

**NOTE: The governor signed this measure on 6/1/2016.**

# An Act

SENATE BILL 16-158

BY SENATOR(S) Lundberg, Aguilar, Baumgardner, Carroll, Cooke, Crowder, Garcia, Grantham, Heath, Hill, Holbert, Jahn, Kefalas, Kerr, Lambert, Marble, Martinez Humenik, Merrifield, Neville T., Newell, Roberts, Scheffel, Scott, Sonnenberg, Tate, Todd, Woods, Cadman; also REPRESENTATIVE(S) Primavera, Arndt, Brown, Conti, Esgar, Fields, Ginal, Hamner, Kraft-Tharp, Mitsch Bush, Moreno, Saine, Vigil, Windholz, Winter, Hullinghorst.

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

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

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

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

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

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

to health care.

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

(d) This act:

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

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

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

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

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

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

**8-42-101. Employer must furnish medical aid - approval of plan - fee schedule - contracting for treatment - no recovery from employee - medical treatment guidelines - accreditation of physicians and other medical providers - rules - repeal.** (3.5) (a) (I) (A) "Physician" means, for the purposes of the level I and level II accreditation programs, a physician licensed under the "Colorado Medical Practice Act". For the purposes of level I accreditation only and not level II accreditation, "physician" means a dentist licensed under the "Dental Practice Act", ARTICLE 35 OF TITLE 12, C.R.S.; a podiatrist licensed under ~~the provisions of article 32 of title 12, C.R.S.;~~ and a chiropractor licensed under ~~the provisions of article 33 of title 12, C.R.S.~~

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

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

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

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

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

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

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

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

(b) (I) The health of the worker is such that the worker is separated from his or her employment and must refrain from working for a period of time that exceeds the greater of the employer's medical leave of absence policy or the provisions of the federal "Family and Medical Leave Act of 1993", if applicable, or the worker's health is such that the worker must seek a new occupation, or the health of the worker or the worker's spouse, partner in a civil union, or dependent child is such that the worker must leave the vicinity of the worker's employment; except that, if the health of the worker or the worker's spouse, partner in a civil union, or dependent child has caused the separation from work, the worker, in order to be entitled to a full award, must have complied with the following requirements: Informed the worker's employer in writing, if the employer has posted or given actual advance notice of this writing requirement, of the condition of the worker's health or the health of the worker's spouse, partner in a civil union, or dependent child prior to separation from employment and allowed the employer the opportunity to make reasonable accommodations for the worker's condition; substantiated the cause by a competent written medical statement issued by a licensed practicing physician OR PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S., prior to the date of separation from employment when so requested by the employer prior to the date of separation from employment or within a reasonable period thereafter; submitted himself or herself or the worker's spouse, partner in a civil union, or dependent child to an examination by a licensed practicing physician OR LICENSED PRACTICING PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S., selected and paid by the interested employer when so requested by the employer prior to the date of separation from employment or within a reasonable period thereafter; or provided the division, when so requested,

with a written medical statement issued by a licensed practicing physician OR LICENSED PRACTICING PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S. For purposes of providing the medical statement or submitting to an examination for an employer, "a reasonable period thereafter" ~~shall include~~ INCLUDES the time before adjudication by either a deputy or referee of the division. An award of benefits pursuant to this subparagraph (I) ~~shall include~~ INCLUDES benefits to a worker who, either voluntarily or involuntarily, is separated from employment because of pregnancy and who otherwise satisfies the requirements of this subparagraph (I).

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

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

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

(B) The worker has substantiated the addiction by a competent written medical statement issued by a physician licensed to practice medicine pursuant to article 36 of title 12, C.R.S., OR BY A LICENSED PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S.,

or has substantiated the successful completion of, or ongoing participation in, a treatment program as described in sub-subparagraph (C) of this subparagraph (IV) within four weeks ~~of~~ AFTER the claimant's admission. Such substantiation shall be in writing to the division and signed by an authorized representative of the approved treatment program.

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

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

(3) **Treatment of intractable pain.** (a) A service or indemnity contract issued or renewed on or after January 1, 1998, by any entity subject to part 2, 3, or 4 of this article shall disclose in the contract and in information on coverage presented to consumers whether the health coverage plan or managed care plan provides coverage for treatment of intractable pain. If the contract is silent on coverage of intractable pain, the contract is presumed to offer coverage for the treatment of intractable pain. If the contract is silent or if the plan specifically includes coverage for the treatment of intractable pain, the plan shall provide access to the treatment for any individual covered by the plan either:

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

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

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

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

(4) **Access to pediatric care.** (a) If a carrier offering an individual or small employer health benefit plan requires or provides for the designation of a participating primary health care professional, the carrier shall permit the parent or legal guardian of each covered person who is a child to designate any participating physician OR PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S., who specializes in pediatrics as the child's primary health care professional if the pediatrician OR PHYSICIAN ASSISTANT is available to accept the child.

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

**12-32-109.3. Use of physician assistants - rules.** (1) A person licensed under the laws of this state to practice podiatry may delegate to a physician assistant licensed by the Colorado medical board pursuant to section 12-36-107.4 the authority to perform acts that constitute the practice of podiatry to the extent and in the manner authorized by rules promulgated by the Colorado podiatry board. Such acts shall be consistent with sound practices of podiatry. Each prescription FOR A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), C.R.S., issued by a physician assistant ~~shall~~ MUST have the name of ~~his or her~~ THE PHYSICIAN ASSISTANT'S supervising podiatrist printed on the prescription. FOR ALL OTHER PRESCRIPTIONS ISSUED BY A PHYSICIAN ASSISTANT, THE NAME AND ADDRESS OF THE HEALTH FACILITY AND, IF THE HEALTH FACILITY IS A MULTI-SPECIALITY ORGANIZATION, THE NAME AND ADDRESS OF THE SPECIALITY CLINIC WITHIN THE HEALTH FACILITY WHERE THE PHYSICIAN

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

(2) If the authority to perform an act is delegated pursuant to subsection (1) of this section, the act shall not be performed except under the personal and responsible direction and supervision of a person licensed under the laws of this state to practice podiatry, and said person shall not be responsible for the direction and supervision of more than ~~two~~ FOUR physician assistants at any one time without specific approval of the board. The board may define appropriate direction and supervision pursuant to rules. ~~and regulations:~~

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

**12-36-106. Practice of medicine defined - exemptions from licensing requirements - unauthorized practice by physician assistants and anesthesiologist assistants - penalties - rules.** (5) (a) A person licensed under the laws of this state to practice medicine may delegate to a physician assistant licensed by the board pursuant to section 12-36-107.4 the authority to perform acts that constitute the practice of medicine AND ACTS THAT PHYSICIANS ARE AUTHORIZED BY LAW TO PERFORM to the extent and in the manner authorized by rules promulgated by the board, including the authority to prescribe medication, including controlled substances, and dispense only ~~such~~ THE drugs as designated by the board. Such acts ~~shall~~ MUST be consistent with sound medical practice. Each prescription FOR A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), C.R.S., issued by a physician assistant licensed by the board shall be imprinted with the name of ~~his or her~~ THE PHYSICIAN ASSISTANT'S supervising physician. FOR ALL OTHER PRESCRIPTIONS ISSUED BY A PHYSICIAN ASSISTANT, THE NAME AND ADDRESS OF THE HEALTH FACILITY AND, IF THE HEALTH FACILITY IS A MULTI-SPECIALITY ORGANIZATION, THE NAME AND ADDRESS OF THE SPECIALITY CLINIC WITHIN THE HEALTH FACILITY WHERE THE PHYSICIAN ASSISTANT IS PRACTICING MUST BE IMPRINTED ON THE PRESCRIPTION. Nothing in this subsection (5) ~~shall limit~~ LIMITS the ability of otherwise licensed health personnel to perform delegated acts. The dispensing of prescription medication by a physician assistant ~~shall be~~ IS subject to ~~the~~



~~provisions of section 12-42.5-118 (6).~~

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

**12-41-113. Special practice authorities and requirements - rules.**

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

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

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

(c) Inability, by reason of a physical or mental disability, to render satisfactory juror service. Any person claiming this disqualification shall submit a letter, if the jury commissioner requests it, from a licensed physician, LICENSED PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S., licensed advanced practice nurse, or authorized Christian science practitioner, stating the nature of the disability and an opinion that such disability prevents the person from rendering satisfactory juror service. The physician, PHYSICIAN ASSISTANT, licensed advanced practice nurse, or authorized Christian science practitioner shall apply the following guideline: A person shall be capable of rendering satisfactory juror service if the person is able to perform a sedentary job requiring close attention for three consecutive business days for six hours per day, with short breaks in the morning and afternoon sessions.

(d) Sole responsibility for the daily care of an individual with a permanent disability living in the same household to the extent that the performance of juror service would cause a substantial risk of injury to the health of the individual with a disability. Jurors who are regularly employed at a location other than their households may not be disqualified for this reason. Any person claiming this disqualification shall, if the jury

commissioner requests it, submit a letter from a licensed physician, a LICENSED PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S., licensed advanced practice nurse, or an authorized Christian science practitioner stating the name, address, and age of the individual with a disability, the nature of care provided by the prospective juror, and an opinion that the performance of juror service would cause a substantial risk of injury to the individual with a disability.

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

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

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

(i) The signature of the adult's physician, advanced practice nurse, or, if under the supervision or authority of the physician, ~~physician's~~ PHYSICIAN assistant.

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

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

(5) An adult's physician, advanced practice nurse, or, if under the supervision of the physician, ~~physician's~~ PHYSICIAN assistant may provide ~~a verbal~~ AN ORAL confirmation to a health care provider who shall annotate

on the medical orders for scope of treatment form the time and date of the ~~verbal~~ ORAL confirmation and the name and license number of the physician, advanced practice nurse, or ~~physician's~~ PHYSICIAN assistant. The physician, advanced practice nurse, or ~~physician's~~ PHYSICIAN assistant shall countersign the annotation of the ~~verbal~~ ORAL confirmation on the medical orders for scope of treatment form within a time period that satisfies any applicable state law or within thirty days, whichever period is less, after providing the ~~verbal~~ ORAL confirmation. The signature of the physician, advanced practice nurse, or ~~physician's~~ PHYSICIAN assistant may be provided by photocopy, fax, or electronic means. A medical orders for scope of treatment form with annotated ~~verbal~~ ORAL confirmation, and a photocopy, fax, or other electronic reproduction thereof, shall be given the same force and effect as the original form signed by the physician, advanced practice nurse, or ~~physician's~~ PHYSICIAN assistant.

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

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

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

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

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

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

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

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

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

**19-3-401. Taking children into custody.** (3) (b) A newborn child, as defined in section 19-1-103 (78.5), who is in a hospital setting shall not be taken into temporary protective custody without an order of the court made pursuant to section 19-3-405 (1), which order includes findings that an emergency situation exists and that the newborn child is seriously endangered as described in paragraph (a) of subsection (1) of this section. A newborn child may be detained in a hospital by a law enforcement officer upon the recommendation of a county department of social services OR BY a physician, a registered nurse, a licensed practical nurse, or a ~~physician's~~ PHYSICIAN assistant while an order of the court pursuant to section 19-3-405 (1) is being pursued, but the newborn child must be released if a court order pursuant to section 19-3-405 (1) is denied.

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

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

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

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

(c) (I) To select a public health director to serve at the pleasure of the county or district board. The public health director shall possess such minimum qualifications as may be prescribed by the state board. A public health director may be a physician, a PHYSICIAN ASSISTANT, public health nurse, or other qualified public health professional. A public health director may practice medicine, ~~or~~ nursing, OR HIS OR HER PROFESSION within his or her license and scope of practice, as necessary, to carry out the functions of the office of the public health director. The qualifications shall reflect the resources and needs of the county or counties covered by the agency. If the public health director is not a physician, the county or district board shall employ or contract with at least one medical officer to advise the public health director on medical decisions. The public health director shall maintain an office location designated by the county or district board and shall be the custodian of all property and records of the agency.

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

**25-4-902.5. Immunization prior to attending a college or university - tuberculosis screening process development.** (1) Except as provided in section 25-4-903, no student shall attend any college or university in the state of Colorado on or after the dates specified in section

25-4-906 (4) unless ~~such~~ THE student can present to the appropriate official of the school a certificate of immunization from a licensed physician, a LICENSED PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S., licensed advanced practice nurse, or authorized representative of the department of public health and environment or county, district, or municipal public health agency stating that the student has received immunization against communicable diseases as specified by the state board of health or a written authorization signed by one parent or guardian or the emancipated student or the student eighteen years of age or older requesting that local health officials administer the immunizations or a plan signed by one parent or guardian or the emancipated student or the student eighteen years of age or older for receipt by the student of the required inoculation or the first or the next required of a series of inoculations within thirty days.

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

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

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

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

**25-4-905. Immunization of indigent children.** (1) The county, district, or municipal public health agency; a public health or school nurse under the supervision of a licensed physician OR PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S.; or the department of public health and environment, in the absence of a county, district, or municipal public health agency or public health nurse, shall provide, at

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

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

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

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

**26-2-106. Applications for public assistance.** (6) (a) No application for aid to the needy disabled shall be approved until the applicant's medical condition has been certified by a physician licensed to practice medicine in this state, A PHYSICIAN ASSISTANT LICENSED IN THIS STATE, or an advanced practice nurse licensed in this state. In addition to a physician, an applicant may be examined by a physician assistant licensed in this state, by an advanced practice nurse, or by a registered nurse licensed in this state who is functioning within the scope of ~~such~~ THE nurse's license and training. The supervising physician, or the physician, PHYSICIAN ASSISTANT, or nurse who conducted the examination shall certify in writing upon forms prescribed by the state department as to the diagnosis, prognosis, and other relevant medical or mental factors relating

to the disability of the applicant. No applicant disabled as a result of a primary diagnosis of alcoholism or a controlled substance addiction shall be approved for aid to the needy disabled except as provided in section 26-2-111 (4) (e).

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

**31-10-1010. Emergency absentee voting.** (1) (a) If the voter is confined in a hospital or his or her place of residence on election day because of conditions arising after the closing day for absent voters' ballot applications, the voter may request in a written statement, signed by him or her, that the clerk send him or her an absent voter's ballot with the word "EMERGENCY" stamped on the stubs thereof. The clerk shall deliver the emergency absent voter's ballot at his or her office, during the regular hours of business, to any authorized representative of the voter possessing a written statement from the voter's physician, PHYSICIAN ASSISTANT AUTHORIZED UNDER SECTION 12-36-106 (5), C.R.S., advanced practice nurse, or practitioner that the voter will be confined in a hospital or his or her place of residence on election day. For the purposes of this paragraph (a), "authorized representative" means a person possessing a written statement from the voter containing the voter's signature, name, and address and requesting that the emergency absent voter's ballot be given to the authorized person as identified by name and address. The authorized person shall acknowledge receipt of the emergency ballot with his or her signature, name, and address.

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

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

(g) (II) For purposes of this paragraph (g), "prescription" means any order in writing, dated and signed by a licensed physician, ~~physician's~~ PHYSICIAN assistant, or advanced practice nurse with prescriptive authority, or given orally by such a person and immediately reduced to writing by the pharmacist, assistant pharmacist, or pharmacy intern, or by a representative of a business licensed to sell items described in subparagraph (I) of this



paragraph (g) so long as such order is also followed by an electronic submission of the order to the business, specifying the name and address of the person for whom an item described in subparagraph (I) of this paragraph (g) is ordered and directions, if any, to be included with such item.

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

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

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

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

item of durable medical equipment is ordered and directions, if any, to be included with the equipment.

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

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

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

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

the applicant or driver.

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

**SECTION 26. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Bill L. Cadman  
PRESIDENT OF  
THE SENATE

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Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Effie Ameen  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO