) (a) An advanced practice REGISTERED nurse with prescriptive
21 authority pursuant to this section is subject to the limitations on
22 prescribing opioids specified in section 12-30-109.

23 (7) (a) The scope of practice for an advanced practice REGISTERED
24 nurse may be determined by the board in accordance with this article 255.

25 (c) (I) Prescriptive authority by an advanced practice REGISTERED
26 nurse shall be limited to those patients appropriate to the nurse's scope of
27 practice. Prescriptive authority may be limited or withdrawn and the

1 advanced practice REGISTERED nurse may be subject to further
2 disciplinary action in accordance with this article 255 if the nurse has
3 prescribed outside the nurse's scope of practice or for other than a
4 therapeutic purpose.

5 (9) Nothing in this section shall be construed to permit dispensing
6 or distribution, as defined in section 12-280-103 (14) and (15), by an
7 advanced practice REGISTERED nurse, except for samples, under article
8 280 of this title 12 and the federal "Prescription Drug Marketing Act of
9 1987", Pub.L. 100-293, as amended.

10 (10) ~~No~~ AN advanced practice REGISTERED nurse registered
11 pursuant to section 12-255-111 ~~shall be~~ IS NOT required to apply for or
12 obtain prescriptive authority.

13 (11) Nothing in this section shall limit the practice of nursing by
14 any nurse, including ~~but not limited to~~, advanced practice REGISTERED
15 nurses.

16 (12) An advanced practice REGISTERED nurse shall not accept any
17 direct or indirect benefit from a pharmaceutical manufacturer or
18 pharmaceutical representative for prescribing a specific medication to a
19 patient. For the purposes of this section, a direct or indirect benefit does
20 not include a benefit offered to an advanced practice REGISTERED nurse
21 regardless of whether the specific medication is being prescribed.

22 **SECTION 15.** In Colorado Revised Statutes, **amend** 12-255-113
23 as follows:

24 **12-255-113. Professional liability insurance required -**
25 **advanced practice registered nurses in independent practice - rules.**

26 (1) It is unlawful for any advanced practice REGISTERED nurse engaged
27 in an independent practice of professional nursing to practice within the

1 state of Colorado unless the advanced practice REGISTERED nurse
2 purchases and maintains or is covered by professional liability insurance
3 in an amount not less than five hundred thousand dollars per claim with
4 an aggregate liability for all claims during the year of one million five
5 hundred thousand dollars.

6 (2) Professional liability insurance required by this section shall
7 cover all acts within the scope of practice of an advanced practice
8 REGISTERED nurse as defined in this article 255.

9 (3) Notwithstanding the requirements of subsection (1) of this
10 section, the board, by rule, may exempt or establish lesser liability
11 insurance requirements for advanced practice REGISTERED nurses.

12 (4) Nothing in this section shall be construed to confer liability on
13 an employer for the acts of an advanced practice REGISTERED nurse that
14 are outside the scope of employment or to negate the applicability of the
15 "Colorado Governmental Immunity Act", article 10 of title 24.

16 **SECTION 16.** In Colorado Revised Statutes, 12-255-127, **amend**
17 (1)(n)(II) and (1)(o) as follows:

18 **12-255-127. Exclusions.** (1) No provision of this article 255 shall
19 be construed to prohibit:

20 (n) (II) The issuance by an advanced practice REGISTERED nurse
21 with prescriptive authority of standing orders and protocols for the use of
22 epinephrine auto-injectors for emergency use in a public school or
23 nonpublic school pursuant to a policy adopted in accordance with section
24 22-1-119.5; or

25 (o) A prescription by an advanced practice REGISTERED nurse with
26 prescriptive authority for the use of epinephrine auto-injectors by an
27 authorized entity in accordance with article 47 of title 25.

1 **SECTION 17.** In Colorado Revised Statutes, **amend** 12-255-128
2 as follows:

3 **12-255-128. Prescribing opiate antagonists.** An advanced
4 practice REGISTERED nurse with prescriptive authority pursuant to section
5 12-255-112 may prescribe or dispense an opiate antagonist in accordance
6 with section 12-30-110.

7 **SECTION 18.** In Colorado Revised Statutes, **add** 12-255-136 as
8 follows:

9 **12-255-136. Change of name - direction to revisor - repeal.**

10 (1) THE REVISOR OF STATUTES IS AUTHORIZED TO CHANGE ALL
11 REFERENCES TO "ADVANCED PRACTICE NURSE", "ADVANCED PRACTICE
12 NURSING", AND "A.P.N." THAT APPEAR IN THIS ARTICLE 255 AND
13 ELSEWHERE IN THE COLORADO REVISED STATUTES TO "ADVANCED
14 PRACTICE REGISTERED NURSE", "ADVANCED PRACTICE REGISTERED
15 NURSING", AND "A.P.R.N.", RESPECTIVELY.

16 (2) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.

17 **SECTION 19.** In Colorado Revised Statutes, **amend** 12-255-115
18 as follows:

19 **12-255-115. Volunteer nurse licensure.** (1) The board may issue
20 a license to a ~~retired~~ volunteer nurse who meets the requirements set forth
21 in this section.

22 (2) A ~~retired~~ volunteer nursing license shall only be issued to an
23 applicant who: ~~is at least fifty-five years of age and:~~

24 (a) Currently holds a license to practice nursing, either as a
25 practical nurse or as a professional nurse, and the license is due to expire
26 unless renewed; or

27 (b) ~~Has retired from the practice of nursing and~~ Is not currently

1 engaged in the practice of nursing either full-time or part-time and has,
2 prior to ~~retirement~~ CEASING PRACTICE, maintained full licensure in good
3 standing in any state or territory of the United States.

4 (3) A nurse who holds a ~~retired~~ volunteer nursing license shall not
5 accept compensation for nursing tasks that are performed while in
6 possession of the license. A ~~retired~~ volunteer nursing license shall permit
7 the ~~retired~~ nurse to engage in volunteer nursing tasks within the scope of
8 the nurse's license.

9 (4) An applicant for a ~~retired~~ volunteer nursing license shall
10 submit to the board an application containing the information the board
11 may prescribe, a copy of the applicant's most recent nursing license, and
12 a statement signed under penalty of perjury in which the applicant agrees
13 not to receive compensation for any nursing tasks that are performed
14 while in possession of the license.

15 (5) A person who possesses a ~~retired~~ volunteer nursing license
16 ~~shall be~~ IS immune from civil liability for actions performed within the
17 scope of the nursing license unless it is established that injury or death
18 was caused by gross negligence or the willful and wanton misconduct of
19 the licensee. The immunity provided in this subsection (5) ~~shall apply~~
20 APPLIES only to the licensee and ~~shall~~ DOES not affect the liability of any
21 other individual or entity. Nothing in this subsection (5) ~~shall be~~
22 ~~construed to limit~~ LIMITS the ability of the board to take disciplinary
23 action against a licensee.

24 (6) The fee for a ~~retired~~ volunteer nursing license, including
25 assessments for legal defense, peer assistance, and other programs for
26 which licenses are assessed, ~~shall be no more than~~ MUST NOT EXCEED fifty
27 percent of the license renewal fee, including all assessments, established

1 by the board for an active nursing license.

2 (7) The board shall design a questionnaire to be sent to all ~~retired~~
3 volunteer nurses who apply for license renewal. Each applicant for
4 license renewal shall complete the board-designed questionnaire. The
5 purpose of the questionnaire is to determine whether a licensee has acted
6 in violation of this article 255 or HAS been disciplined for any action that
7 might be considered a violation of this article 255 or might make the
8 licensee unfit to practice nursing with reasonable care and safety. If an
9 applicant fails to answer the questionnaire accurately, the failure ~~shall~~
10 ~~constitute~~ CONSTITUTES grounds for discipline under section 12-255-120
11 (1)(v). The board may include the cost of developing and reviewing the
12 questionnaire in the fee paid under subsection (6) of this section. The
13 board may ~~refuse~~ DENY an application for license renewal that does not
14 accompany an accurately completed questionnaire.

15 (8) The board shall deny an application for the reactivation of a
16 practical or professional nurse license for a ~~retired~~ volunteer nurse if the
17 board determines that the nurse requesting reactivation has not actively
18 volunteered as a nurse for the two-year period immediately preceding the
19 filing of the application for license reactivation or has not otherwise
20 demonstrated continued competency to return to the active practice of
21 nursing in a manner approved by the board.

22 **SECTION 20.** In Colorado Revised Statutes, 13-21-115.5,
23 **amend** (3)(c)(II)(F) as follows:

24 **13-21-115.5. Volunteer service act - immunity - exception for**
25 **operation of motor vehicles - definitions.** (3) As used in this section,
26 unless the context otherwise requires:

27 (c) (II) "Volunteer" includes:

1 (F) A licensed ~~retired~~ volunteer nurse governed by the provisions
2 of article 255 of title 12 performing volunteer nursing tasks within the
3 scope of the person's nursing license, as described in section 12-255-115,
4 as a volunteer for a nonprofit organization, a nonprofit corporation, a
5 governmental entity, or a hospital;

6 **SECTION 21.** In Colorado Revised Statutes, **amend** 12-255-106
7 as follows:

8 **12-255-106. Employees - executive administrator.** ~~After~~
9 ~~consultation with the board,~~ The director shall appoint an executive
10 administrator for the board and other personnel deemed necessary,
11 pursuant to section 13 of article XII of the state constitution. ~~At least one~~
12 ~~member of the board shall serve on any panel convened by the department~~
13 ~~of personnel to interview candidates for the position of executive~~
14 ~~administrator.~~

15 **SECTION 22.** In Colorado Revised Statutes, 12-20-404, **add**
16 (1)(d)(II)(J.5) as follows:

17 **12-20-404. Disciplinary actions - regulator powers -**
18 **disposition of fines. (1) General disciplinary authority.** If a regulator
19 determines that an applicant, licensee, certificate holder, or registrant has
20 committed an act or engaged in conduct that constitutes grounds for
21 discipline or unprofessional conduct under a part or article of this title 12
22 governing the particular profession or occupation, the regulator may:

23 (d) (II) A regulator is not authorized under this subsection (1)(d)
24 to refuse to renew the license, certification, or registration of a licensee,
25 certificate holder, or registrant regulated under the following:

26 (J.5) ARTICLE 255 OF THIS TITLE 12 CONCERNING NURSES;

27 **SECTION 23.** In Colorado Revised Statutes, 12-255-110, **amend**

1 (3) as follows:

2 **12-255-110. Requirements for professional nurse licensure -**
3 **rules.** (3) The board shall design a questionnaire to be sent to all
4 licensees who apply for license renewal. Each applicant for license
5 renewal shall complete the board-designed questionnaire. The purpose of
6 the questionnaire is to determine whether a licensee has acted in violation
7 of this article 255 or HAS been disciplined for any action that might be
8 considered a violation of this article 255 or might make the licensee unfit
9 to practice nursing with reasonable care and safety. The board shall
10 include on the questionnaire a question regarding whether the licensee has
11 complied with section 12-30-111. If an applicant fails to answer the
12 questionnaire accurately, the failure constitutes grounds for discipline
13 under section 12-255-120 (1)(v). The board may include the cost of
14 developing and reviewing the questionnaire in the fee paid under
15 subsection (1)(d) of this section. The board may ~~refuse~~ DENY an
16 application for license renewal that does not accompany an accurately
17 completed questionnaire.

18 **SECTION 24.** In Colorado Revised Statutes, 12-255-114, **amend**
19 (3) as follows:

20 **12-255-114. Requirements for practical nurse licensure - rules.**
21 (3) The board shall design a questionnaire to be sent to all licensed
22 practical nurses who apply for license renewal. Each applicant for license
23 renewal shall complete the board-designed questionnaire. The purpose of
24 the questionnaire is to determine whether a licensee has acted in violation
25 of this article 255 or HAS been disciplined for any action that might be
26 considered a violation of this article 255 or might make the licensee unfit
27 to practice nursing with reasonable care and safety. If an applicant fails

1 to answer the questionnaire accurately, the failure ~~shall constitute~~
2 CONSTITUTES grounds for discipline under section 12-255-120 (1)(v). The
3 board may include the cost of developing and reviewing the questionnaire
4 in the fee paid under subsection (1)(d) of this section. The board may
5 ~~refuse~~ DENY an application for license renewal that does not accompany
6 an accurately completed questionnaire.

7 **SECTION 25.** In Colorado Revised Statutes, 12-255-121, **amend**
8 (2)(a)(II), (2)(a)(III), (2)(b) introductory portion, and (2)(c) as follows:

9 **12-255-121. Withholding or denial of license - hearing -**
10 **definitions.** (2) (a) (II) The board may ~~refuse to issue~~ DENY a license or
11 temporary license to practice as a nurse to any applicant during the time
12 the applicant's license is under suspension in another state.

13 (III) The board may ~~refuse to issue~~ DENY a license or may grant
14 a license subject to terms of probation if the board determines that an
15 applicant for a license has not actively practiced practical or professional
16 nursing, or has not otherwise maintained continued competency, as
17 determined by the board, during the two years immediately preceding the
18 application for licensure under this article 255.

19 (b) If the board ~~refuses to issue~~ DENIES a license to an applicant
20 pursuant to subsection (2)(a) of this section, the provisions of section
21 24-4-104 (9) ~~shall~~ apply. Upon the ~~refusal~~ DENIAL, the board shall
22 provide the applicant with a statement in writing setting forth the
23 following:

24 (c) If the board ~~refuses to issue~~ DENIES a license to an applicant
25 on the grounds that the applicant's nursing or other health care occupation
26 license was revoked by another legally authorized board, the board may
27 require the applicant to pass a written examination as provided in section

1 12-255-109 as a prerequisite to licensure. The applicant shall not be
2 allowed to take the written examination until at least two years after the
3 revocation of the nursing or other health care occupation license.

4 **SECTION 26.** In Colorado Revised Statutes, 12-255-131, **amend**
5 (1) as follows:

6 **12-255-131. Delegation of nursing tasks - rules.** (1) Any
7 LICENSED PRACTICAL NURSE, registered nurse, OR ADVANCED PRACTICE
8 REGISTERED NURSE may delegate any task included in the practice of
9 professional nursing NURSE'S LICENSED SCOPE OF PRACTICE, subject to the
10 requirements of this section. A LICENSED PRACTICAL NURSE, REGISTERED
11 NURSE, OR ADVANCED PRACTICE REGISTERED NURSE MAY DELEGATE
12 NURSING TASKS TO LICENSED, CERTIFIED, REGISTERED, OR UNLICENSED OR
13 UNREGULATED ASSISTIVE PERSONNEL. In no event may a registered nurse
14 delegate to another person the authority to select medications if the person
15 is not, independent of the delegation, authorized by law to select
16 medications.

17 **SECTION 27.** In Colorado Revised Statutes, 12-30-105, **amend**
18 (1)(d); and **repeal** (5)(a) and (5)(b) as follows:

19 **12-30-105. Nurse-physician advisory task force for Colorado**
20 **health care - creation - duties - definition - repeal.** (1) There is hereby
21 created, within the division, the nurse-physician advisory task force for
22 Colorado health care, referred to in this section as "NPATCH". The
23 purpose of the NPATCH is to promote public safety and improve health
24 care in Colorado by supporting collaboration and communication between
25 the practices of nursing and medicine. The NPATCH shall:

26 (d) Make consensus recommendations to policy-making and
27 rule-making entities, including RECOMMENDATIONS TO THE EXECUTIVE

1 DIRECTOR.

2 (I) Recommendations to the state board of nursing created in
3 section 12-255-105 and the Colorado medical board created in section
4 12-240-105 regarding the transition to the articulated plan model and
5 harmonizing language for articulated plans; and

6 (H) Recommendations to the executive director.

7 (5) The NPATCH shall prioritize consideration of and make
8 recommendations on the following topics:

9 (a) Facilitating a smooth transition to the articulated plan model,
10 as described in sections 12-240-108 and 12-255-112 (4);

11 (b) The framework for articulated plans, including creation of
12 sample plans;

13 **SECTION 28.** In Colorado Revised Statutes, 12-240-108, **repeal**
14 (2) and (3) as follows:

15 **12-240-108. Collaboration with advanced practice nurses with**
16 **prescriptive authority - mentorships.** (2) While serving as a mentor
17 pursuant to section 12-255-112 (4)(b)(I), a physician shall assist the
18 advanced practice nurse in developing an articulated plan for safe
19 prescribing, as described in section 12-255-112 (4)(b)(II), and shall verify
20 through his or her signature that the advanced practice nurse has
21 developed an articulated plan in compliance with that section.

22 (3) For purposes of an advanced practice nurse who obtained
23 prescriptive authority prior to July 1, 2010, as described in section
24 12-255-112 (4)(c), or who has prescriptive authority from another state
25 and obtains prescriptive authority in this state, as described in section
26 12-255-112 (4)(d), physicians may, and are encouraged to, assist those
27 advanced practice nurses in developing the articulated plans required by

1 ~~those sections and verifying, through the physician's signature, the~~
2 ~~development of the required plans. The physician verifying an advanced~~
3 ~~practice nurse's articulated plan shall be practicing in Colorado and have~~
4 ~~education, training, experience, and active practice that corresponds with~~
5 ~~the role and population focus of the advanced practice nurse.~~

6 **SECTION 29.** In Colorado Revised Statutes, 12-240-121, **repeal**
7 (1)(cc) as follows:

8 **12-240-121. Unprofessional conduct - definitions.**

9 (1) "Unprofessional conduct" as used in this article 240 means:

10 (cc) ~~Verifying by signature the articulated plan developed by an~~
11 ~~advanced practice nurse pursuant to sections 12-240-108 and 12-255-112~~
12 ~~(4) if the articulated plan fails to comply with the requirements of section~~
13 ~~12-255-112 (4)(b)(II);~~

14 **SECTION 30.** In Colorado Revised Statutes, 12-280-103, **amend**
15 (39)(c)(II)(C) as follows:

16 **12-280-103. Definitions - rules.** As used in this article 280, unless
17 the context otherwise requires or the term is otherwise defined in another
18 part of this article 280:

19 (39) "Practice of pharmacy" means:

20 (c) The provision of a therapeutic interchange selection or a
21 therapeutically equivalent selection to a patient if, during the patient's stay
22 at a nursing care facility or a long-term acute care hospital licensed under
23 part 1 of article 3 of title 25, the selection has been approved for the
24 patient:

25 (II) By one of the following health care providers:

26 (C) An advanced practice nurse prescriber licensed as a
27 professional nurse under section 12-255-110, registered as an advanced

1 practice nurse under section 12-255-111, and authorized to prescribe
2 controlled substances or prescription drugs pursuant to section
3 12-255-112; ~~if the advanced practice nurse prescriber has developed an~~
4 ~~articulated plan to maintain ongoing collaboration with physicians and~~
5 ~~other health care professionals;~~ and

6 **SECTION 31.** In Colorado Revised Statutes, 12-280-502, **amend**
7 (1)(b)(III) as follows:

8 **12-280-502. Therapeutic interchange and therapeutically**
9 **equivalent selections for nursing care facility or long-term acute care**
10 **hospital patients - rules.** (1) A pharmacy used by a nursing care facility
11 or a long-term acute care hospital licensed under part 1 of article 3 of title
12 25 may make a therapeutic interchange or a therapeutically equivalent
13 selection for a patient if, during the patient's stay at the facility, the
14 selection has been approved for the patient:

15 (b) By one of the following health care providers:

16 (III) An advanced practice nurse prescriber licensed as a
17 professional nurse under section 12-255-110, registered as an advanced
18 practice nurse under section 12-255-111, and authorized to prescribe
19 controlled substances or prescription drugs pursuant to section
20 12-255-112. ~~if the advanced practice nurse prescriber has developed an~~
21 ~~articulated plan to maintain ongoing collaboration with physicians and~~
22 ~~other health care professionals.~~

23 **SECTION 32. Effective date.** This act takes effect July 1, 2020.

24 **SECTION 33. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety.