

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.

HB20-1216 be amended as follows:

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 Rerumber 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)."~~

21 Page 9, strike line 8 and substitute "(1), (2), (4), (7), (8)(a), (8)(b), (9),
22 (10)(a), (10)(b) introductory portion, (10)(b)(IV), and (12); and **add** (3.5),
23 (4.5), and (5.5) as follows:".

24 Page 9, after line 17 insert:

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

29 (3.5) "COLLABORATION" MEANS THE ACT OF LICENSED HEALTH
30 CARE PROVIDERS WORKING COOPERATIVELY, SHARING RESPONSIBILITY
31 AND ACCOUNTABILITY WITHIN EACH LICENSED HEALTH CARE PROVIDER'S
32 SCOPE OF PRACTICE, TO FORMULATE AND CARRY OUT THE PLAN OF

1 PATIENT CARE.

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

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

16 (4.5) (a) "DELEGATION OF PATIENT CARE" MEANS ASPECTS OF
17 PATIENT CARE THAT ARE CONSISTENT WITH A PLAN OF PATIENT CARE
18 PRESCRIBED BY A LICENSED HEALTH CARE PROVIDER WITHIN THE SCOPE OF
19 THE PROVIDER'S PRACTICE AND THAT MAY BE DELEGATED TO A
20 REGISTERED NURSE OR LICENSED PRACTICAL NURSE WITHIN THE SCOPE OF
21 THE NURSE'S PRACTICE. "DELEGATION OF PATIENT CARE" INCLUDES
22 ASPECTS OF PATIENT CARE THAT MAY BE DELEGATED BY A LICENSED
23 HEALTH CARE PROVIDER, AN ADVANCED PRACTICE REGISTERED NURSE, A
24 REGISTERED NURSE, OR A LICENSED PRACTICAL NURSE WITHIN THE SCOPE
25 OF THE PROVIDER'S OR NURSE'S PRACTICE AND WITHIN THE PROVIDER'S OR
26 NURSE'S PROFESSIONAL JUDGMENT TO A LICENSED OR AN UNLICENSED
27 HEALTH CARE PROVIDER WITHIN THE SCOPE OF THAT PROVIDER'S
28 PRACTICE. NOTHING IN THIS SUBSECTION (4.5) LIMITS OR EXPANDS THE
29 SCOPE OF PRACTICE OF ANY NURSE LICENSED PURSUANT TO THIS ARTICLE
30 255.

31 (b) FOR PURPOSES OF THIS SUBSECTION (4.5), "PLAN OF PATIENT
32 CARE" MEANS A WRITTEN PLAN, VERBAL ORDER, STANDING ORDER, OR
33 PROTOCOL, WHETHER PATIENT SPECIFIC OR NOT, THAT AUTHORIZES
34 SPECIFIC OR DISCRETIONARY NURSING ACTION AND THAT MAY INCLUDE
35 THE ADMINISTRATION OF MEDICATION.

36 (5.5) "LICENSED HEALTH CARE PROVIDER" MEANS AN INDIVIDUAL
37 WHO IS LICENSED OR OTHERWISE AUTHORIZED BY THE STATE PURSUANT
38 TO THIS TITLE 12 OR ARTICLE 3.5 OF TITLE 25 TO PROVIDE HEALTH CARE
39 SERVICES.

40 (7) "Practical nurse", "trained practical nurse", "licensed
41 vocational nurse", or "licensed practical nurse" means a person who holds
42 a license to practice pursuant to this article 255 as a licensed practical
43 nurse in this state or is licensed in another state and is practicing in this
44 state pursuant to section 24-60-3802, with the right to use the title
45 "licensed practical nurse" and its abbreviation, "L.P.N." OR "LICENSED

1 VOCATIONAL NURSE" AND ITS ABBREVIATION "L.V.N.". .

2 Page 9, after line 24 insert:

3 "(9) (a) "Practice of practical nursing" means the performance,
4 under the supervision of a ~~dentist, physician, podiatrist, or professional~~
5 ~~nurse~~ LICENSED HEALTH CARE PROVIDER authorized to practice in this
6 state, of those services requiring the education, training, and experience,
7 as evidenced by knowledge, abilities, and skills required in this article
8 255 for licensing as a practical nurse pursuant to section 12-255-114, in:

- 9 (I) Caring for the ill, injured, or infirm;
- 10 (II) Teaching and promoting preventive health measures;
- 11 (III) Acting to safeguard life and health; ~~or~~
- 12 (IV) Administering treatments and medications prescribed by A
13 LICENSED HEALTH CARE PROVIDER; OR
- 14 (A) ~~A legally authorized dentist, podiatrist, or physician; or~~
- 15 (B) ~~A physician assistant implementing a medical plan pursuant~~
16 ~~to subsection (4) of this section.~~

17 (V) PARTICIPATING IN THE ASSESSMENT, PLANNING,
18 IMPLEMENTATION, AND EVALUATION OF THE DELIVERY OF PATIENT CARE
19 SERVICES THAT IS COMMENSURATE WITH THE PRACTICAL NURSE'S
20 EDUCATION.

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

- 22 (I) The performance of delegated medical functions AND
23 DELEGATED PATIENT CARE FUNCTIONS;
- 24 (II) THE ASSUMPTION OF RESPONSIBILITIES AND ACCOUNTABILITIES
25 FOR THE PERFORMANCE OF ACTS WITHIN THE PRACTICAL NURSE'S
26 EDUCATIONAL BACKGROUND AND USING PROCEDURES LEADING TO
27 PREDICTABLE OUTCOMES; AND

28 (III) THE ADMINISTRATION AND MANAGEMENT OF NURSING,
29 INCLUDING DIRECTING AND ASSIGNING NURSING INTERVENTIONS THAT
30 MAY BE PERFORMED BY OTHER LICENSED OR UNLICENSED HEALTH CARE
31 PERSONNEL.

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

35 (10) (a) "Practice of professional nursing" means the performance
36 of ~~both independent nursing functions and delegated medical functions~~
37 ~~in accordance with accepted practice standards~~ AUTONOMOUS AND
38 COLLABORATIVE CARE OF INDIVIDUALS OF ALL AGES, FAMILIES, GROUPS,
39 AND COMMUNITIES, WHETHER SICK OR WELL, IN ALL SETTINGS. The
40 functions include the initiation and performance of nursing care through
41 health promotion, supportive or restorative care, disease prevention,
42 diagnosis and treatment of human disease, ailment, pain, injury,
43 deformity, and physical or mental condition using specialized knowledge,

1 judgment, and skill involving the application of biological, physical,
2 social, and behavioral science principles required for licensure as a
3 professional nurse pursuant to section 12-255-110.

4 (b) The "practice of professional nursing" shall include INCLUDES
5 the performance of such services as:

6 (IV) Executing delegated medical functions AND DELEGATED
7 PATIENT CARE FUNCTIONS;

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

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

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

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

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

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

30 Page 11, strike line 19 and substitute:

31 (3) (b) On and after July 1, 2010, in addition to the requirements
32 of subsection (3)(a) of this section, a REGISTERED professional nurse shall
33 obtain national certification from a nationally recognized accrediting
34 agency, as defined by the board by rule, in the appropriate role and
35 population focus in order to be included in the advanced practice registry;
36 except that REGISTERED professional nurses who are included in the
37 registry as of June 30, 2010, but have not obtained the national
38 certification, may thereafter continue to be included in the registry and to
39 use the appropriate title and abbreviation.

1 (c) A REGISTERED professional nurse may be included in the
2 advanced".

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

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

5 Page 11, after line 26 insert:

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

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

10 Page 12, line 22, strike "(4)(e),".

11 Page 12, line 23, after "(12); " insert "**repeal (4)(b)(II) and (4)(e);**".

12 Page 14, line 6, strike "one thousand" and substitute "one thousand SEVEN
13 HUNDRED FIFTY".

14 Page 15, strike lines 6 through 27.

15 Page 16, strike lines 1 through 3 and substitute:

16 "(II) The advanced practice nurse with provisional prescriptive
17 authority shall develop an articulated plan for safe prescribing that
18 documents how the advanced practice nurse intends to maintain ongoing
19 collaboration with physicians and other health care professionals in
20 connection with the advanced practice nurse's practice of prescribing
21 medication within his or her role and population focus. The articulated
22 plan shall guide the advanced practice nurse's prescriptive practice. The
23 physician or advanced practice nurse that serves as a mentor as described
24 in subsection (4)(b)(I) of this section shall provide his or her signature
25 and attestation on the articulated plan to verify that the advanced practice
26 nurse has developed an articulated plan. The advanced practice nurse
27 shall retain the articulated plan on file, shall review the plan annually, and
28 shall update the plan as necessary. The articulated plan is subject to
29 review by the board, and the advanced practice nurse shall provide the
30 plan to the board upon request. If an advanced practice nurse with
31 provisional prescriptive authority fails to develop the required articulated
32 plan within three years or otherwise fails to demonstrate competence as
33 determined by the board, the advanced practice nurse's provisional
34 prescriptive authority expires for failure to comply with the statutory

1 requirements. An articulated plan developed pursuant to this subsection
2 (4)(b)(II) must include at least the following:
3 (A) A mechanism for consultation and referral for issues
4 regarding prescriptive authority;
5 (B) A quality assurance plan;
6 (C) Decision support tools; and
7 (D) Documentation of ongoing continuing education in
8 pharmacology and safe prescribing.".

9 Page 16, strike lines 12 through 20 and substitute:

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

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

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

22 Page 26, after line 17 insert:

23 "**SECTION 27.** In Colorado Revised Statutes, 12-255-131,
24 amend (1) as follows:

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

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

38 **12-30-105. Nurse-physician advisory task force for Colorado**
39 **health care - creation - duties - definition - repeal.** (1) There is hereby

1 created, within the division, the nurse-physician advisory task force for
2 Colorado health care, referred to in this section as "NPATCH". The
3 purpose of the NPATCH is to promote public safety and improve health
4 care in Colorado by supporting collaboration and communication between
5 the practices of nursing and medicine. The NPATCH shall:

6 (d) Make consensus recommendations to policy-making and
7 rule-making entities, including RECOMMENDATIONS TO THE EXECUTIVE
8 DIRECTOR.

9 (f) ~~Recommendations to the state board of nursing created in~~
10 ~~section 12-255-105 and the Colorado medical board created in section~~
11 ~~12-240-105 regarding the transition to the articulated plan model and~~
12 ~~harmonizing language for articulated plans; and~~

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

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

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

18 (b) ~~The framework for articulated plans, including creation of~~
19 ~~sample plans;~~

20 **SECTION 29.** In Colorado Revised Statutes, 12-240-108, repeal
21 (2) and (3) as follows:

22 **12-240-108. Collaboration with advanced practice nurses with**
23 **prescriptive authority - mentorships.** (2) While serving as a mentor
24 pursuant to section 12-255-112 (4)(b)(I), a physician shall assist the
25 advanced practice nurse in developing an articulated plan for safe
26 prescribing, as described in section 12-255-112 (4)(b)(II), and shall verify
27 through his or her signature that the advanced practice nurse has
28 developed an articulated plan in compliance with that section.

29 (3) For purposes of an advanced practice nurse who obtained
30 prescriptive authority prior to July 1, 2010, as described in section
31 12-255-112 (4)(C), or who has prescriptive authority from another state
32 and obtains prescriptive authority in this state, as described in section
33 12-255-112 (4)(D), physicians may, and are encouraged to, assist those
34 advanced practice nurses in developing the articulated plans required by
35 those sections and verifying, through the physician's signature, the
36 development of the required plans. The physician verifying an advanced
37 practice nurse's articulated plan shall be practicing in Colorado and have
38 education, training, experience, and active practice that corresponds with
39 the role and population focus of the advanced practice nurse.

40 **SECTION 30.** In Colorado Revised Statutes, 12-240-121, repeal
41 (1)(cc) as follows:

42 **12-240-121. Unprofessional conduct - definitions.**

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

44 (cc) ~~Verifying by signature the articulated plan developed by an~~
45 ~~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 31.** 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 32.** 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
28 25 may make a therapeutic interchange or a therapeutically equivalent
29 selection for a patient if, during the patient's stay at the facility, the
30 selection has been approved for the patient:

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

32 (III) An advanced practice nurse prescriber licensed as a
33 professional nurse under section 12-255-110, registered as an advanced
34 practice nurse under section 12-255-111, and authorized to prescribe
35 controlled substances or prescription drugs pursuant to section
36 12-255-112. ~~if the advanced practice nurse prescriber has developed an~~
37 ~~articulated plan to maintain ongoing collaboration with physicians and~~
38 ~~other health care professionals.~~".

39 Renumber succeeding sections accordingly.

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