

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

INTRODUCED

LLS NO. 19-0414.01 Yelana Love x2295

SENATE BILL 19-065

SENATE SPONSORSHIP

Garcia,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates a peer health assistance program (program) for emergency medical service providers funded through fees collected from each applicant upon initial or renewal of a certification as an emergency medical service provider. The state board of health (board) is required to select one or more peer health assistance programs as designated providers. To be selected as a provider, the program must:

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

- ! Provide for the education of emergency medical service providers with respect to the recognition and prevention of physical, emotional, and psychological problems and provide for intervention when necessary or under circumstances that may be established by rules promulgated by the board;
- ! Offer assistance to an emergency medical service provider in identifying physical, emotional, or psychological problems;
- ! Evaluate the extent of physical, emotional, or psychological problems and refer the emergency medical service provider for appropriate treatment;
- ! Monitor the status of an emergency medical service provider who has been referred for treatment;
- ! Provide counseling and support for the emergency medical service provider and for the family of any emergency medical service provider referred for treatment;
- ! Agree to receive referrals from the board; and
- ! Agree to make services available to all certified emergency medical service providers.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 25-3.5-207** as
 3 follows:

4 **25-3.5-207. Emergency medical service providers' peer health**
 5 **assistance program - rules.** (1) AS A CONDITION OF INITIAL
 6 CERTIFICATION AND CERTIFICATION RENEWAL, EVERY APPLICANT SHALL
 7 PAY AN AMOUNT SET BY THE BOARD, WHICH MAY BE ADJUSTED ON
 8 JANUARY 1, 2021, AND ANNUALLY THEREAFTER BY THE BOARD TO
 9 REFLECT:

10 (a) CHANGES IN THE UNITED STATES DEPARTMENT OF LABOR,
 11 BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR
 12 DENVER-AURORA-LAKEWOOD, OR ITS SUCCESSOR INDEX; AND

13 (b) OVERALL UTILIZATION OF THE PROGRAM.

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

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

6 (3) THE BOARD SHALL SELECT ONE OR MORE PEER HEALTH
7 ASSISTANCE PROGRAMS AS DESIGNATED PROVIDERS. TO BE ELIGIBLE FOR
8 DESIGNATION BY THE BOARD, A PEER HEALTH ASSISTANCE PROGRAM
9 MUST:

10 (a) PROVIDE FOR THE EDUCATION OF EMERGENCY MEDICAL
11 SERVICE PROVIDERS WITH RESPECT TO THE RECOGNITION AND PREVENTION
12 OF PHYSICAL, EMOTIONAL, AND PSYCHOLOGICAL CONDITIONS AND
13 PROVIDE FOR INTERVENTION WHEN NECESSARY OR UNDER
14 CIRCUMSTANCES THAT THE BOARD MAY ESTABLISH BY RULE;

15 (b) OFFER ASSISTANCE TO AN EMERGENCY MEDICAL SERVICE
16 PROVIDER IN IDENTIFYING PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL
17 CONDITIONS;

18 (c) EVALUATE THE EXTENT OF PHYSICAL, EMOTIONAL, OR
19 PSYCHOLOGICAL CONDITIONS AND REFER THE EMERGENCY MEDICAL
20 SERVICE PROVIDER FOR APPROPRIATE TREATMENT;

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

23 (e) PROVIDE COUNSELING AND SUPPORT FOR THE EMERGENCY
24 MEDICAL SERVICE PROVIDER AND FOR THE FAMILY OF ANY EMERGENCY
25 MEDICAL SERVICE PROVIDER REFERRED FOR TREATMENT;

26 (f) AGREE TO RECEIVE REFERRALS FROM THE BOARD; AND

27 (g) AGREE TO MAKE SERVICES AVAILABLE TO ALL CERTIFIED

1 EMERGENCY MEDICAL SERVICE PROVIDERS.

2 (4) THE BOARD MAY SELECT AN ENTITY TO ADMINISTER THE
3 EMERGENCY MEDICAL SERVICE PROVIDERS PEER HEALTH ASSISTANCE
4 PROGRAM. THE ADMINISTERING ENTITY MUST BE A NONPROFIT PRIVATE
5 FOUNDATION THAT IS QUALIFIED UNDER SECTION 501 (c)(3) OF THE
6 FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND IS
7 DEDICATED TO PROVIDING SUPPORT FOR CHARITABLE, BENEVOLENT,
8 EDUCATIONAL, AND SCIENTIFIC PURPOSES THAT ARE RELATED TO
9 MEDICINE, MEDICAL EDUCATION, MEDICAL RESEARCH AND SCIENCE, AND
10 OTHER MEDICAL CHARITABLE PURPOSES.

11 (5) THE ADMINISTERING ENTITY SHALL:

12 (a) COLLECT THE REQUIRED ANNUAL PAYMENTS, EITHER DIRECTLY
13 OR THROUGH THE BOARD PURSUANT TO SUBSECTION (6) OF THIS SECTION;

14 (b) VERIFY TO THE BOARD, IN A MANNER ACCEPTABLE TO THE
15 BOARD, THE NAMES OF ALL EMERGENCY MEDICAL SERVICE PROVIDER
16 APPLICANTS WHO HAVE PAID THE FEE SET BY THE BOARD;

17 (c) DISTRIBUTE THE MONEY COLLECTED, LESS EXPENSES, TO AN
18 APPROVED DESIGNATED PROVIDER, AS DIRECTED BY THE BOARD;

19 (d) PROVIDE AN ANNUAL ACCOUNTING TO THE BOARD OF ALL
20 AMOUNTS COLLECTED, EXPENSES INCURRED, AND AMOUNTS DISBURSED;

21 AND

22 (e) POST A SURETY PERFORMANCE BOND IN AN AMOUNT SPECIFIED
23 BY THE BOARD TO SECURE PERFORMANCE UNDER THE REQUIREMENTS OF
24 THIS SECTION. THE ADMINISTERING ENTITY MAY RECOVER THE ACTUAL
25 ADMINISTRATIVE COSTS INCURRED IN PERFORMING ITS DUTIES UNDER THIS
26 SECTION IN AN AMOUNT NOT TO EXCEED TEN PERCENT OF THE TOTAL
27 AMOUNT COLLECTED.

1 (6) THE BOARD MAY COLLECT THE REQUIRED ANNUAL PAYMENTS
2 PAYABLE TO THE ADMINISTERING ENTITY FOR THE BENEFIT OF THE
3 ADMINISTERING ENTITY AND SHALL TRANSFER THE PAYMENTS TO THE
4 ADMINISTERING ENTITY. ALL REQUIRED ANNUAL PAYMENTS COLLECTED
5 BY OR DUE TO THE BOARD FOR EACH FISCAL YEAR ARE CUSTODIAL FUNDS
6 THAT ARE NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY,
7 AND THE DISTRIBUTION OF THE PAYMENTS TO THE ADMINISTERING ENTITY
8 OR EXPENDITURE OF THE PAYMENTS BY THE ADMINISTERING ENTITY DOES
9 NOT CONSTITUTE STATE FISCAL YEAR SPENDING FOR PURPOSES OF SECTION
10 20 OF ARTICLE X OF THE STATE CONSTITUTION.

11 (7) ANY CERTIFICATE HOLDER MAY APPLY TO THE BOARD FOR
12 PARTICIPATION IN A QUALIFIED PEER HEALTH ASSISTANCE PROGRAM. IN
13 ORDER TO BE ELIGIBLE FOR PARTICIPATION, A CERTIFICATE HOLDER SHALL:

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

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

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

1 THE PROGRAM. IF THE BOARD SUMMARILY SUSPENDS THE CERTIFICATION,
2 THE BOARD SHALL SCHEDULE A HEARING ON THE SUSPENSION, WHICH
3 SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 24-4-105.

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

19 (10) THE BOARD MAY PROMULGATE RULES NECESSARY TO
20 IMPLEMENT THIS SECTION.

21 **SECTION 2. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2020 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.