

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 16-0903.02 Christy Chase x2008

SENATE BILL 16-158

SENATE SPONSORSHIP

Lundberg,

HOUSE SPONSORSHIP

Primavera,

Senate Committees
Health & Human Services

House Committees
Public Health Care & Human Services

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF A PHYSICIAN ASSISTANT TO PERFORM**
102 **FUNCTIONS DELEGATED BY A PHYSICIAN THAT ARE WITHIN THE**
103 **PHYSICIAN ASSISTANT'S SCOPE OF PRACTICE.**

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://www.leg.state.co.us/billsummaries>.)

The bill clarifies the duties that a physician may delegate to a physician assistant (PA) within his or her scope of practice, including:

- ! In several areas of law where a statement from a physician is required to verify a medical condition, allowing a PA to issue the statement;

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

SENATE
3rd Reading Unamended
April 6, 2016

SENATE
Amended 2nd Reading
April 5, 2016

- ! In workers' compensation matters, permitting a licensed PA to obtain level I accreditation;
- ! Under health care coverage laws requiring direct access to certain health care providers, adding PAs to the list of providers of reproductive health care and gynecological care, treatment for intractable pain, and pediatric health care to whom a covered person is entitled to have direct access under a health benefit plan;
- ! Allowing up to 4 PAs to work under the direction and supervision of a licensed podiatrist;
- ! Applies the requirement that a prescription issued by a PA be imprinted with the name of the supervising physician or podiatrist, as applicable, only to prescriptions for schedule II controlled substances and, for all other prescriptions, requires the name and address of the facility where the PA practices to be imprinted on the prescription; and
- ! Adding PAs to the list of health care providers who may serve as the public health director for a county or district board of health or who may issue a certificate of immunization for a college student or a certification that a student should be exempted from immunization for medical reasons.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
 3 hereby finds and declares that:

4 (a) The physician and physician assistant team is a critical
 5 component of safe and efficient modern medical practice.

6 (b) Under the authority granted in the "Colorado Medical Practice
 7 Act", article 36 of title 12, Colorado Revised Statutes, a physician may
 8 delegate specific duties to a physician assistant, thereby increasing access
 9 to health care.

10 (c) The physician assistant philosophy emphasizes a
 11 patient-centered, team approach to health care, working in cooperation
 12 with and under the delegated authority of a physician.

13 (d) This act:

1 (I) Enhances how a physician and physician assistant work
2 together within the "Colorado Medical Practice Act" by clarifying what
3 duties a physician may delegate to a physician assistant in certain
4 circumstances;

5 (II) Improves access to care in underserved communities within
6 the structure of the "Colorado Medical Practice Act"; and

7 ==

8 (III) Retains physician supervision and delegation of physician
9 assistant activities.

10 **SECTION 2.** In Colorado Revised Statutes, 1-13.5-1011, **amend**
11 (1) (a) as follows:

12 **1-13.5-1011. Emergency absentee voting - definition.** (1) (a) If
13 an eligible elector is confined in a hospital or at his or her place of
14 residence on election day because of conditions arising after the closing
15 day for absentee voters' ballot applications, he or she may request, by a
16 written statement signed by him or her, that the designated election
17 official send him or her an emergency absentee voter's ballot. The
18 designated election official shall deliver the emergency absentee voter's
19 ballot, with the word "emergency" stamped or written on the stubs of the
20 ballot, at his or her office, during the regular hours of business, to any
21 authorized representative of the elector possessing a written statement
22 from the voter's physician, PHYSICIAN ASSISTANT AUTHORIZED UNDER
23 SECTION 12-36-106 (5), C.R.S., advanced practice nurse, or NURSE
24 practitioner that the voter will be confined in a hospital or his or her place
25 of residence on election day. The authorized representative shall
26 acknowledge receipt of the emergency absentee voter's ballot with his or
27 her signature, name, and address.

1 **SECTION 3.** In Colorado Revised Statutes, 8-42-101, **amend**
2 (3.5) (a) (I) as follows:

3 **8-42-101. Employer must furnish medical aid - approval of**
4 **plan - fee schedule - contracting for treatment - no recovery from**
5 **employee - medical treatment guidelines - accreditation of physicians**
6 **and other medical providers - rules - repeal.**

7 (3.5) (a) (I) (A) "Physician" means, for the purposes of the level I and
8 level II accreditation programs, a physician licensed under the "Colorado
9 Medical Practice Act". For the purposes of level I accreditation only and
10 not level II accreditation, "physician" means a dentist licensed under the
11 "Dental Practice Act", ARTICLE 35 OF TITLE 12, C.R.S.; a podiatrist
12 licensed under ~~the provisions of~~ article 32 of title 12, C.R.S.; and a
13 chiropractor licensed under ~~the provisions of~~ article 33 of title 12, C.R.S.

14 (B) A PHYSICIAN ASSISTANT LICENSED UNDER THE "COLORADO
15 MEDICAL PRACTICE ACT", ARTICLE 36 OF TITLE 12, C.R.S., MAY RECEIVE
16 LEVEL I ACCREDITATION. IN ORDER FOR A LEVEL I ACCREDITED PHYSICIAN
17 ASSISTANT TO PERFORM MEDICAL SERVICES REQUIRING LEVEL I
18 ACCREDITATION, A LEVEL I ACCREDITED PHYSICIAN MUST DELEGATE THE
19 PERFORMANCE OF THOSE MEDICAL SERVICES TO THE LEVEL I ACCREDITED
20 PHYSICIAN ASSISTANT.

21 (C) ~~No~~ A physician shall NOT be deemed ~~to be~~ accredited under
22 either level I or level II solely by reason of being licensed.

23 **SECTION 4.** In Colorado Revised Statutes, 8-73-107, **amend** (1)
24 (c) (I) (E) as follows:

25 **8-73-107. Eligibility conditions - penalty.** (1) Any unemployed
26 individual shall be eligible to receive benefits with respect to any week
27 only if the division finds that:

1 (c) (I) The individual is able to work and is available for all work
2 deemed suitable pursuant to the provisions of section 8-73-108, and, with
3 respect thereto:

4 (E) If an individual left employment because of health-related
5 reasons, the division may require a written medical statement issued by
6 a licensed practicing physician OR LICENSED PRACTICING PHYSICIAN
7 ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S.,
8 addressing any matters related to health.

9 **SECTION 5.** In Colorado Revised Statutes, 8-73-108, **amend** (4)
10 (b) (I), (4) (b) (II), (4) (b) (III), and (4) (b) (IV) (B) as follows:

11 **8-73-108. Benefit awards - repeal. (4) Full award.** An
12 individual separated from a job shall be given a full award of benefits if
13 any of the following reasons and pertinent conditions related thereto are
14 determined by the division to have existed. The determination of whether
15 or not the separation from employment shall result in a full award of
16 benefits shall be the responsibility of the division. The following reasons
17 shall be considered, along with any other factors that may be pertinent to
18 such determination:

19 (b) (I) The health of the worker is such that the worker is
20 separated from his or her employment and must refrain from working for
21 a period of time that exceeds the greater of the employer's medical leave
22 of absence policy or the provisions of the federal "Family and Medical
23 Leave Act of 1993", if applicable, or the worker's health is such that the
24 worker must seek a new occupation, or the health of the worker or the
25 worker's spouse, partner in a civil union, or dependent child is such that
26 the worker must leave the vicinity of the worker's employment; except
27 that, if the health of the worker or the worker's spouse, partner in a civil

1 union, or dependent child has caused the separation from work, the
2 worker, in order to be entitled to a full award, must have complied with
3 the following requirements: Informed the worker's employer in writing,
4 if the employer has posted or given actual advance notice of this writing
5 requirement, of the condition of the worker's health or the health of the
6 worker's spouse, partner in a civil union, or dependent child prior to
7 separation from employment and allowed the employer the opportunity
8 to make reasonable accommodations for the worker's condition;
9 substantiated the cause by a competent written medical statement issued
10 by a licensed practicing physician OR PHYSICIAN ASSISTANT AUTHORIZED
11 UNDER SECTION 12-36-106 (5), C.R.S., prior to the date of separation from
12 employment when so requested by the employer prior to the date of
13 separation from employment or within a reasonable period thereafter;
14 submitted himself or herself or the worker's spouse, partner in a civil
15 union, or dependent child to an examination by a licensed practicing
16 physician OR LICENSED PRACTICING PHYSICIAN ASSISTANT AUTHORIZED
17 UNDER SECTION 12-36-106 (5), C.R.S., selected and paid by the interested
18 employer when so requested by the employer prior to the date of
19 separation from employment or within a reasonable period thereafter; or
20 provided the division, when so requested, with a written medical
21 statement issued by a licensed practicing physician OR LICENSED
22 PRACTICING PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION
23 12-36-106 (5), C.R.S. For purposes of providing the medical statement or
24 submitting to an examination for an employer, "a reasonable period
25 thereafter" ~~shall include~~ INCLUDES the time before adjudication by either
26 a deputy or referee of the division. An award of benefits pursuant to this
27 subparagraph (I) ~~shall include~~ INCLUDES benefits to a worker who, either

1 voluntarily or involuntarily, is separated from employment because of
2 pregnancy and who otherwise satisfies the requirements of this
3 subparagraph (I).

4 (II) In the event of an injury or sudden illness of the worker which
5 would preclude verbal or written notification of the employer prior to
6 such occurrence, the failure of the worker to notify the employer prior to
7 such occurrence will not in itself constitute a reason for the denial of
8 benefits if the worker has notified the employer at the earliest practicable
9 time after such occurrence. Such notice shall be given no later than two
10 working days following such occurrence unless the worker's physician OR
11 PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S.,
12 provides a written statement to the employer within one week ~~of~~ AFTER
13 the employer's request that the worker's condition made giving such
14 notice impracticable and substantiating the illness or injury.

15 (III) Any physician OR PHYSICIAN ASSISTANT AUTHORIZED UNDER
16 SECTION 12-36-106 (5), C.R.S., who makes or is present at any
17 examination required under these provisions shall testify as to the results
18 of his examination; except that no such physician OR PHYSICIAN
19 ASSISTANT shall be required to disclose any confidential communication
20 imparted to him OR HER for the purpose of treatment which is not
21 necessary to a proper understanding of the case.

22 (IV) The off-the-job or on-the-job use of not medically prescribed
23 intoxicating beverages or controlled substances, as defined in section
24 18-18-102 (5), C.R.S., may be reason for a determination for a full award
25 pursuant to this paragraph (b), but only if:

26 (B) The worker has substantiated the addiction by a competent
27 written medical statement issued by a physician licensed to practice

1 medicine pursuant to article 36 of title 12, C.R.S., OR BY A LICENSED
2 PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106(5), C.R.S.,
3 or has substantiated the successful completion of, or ongoing
4 participation in, a treatment program as described in sub-subparagraph
5 (C) of this subparagraph (IV) within four weeks ~~of~~ AFTER the claimant's
6 admission. Such substantiation shall be in writing to the division and
7 signed by an authorized representative of the approved treatment
8 program.

9 **SECTION 6.** In Colorado Revised Statutes, 10-16-139, **amend**
10 (1), (3) (a) (I), (3) (b) (IV), (3) (c), and (4) (a) as follows:

11 **10-16-139. Access to care - rules.** (1) **Access to obstetricians**
12 **and gynecologists.** A health benefit plan that is delivered, issued,
13 renewed, or reinstated in this state on or after January 1, 2014, that
14 provides coverage for reproductive health or gynecological care shall not
15 be delivered, issued, renewed, or reinstated unless the plan provides a
16 woman covered by the plan direct access to an obstetrician, a
17 gynecologist, A PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION
18 12-36-106(5), C.R.S., or an advanced practice nurse who is a certified
19 nurse midwife pursuant to section 12-38-111.5, C.R.S., participating and
20 available under the plan for her reproductive health care or gynecological
21 care.

22 (3) **Treatment of intractable pain.** (a) A service or indemnity
23 contract issued or renewed on or after January 1, 1998, by any entity
24 subject to part 2, 3, or 4 of this article shall disclose in the contract and in
25 information on coverage presented to consumers whether the health
26 coverage plan or managed care plan provides coverage for treatment of
27 intractable pain. If the contract is silent on coverage of intractable pain,

1 the contract is presumed to offer coverage for the treatment of intractable
2 pain. If the contract is silent or if the plan specifically includes coverage
3 for the treatment of intractable pain, the plan shall provide access to the
4 treatment for any individual covered by the plan either:

5 (I) By a primary care physician ~~with~~ OR PHYSICIAN ASSISTANT
6 AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S., SO LONG AS THE
7 PHYSICIAN OR PHYSICIAN ASSISTANT HAS demonstrated interest and
8 documented experience in pain management ~~whose~~ AND HAS A practice
9 THAT includes up-to-date pain treatment;

10 (b) The commissioner may promulgate rules to implement and
11 administer this subsection (3) that include the following issues:

12 (IV) Actions that constitute improper penalties imposed upon A
13 primary care ~~physicians~~ PHYSICIAN OR PHYSICIAN ASSISTANT AUTHORIZED
14 UNDER SECTION 12-36-106 (5), C.R.S., as a result of referrals made
15 pursuant to this section; and

16 (c) For purposes of this subsection (3), "intractable pain" means
17 a pain state in which the cause of the pain cannot be removed and for
18 which, in the generally accepted course of medical practice, relief or cure
19 of the cause of the pain is impossible or has not been found after
20 reasonable efforts, including evaluation by the attending physician OR
21 PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S.,
22 and one or more physicians specializing in the treatment of the area,
23 system, or organ of the body perceived as the source of the pain.

24 (4) **Access to pediatric care.** (a) If a carrier offering an
25 individual or small employer health benefit plan requires or provides for
26 the designation of a participating primary health care professional, the
27 carrier shall permit the parent or legal guardian of each covered person

1 who is a child to designate any participating physician OR PHYSICIAN
2 ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S., who
3 specializes in pediatrics as the child's primary health care professional if
4 the pediatrician OR PHYSICIAN ASSISTANT is available to accept the child.

5 **SECTION 7.** In Colorado Revised Statutes, 12-32-109.3, **amend**
6 (1) and (2) as follows:

7 **12-32-109.3. Use of physician assistants - rules.** (1) A person
8 licensed under the laws of this state to practice podiatry may delegate to
9 a physician assistant licensed by the Colorado medical board pursuant to
10 section 12-36-107.4 the authority to perform acts that constitute the
11 practice of podiatry to the extent and in the manner authorized by rules
12 promulgated by the Colorado podiatry board. Such acts shall be consistent
13 with sound practices of podiatry. Each prescription FOR A CONTROLLED
14 SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), C.R.S., issued by a
15 physician assistant ~~shall~~ MUST have the name of ~~his or her~~ THE PHYSICIAN
16 ASSISTANT'S supervising podiatrist printed on the prescription. FOR ALL
17 OTHER PRESCRIPTIONS ISSUED BY A PHYSICIAN ASSISTANT, THE NAME AND
18 ADDRESS OF THE HEALTH FACILITY AND, IF THE HEALTH FACILITY IS A
19 MULTI-SPECIALITY ORGANIZATION, THE NAME AND ADDRESS OF THE
20 SPECIALITY CLINIC WITHIN THE HEALTH FACILITY WHERE THE PHYSICIAN
21 ASSISTANT IS PRACTICING MUST BE IMPRINTED ON THE PRESCRIPTION.
22 Nothing in this section ~~shall limit~~ LIMITS the ability of otherwise licensed
23 health personnel to perform delegated acts. The dispensing of prescription
24 medication by a physician assistant ~~shall be~~ IS subject to section
25 12-42.5-118 (6).

26 (2) If the authority to perform an act is delegated pursuant to
27 subsection (1) of this section, the act shall not be performed except under

1 the personal and responsible direction and supervision of a person
2 licensed under the laws of this state to practice podiatry, and said person
3 shall not be responsible for the direction and supervision of more than
4 ~~two~~ FOUR physician assistants at any one time without specific approval
5 of the board. The board may define appropriate direction and supervision
6 pursuant to rules. ~~and regulations.~~

7 **SECTION 8.** In Colorado Revised Statutes, 12-36-106, **amend**
8 (5) (a) as follows:

9 **12-36-106. Practice of medicine defined - exemptions from**
10 **licensing requirements - unauthorized practice by physician**
11 **assistants and anesthesiologist assistants - penalties - rules.** (5) (a) A
12 person licensed under the laws of this state to practice medicine may
13 delegate to a physician assistant licensed by the board pursuant to section
14 12-36-107.4 the authority to perform acts that constitute the practice of
15 medicine AND ACTS THAT PHYSICIANS ARE AUTHORIZED BY LAW TO
16 PERFORM to the extent and in the manner authorized by rules promulgated
17 by the board, including the authority to prescribe medication, including
18 controlled substances, and dispense only ~~such~~ THE drugs as designated by
19 the board. Such acts ~~shall~~ MUST be consistent with sound medical
20 practice. Each prescription FOR A _____ CONTROLLED SUBSTANCE, AS
21 DEFINED IN SECTION 18-18-102 (5), C.R.S., issued by a physician assistant
22 licensed by the board shall be imprinted with the name of ~~his or her~~ THE
23 PHYSICIAN ASSISTANT'S supervising physician. FOR ALL OTHER
24 PRESCRIPTIONS ISSUED BY A PHYSICIAN ASSISTANT, THE NAME AND
25 ADDRESS OF THE HEALTH FACILITY AND, IF THE HEALTH FACILITY IS A
26 MULTI-SPECIALITY ORGANIZATION, THE NAME AND ADDRESS OF THE
27 SPECIALITY CLINIC WITHIN THE HEALTH FACILITY WHERE THE PHYSICIAN

1 ASSISTANT IS PRACTICING MUST BE IMPRINTED ON THE PRESCRIPTION.
2 Nothing in this subsection (5) ~~shall limit~~ LIMITS the ability of otherwise
3 licensed health personnel to perform delegated acts. The dispensing of
4 prescription medication by a physician assistant ~~shall be~~ IS subject to ~~the~~
5 ~~provisions of~~ section 12-42.5-118 (6).

6 **SECTION 9.** In Colorado Revised Statutes, 12-41-113, **amend**
7 (3) as follows:

8 **12-41-113. Special practice authorities and requirements -**
9 **rules. (3) Wound debridement.** A physical therapist is authorized to
10 perform wound debridement under a physician's order OR THE ORDER OF
11 A PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5) when
12 ~~such~~ debridement is consistent with the scope of physical therapy
13 practice. The performance of ~~such~~ wound debridement ~~shall not be~~
14 ~~deemed to~~ DOES NOT violate the prohibition against performing surgery
15 pursuant to section 12-41-105 (1) (a).

16 **SECTION 10.** In Colorado Revised Statutes, 13-71-105, **amend**
17 (2) (c) and (2) (d) as follows:

18 **13-71-105. Qualifications for juror service.** (2) A prospective
19 trial or grand juror shall be disqualified, based on the following grounds:

20 (c) Inability, by reason of a physical or mental disability, to render
21 satisfactory juror service. Any person claiming this disqualification shall
22 submit a letter, if the jury commissioner requests it, from a licensed
23 physician, LICENSED PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION
24 12-36-106 (5), C.R.S., licensed advanced practice nurse, or authorized
25 Christian science practitioner, stating the nature of the disability and an
26 opinion that such disability prevents the person from rendering
27 satisfactory juror service. The physician, PHYSICIAN ASSISTANT, licensed

1 advanced practice nurse, or authorized Christian science practitioner shall
2 apply the following guideline: A person shall be capable of rendering
3 satisfactory juror service if the person is able to perform a sedentary job
4 requiring close attention for three consecutive business days for six hours
5 per day, with short breaks in the morning and afternoon sessions.

6 (d) Sole responsibility for the daily care of an individual with a
7 permanent disability living in the same household to the extent that the
8 performance of juror service would cause a substantial risk of injury to
9 the health of the individual with a disability. Jurors who are regularly
10 employed at a location other than their households may not be
11 disqualified for this reason. Any person claiming this disqualification
12 shall, if the jury commissioner requests it, submit a letter from a licensed
13 physician, ~~a~~ LICENSED PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION
14 12-36-106 (5), C.R.S., licensed advanced practice nurse, or ~~an~~ authorized
15 Christian science practitioner stating the name, address, and age of the
16 individual with a disability, the nature of care provided by the prospective
17 juror, and an opinion that the performance of juror service would cause
18 a substantial risk of injury to the individual with a disability.

19 **SECTION 11.** In Colorado Revised Statutes, 15-18.7-103,
20 **amend** (1) (e) and (1) (i) as follows:

21 **15-18.7-103. Medical orders for scope of treatment forms -**
22 **form contents.** (1) A medical orders for scope of treatment form shall
23 include the following information concerning the adult whose medical
24 treatment is the subject of the medical orders for scope of treatment form:

25 (e) The name, address, and telephone number of the adult's
26 physician, advanced practice nurse, or ~~physician's~~ PHYSICIAN assistant;

27 (i) The signature of the adult's physician, advanced practice nurse,

1 or, if under the supervision or authority of the physician, ~~physician's~~
2 PHYSICIAN assistant.

3 **SECTION 12.** In Colorado Revised Statutes, 15-18.7-104,
4 **amend** (1) (b) and (5) as follows:

5 **15-18.7-104. Duty to comply with medical orders for scope of**
6 **treatment form - immunity - effect on criminal charges against**
7 **another person - transferability.** (1) (b) The fact that the physician,
8 advanced practice nurse, or ~~physician's~~ PHYSICIAN assistant who signed
9 an adult's medical orders for scope of treatment form does not have
10 admitting privileges at the hospital or health care facility where the adult
11 is being treated does not remove the duty of emergency medical service
12 personnel, a health care provider, or a health care facility to comply with
13 the medical orders for scope of treatment form as required by paragraph
14 (a) of this subsection (1).

15 (5) An adult's physician, advanced practice nurse, or, if under the
16 supervision of the physician, ~~physician's~~ PHYSICIAN assistant may provide
17 ~~a verbal~~ AN ORAL confirmation to a health care provider who shall
18 annotate on the medical orders for scope of treatment form the time and
19 date of the ~~verbal~~ ORAL confirmation and the name and license number
20 of the physician, advanced practice nurse, or ~~physician's~~ PHYSICIAN
21 assistant. The physician, advanced practice nurse, or ~~physician's~~
22 PHYSICIAN assistant shall countersign the annotation of the ~~verbal~~ ORAL
23 confirmation on the medical orders for scope of treatment form within a
24 time period that satisfies any applicable state law or within thirty days,
25 whichever period is less, after providing the ~~verbal~~ ORAL confirmation.
26 The signature of the physician, advanced practice nurse, or ~~physician's~~
27 PHYSICIAN assistant may be provided by photocopy, fax, or electronic

1 means. A medical orders for scope of treatment form with annotated
2 ~~verbal~~ ORAL confirmation, and a photocopy, fax, or other electronic
3 reproduction thereof, shall be given the same force and effect as the
4 original form signed by the physician, advanced practice nurse, or
5 ~~physician's~~ PHYSICIAN assistant.

6 **SECTION 13.** In Colorado Revised Statutes, 15-18.7-107,
7 **amend** (4) as follows:

8 **15-18.7-107. Revision and revocation of a medical orders for**
9 **scope of treatment form - duty to inform.** (4) Emergency medical
10 service personnel, a health care provider, or an authorized surrogate
11 decision-maker who becomes aware of the revocation of a medical orders
12 for scope of treatment form shall promptly communicate the fact of the
13 revocation to a physician, advanced practice nurse, or ~~physician's~~
14 PHYSICIAN assistant who is providing care to the adult who is the subject
15 of the form.

16 **SECTION 14.** In Colorado Revised Statutes, 15-18.7-110,
17 **amend** (1) and (3) (a) as follows:

18 **15-18.7-110. Effect of article on existing advance medical**
19 **directives.** (1) In executing a medical orders for scope of treatment form,
20 an adult, or the adult's authorized surrogate decision-maker, and the
21 physician, advanced practice nurse, or ~~physician's~~ PHYSICIAN assistant
22 who signs the form shall make a good faith effort to locate and
23 incorporate, as appropriate and desired, treatment preferences
24 documented in the adult's previously executed advance medical
25 directives, if any.

26 (3) Notwithstanding the provisions of subsection (1) of this
27 section:

1 (a) An authorized surrogate decision-maker or a physician,
2 advanced practice nurse, or ~~physician's~~ PHYSICIAN assistant may not
3 revoke or alter an adult's previously executed advance medical directive
4 regarding provision of artificial nutrition or hydration if the directive is
5 documented in a declaration executed by the adult pursuant to the
6 "Colorado Medical Treatment Decision Act", article 18 of this title.

7 **SECTION 15.** In Colorado Revised Statutes, 17-1-113, **amend**
8 (2) as follows:

9 **17-1-113. Medical visits - charge to inmates - legislative**
10 **declaration.** (2) The department shall assess a copayment, in an amount
11 established by written procedures of the executive director pursuant to
12 subsection (4) of this section, not to exceed five dollars per visit, against
13 an inmate's account for every inmate-initiated request for medical or
14 mental health services provided to the inmate by a physician, ~~physician's~~
15 PHYSICIAN assistant, nurse practitioner, registered nurse, or licensed
16 practical nurse. The department shall assess a copayment, in an amount
17 established by written procedures of the executive director pursuant to
18 subsection (4) of this section, against an inmate's account for every
19 inmate-initiated visit by the inmate to a dentist or optometrist. The
20 amount of the copayment for the dental or optometric services need not
21 be the same as the copayment for medical or mental health services.

22 **SECTION 16.** In Colorado Revised Statutes, 19-3-401, **amend**
23 (3) (b) and (3) (c) (I) as follows:

24 **19-3-401. Taking children into custody.** (3) (b) A newborn
25 child, as defined in section 19-1-103 (78.5), who is in a hospital setting
26 shall not be taken into temporary protective custody without an order of
27 the court made pursuant to section 19-3-405 (1), which order includes

1 findings that an emergency situation exists and that the newborn child is
2 seriously endangered as described in paragraph (a) of subsection (1) of
3 this section. A newborn child may be detained in a hospital by a law
4 enforcement officer upon the recommendation of a county department of
5 social services OR BY a physician, a registered nurse, a licensed practical
6 nurse, or a ~~physician's~~ PHYSICIAN assistant while an order of the court
7 pursuant to section 19-3-405 (1) is being pursued, but the newborn child
8 must be released if a court order pursuant to section 19-3-405 (1) is
9 denied.

10 (c) The court orders required by paragraphs (a) and (b) of this
11 subsection (3) shall not be required in the following circumstances:

12 (I) When a newborn child is identified by a physician, registered
13 nurse, licensed practical nurse, or ~~physician's~~ PHYSICIAN assistant engaged
14 in the admission, care, or treatment of patients as being affected by
15 substance abuse or demonstrating withdrawal symptoms resulting from
16 prenatal drug exposure;

17 **SECTION 17.** In Colorado Revised Statutes, 25-1-508, **amend**
18 (5) (c) (I) as follows:

19 **25-1-508. County or district boards of public health - public**
20 **health directors.** (5) In addition to all other powers and duties conferred
21 and imposed upon a county board of health or a district board of health
22 by the provisions of this subpart 3, a county board of health or a district
23 board of health shall have and exercise the following specific powers and
24 duties:

25 (c) (I) To select a public health director to serve at the pleasure of
26 the county or district board. The public health director shall possess such
27 minimum qualifications as may be prescribed by the state board. A public

1 health director may be a physician, a PHYSICIAN ASSISTANT, public health
2 nurse, or other qualified public health professional. A public health
3 director may practice medicine, or nursing, OR HIS OR HER PROFESSION
4 within his or her license and scope of practice, as necessary, to carry out
5 the functions of the office of the public health director. The qualifications
6 shall reflect the resources and needs of the county or counties covered by
7 the agency. If the public health director is not a physician, the county or
8 district board shall employ or contract with at least one medical officer to
9 advise the public health director on medical decisions. The public health
10 director shall maintain an office location designated by the county or
11 district board and shall be the custodian of all property and records of the
12 agency.

13 **SECTION 18.** In Colorado Revised Statutes, 25-4-902.5, **amend**
14 (1) as follows:

15 **25-4-902.5. Immunization prior to attending a college or**
16 **university - tuberculosis screening process development.** (1) Except
17 as provided in section 25-4-903, no student shall attend any college or
18 university in the state of Colorado on or after the dates specified in
19 section 25-4-906 (4) unless ~~such~~ THE student can present to the
20 appropriate official of the school a certificate of immunization from a
21 licensed physician, a LICENSED PHYSICIAN ASSISTANT AUTHORIZED UNDER
22 SECTION 12-36-106 (5), C.R.S., licensed advanced practice nurse, or
23 authorized representative of the department of public health and
24 environment or county, district, or municipal public health agency stating
25 that the student has received immunization against communicable
26 diseases as specified by the state board of health or a written authorization
27 signed by one parent or guardian or the emancipated student or the

1 student eighteen years of age or older requesting that local health officials
2 administer the immunizations or a plan signed by one parent or guardian
3 or the emancipated student or the student eighteen years of age or older
4 for receipt by the student of the required inoculation or the first or the
5 next required of a series of inoculations within thirty days.

6 **SECTION 19.** In Colorado Revised Statutes, 25-4-903, **amend**
7 (2) (a) as follows:

8 **25-4-903. Exemptions from immunization - rules.** (2) It is the
9 responsibility of the parent or legal guardian to have his or her child
10 immunized unless the child is exempted pursuant to this section. A
11 student shall be exempted from receiving the required immunizations in
12 the following manner:

13 (a) By submitting to the student's school certification from a
14 licensed physician, PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION
15 12-36-106 (5), C.R.S., or advanced practice nurse that the physical
16 condition of the student is such that one or more specified immunizations
17 would endanger his or her life or health or is medically contraindicated
18 due to other medical conditions; or

19 **SECTION 20.** In Colorado Revised Statutes, 25-4-905, **amend**
20 (1) as follows:

21 **25-4-905. Immunization of indigent children.** (1) The county,
22 district, or municipal public health agency; a public health or school nurse
23 under the supervision of a licensed physician OR PHYSICIAN ASSISTANT
24 AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S.; or the department of
25 public health and environment, in the absence of a county, district, or
26 municipal public health agency or public health nurse, shall provide, at
27 public expense to the extent that funds are available, immunizations

1 required by this part 9 to each child whose parents or guardians cannot
2 afford to have the child immunized or, if emancipated, who cannot
3 himself or herself afford immunization and who has not been exempted.
4 The department of public health and environment shall provide all
5 vaccines necessary to comply with this section as far as funds will permit.
6 Nothing in this section ~~shall preclude~~ PRECLUDES the department of
7 public health and environment from distributing vaccines to physicians,
8 advanced practice nurses, or others as required by law or the rules of the
9 department. No indigent child shall be excluded, suspended, or expelled
10 from school unless the immunizations have been available and readily
11 accessible to the child at public expense.

12

13 SECTION 21. In Colorado Revised Statutes, 25.5-4-412, **amend**
14 (2) as follows:

15 **25.5-4-412. Medical services provided by certified family**
16 **planning clinics.** (2) For purposes of this section, "certified family
17 planning clinic" means a family planning clinic certified by the Colorado
18 department of public health and environment, accredited by a national
19 family planning organization, and staffed by medical professionals
20 licensed to practice in the state of Colorado, including, but not limited to,
21 doctors of medicine, doctors of osteopathy, ~~physicians'~~ PHYSICIAN
22 assistants, and advanced practice nurses.

23 SECTION 22. In Colorado Revised Statutes, 26-2-106, **amend**
24 (6) (a) as follows:

25 **26-2-106. Applications for public assistance.** (6) (a) No
26 application for aid to the needy disabled shall be approved until the
27 applicant's medical condition has been certified by a physician licensed

1 to practice medicine in this state, A PHYSICIAN ASSISTANT LICENSED IN
2 THIS STATE, or an advanced practice nurse licensed in this state. In
3 addition to a physician, an applicant may be examined by a physician
4 assistant licensed in this state, by an advanced practice nurse, or by a
5 registered nurse licensed in this state who is functioning within the scope
6 of ~~such~~ THE nurse's license and training. The supervising physician, or the
7 physician, PHYSICIAN ASSISTANT, or nurse who conducted the
8 examination shall certify in writing upon forms prescribed by the state
9 department as to the diagnosis, prognosis, and other relevant medical or
10 mental factors relating to the disability of the applicant. No applicant
11 disabled as a result of a primary diagnosis of alcoholism or a controlled
12 substance addiction shall be approved for aid to the needy disabled except
13 as provided in section 26-2-111 (4) (e).

14 **SECTION 23.** In Colorado Revised Statutes, 31-10-1010, **amend**
15 (1) (a) as follows:

16 **31-10-1010. Emergency absentee voting.** (1) (a) If the voter is
17 confined in a hospital or his or her place of residence on election day
18 because of conditions arising after the closing day for absent voters' ballot
19 applications, the voter may request in a written statement, signed by him
20 or her, that the clerk send him or her an absent voter's ballot with the
21 word "EMERGENCY" stamped on the stubs thereof. The clerk shall
22 deliver the emergency absent voter's ballot at his or her office, during the
23 regular hours of business, to any authorized representative of the voter
24 possessing a written statement from the voter's physician, PHYSICIAN
25 ASSISTANT AUTHORIZED UNDER SECTION 12-36-106(5), C.R.S., advanced
26 practice nurse, or practitioner that the voter will be confined in a hospital
27 or his or her place of residence on election day. For the purposes of this

1 paragraph (a), "authorized representative" means a person possessing a
2 written statement from the voter containing the voter's signature, name,
3 and address and requesting that the emergency absent voter's ballot be
4 given to the authorized person as identified by name and address. The
5 authorized person shall acknowledge receipt of the emergency ballot with
6 his or her signature, name, and address.

7 **SECTION 24.** In Colorado Revised Statutes, 39-26-717, **amend**
8 (1) (g) (II), (1) (h) (II), (1) (i) (II), (2) (a) (III), and (2) (b) (III) as follows:

9 **39-26-717. Drugs and medical and therapeutic devices -**
10 **definitions.** (1) The following shall be exempt from taxation under the
11 provisions of part 1 of this article:

12 (g) (II) For purposes of this paragraph (g), "prescription" means
13 any order in writing, dated and signed by a licensed physician, ~~physician's~~
14 PHYSICIAN assistant, or advanced practice nurse with prescriptive
15 authority, or given orally by such a person and immediately reduced to
16 writing by the pharmacist, assistant pharmacist, or pharmacy intern, or by
17 a representative of a business licensed to sell items described in
18 subparagraph (I) of this paragraph (g) so long as such order is also
19 followed by an electronic submission of the order to the business,
20 specifying the name and address of the person for whom an item
21 described in subparagraph (I) of this paragraph (g) is ordered and
22 directions, if any, to be included with such item.

23 (h) (II) For purposes of this paragraph (h), "prescription" means
24 any order in writing, dated and signed by a licensed physician, ~~physician's~~
25 PHYSICIAN assistant, or advanced practice nurse with prescriptive
26 authority, or given orally by such a person and immediately reduced to
27 writing by the pharmacist, assistant pharmacist, or pharmacy intern, or by

1 a representative of a business licensed to sell items described in
2 subparagraph (I) of this paragraph (h) so long as such order is also
3 followed by an electronic submission of the order to the business,
4 specifying the name and address of the person for whom an item
5 described in subparagraph (I) of this paragraph (h) is ordered and
6 directions, if any, to be included with such item.

7 (i) (II) For purposes of this paragraph (i), "prescription" means
8 any order in writing, dated and signed by a licensed physician, ~~physician's~~
9 PHYSICIAN assistant, or advanced practice nurse with prescriptive
10 authority, or given orally by such a person and immediately reduced to
11 writing by the pharmacist, assistant pharmacist, or pharmacy intern, or by
12 a representative of a business licensed to sell items described in
13 subparagraph (I) of this paragraph (i) so long as such order is also
14 followed by an electronic submission of the order to the business,
15 specifying the name and address of the person for whom an item
16 described in subparagraph (I) of this paragraph (i) is ordered and
17 directions, if any, to be included with such item.

18 (2) As used in this section, unless the context otherwise requires:

19 (a) (III) For purposes of this paragraph (a), "prescription" means
20 any order in writing, dated and signed by a licensed physician, ~~physician's~~
21 PHYSICIAN assistant, or advanced practice nurse with prescriptive
22 authority, or given orally by such a person and immediately reduced to
23 writing by the pharmacist, assistant pharmacist, or pharmacy intern, or by
24 a representative of a business licensed to sell items of durable medical
25 equipment so long as such order is also followed by an electronic
26 submission of the order to the business, specifying the name and address
27 of the person for whom an item of durable medical equipment is ordered

1 and directions, if any, to be included with the equipment.

2 (b) (III) For purposes of this paragraph (b), "prescription" means
3 any order in writing, dated and signed by a licensed physician, ~~physician's~~
4 PHYSICIAN assistant, or advanced practice nurse with prescriptive
5 authority, or given orally by such a person and immediately reduced to
6 writing by the pharmacist, assistant pharmacist, or pharmacy intern, or by
7 a representative of a business licensed to sell items of mobility enhancing
8 equipment so long as such order is also followed by an electronic
9 submission of the order to the business, specifying the name and address
10 of the person for whom an item of mobility enhancing equipment is
11 ordered and directions, if any, to be included with the equipment.

12 **SECTION 25.** In Colorado Revised Statutes, 42-2-112, **amend**
13 (1), (2), and (3) as follows:

14 **42-2-112. Medical advice - use by department - provider**
15 **immunity.** (1) In order to determine whether any licensed driver or any
16 applicant for a driver's license is physically or mentally able to operate a
17 motor vehicle safely upon the highways of this state, the department is
18 authorized, pursuant to this section and upon the adoption of rules
19 concerning medical criteria for driver licensing, to seek and receive a
20 written medical opinion from any physician, ~~physician's~~ PHYSICIAN
21 assistant, or optometrist licensed in this state. Such written medical
22 opinion may also be used by the department in regard to the renewal,
23 suspension, revocation, or cancellation of drivers' licenses pursuant to this
24 article. No written medical opinion shall be sought pursuant to this
25 section unless the department has reason to believe that the driver or
26 applicant is physically or mentally unable to operate a motor vehicle
27 safely upon the highways of this state.

1 (2) In addition to the written medical opinion sought and received
2 pursuant to subsection (1) of this section, the department may consider a
3 written medical opinion received from the personal physician, ~~physician's~~
4 PHYSICIAN assistant, or optometrist of an individual driver or applicant.
5 Any written medical opinion requested by the applicant or driver from a
6 personal physician, PHYSICIAN ASSISTANT, or optometrist shall be
7 provided to the department at the expense of the applicant or driver. Any
8 written medical opinion required by the department shall also be at the
9 expense of the applicant or driver.

10 (3) No civil or criminal action shall be brought against any
11 physician, ~~physician's~~ PHYSICIAN assistant, or optometrist licensed to
12 practice in this state for providing a written medical or optometric opinion
13 pursuant to subsection (1) or (2) of this section if ~~such~~ THE physician,
14 PHYSICIAN ASSISTANT, or optometrist acts in good faith and without
15 malice.

16 **SECTION 26. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2016 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.