

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

February 11, 2020

Committee on Health & Insurance.

After consideration on the merits, the Committee recommends the following:

HB20-1216 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 3, after line 1 insert:

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 Renumber succeeding sections accordingly.

14 Page 4, line 7, strike "(1)(aa), and (1)(bb);" and substitute "and (1)(aa);
15 **repeal** (1)(bb);".

16 Page 5, strike lines 22 through 25 and substitute:

17 "~~(bb) Has verified by signature the articulated plan developed by~~
18 ~~an advanced practice nurse pursuant to sections 12-240-108 and~~
19 ~~12-255-112 (4) if the articulated plan fails to comply with the~~
20 ~~requirements of section 12-255-112 (4)(b)(H)."~~

1 Page 9, strike line 8 and substitute "(1), (2), (4), (7), (8)(a), (8)(b), (9),
2 (10)(a), (10)(b) introductory portion, (10)(b)(IV), and (12); and **add** (3.5),
3 (4.5), and (5.5) as follows:".

4 Page 9, after line 17 insert:

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

9 (3.5) "COLLABORATION" MEANS THE ACT OF LICENSED HEALTH
10 CARE PROVIDERS WORKING COOPERATIVELY, SHARING RESPONSIBILITY
11 AND ACCOUNTABILITY WITHIN EACH LICENSED HEALTH CARE PROVIDER'S
12 SCOPE OF PRACTICE, TO FORMULATE AND CARRY OUT THE PLAN OF
13 PATIENT CARE.

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

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

28 (4.5) (a) "DELEGATION OF PATIENT CARE" MEANS ASPECTS OF
29 PATIENT CARE THAT ARE CONSISTENT WITH A PLAN OF PATIENT CARE
30 PRESCRIBED BY A LICENSED HEALTH CARE PROVIDER WITHIN THE SCOPE OF
31 THE PROVIDER'S PRACTICE AND THAT MAY BE DELEGATED TO A
32 REGISTERED NURSE OR LICENSED PRACTICAL NURSE WITHIN THE SCOPE OF
33 THE NURSE'S PRACTICE. "DELEGATION OF PATIENT CARE" INCLUDES
34 ASPECTS OF PATIENT CARE THAT MAY BE DELEGATED BY A LICENSED
35 HEALTH CARE PROVIDER, AN ADVANCED PRACTICE REGISTERED NURSE, A
36 REGISTERED NURSE, OR A LICENSED PRACTICAL NURSE WITHIN THE SCOPE
37 OF THE PROVIDER'S OR NURSE'S PRACTICE AND WITHIN THE PROVIDER'S OR
38 NURSE'S PROFESSIONAL JUDGMENT TO A LICENSED OR AN UNLICENSED

1 HEALTH CARE PROVIDER WITHIN THE SCOPE OF THAT PROVIDER'S
2 PRACTICE. NOTHING IN THIS SUBSECTION (4.5) LIMITS OR EXPANDS THE
3 SCOPE OF PRACTICE OF ANY NURSE LICENSED PURSUANT TO THIS ARTICLE
4 255.

5 (b) FOR PURPOSES OF THIS SUBSECTION (4.5), "PLAN OF PATIENT
6 CARE" MEANS A WRITTEN PLAN, VERBAL ORDER, STANDING ORDER, OR
7 PROTOCOL, WHETHER PATIENT SPECIFIC OR NOT, THAT AUTHORIZES
8 SPECIFIC OR DISCRETIONARY NURSING ACTION AND THAT MAY INCLUDE
9 THE ADMINISTRATION OF MEDICATION.

10 (5.5) "LICENSED HEALTH CARE PROVIDER" MEANS AN INDIVIDUAL
11 WHO IS LICENSED OR OTHERWISE AUTHORIZED BY THE STATE PURSUANT
12 TO THIS TITLE 12 OR ARTICLE 3.5 OF TITLE 25 TO PROVIDE HEALTH CARE
13 SERVICES.

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

21 Page 9, after line 24 insert:

22 "(9) (a) "Practice of practical nursing" means the performance,
23 under the supervision of a ~~dentist, physician, podiatrist, or professional~~
24 ~~nurse~~ LICENSED HEALTH CARE PROVIDER authorized to practice in this
25 state, of those services requiring the education, training, and experience,
26 as evidenced by knowledge, abilities, and skills required in this article
27 255 for licensing as a practical nurse pursuant to section 12-255-114, in:

- 28 (I) Caring for the ill, injured, or infirm;
- 29 (II) Teaching and promoting preventive health measures;
- 30 (III) Acting to safeguard life and health; ~~or~~
- 31 (IV) Administering treatments and medications prescribed by A
32 LICENSED HEALTH CARE PROVIDER; OR

33 ~~(A) A legally authorized dentist, podiatrist, or physician; or~~
34 ~~(B) A physician assistant implementing a medical plan pursuant~~
35 ~~to subsection (4) of this section.~~

36 (V) PARTICIPATING IN THE ASSESSMENT, PLANNING,
37 IMPLEMENTATION, AND EVALUATION OF THE DELIVERY OF PATIENT CARE
38 SERVICES THAT IS COMMENSURATE WITH THE PRACTICAL NURSE'S
39 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
28 the performance of such services as:
29 (IV) Executing delegated medical functions AND DELEGATED
30 PATIENT CARE FUNCTIONS;
31 (12) "Treating" means the selection, recommendation, execution,
32 and monitoring of those nursing measures essential to the effective
33 determination and management of actual or potential human health
34 problems and to the execution of the delegated medical functions AND
35 DELEGATED PATIENT CARE FUNCTIONS. The delegated medical functions
36 AND DELEGATED PATIENT CARE FUNCTIONS shall be performed under the
37 responsible direction and supervision of a person licensed under the laws
38 of this state to practice medicine, podiatry, ~~or~~ dentistry, OR NURSING.
39 "Treatment" has a corresponding meaning."

40 Page 11, line 3, strike "(2), (3)(c)(I)," and substitute "(1), (2), (3)(b),

1 (3)(c),".

2 Page 11, strike line 6 and substitute "**registry - rules.** (1) The general
3 assembly hereby recognizes that some ~~individuals~~ REGISTERED
4 PROFESSIONAL NURSES practicing pursuant to this article 255 have
5 acquired additional preparation for advanced NURSING practice and
6 hereby determines that it is appropriate for the state to maintain a registry
7 of those individuals. The registry shall be known as the "advanced
8 practice registry".

9 (2) The board shall establish the advanced practice".

10 Page 11, line 7, before "nurse" insert "REGISTERED PROFESSIONAL" and
11 after "registration" insert "ON THE ADVANCED PRACTICE REGISTRY".

12 Page 11, line 10, before "nurse" insert "REGISTERED PROFESSIONAL".

13 Page 11, strike line 19 and substitute:

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

23 (c) A REGISTERED professional nurse may be included in the
24 advanced".

25 Page 11, line 20, before "professional" insert "REGISTERED".

26 Page 11, line 22, before "professional" insert "REGISTERED".

27 Page 11, after line 26 insert:

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

31 Page 12, line 21, strike "(4)(b)(II) introductory portion,".

- 1 Page 12, line 22, strike "(4)(e),".
- 2 Page 12, line 23, after "(12);" insert "**repeal** (4)(b)(II) and (4)(e);".
- 3 Page 14, line 6, strike "one thousand" and substitute "**one thousand** SEVEN
4 HUNDRED FIFTY".
- 5 Page 15, strike lines 6 through 27.
- 6 Page 16, strike lines 1 through 3 and substitute:
- 7 ~~"(II) The advanced practice nurse with provisional prescriptive~~
8 ~~authority shall develop an articulated plan for safe prescribing that~~
9 ~~documents how the advanced practice nurse intends to maintain ongoing~~
10 ~~collaboration with physicians and other health care professionals in~~
11 ~~connection with the advanced practice nurse's practice of prescribing~~
12 ~~medication within his or her role and population focus. The articulated~~
13 ~~plan shall guide the advanced practice nurse's prescriptive practice. The~~
14 ~~physician or advanced practice nurse that serves as a mentor as described~~
15 ~~in subsection (4)(b)(I) of this section shall provide his or her signature~~
16 ~~and attestation on the articulated plan to verify that the advanced practice~~
17 ~~nurse has developed an articulated plan. The advanced practice nurse~~
18 ~~shall retain the articulated plan on file, shall review the plan annually, and~~
19 ~~shall update the plan as necessary. The articulated plan is subject to~~
20 ~~review by the board, and the advanced practice nurse shall provide the~~
21 ~~plan to the board upon request. If an advanced practice nurse with~~
22 ~~provisional prescriptive authority fails to develop the required articulated~~
23 ~~plan within three years or otherwise fails to demonstrate competence as~~
24 ~~determined by the board, the advanced practice nurse's provisional~~
25 ~~prescriptive authority expires for failure to comply with the statutory~~
26 ~~requirements. An articulated plan developed pursuant to this subsection~~
27 ~~(4)(b)(II) must include at least the following:~~
- 28 ~~(A) A mechanism for consultation and referral for issues~~
29 ~~regarding prescriptive authority;~~
- 30 ~~(B) A quality assurance plan;~~
- 31 ~~(C) Decision support tools; and~~
- 32 ~~(D) Documentation of ongoing continuing education in~~
33 ~~pharmacology and safe prescribing."~~
- 34 Page 16, strike lines 12 through 20 and substitute:

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

9 Page 17, strike lines 11 through 13 and substitute:

10 ~~"(e) The board shall conduct random audits of articulated plans to~~
11 ~~ensure that the plans satisfy the requirements of this subsection (4) and~~
12 ~~rules adopted by the board."~~

13 Page 26, strike lines 10 through 17 and insert:

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

16 **12-255-131. Delegation of nursing tasks - rules.** (1) Any
17 LICENSED PRACTICAL NURSE, registered nurse, OR ADVANCED PRACTICE
18 REGISTERED NURSE may delegate any task included in the ~~practice of~~
19 ~~professional nursing~~ NURSE'S LICENSED SCOPE OF PRACTICE, subject to the
20 requirements of this section. A LICENSED PRACTICAL NURSE, REGISTERED
21 NURSE, OR ADVANCED PRACTICE REGISTERED NURSE MAY DELEGATE
22 NURSING TASKS TO LICENSED, CERTIFIED, REGISTERED, OR UNLICENSED OR
23 UNREGULATED ASSISTIVE PERSONNEL. In no event may a registered nurse
24 delegate to another person the authority to select medications if the person
25 is not, independent of the delegation, authorized by law to select
26 medications.

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

29 **12-30-105. Nurse-physician advisory task force for Colorado**
30 **health care - creation - duties - definition - repeal.** (1) There is hereby
31 created, within the division, the nurse-physician advisory task force for
32 Colorado health care, referred to in this section as "NPATCH". The
33 purpose of the NPATCH is to promote public safety and improve health
34 care in Colorado by supporting collaboration and communication between
35 the practices of nursing and medicine. The NPATCH shall:

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

1 DIRECTOR.

2 ~~(F) 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)(H), 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~~
28 ~~those sections and verifying, through the physician's signature, the~~
29 ~~development of the required plans. The physician verifying an advanced~~
30 ~~practice nurse's articulated plan shall be practicing in Colorado and have~~
31 ~~education, training, experience, and active practice that corresponds with~~
32 ~~the role and population focus of the advanced practice nurse.~~

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

35 **12-240-121. Unprofessional conduct - definitions.**

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

37 ~~(cc) Verifying by signature the articulated plan developed by an~~
38 ~~advanced practice nurse pursuant to sections 12-240-108 and 12-255-112~~
39 ~~(4) if the articulated plan fails to comply with the requirements of section~~
40 ~~12-255-112 (4)(b)(H);~~

41 **SECTION 30.** In Colorado Revised Statutes, 12-280-103, **amend**

1 (39)(c)(II)(C) as follows:
2 **12-280-103. Definitions - rules.** As used in this article 280, unless
3 the context otherwise requires or the term is otherwise defined in another
4 part of this article 280:

5 (39) "Practice of pharmacy" means:
6 (c) The provision of a therapeutic interchange selection or a
7 therapeutically equivalent selection to a patient if, during the patient's stay
8 at a nursing care facility or a long-term acute care hospital licensed under
9 part 1 of article 3 of title 25, the selection has been approved for the
10 patient:

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

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

21 **12-280-502. Therapeutic interchange and therapeutically**
22 **equivalent selections for nursing care facility or long-term acute care**
23 **hospital patients - rules.** (1) A pharmacy used by a nursing care facility
24 or a long-term acute care hospital licensed under part 1 of article 3 of title
25 25 may make a therapeutic interchange or a therapeutically equivalent
26 selection for a patient if, during the patient's stay at the facility, the
27 selection has been approved for the patient:

28 (b) By one of the following health care providers:
29 (III) An advanced practice nurse prescriber licensed as a
30 professional nurse under section 12-255-110, registered as an advanced
31 practice nurse under section 12-255-111, and authorized to prescribe
32 controlled substances or prescription drugs pursuant to section
33 12-255-112. ~~if the advanced practice nurse prescriber has developed an~~
34 ~~articulated plan to maintain ongoing collaboration with physicians and~~
35 ~~other health care professionals."~~

36 Renumber succeeding sections accordingly.

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