

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0232.01 Josh Schultz x5486

HOUSE BILL 26-1069

HOUSE SPONSORSHIP

Feret and Stewart K.,

SENATE SPONSORSHIP

Mullica,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING THE AVAILABILITY OF EMERGENCY**
102 **MEDICAL SERVICES.**

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 clarifies that "emergency services" includes transportation of an individual to an appropriate location other than a hospital or community integrated health-care service agency (agency).

The use of telemedicine when an insured person has encountered an ambulance service or agency to prevent the need to transport the person to an emergency department is included in the definition of

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

"emergency services", which services are required to be made available to insured persons 24 hours per day, 7 days per week.

The bill defines "first responder" to include:

- A peace officer;
- A firefighter;
- A volunteer firefighter;
- An emergency medical service provider; or
- A mental health professional who responds in a professional capacity to a justifiable medical emergency.

The bill requires the executive director of the department of public health and environment to adopt rules by June 1, 2027, authorizing an emergency medical service provider with a community paramedic endorsement who is employed by, volunteering for, or contracting with a licensed agency to provide for the inventory, compliance, and administration of, or to directly administer, medications, procedures, or diagnostic testing.

Beginning January 1, 2027, the bill requires the department of health care policy and financing to reimburse the following entities under the "Colorado Medical Assistance Act":

- An ambulance service or an agency for transportation by an ambulance or other vehicle to a hospital or other destination as deemed appropriate by the ambulance service's or agency's medical director;
- An ambulance service or an agency for treatment on the scene of a medical emergency, which treatment does not result in transportation; and
- A qualified provider, an ambulance service, or an agency for evaluation by telemedicine of a person being treated by an ambulance service or an agency for the purpose of preventing the need to transport the person to a hospital.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-102, **add**
3 (19.5) as follows:

4 **10-16-102. Definitions.**

5 As used in this article 16, unless the context otherwise requires:

6 (19.5) "EMERGENCY SERVICES" MEANS:

7 (a) A MEDICAL SCREENING EXAMINATION OF A COVERED PERSON

8 THAT IS WITHIN THE CAPABILITY OF:

6 (III) AN AMBULANCE SERVICE, AS DEFINED IN SECTION 25-3.5-103
7 (3), OR A COMMUNITY INTEGRATED HEALTH-CARE SERVICE AGENCY, AS
8 DEFINED IN SECTION 25-3.5-1301 (1.5), WHICH MAY PROVIDE
9 EXAMINATION AND TREATMENT OF A COVERED PERSON AT THE SCENE OF
10 A MEDICAL EMERGENCY OR DURING TRANSPORT FROM THE SCENE OF A
11 MEDICAL EMERGENCY; OR

12 (b) THE TRANSPORTATION OF A COVERED PERSON TO AN
13 APPROPRIATE LOCATION OTHER THAN A HOSPITAL OR COMMUNITY
14 INTEGRATED HEALTH-CARE SERVICE AGENCY, AS DEFINED IN SECTION
15 25-3.5-1301 (1.5).

16 **SECTION 2.** In Colorado Revised Statutes, 10-16-704, amend
17 (19)(e)(I) as follows:

18 **10-16-704. Network adequacy - required disclosures - balance**
19 **billing - rules - legislative declaration - definitions.**

20 (19) As used in this section:

21 (e) (I) "Emergency services", with respect to an emergency
22 medical condition, means:

1 SERVICE AGENCY, AS DEFINED IN SECTION 25-3.5-1301 (1.5), to evaluate
2 the emergency medical condition; **and**

3 (B) Within the capabilities of the staff and facilities available at
4 the hospital, regardless of the department in which further examination
5 or treatment is furnished, or the freestanding emergency department, as
6 applicable, further medical examination and treatment as are required to
7 stabilize the patient to ensure, within reasonable medical probability, that
8 ~~no~~ material deterioration of the condition is NOT likely to result from or
9 occur during the transfer of the patient from a facility; OR

10 (C) THE PROVISION OF SERVICES BY A NONPARTICIPATING
11 PROVIDER TO A COVERED PERSON BY TELEMEDICINE TO PREVENT THE
12 NEED TO TRANSPORT THE COVERED PERSON TO AN EMERGENCY
13 DEPARTMENT WHEN AN AMBULANCE SERVICE OR COMMUNITY
14 INTEGRATED HEALTH-CARE SERVICE AGENCY HAS ENCOUNTERED THE
15 COVERED PERSON. TELEMEDICINE MUST BE BILLED WITH THE OFFICE OR
16 OTHER OUTPATIENT SERVICES RATE, NOT THE EMERGENCY DEPARTMENT
17 RATE. A CARRIER SHALL NOT REQUIRE AN AMBULANCE SERVICE OR
18 COMMUNITY INTEGRATED HEALTH-CARE SERVICE AGENCY TO PROCURE
19 TELEMEDICINE FOR A COVERED PERSON AS A CONDITION OF PAYMENT.

20 **SECTION 3.** In Colorado Revised Statutes, 25-3.5-103, **amend**
21 (8.5), (8.6), (8.7), (8.8), and (9); and **add** (9.5) as follows:

22 **25-3.5-103. Definitions.**

23 As used in this article 3.5, unless the context otherwise requires:

24 (8.5) ~~"Health information organization network"~~ means an
25 organization that oversees and governs the exchange of health-related
26 information among organizations according to nationally recognized
27 standards. "FIRST RESPONDER" MEANS:

18 (8.7) "Local licensing authority" means the governing body of a
19 city and county or the board of county commissioners in a county in the
20 state "JUSTIFIABLE MEDICAL EMERGENCY" MEANS AN UNDERLYING
21 MEDICAL, TRAUMATIC, OR PSYCHIATRIC CONDITION POSING AN IMMEDIATE
22 SAFETY RISK TO THE INDIVIDUAL, EMERGENCY MEDICAL SERVICE
23 PROVIDER, OR PUBLIC. EXCITED DELIRIUM, ANY SUBSEQUENT TERM FOR
24 EXCITED DELIRIUM, OR ANY ACUTE PSYCHIATRIC DIAGNOSIS NOT
25 RECOGNIZED IN THE MOST RECENT EDITION OF THE DIAGNOSTIC AND
26 STATISTICAL MANUAL OF MENTAL DISORDERS IS NOT A JUSTIFIABLE
27 MEDICAL EMERGENCY.

1 (8.8) "Medical direction" includes, but is not limited to, the
2 following: "LOCAL LICENSING AUTHORITY" MEANS THE GOVERNING BODY
3 OF A CITY AND COUNTY OR THE BOARD OF COUNTY COMMISSIONERS IN A
4 COUNTY IN THE STATE.

5 (a) Approval of the medical components of treatment protocols
6 and appropriate prearrival instructions;

7 (b) Routine review of program performance and maintenance of
8 active involvement in quality improvement activities, including access to
9 dispatch tapes as necessary for the evaluation of procedures;

10 (c) Authority to recommend appropriate changes to protocols for
11 the improvement of patient care; and

12 (d) Provision of oversight for the ongoing education, training, and
13 quality assurance for providers of emergency care.

14 (9) "Patient" means any individual who is sick, injured, or
15 otherwise incapacitated or helpless. "MEDICAL DIRECTION" INCLUDES, BUT
16 IS NOT LIMITED TO, THE FOLLOWING:

17 (a) APPROVAL OF THE MEDICAL COMPONENTS OF TREATMENT
18 PROTOCOLS AND APPROPRIATE PREARRIVAL INSTRUCTIONS;

19 (b) ROUTINE REVIEW OF PROGRAM PERFORMANCE AND
20 MAINTENANCE OF ACTIVE INVOLVEMENT IN QUALITY IMPROVEMENT
21 ACTIVITIES, INCLUDING ACCESS TO DISPATCH TAPES AS NECESSARY FOR
22 THE EVALUATION OF PROCEDURES;

23 (c) AUTHORITY TO RECOMMEND APPROPRIATE CHANGES TO
24 PROTOCOLS FOR THE IMPROVEMENT OF PATIENT CARE; AND

25 (d) PROVISION OF OVERSIGHT FOR THE ONGOING EDUCATION,
26 TRAINING, AND QUALITY ASSURANCE FOR PROVIDERS OF EMERGENCY
27 CARE.

1 (9.5) "PATIENT" MEANS AN INDIVIDUAL WHO IS SICK, INJURED, OR
2 OTHERWISE INCAPACITATED OR HELPLESS.

3 **SECTION 4.** In Colorado Revised Statutes, 25-3.5-203.5, **add** (3)
4 as follows:

25-3.5-203.5. Community paramedic endorsement - rules.

20 **SECTION 5.** In Colorado Revised Statutes, 25-3.5-206, add
21 (4)(a.5)(III) as follows:

22 **25-3.5-206. Emergency medical practice advisory council -**
23 **creation - powers and duties - emergency medical service provider**
24 **scope of practice - rules - definitions.**

25 (4) (a.5) (III) ON OR BEFORE JUNE 1, 2027, THE DIRECTOR OR, IF
26 THE DIRECTOR IS NOT A PHYSICIAN, THE CHIEF MEDICAL OFFICER SHALL
27 ADOPT RULES:

8 (B) REQUIRING THE PHYSICIAN OR ADVANCED PRACTICE
9 REGISTERED NURSE PROVIDING MEDICAL DIRECTION FOR A COMMUNITY
10 INTEGRATED HEALTH-CARE SERVICE AGENCY TO ENSURE THAT ANY
11 TREATMENTS OR THERAPIES PROVIDED BY THE EMERGENCY MEDICAL
12 SERVICE PROVIDER ARE PERFORMED CONSISTENT WITH THE APPLICABLE
13 STANDARD OF CARE.

14 **SECTION 6.** In Colorado Revised Statutes, **add** 25.5-4-436 as
15 follows:

16 **25.5-4-436. Transportation by ambulance or other vehicle -**
17 **treatment on scene of a medical emergency - evaluation by**
18 **telemedicine - definitions.**

19 (1) ON AND AFTER JANUARY 1, 2027, THE STATE DEPARTMENT
20 SHALL REIMBURSE:

27 (b) AN AMBULANCE SERVICE OR A COMMUNITY INTEGRATED

1 HEALTH-CARE SERVICE AGENCY FOR TREATMENT ON THE SCENE OF A
2 MEDICAL EMERGENCY, WHICH TREATMENT DOES NOT RESULT IN
3 TRANSPORTATION; AND

4 (c) A QUALIFIED PROVIDER, AN AMBULANCE SERVICE, OR A
5 COMMUNITY INTEGRATED HEALTH-CARE SERVICE AGENCY FOR
6 EVALUATION BY TELEMEDICINE OF A PERSON BEING TREATED BY AN
7 AMBULANCE SERVICE OR A COMMUNITY INTEGRATED HEALTH-CARE
8 SERVICE AGENCY FOR THE PURPOSE OF PREVENTING THE NEED TO
9 TRANSPORT THE PERSON TO A HOSPITAL. TELEMEDICINE SHALL BE BILLED
10 USING AN OFFICE OR OTHER OUTPATIENT SERVICES RATE AND NOT USING
11 AN EMERGENCY DEPARTMENT RATE. AN AMBULANCE SERVICE OR A
12 COMMUNITY INTEGRATED HEALTH-CARE SERVICE AGENCY IS NOT
13 REQUIRED TO PROCURE TELEMEDICINE FOR A COVERED PERSON AS A
14 CONDITION OF PAYMENT.

15 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
16 REQUIRES:

17 (a) "AMBULANCE SERVICE" HAS THE MEANING SET FORTH IN
18 SECTION 25-3.5-103 (3).

19 (b) "COMMUNITY INTEGRATED HEALTH-CARE SERVICE AGENCY"
20 HAS THE MEANING SET FORTH IN SECTION 25-3.5-1301 (1.5).

21 **SECTION 7.** In Colorado Revised Statutes, 12-280-404, **amend**
22 (7)(b) as follows:

23 **12-280-404. Program operation - access - rules - definitions.**

24 (7) (b) The board may, within existing funds available for
25 operation of the program, provide a means of sharing prescription
26 information and electronic health records through a board-approved
27 vendor and method with the health information organization network, as

1 defined in ~~section 25-3.5-103 (8.5)~~ SECTION 25-3.5-103 (8.6), in order to
2 work collaboratively with the statewide health information exchanges
3 designated by the department of health care policy and financing. Use of
4 the information made available pursuant to this subsection (7)(b) is
5 subject to privacy and security protections in state law and the federal
6 "Health Insurance Portability and Accountability Act of 1996",
7 Pub.L.104-191, as amended, and any implementing regulations.

8 **SECTION 8.** In Colorado Revised Statutes, 27-50-101, **amend**
9 (14) as follows:

10 **27-50-101. Definitions.**

11 As used in this article 50, unless the context otherwise requires:

12 (14) "Health information organization network" has the same
13 meaning as defined in ~~section 25-3.5-103 (8.5)~~ SECTION 25-3.5-103 (8.6).

14 **SECTION 9. Safety clause.** The general assembly finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety or for appropriations for
17 the support and maintenance of the departments of the state and state
18 institutions.