

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 20-0512.01 Christy Chase x2008

HOUSE BILL 20-1216

HOUSE SPONSORSHIP

Mullica, Buckner, Caraveo, Lontine, Titone

SENATE SPONSORSHIP

(None),

House Committees

Health & Insurance
Finance

Senate Committees

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.

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), (4), (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, SHARING RESPONSIBILITY
9 AND ACCOUNTABILITY WITHIN EACH LICENSED HEALTH CARE PROVIDER'S
10 SCOPE OF PRACTICE, TO FORMULATE AND CARRY OUT THE PLAN OF
11 PATIENT CARE.

12 (4) (a) "Delegated medical function" means an aspect of care that
13 implements and is consistent with the medical plan as prescribed by a
14 licensed or otherwise legally authorized physician, podiatrist, ~~or~~ dentist,
15 PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE REGISTERED NURSE and
16 is delegated to a registered professional nurse or a practical nurse by a
17 physician, A podiatrist, A dentist, ~~or~~ A physician assistant, OR AN
18 ADVANCED PRACTICE REGISTERED NURSE. NOTHING IN THIS SUBSECTION
19 (4) LIMITS THE PRACTICE OF NURSING AS DEFINED IN THIS ARTICLE 255.

20 (b) For purposes of this subsection (4), "medical plan" means a
21 written plan, verbal order, standing order, or protocol, whether patient
22 specific or not, that authorizes specific or discretionary medical action
23 ~~which~~ AND THAT may include ~~but is not limited to~~ the selection of
24 medication. ~~Nothing in this subsection (4) shall limit the practice of~~
25 ~~nursing as defined in this article 255.~~

26 (4.5) (a) "DELEGATION OF PATIENT CARE" MEANS ASPECTS OF
27 PATIENT CARE THAT ARE CONSISTENT WITH A PLAN OF PATIENT CARE

1 PRESCRIBED BY A LICENSED HEALTH CARE PROVIDER WITHIN THE SCOPE OF
2 THE PROVIDER'S PRACTICE AND THAT MAY BE DELEGATED TO A
3 REGISTERED NURSE OR LICENSED PRACTICAL NURSE WITHIN THE SCOPE OF
4 THE NURSE'S PRACTICE. "DELEGATION OF PATIENT CARE" INCLUDES
5 ASPECTS OF PATIENT CARE THAT MAY BE DELEGATED BY A LICENSED
6 HEALTH CARE PROVIDER, AN ADVANCED PRACTICE REGISTERED NURSE, A
7 REGISTERED NURSE, OR A LICENSED PRACTICAL NURSE WITHIN THE SCOPE
8 OF THE PROVIDER'S OR NURSE'S PRACTICE AND WITHIN THE PROVIDER'S OR
9 NURSE'S PROFESSIONAL JUDGMENT TO A LICENSED OR AN UNLICENSED
10 HEALTH CARE PROVIDER WITHIN THE SCOPE OF THAT PROVIDER'S
11 PRACTICE. NOTHING IN THIS SUBSECTION (4.5) LIMITS OR EXPANDS THE
12 SCOPE OF PRACTICE OF ANY NURSE LICENSED PURSUANT TO THIS ARTICLE
13 255.

14 (b) FOR PURPOSES OF THIS SUBSECTION (4.5), "PLAN OF PATIENT
15 CARE" MEANS A WRITTEN PLAN, VERBAL ORDER, STANDING ORDER, OR
16 PROTOCOL, WHETHER PATIENT SPECIFIC OR NOT, THAT AUTHORIZES
17 SPECIFIC OR DISCRETIONARY NURSING ACTION AND THAT MAY INCLUDE
18 THE ADMINISTRATION OF MEDICATION.

19 (5.5) "LICENSED HEALTH CARE PROVIDER" MEANS AN INDIVIDUAL
20 WHO IS LICENSED OR OTHERWISE AUTHORIZED BY THE STATE PURSUANT
21 TO THIS TITLE 12 OR ARTICLE 3.5 OF TITLE 25 TO PROVIDE HEALTH CARE
22 SERVICES.

23 (7) "Practical nurse", "trained practical nurse", "licensed
24 vocational nurse", or "licensed practical nurse" means a person who holds
25 a license to practice pursuant to this article 255 as a licensed practical
26 nurse in this state or is licensed in another state and is practicing in this
27 state pursuant to section 24-60-3802, with the right to use the title

1 "licensed practical nurse" and its abbreviation, "L.P.N." OR "LICENSED
2 VOCATIONAL NURSE" AND ITS ABBREVIATION "L.V.N."

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

7 (b) "Practice of advanced practice REGISTERED nursing" includes
8 prescribing medications as may be authorized pursuant to section
9 12-255-112.

10 (9) (a) "Practice of practical nursing" means the performance,
11 under the supervision of a ~~dentist, physician, podiatrist, or professional~~
12 ~~nurse~~ LICENSED HEALTH CARE PROVIDER authorized to practice in this
13 state, of those services requiring the education, training, and experience,
14 as evidenced by knowledge, abilities, and skills required in this article
15 255 for licensing as a practical nurse pursuant to section 12-255-114, in:

- 16 (I) Caring for the ill, injured, or infirm;
- 17 (II) Teaching and promoting preventive health measures;
- 18 (III) Acting to safeguard life and health; ~~or~~
- 19 (IV) Administering treatments and medications prescribed by A
20 LICENSED HEALTH CARE PROVIDER; OR

- 21 ~~(A) A legally authorized dentist, podiatrist, or physician; or~~
- 22 ~~(B) A physician assistant implementing a medical plan pursuant~~
23 ~~to subsection (4) of this section.~~

- 24 (V) PARTICIPATING IN THE ASSESSMENT, PLANNING,
25 IMPLEMENTATION, AND EVALUATION OF THE DELIVERY OF PATIENT CARE
26 SERVICES THAT IS COMMENSURATE WITH THE PRACTICAL NURSE'S
27 EDUCATION.

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

2 (I) The performance of delegated medical functions AND
3 DELEGATED PATIENT CARE FUNCTIONS;

4 (II) THE ASSUMPTION OF RESPONSIBILITIES AND ACCOUNTABILITIES
5 FOR THE PERFORMANCE OF ACTS WITHIN THE PRACTICAL NURSE'S
6 EDUCATIONAL BACKGROUND AND USING PROCEDURES LEADING TO
7 PREDICTABLE OUTCOMES; AND

8 (III) THE ADMINISTRATION AND MANAGEMENT OF NURSING,
9 INCLUDING DIRECTING AND ASSIGNING NURSING INTERVENTIONS THAT
10 MAY BE PERFORMED BY OTHER LICENSED OR UNLICENSED HEALTH CARE
11 PERSONNEL.

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

15 (10)(a) "Practice of professional nursing" means the performance
16 of ~~both independent nursing functions and delegated medical functions~~
17 ~~in accordance with accepted practice standards~~ AUTONOMOUS AND
18 COLLABORATIVE CARE OF INDIVIDUALS OF ALL AGES, FAMILIES, GROUPS,
19 AND COMMUNITIES, WHETHER SICK OR WELL, IN ALL SETTINGS. The
20 functions include the initiation and performance of nursing care through
21 health promotion, supportive or restorative care, disease prevention,
22 diagnosis and treatment of human disease, ailment, pain, injury,
23 deformity, and physical or mental condition using specialized knowledge,
24 judgment, and skill involving the application of biological, physical,
25 social, and behavioral science principles required for licensure as a
26 professional nurse pursuant to section 12-255-110.

27 (b) The "practice of professional nursing" shall include INCLUDES

1 the performance of such services as:

2 (IV) Executing delegated medical functions AND DELEGATED
3 PATIENT CARE FUNCTIONS;

4 (12) "Treating" means the selection, recommendation, execution,
5 and monitoring of those nursing measures essential to the effective
6 determination and management of actual or potential human health
7 problems and to the execution of the delegated medical functions AND
8 DELEGATED PATIENT CARE FUNCTIONS. The delegated medical functions
9 AND DELEGATED PATIENT CARE FUNCTIONS shall be performed under the
10 responsible direction and supervision of a person licensed under the laws
11 of this state to practice medicine, podiatry, or dentistry, OR NURSING.
12 "Treatment" has a corresponding meaning.

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

15 **12-255-105. State board of nursing created - removal of board**
16 **members - meetings of board.** (1) (a) There is hereby created the state
17 board of nursing in the division, which board ~~shall consist~~ CONSISTS of
18 eleven members who are residents of this state, appointed by the governor
19 as follows:

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

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

27 **SECTION 12.** In Colorado Revised Statutes, 12-255-107, **amend**

1 (1)(b)(I) as follows:

2 **12-255-107. Powers and duties of the board - rules - definition.**

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

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

17 **SECTION 13.** In Colorado Revised Statutes, 12-255-111, **amend**
18 (1), (2), (3)(b), (3)(c), (4), (5), (6)(a) introductory portion, and (6)(b)(I)
19 as follows:

20 **12-255-111. Requirements for advanced practice registered**
21 **nurse registration - legislative declaration - advanced practice**
22 **registry - rules.** (1) The general assembly hereby recognizes that some
23 individuals REGISTERED PROFESSIONAL NURSES practicing pursuant to this
24 article 255 have acquired additional preparation for advanced NURSING
25 practice and hereby determines that it is appropriate for the state to
26 maintain a registry of those individuals. The registry shall be known as
27 the "advanced practice registry".

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

15 (3) (b) On and after July 1, 2010, in addition to the requirements
16 of subsection (3)(a) of this section, a REGISTERED professional nurse shall
17 obtain national certification from a nationally recognized accrediting
18 agency, as defined by the board by rule, in the appropriate role and
19 population focus in order to be included in the advanced practice registry;
20 except that REGISTERED professional nurses who are included in the
21 registry as of June 30, 2010, but have not obtained the national
22 certification, may thereafter continue to be included in the registry and to
23 use the appropriate title and abbreviation.

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

27 (I) The REGISTERED professional nurse is recognized as an

1 advanced practice REGISTERED nurse in another state or jurisdiction and
2 has practiced as an advanced practice REGISTERED nurse for at least two
3 of the last five years immediately preceding the date of application for
4 inclusion in the advanced practice registry; or

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

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

12 (5) An advanced practice REGISTERED nurse shall practice in
13 accordance with the standards of the appropriate national professional
14 nursing organization and have a safe mechanism for consultation or
15 collaboration with a physician or, when appropriate, referral to a
16 physician. Advanced practice REGISTERED nursing also includes, when
17 appropriate, referral to other health care providers.

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

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

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

27 **SECTION 14.** In Colorado Revised Statutes, 12-255-112, **amend**

1 (1), (3)(a), (3)(b)(I), (4)(a) introductory portion, (4)(a)(VI), (4)(b)
2 introductory portion, (4)(b)(I), (4)(b)(III), (4)(b)(IV), (4)(c), (4)(d),
3 (5), (6)(a), (7)(a), (7)(c)(I), (9), (10), (11), and (12); **repeal** (4)(b)(II)
4 **and** (4)(e); and **add** (4)(f) as follows:

5 **12-255-112. Prescriptive authority - advanced practice**
6 **registered nurses - limits on opioid prescriptions - rules - financial**
7 **benefit for prescribing prohibited - repeal.** (1) The board may
8 authorize an advanced practice REGISTERED nurse who is listed on the
9 advanced practice registry, has a license in good standing without
10 disciplinary sanctions issued pursuant to section 12-255-110, and has
11 fulfilled requirements established by the board pursuant to this section to
12 prescribe controlled substances or prescription drugs as defined in ~~part 4~~
13 ~~of article 280 of this title 12~~ SECTION 12-280-103.

14 (3) (a) An advanced practice REGISTERED nurse may be granted
15 authority to prescribe prescription drugs and controlled substances to
16 provide treatment to clients within the role and population focus of the
17 advanced practice REGISTERED nurse.

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

23 (4) (a) An advanced practice REGISTERED nurse applying for
24 prescriptive authority shall provide evidence to the board of the
25 following:

26 (VI) A signed attestation ~~that states he or she~~ STATING THAT THE
27 ADVANCED PRACTICE REGISTERED NURSE has completed at least three

1 years of combined clinical work experience as a professional nurse or as
2 an advanced practice REGISTERED nurse.

3 (b) Upon satisfaction of the requirements set forth in subsection
4 (4)(a) of this section, the board may grant provisional prescriptive
5 authority to an advanced practice REGISTERED nurse. The provisional
6 prescriptive authority that is granted is limited to those patients and
7 medications appropriate to the advanced practice REGISTERED nurse's role
8 and population focus. In order to retain provisional prescriptive authority
9 and obtain and retain full prescriptive authority pursuant to this
10 subsection (4) for patients and medications appropriate for the advanced
11 practice REGISTERED nurse's role and population focus, an advanced
12 practice REGISTERED nurse shall satisfy the following requirements:

13 (I) (A) Once the provisional prescriptive authority is granted, the
14 advanced practice REGISTERED nurse must obtain ~~one thousand~~ SEVEN
15 HUNDRED FIFTY hours of documented experience in a mutually structured
16 prescribing mentorship either with a physician or with an advanced
17 practice REGISTERED nurse who has full prescriptive authority and
18 experience in prescribing medications. The mentor must be practicing in
19 Colorado and have education, training, experience, and an active practice
20 that corresponds with the role and population focus of the advanced
21 practice REGISTERED nurse.

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

25 (C) The physician or advanced practice REGISTERED nurse serving
26 as a mentor shall not require payment or employment as a condition of
27 entering into the mentorship relationship, but the mentor may request

1 reimbursement of reasonable expenses and time spent as a result of the
2 mentorship relationship.

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

8 (E) If an advanced practice REGISTERED nurse with provisional
9 prescriptive authority fails to complete the mentorship required by this
10 subsection (4)(b)(I) within three years or otherwise fails to demonstrate
11 competence as determined by the board, the advanced practice
12 REGISTERED nurse's provisional prescriptive authority expires for failure
13 to comply with the statutory requirements.

14 

15 (II) ~~The advanced practice nurse with provisional prescriptive~~
16 ~~authority shall develop an articulated plan for safe prescribing that~~
17 ~~documents how the advanced practice nurse intends to maintain ongoing~~
18 ~~collaboration with physicians and other health care professionals in~~
19 ~~connection with the advanced practice nurse's practice of prescribing~~
20 ~~medication within his or her role and population focus. The articulated~~
21 ~~plan shall guide the advanced practice nurse's prescriptive practice. The~~
22 ~~physician or advanced practice nurse that serves as a mentor as described~~
23 ~~in subsection (4)(b)(I) of this section shall provide his or her signature~~
24 ~~and attestation on the articulated plan to verify that the advanced practice~~
25 ~~nurse has developed an articulated plan. The advanced practice nurse~~
26 ~~shall retain the articulated plan on file, shall review the plan annually, and~~
27 ~~shall update the plan as necessary. The articulated plan is subject to~~

1 ~~review by the board, and the advanced practice nurse shall provide the~~
2 ~~plan to the board upon request. If an advanced practice nurse with~~
3 ~~provisional prescriptive authority fails to develop the required articulated~~
4 ~~plan within three years or otherwise fails to demonstrate competence as~~
5 ~~determined by the board, the advanced practice nurse's provisional~~
6 ~~prescriptive authority expires for failure to comply with the statutory~~
7 ~~requirements. An articulated plan developed pursuant to this subsection~~
8 ~~(4)(b)(II) must include at least the following:~~

9 ~~(A) A mechanism for consultation and referral for issues~~
10 ~~regarding prescriptive authority;~~

11 ~~(B) A quality assurance plan;~~

12 ~~(C) Decision support tools; and~~

13 ~~(D) Documentation of ongoing continuing education in~~
14 ~~pharmacology and safe prescribing.~~

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

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

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

23 (I) ~~The advanced practice nurse shall develop an articulated plan~~
24 ~~as specified in subsection (4)(b)(II) of this section; except that to verify~~
25 ~~development of an articulated plan, the advanced practice nurse shall~~
26 ~~obtain the signature of either a physician or an advanced practice nurse~~
27 ~~who has prescriptive authority and experience in prescribing medications;~~

1 ~~is practicing in Colorado, and has education, training, experience, and~~
2 ~~active practice that corresponds with the role and population focus of the~~
3 ~~advanced practice nurse developing the plan.~~

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

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

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

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

15 (C) The board grants an exception.

16 (d) In order to obtain provisional prescriptive authority and obtain
17 and retain full prescriptive authority in this state, an advanced practice
18 REGISTERED nurse from another state must meet the requirements of this
19 section or substantially equivalent requirements, as determined by the
20 board.

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

24 (f) ONCE AN ADVANCED PRACTICE REGISTERED NURSE OBTAINS
25 FULL PRESCRIPTIVE AUTHORITY PURSUANT TO THIS SUBSECTION (4), THE
26 ADVANCED PRACTICE REGISTERED NURSE IS NOT REQUIRED TO MAINTAIN
27 OR UPDATE AN ARTICULATED PLAN AS DESCRIBED IN SUBSECTION

1 (4)(b)(II) OR (4)(c)(I) OF THIS SECTION.

2 (5) An advanced practice REGISTERED nurse who obtains
3 prescriptive authority pursuant to this section shall be assigned a specific
4 identifier by the state board of nursing. This identifier shall be available
5 to the Colorado medical board and the state board of pharmacy. The state
6 board of nursing shall establish a mechanism to assure that the
7 prescriptive authority of an advanced practice REGISTERED nurse may be
8 readily verified.

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

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

14 (c) (I) Prescriptive authority by an advanced practice REGISTERED
15 nurse shall be limited to those patients appropriate to the nurse's scope of
16 practice. Prescriptive authority may be limited or withdrawn and the
17 advanced practice REGISTERED nurse may be subject to further
18 disciplinary action in accordance with this article 255 if the nurse has
19 prescribed outside the nurse's scope of practice or for other than a
20 therapeutic purpose.

21 (9) Nothing in this section shall be construed to permit dispensing
22 or distribution, as defined in section 12-280-103 (14) and (15), by an
23 advanced practice REGISTERED nurse, except for samples, under article
24 280 of this title 12 and the federal "Prescription Drug Marketing Act of
25 1987", Pub.L. 100-293, as amended.

26 (10) ~~NO~~ AN advanced practice REGISTERED nurse registered
27 pursuant to section 12-255-111 ~~shall be~~ IS NOT required to apply for or

1 obtain prescriptive authority.

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

5 (12) An advanced practice REGISTERED nurse shall not accept any
6 direct or indirect benefit from a pharmaceutical manufacturer or
7 pharmaceutical representative for prescribing a specific medication to a
8 patient. For the purposes of this section, a direct or indirect benefit does
9 not include a benefit offered to an advanced practice REGISTERED nurse
10 regardless of whether the specific medication is being prescribed.

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

13 **12-255-113. Professional liability insurance required -**
14 **advanced practice registered nurses in independent practice - rules.**

15 (1) It is unlawful for any advanced practice REGISTERED nurse engaged
16 in an independent practice of professional nursing to practice within the
17 state of Colorado unless the advanced practice REGISTERED nurse
18 purchases and maintains or is covered by professional liability insurance
19 in an amount not less than five hundred thousand dollars per claim with
20 an aggregate liability for all claims during the year of one million five
21 hundred thousand dollars.

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

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

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

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

7 **12-255-127. Exclusions.** (1) No provision of this article 255 shall
8 be construed to prohibit:

9 (n) (II) The issuance by an advanced practice REGISTERED nurse
10 with prescriptive authority of standing orders and protocols for the use of
11 epinephrine auto-injectors for emergency use in a public school or
12 nonpublic school pursuant to a policy adopted in accordance with section
13 22-1-119.5; or

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

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

19 **12-255-128. Prescribing opiate antagonists.** An advanced
20 practice REGISTERED nurse with prescriptive authority pursuant to section
21 12-255-112 may prescribe or dispense an opiate antagonist in accordance
22 with section 12-30-110.

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

25 **12-255-136. Change of name - direction to revisor - repeal.**

26 (1) THE REVISOR OF STATUTES IS AUTHORIZED TO CHANGE ALL
27 REFERENCES TO "ADVANCED PRACTICE NURSE", "ADVANCED PRACTICE

1 NURSING", AND "A.P.N." THAT APPEAR IN THIS ARTICLE 255 AND
2 ELSEWHERE IN THE COLORADO REVISED STATUTES TO "ADVANCED
3 PRACTICE REGISTERED NURSE", "ADVANCED PRACTICE REGISTERED
4 NURSING", AND "A.P.R.N.", RESPECTIVELY.

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

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

8 **12-255-115. Volunteer nurse licensure.** (1) The board may issue
9 a license to a ~~retired~~ volunteer nurse who meets the requirements set forth
10 in this section.

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

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

16 (b) ~~Has retired from the practice of nursing and~~ Is not currently
17 engaged in the practice of nursing either full-time or part-time and has,
18 prior to ~~retirement~~ CEASING PRACTICE, maintained full licensure in good
19 standing in any state or territory of the United States.

20 (3) A nurse who holds a ~~retired~~ volunteer nursing license shall not
21 accept compensation for nursing tasks that are performed while in
22 possession of the license. A ~~retired~~ volunteer nursing license shall permit
23 the ~~retired~~ nurse to engage in volunteer nursing tasks within the scope of
24 the nurse's license.

25 (4) An applicant for a ~~retired~~ volunteer nursing license shall
26 submit to the board an application containing the information the board
27 may prescribe, a copy of the applicant's most recent nursing license, and

1 a statement signed under penalty of perjury in which the applicant agrees
2 not to receive compensation for any nursing tasks that are performed
3 while in possession of the license.

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

13 (6) The fee for a ~~retired~~ volunteer nursing license, including
14 assessments for legal defense, peer assistance, and other programs for
15 which licenses are assessed, ~~shall be no more than~~ MUST NOT EXCEED fifty
16 percent of the license renewal fee, including all assessments, established
17 by the board for an active nursing license.

18 (7) The board shall design a questionnaire to be sent to all ~~retired~~
19 volunteer nurses who apply for license renewal. Each applicant for
20 license renewal shall complete the board-designed questionnaire. The
21 purpose of the questionnaire is to determine whether a licensee has acted
22 in violation of this article 255 or HAS been disciplined for any action that
23 might be considered a violation of this article 255 or might make the
24 licensee unfit to practice nursing with reasonable care and safety. If an
25 applicant fails to answer the questionnaire accurately, the failure ~~shall~~
26 ~~constitute~~ CONSTITUTES grounds for discipline under section 12-255-120
27 (1)(v). The board may include the cost of developing and reviewing the

1 questionnaire in the fee paid under subsection (6) of this section. The
2 board may ~~refuse~~ DENY an application for license renewal that does not
3 accompany an accurately completed questionnaire.

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

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

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

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

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

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

24 **12-255-106. Employees - executive administrator.** ~~After~~
25 ~~consultation with the board,~~ The director shall appoint an executive
26 administrator for the board and other personnel deemed necessary,
27 pursuant to section 13 of article XII of the state constitution. ~~At least one~~

1 ~~member of the board shall serve on any panel convened by the department~~
2 ~~of personnel to interview candidates for the position of executive~~
3 ~~administrator.~~

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

6 **12-20-404. Disciplinary actions - regulator powers -**
7 **disposition of fines. (1) General disciplinary authority.** If a regulator
8 determines that an applicant, licensee, certificate holder, or registrant has
9 committed an act or engaged in conduct that constitutes grounds for
10 discipline or unprofessional conduct under a part or article of this title 12
11 governing the particular profession or occupation, the regulator may:

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

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

16 **SECTION 23.** In Colorado Revised Statutes, 12-255-110, **amend**
17 (3) as follows:

18 **12-255-110. Requirements for professional nurse licensure -**
19 **rules. (3)** The board shall design a questionnaire to be sent to all
20 licensees who apply for license renewal. Each applicant for license
21 renewal shall complete the board-designed questionnaire. The purpose of
22 the questionnaire is to determine whether a licensee has acted in violation
23 of this article 255 or HAS been disciplined for any action that might be
24 considered a violation of this article 255 or might make the licensee unfit
25 to practice nursing with reasonable care and safety. The board shall
26 include on the questionnaire a question regarding whether the licensee has
27 complied with section 12-30-111. If an applicant fails to answer the

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

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

9 **12-255-114. Requirements for practical nurse licensure - rules.**

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

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

25 **12-255-121. Withholding or denial of license - hearing -**
26 **definitions.** (2) (a) (II) The board may ~~refuse to issue~~ DENY a license or
27 temporary license to practice as a nurse to any applicant during the time

1 the applicant's license is under suspension in another state.

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

8 (b) If the board ~~refuses to issue~~ DENIES a license to an applicant
9 pursuant to subsection (2)(a) of this section, the provisions of section
10 24-4-104 (9) ~~shall~~ apply. Upon the ~~refusal~~ DENIAL, the board shall
11 provide the applicant with a statement in writing setting forth the
12 following:

13 (c) If the board ~~refuses to issue~~ DENIES a license to an applicant
14 on the grounds that the applicant's nursing or other health care occupation
15 license was revoked by another legally authorized board, the board may
16 require the applicant to pass a written examination as provided in section
17 12-255-109 as a prerequisite to licensure. The applicant shall not be
18 allowed to take the written examination until at least two years after the
19 revocation of the nursing or other health care occupation license.

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

22 **12-255-131. Delegation of nursing tasks - rules.** (1) Any
23 LICENSED PRACTICAL NURSE, registered nurse, OR ADVANCED PRACTICE
24 REGISTERED NURSE may delegate any task included in the ~~practice of~~
25 ~~professional nursing~~ NURSE'S LICENSED SCOPE OF PRACTICE, subject to the
26 requirements of this section. A LICENSED PRACTICAL NURSE, REGISTERED
27 NURSE, OR ADVANCED PRACTICE REGISTERED NURSE MAY DELEGATE

1 NURSING TASKS TO LICENSED, CERTIFIED, REGISTERED, OR UNLICENSED OR
2 UNREGULATED ASSISTIVE PERSONNEL. In no event may a registered nurse
3 delegate to another person the authority to select medications if the person
4 is not, independent of the delegation, authorized by law to select
5 medications.

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

8 **12-30-105. Nurse-physician advisory task force for Colorado**
9 **health care - creation - duties - definition - repeal.** (1) There is hereby
10 created, within the division, the nurse-physician advisory task force for
11 Colorado health care, referred to in this section as "NPATCH". The
12 purpose of the NPATCH is to promote public safety and improve health
13 care in Colorado by supporting collaboration and communication between
14 the practices of nursing and medicine. The NPATCH shall:

15 (d) Make consensus recommendations to policy-making and
16 rule-making entities, including RECOMMENDATIONS TO THE EXECUTIVE
17 DIRECTOR.

18 ~~(I) Recommendations to the state board of nursing created in~~
19 ~~section 12-255-105 and the Colorado medical board created in section~~
20 ~~12-240-105 regarding the transition to the articulated plan model and~~
21 ~~harmonizing language for articulated plans; and~~

22 ~~(H) Recommendations to the executive director.~~

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

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

27 (b) ~~The framework for articulated plans, including creation of~~

1 ~~sample plans;~~

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

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

11 ~~(3) For purposes of an advanced practice nurse who obtained~~
12 ~~prescriptive authority prior to July 1, 2010, as described in section~~
13 ~~12-255-112 (4)(c), or who has prescriptive authority from another state~~
14 ~~and obtains prescriptive authority in this state, as described in section~~
15 ~~12-255-112 (4)(d), physicians may, and are encouraged to, assist those~~
16 ~~advanced practice nurses in developing the articulated plans required by~~
17 ~~those sections and verifying, through the physician's signature, the~~
18 ~~development of the required plans. The physician verifying an advanced~~
19 ~~practice nurse's articulated plan shall be practicing in Colorado and have~~
20 ~~education, training, experience, and active practice that corresponds with~~
21 ~~the role and population focus of the advanced practice nurse.~~

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

24 **12-240-121. Unprofessional conduct - definitions.**

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

26 (cc) ~~Verifying by signature the articulated plan developed by an~~
27 ~~advanced practice nurse pursuant to sections 12-240-108 and 12-255-112~~

1 ~~(4) if the articulated plan fails to comply with the requirements of section~~
2 ~~12-255-112 (4)(b)(II);~~

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

5 **12-280-103. Definitions - rules.** As used in this article 280, unless
6 the context otherwise requires or the term is otherwise defined in another
7 part of this article 280:

8 (39) "Practice of pharmacy" means:

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

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

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

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

24 **12-280-502. Therapeutic interchange and therapeutically**
25 **equivalent selections for nursing care facility or long-term acute care**
26 **hospital patients - rules.** (1) A pharmacy used by a nursing care facility
27 or a long-term acute care hospital licensed under part 1 of article 3 of title

1 25 may make a therapeutic interchange or a therapeutically equivalent
2 selection for a patient if, during the patient's stay at the facility, the
3 selection has been approved for the patient:

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

5 (III) An advanced practice nurse prescriber licensed as a
6 professional nurse under section 12-255-110, registered as an advanced
7 practice nurse under section 12-255-111, and authorized to prescribe
8 controlled substances or prescription drugs pursuant to section
9 12-255-112. ~~if the advanced practice nurse prescriber has developed an
10 articulated plan to maintain ongoing collaboration with physicians and
11 other health care professionals.~~

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

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