

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

PREAMENDED

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

LLS NO. 19-0284.01 Jacob Baus x2173

HOUSE BILL 19-1044

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A BILL FOR AN ACT

101 **CONCERNING ADVANCE BEHAVIORAL HEALTH ORDERS DETERMINING**
102 **THE SCOPE OF TREATMENT AN ADULT WISHES TO RECEIVE**
103 **UNDER CERTAIN BEHAVIORAL HEALTH CIRCUMSTANCES.**

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>.)

Under current law, an adult may establish advance medical orders for scope of treatment, allowing an adult to establish directives for the administration of medical treatment in the event the adult later lacks decisional capacity to provide informed consent to, withdraw from, or refuse medical treatment.

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.*

HOUSE
3rd Reading Unamended
January 28, 2019

HOUSE
Amended 2nd Reading
January 25, 2019

The bill creates a similar order for behavioral health orders for scope of treatment so that an adult may communicate his or her behavioral health history, decisions, and preferences.

The bill:

- ! Lists the requirements for a behavioral health orders for scope of treatment form;
- ! Details the duties and immunities of emergency medical services personnel, health care providers, and health care facilities with respect to treating an adult with behavioral health orders for scope of treatment;
- ! Details how a behavioral health orders for scope of treatment form is executed, amended, or revoked; and
- ! Prohibits an effect on a health insurance contract, life insurance contract, or annuity, by executing or failing to execute a behavioral health orders for scope of treatment.

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

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

4 (a) Colorado law has traditionally recognized the right of an adult
5 or his or her authorized agent to accept or reject health care or treatment;

6 (b) Each adult has the right to establish instructions for the
7 administration of behavioral health treatment;

8 (c) Current instruments for making instructions concerning
9 medical orders for scope of treatment do not adequately address the
10 complexities associated with behavioral health treatment; and

11 (d) Adults with behavioral health disorders are in particular need
12 of a consistent method for identifying and communicating critical
13 behavioral health treatment history, decisions, and preferences that each
14 sector of the health care community will recognize and follow.

15 (2) The general assembly therefore concludes that it is in the best
16 interests of the people of Colorado to create a behavioral health orders for
17 scope of treatment. Consistent with the goal of enhancing

1 patient-centered, compassionate care through methods to enhance
2 continuity and communication across health care settings, behavioral
3 health orders for scope of treatment will provide a process for timely
4 discussion between adults, their health care providers, and their
5 authorized agents about behavioral health treatment, and will ensure those
6 preferences are clearly and unequivocally documented.

7 **SECTION 2.** In Colorado Revised Statutes, **add** part 2 to article
8 18.7 of title 15 as follows:

9 **PART 2**
10 **DIRECTIVES CONCERNING BEHAVIORAL HEALTH**
11 **ORDERS FOR SCOPE OF TREATMENT**

12 **15-18.7-201. Definitions.** AS USED IN THIS PART 2, UNLESS THE
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "ADULT" MEANS A PERSON EIGHTEEN YEARS OF AGE OR OLDER.

15 (2) "AGENT" MEANS A PERSON EIGHTEEN YEARS OF AGE OR OLDER
16 WHO IS AUTHORIZED BY AN ADULT TO MAKE DECISIONS CONCERNING
17 BEHAVIORAL HEALTH TREATMENT, MEDICATION, AND ALTERNATIVE
18 TREATMENT FOR THE ADULT TO THE EXTENT AUTHORIZED BY THE ADULT.

19 (3) "BEHAVIORAL HEALTH" HAS THE SAME MEANING AS SET FORTH
20 IN SECTION 27-60-100.3 (1).

21 (4) "BEHAVIORAL HEALTH ORDERS FOR SCOPE OF "TREATMENT",
22 "BEHAVIORAL HEALTH ORDERS FORM", OR "PSYCHIATRIC ADVANCE
23 DIRECTIVE" MEANS A WRITTEN INSTRUCTION, CREATED PURSUANT TO
24 SECTION 15-18.7-202, CONCERNING BEHAVIORAL HEALTH TREATMENT,
25 MEDICATION, AND ALTERNATIVE TREATMENT DECISIONS, PREFERENCES,
26 AND HISTORY TO BE MADE ON BEHALF OF THE ADULT WHO PROVIDED THE
27 INSTRUCTION.

1 (5) "BEHAVIORAL HEALTH TREATMENT" MEANS THE PROVISION,
2 WITHHOLDING, OR WITHDRAWAL OF ANY BEHAVIORAL HEALTH:

- 3 (a) EXAMINATION;
- 4 (b) SERVICE;
- 5 (c) PROCEDURE; OR
- 6 (d) MEDICATION.

7 (6) "DISINTERESTED WITNESS" MEANS AN ADULT OTHER THAN A
8 SPOUSE, PARTNER IN A CIVIL UNION, DOMESTIC PARTNER, ROMANTIC
9 PARTNER, CHILD, PARENT, SIBLING, GRANDCHILD, GRANDPARENT, HEALTH
10 CARE PROVIDER, PERSON WHO AT THE TIME OF THE ADULT'S SIGNATURE
11 HAS A CLAIM AGAINST ANY PORTION OF THE ADULT'S ESTATE AT THE TIME
12 OF THE ADULT'S DEATH, OR PERSON WHO KNOWS OR BELIEVES THAT HE OR
13 SHE HAS AN ENTITLEMENT TO ANY PORTION OF THE ADULT'S ESTATE AT
14 THE TIME OF THE ADULT'S DEATH EITHER AS A BENEFICIARY OF A WILL
15 THAT EXISTS AT THE TIME OF THE ADULT'S SIGNATURE OR AS AN HEIR AT
16 LAW, WHO CAN ATTEST THAT THE ADULT EXECUTING THE BEHAVIORAL
17 HEALTH ORDERS FORM WAS OF SOUND MIND AND FREE OF COERCION WHEN
18 HE OR SHE SIGNED THE BEHAVIORAL HEALTH ORDERS FORM.

19 (7) "EMERGENCY MEDICAL SERVICE PERSONNEL" MEANS:

20 (a) AN EMERGENCY MEDICAL SERVICE PROVIDER WHO IS CERTIFIED
21 OR LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,
22 CREATED AND EXISTING PURSUANT TO SECTION 25-1-102;

23 (b) AN EMERGENCY MEDICAL RESPONDER OR A REGISTERED
24 EMERGENCY MEDICAL RESPONDER, AS DEFINED IN SECTION 25-3.5-1102
25 (1) AND (3).

26 (c) A CRISIS RESPONSE SYSTEM CONTRACTOR, AS DEFINED IN
27 SECTION 27-60-100.3 (4).

1 (8) "HEALTH CARE FACILITY" MEANS:
2 (a) A HOSPITAL;
3 (b) A HOSPICE INPATIENT RESIDENCE;
4 (c) A NURSING FACILITY;
5 (d) A DIALYSIS TREATMENT FACILITY;
6 (e) AN ASSISTED LIVING RESIDENCE;
7 (f) AN ENTITY THAT PROVIDES HOME-BASED AND
8 COMMUNITY-BASED SERVICES;
9 (g) A HOSPICE OR HOME HEALTH CARE AGENCY;
10 (h) THE COLORADO MENTAL HEALTH INSTITUTE AT FORT LOGAN;
11 (i) THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO; OR
12 (j) ANOTHER FACILITY THAT PROVIDES OR CONTRACTS TO PROVIDE
13 HEALTH CARE SERVICES, WHICH FACILITY IS LICENSED, CERTIFIED, OR
14 OTHERWISE AUTHORIZED OR PERMITTED BY LAW TO PROVIDE MEDICAL
15 TREATMENT.

16 (9) "HEALTH CARE PROVIDER" MEANS:
17 (a) A PHYSICIAN OR OTHER INDIVIDUAL WHO PROVIDES MEDICAL
18 TREATMENT TO AN ADULT AND WHO IS LICENSED, CERTIFIED, OR
19 OTHERWISE AUTHORIZED OR PERMITTED BY LAW TO PROVIDE MEDICAL
20 TREATMENT OR WHO IS EMPLOYED BY OR ACTING FOR SUCH AN
21 AUTHORIZED PERSON;
22 (b) A PROFESSIONAL PERSON, AS DEFINED IN SECTION 27-65-102
23 (17);
24 (c) A MENTAL HEALTH PROFESSIONAL LICENSED, CERTIFIED, OR
25 REGISTERED PURSUANT TO ARTICLE 43 OF TITLE 12; OR
26 (d) ANY OTHER HEALTH CARE PROVIDER REGULATED BY THE
27 STATE WHEN ENGAGED IN ASSISTING CONSUMERS WITH BEHAVIORAL

1 HEALTH CARE ACCESS AND COVERAGE ISSUES.

2 (10) "SOUND MIND" MEANS THE ABILITY TO PROVIDE INFORMED
3 CONSENT TO OR REFUSAL OF BEHAVIORAL HEALTH TREATMENT OR THE
4 ABILITY TO MAKE AN INFORMED BEHAVIORAL HEALTH CARE BENEFIT
5 DECISION.

6 **15-18.7-202. Behavioral health orders for scope of treatment**

7 **- form contents - effect.** (1) A BEHAVIORAL HEALTH ORDERS FORM MUST
8 INCLUDE THE FOLLOWING INFORMATION CONCERNING THE ADULT WHOSE
9 BEHAVIORAL HEALTH TREATMENT, MEDICATION, AND ALTERNATIVE
10 TREATMENT ARE THE SUBJECT OF THE BEHAVIORAL HEALTH ORDERS
11 FORM:

12 (a) THE ADULT'S NAME, DATE OF BIRTH, AND GENDER;

13 (b) THE ADULT'S EYE AND HAIR COLOR;

14 (c) THE ADULT'S RACE OR ETHNIC BACKGROUND;

15 (d) THE ADULT'S INSTRUCTIONS CONCERNING BEHAVIORAL HEALTH
16 TREATMENT;

17 (e) THE ADULT'S INSTRUCTIONS CONCERNING MEDICATION,
18 INCLUDING PRIMARY AND ALTERNATIVE INSTRUCTIONS;

19 (f) THE ADULT'S INSTRUCTIONS CONCERNING ALTERNATIVE
20 TREATMENT;

21 (g) THE ADULT'S INSTRUCTIONS CONCERNING APPOINTING AN
22 AGENT OR NOT APPOINTING AN AGENT. IF THE ADULT CHOOSES TO APPOINT
23 AN AGENT, HE OR SHE MUST INCLUDE:

24 (I) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE AGENT;
25 AND

26 (II) THE SCOPE OF THE AGENT'S AUTHORITY WHEN ACTING ON
27 BEHALF OF THE ADULT. THE SCOPE OF THE AGENT'S AUTHORITY MUST BE

1 EITHER:

2 (A) THE AGENT IS LIMITED TO EXECUTING THE ADULT'S
3 INSTRUCTIONS DETAILED ON THE BEHAVIORAL HEALTH ORDERS FORM; OR

4 (B) THE AGENT HAS AUTHORITY TO MAKE DECISIONS CONCERNING
5 BEHAVIORAL HEALTH TREATMENT, MEDICATION, AND ALTERNATIVE
6 TREATMENT ON BEHALF OF THE ADULT;

7 (h) THE ADULT'S SIGNATURE OR MARK, AND THE DATE THAT THE
8 ADULT SIGNED THE BEHAVIORAL HEALTH ORDERS FORM;

9 (i) TWO DISINTERESTED WITNESSES' SIGNATURES OR MARKS, AND
10 THE DATE THAT THE DISINTERESTED WITNESSES SIGNED THE BEHAVIORAL
11 HEALTH ORDERS FORM;

12 (j) THE AGENT'S SIGNATURE OR MARK, AND THE DATE THAT THE
13 AGENT SIGNED THE BEHAVIORAL HEALTH ORDERS FORM, IF APPLICABLE;

14 (k) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE
15 ADULT'S HEALTH CARE PROVIDER, IF APPLICABLE; AND

16 (l) THE NAME OF THE HEALTH CARE FACILITY IN WHICH THE ADULT
17 IS ENROLLED, IF APPLICABLE.

18 (2) A BEHAVIORAL HEALTH ORDERS FORM IS EFFECTIVE UPON
19 COMPLIANCE WITH THIS SECTION.

20 (3) NOTHING IN THIS PART 2 ALLOWS AN ADULT TO INCLUDE IN HIS
21 OR HER BEHAVIORAL HEALTH ORDERS FORM AN INSTRUCTION THAT
22 EXEMPTS THE ADULT FROM AN INVOLUNTARY EMERGENCY PROCEDURE OR
23 COMMITMENT AUTHORIZED PURSUANT TO STATE LAW. ANY INSTRUCTION
24 THAT ATTEMPTS TO EXEMPT THE ADULT FROM AN INVOLUNTARY
25 EMERGENCY PROCEDURE OR COMMITMENT AUTHORIZED PURSUANT TO
26 STATE LAW IS VOID.

27 (4) A BEHAVIORAL HEALTH ORDERS FORM MAY BE ADMISSIBLE IN

1 A HEARING PURSUANT TO SECTION 27-65-111 FOR THE PURPOSE OF
2 ESTABLISHING THE ADULT'S BEHAVIORAL HEALTH TREATMENT,
3 MEDICATION, AND ALTERNATIVE TREATMENT HISTORY, DECISIONS, AND
4 PREFERENCES TO BE MADE ON BEHALF OF THE ADULT DURING AN
5 INVOLUNTARY EMERGENCY PROCEDURE OR COMMITMENT AUTHORIZED
6 PURSUANT TO STATE LAW.

7 (5) NOTHING IN THIS PART 2 MEANS THAT AN ADULT WHO HAS
8 EXECUTED A BEHAVIORAL HEALTH ORDERS FORM HAS WAIVED THE RIGHT
9 TO A HEARING BEFORE THE COURT OR JURY PURSUANT TO SECTION
10 27-65-111.

11 (6) NOTHING IN THIS PART 2 MEANS THAT AN ADULT WHO HAS
12 EXECUTED A BEHAVIORAL HEALTH ORDERS FORM HAS CONSENTED TO A
13 PETITION FOR INVOLUNTARY ADMINISTRATION OF MEDICATION AUTHORITY
14 PURSUANT TO SECTION 27-65-111 (5).

15 **15-18.7-203. Amendment and revocation of a behavioral**
16 **health orders for scope of treatment.** (1) THE ADULT MAY AMEND OR
17 REVOKE ALL OR PART OF HIS OR HER BEHAVIORAL HEALTH ORDERS FORM
18 AT ANY TIME.

19 (2) IN ORDER TO EXECUTE A VALID AMENDMENT OR REVOCATION,
20 THE ADULT MUST:

- 21 (a) EXECUTE A NEW BEHAVIORAL HEALTH ORDERS FORM; OR
- 22 (b) MARK THE EXISTING BEHAVIORAL HEALTH ORDERS FORM IN A
23 MANNER THAT CLEARLY COMMUNICATES THE INTENT TO AMEND OR
24 REVOKE ALL OR PART OF THE BEHAVIORAL HEALTH ORDERS FORM.

25 (3) IN ORDER FOR THE AMENDMENT OR REVOCATION TO BE VALID,
26 THE AMENDMENT OR REVOCATION MUST INCLUDE:

- 27 (a) THE ADULT'S SIGNATURE OR MARK, AND THE DATE THAT THE

1 ADULT EXECUTED THE NEW BEHAVIORAL HEALTH ORDERS FORM OR
2 AMENDED OR REVOKED THE BEHAVIORAL HEALTH ORDERS FORM;

3 (b) TWO DISINTERESTED WITNESSES' SIGNATURES OR MARKS, AND
4 THE DATE THAT THE DISINTERESTED WITNESSES SIGNED THE NEW
5 BEHAVIORAL HEALTH ORDERS FORM OR THE AMENDED OR REVOKED
6 BEHAVIORAL HEALTH ORDERS FORM; AND

7 (c) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(c)(II) OF THIS
8 SECTION, THE AGENT'S SIGNATURE OR MARK, AND THE DATE THAT THE
9 AGENT SIGNED THE NEW BEHAVIORAL HEALTH ORDERS FORM OR THE
10 AMENDED OR REVOKED BEHAVIORAL HEALTH ORDERS FORM, IF
11 APPLICABLE.

12 (II) AN AGENT'S SIGNATURE OR MARK MUST NOT BE REQUIRED FOR
13 AN AMENDMENT TO BE VALID IF THE ADULT IS AMENDING THE
14 BEHAVIORAL HEALTH ORDERS FORM TO REMOVE THE AGENT.

15 (4) EMERGENCY MEDICAL SERVICE PERSONNEL, A HEALTH CARE
16 PROVIDER, OR AN AGENT WHO BECOMES AWARE OF A NEW, AMENDED, OR
17 REVOKED BEHAVIORAL HEALTH ORDERS FORM SHALL PROMPTLY
18 COMMUNICATE THE FACT TO A HEALTH CARE PROVIDER WHO IS PROVIDING
19 CARE TO THE ADULT WHO IS THE SUBJECT OF THE BEHAVIORAL HEALTH
20 ORDERS FORM.

21 (5) A PROPERLY EXECUTED NEW, AMENDED, OR REVOKED
22 BEHAVIORAL HEALTH ORDERS FORM CONTROLS OVER A PREVIOUSLY
23 EXECUTED BEHAVIORAL HEALTH ORDERS FORM.

24 **15-18.7-204. Effect of behavioral health orders for scope of**
25 **treatment.** (1) IN EXECUTING A BEHAVIORAL HEALTH ORDERS FORM, THE
26 ADULT, AGENT, AND THE HEALTH CARE PROVIDER SHALL MAKE A
27 GOOD-FAITH EFFORT TO LOCATE AND INCORPORATE, AS APPROPRIATE AND

1 DESIRED, THE BEHAVIORAL HEALTH TREATMENT, MEDICATION, AND
2 ALTERNATIVE TREATMENT DECISIONS, PREFERENCES, OR HISTORY
3 DOCUMENTED IN THE ADULT'S BEHAVIORAL HEALTH ORDERS FORM.

4 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(a) OF
5 THIS SECTION, IN CASE OF A CONFLICT BETWEEN A BEHAVIORAL HEALTH
6 ORDERS FORM AND AN ADULT'S ADVANCE MEDICAL DIRECTIVE, THE
7 DOCUMENT MOST RECENTLY EXECUTED CONTROLS FOR THE BEHAVIORAL
8 HEALTH TREATMENT, MEDICATION, OR ALTERNATIVE TREATMENT
9 DECISION OR PREFERENCE AT ISSUE.

10 (3) NOTWITHSTANDING ANY PROVISION OF THIS PART 2 TO THE
11 CONTRARY:

12 (a) AN AGENT OR HEALTH CARE PROVIDER MAY NOT REVOKE OR
13 AMEND THE ADULT'S PREVIOUSLY EXECUTED ADVANCE MEDICAL
14 DIRECTIVE REGARDING PROVISION OF ARTIFICIAL NUTRITION OR
15 HYDRATION IF THE DIRECTIVE IS DOCUMENTED IN A DECLARATION
16 EXECUTED BY THE ADULT PURSUANT TO THE "COLORADO MEDICAL
17 TREATMENT DECISION ACT", ARTICLE 18 OF THIS TITLE 15.

18 (b) AN AGENT MAY NOT REVOKE A PREEXISTING CPR DIRECTIVE
19 UNLESS IT WAS ORIGINALLY EXECUTED BY THE AGENT.

20 (c) AN AGENT WHO IS A PROXY DECISION-MAKER PURSUANT TO
21 ARTICLE 18.5 OF THIS TITLE 15 MAY AUTHORIZE THE WITHDRAWAL OF
22 ARTIFICIAL NUTRITION OR HYDRATION ONLY IN ACCORDANCE WITH
23 SECTION 15-18.5-103 (6).

24 **15-18.7-205. Duty to comply with behavioral health orders for**
25 **scope of treatment - immunity - effect on criminal charges against**
26 **another person - transferability.** (1) (a) EXCEPT AS OTHERWISE
27 PROVIDED IN THIS SECTION, EMERGENCY MEDICAL SERVICE PERSONNEL, A

1 HEALTH CARE PROVIDER, OR A HEALTH CARE FACILITY SHALL COMPLY
2 WITH AN ADULT'S EXECUTED BEHAVIORAL HEALTH ORDERS FORM THAT:

- 3 (I) HAS BEEN EXECUTED IN THIS STATE OR ANOTHER STATE;
- 4 (II) IS APPARENT AND IMMEDIATELY AVAILABLE; AND
- 5 (III) REASONABLY SATISFIES THE REQUIREMENTS SPECIFIED IN
6 SECTION 15-18.7-202.

7 (b) THE EMERGENCY MEDICAL SERVICES PERSONNEL, A HEALTH
8 CARE PROVIDER, OR A HEALTH CARE FACILITY SHALL COMPLY WITH THE
9 BEHAVIORAL HEALTH ORDERS FORM AS REQUIRED BY SUBSECTION (1)(a)
10 OF THIS SECTION UNLESS THE ADULT'S INSTRUCTION ON THE BEHAVIORAL
11 HEALTH ORDERS FORM WILL CAUSE SUBSTANTIAL HARM TO THE ADULT. IF
12 THE ADULT'S INSTRUCTION ON THE BEHAVIORAL HEALTH ORDERS FORM
13 WILL CAUSE SUBSTANTIAL HARM TO THE ADULT, THE EMERGENCY
14 MEDICAL SERVICE PERSONNEL, HEALTH CARE PROVIDER, OR HEALTH CARE
15 FACILITY SHALL MAKE A GOOD FAITH EFFORT TO CONSULT WITH THE
16 ADULT'S AGENT, IF APPLICABLE, AND OFFER AN ALTERNATIVE COURSE OF
17 TREATMENT.

18 (c) IN CASE OF A CONFLICT BETWEEN THE ADULT'S BEHAVIORAL
19 HEALTH ORDERS FORM AND THE ADULT'S REQUEST FOR BEHAVIORAL
20 HEALTH TREATMENT, MEDICATION, OR ALTERNATIVE TREATMENT
21 DECISION OR PREFERENCE, THE BEHAVIORAL HEALTH ORDERS FORM
22 CONTROLS FOR THE BEHAVIORAL HEALTH TREATMENT, MEDICATION, OR
23 ALTERNATIVE TREATMENT DECISION OR PREFERENCE AT ISSUE.

24 (2) EMERGENCY MEDICAL SERVICE PERSONNEL, A HEALTH CARE
25 PROVIDER, A HEALTH CARE FACILITY, OR ANY OTHER PERSON WHO
26 COMPLIES WITH A LEGALLY EXECUTED BEHAVIORAL HEALTH ORDERS
27 FORM THAT IS APPARENT AND IMMEDIATELY AVAILABLE AND THAT HE OR

1 SHE BELIEVES TO BE THE MOST CURRENT VERSION OF THE BEHAVIORAL
2 HEALTH ORDERS FORM IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR
3 REGULATORY SANCTION FOR SUCH COMPLIANCE.

4 (3) COMPLIANCE BY EMERGENCY MEDICAL SERVICE PERSONNEL,
5 A HEALTH CARE PROVIDER, OR A HEALTH CARE FACILITY WITH AN
6 EXECUTED BEHAVIORAL HEALTH ORDERS FORM MUST NOT AFFECT THE
7 CRIMINAL PROSECUTION OF A PERSON OTHERWISE CHARGED WITH THE
8 COMMISSION OF A CRIMINAL ACT.

9 (4) (a) NOTHING IN THIS PART 2 MODIFIES OR ALTERS ANY
10 GENERALLY ACCEPTED ETHICS, STANDARDS, PROTOCOLS, OR LAWS FOR
11 EMERGENCY MEDICAL PERSONNEL, A HEALTH CARE PROVIDER, OR A
12 HEALTH CARE FACILITY, INCLUDING THE PROVISIONS IN SECTION
13 15-18.6-108 CONCERNING EUTHANASIA AND MERCY KILLING.

14 (b) A BEHAVIORAL HEALTH ORDERS FORM DOES NOT COMPEL OR
15 AUTHORIZE EMERGENCY MEDICAL SERVICE PERSONNEL, A HEALTH CARE
16 PROVIDER, OR A HEALTH CARE FACILITY TO ADMINISTER BEHAVIORAL
17 HEALTH TREATMENT, MEDICATION, OR ALTERNATIVE TREATMENT THAT IS
18 PROHIBITED BY STATE OR FEDERAL LAW.

19 (5) IF THE ADULT WHO IS KNOWN TO HAVE PROPERLY EXECUTED
20 AND SIGNED A BEHAVIORAL HEALTH ORDERS FORM IS TRANSFERRED FROM
21 ONE HEALTH CARE FACILITY OR HEALTH CARE PROVIDER TO ANOTHER, THE
22 TRANSFERRING HEALTH CARE FACILITY OR HEALTH CARE PROVIDER SHALL
23 COMMUNICATE THE EXISTENCE OF THE BEHAVIORAL HEALTH ORDERS
24 FORM TO THE RECEIVING HEALTH CARE FACILITY OR HEALTH CARE
25 PROVIDER BEFORE THE TRANSFER. THE TRANSFERRING HEALTH CARE
26 FACILITY OR HEALTH CARE PROVIDER SHALL ENSURE THAT THE
27 BEHAVIORAL HEALTH ORDERS FORM OR A COPY OF THE BEHAVIORAL

1 HEALTH ORDERS FORM ACCOMPANIES THE ADULT UPON ADMISSION TO OR
2 DISCHARGE FROM A HEALTH CARE FACILITY.

3 (6) (a) NOTHING IN THIS PART 2 ALLOWS AN ADULT TO INCLUDE IN
4 HIS OR HER BEHAVIORAL HEALTH ORDERS FORM AN INSTRUCTION THAT
5 EXEMPTS THE ADULT FROM AN INVOLUNTARY EMERGENCY PROCEDURE OR
6 COMMITMENT AUTHORIZED PURSUANT TO STATE LAW. ANY INSTRUCTION
7 THAT ATTEMPTS TO EXEMPT THE ADULT FROM AN INVOLUNTARY
8 EMERGENCY PROCEDURE OR COMMITMENT AUTHORIZED PURSUANT TO
9 STATE LAW IS VOID.

10 (b) NOTWITHSTANDING AN INSTRUCTION ON AN ADULT'S
11 BEHAVIORAL HEALTH ORDERS FORM THAT STATES TO EXEMPT THE ADULT
12 FROM AN INVOLUNTARY EMERGENCY PROCEDURE OR COMMITMENT
13 AUTHORIZED PURSUANT TO STATE LAW, ANY PERSON AUTHORIZED TO
14 PERFORM AN INVOLUNTARY EMERGENCY PROCEDURE OR COMMITMENT
15 PURSUANT TO STATE LAW AND WHO COMPLIES WITH THE REQUIREMENTS
16 OF AN INVOLUNTARY EMERGENCY PROCEDURE OR COMMITMENT
17 PURSUANT TO STATE LAW IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY
18 OR REGULATORY SANCTION.

19 **15-18.7-206. Behavioral health orders for scope of treatment**
20 **not required for treatment.** A HEALTH CARE FACILITY OR A HEALTH
21 CARE PROVIDER SHALL NOT REQUIRE AN ADULT TO HAVE EXECUTED A
22 BEHAVIORAL HEALTH ORDERS FORM AS A CONDITION OF BEING ADMITTED
23 TO, OR RECEIVING BEHAVIORAL HEALTH TREATMENT, MEDICATION, OR
24 ALTERNATIVE TREATMENT FROM, THE HEALTH CARE FACILITY OR HEALTH
25 CARE PROVIDER.

26 **15-18.7-207. Effect of a behavioral health orders for scope of**
27 **treatment on life or health insurance.** AN INSURER MAY NOT REFUSE TO

1 INSURE, REFUSE TO CONTINUE TO INSURE, OR LIMIT THE AMOUNT, EXTENT,
2 OR KIND OF COVERAGE AVAILABLE FOR LIFE INSURANCE, HEALTH
3 INSURANCE, OR WITHIN AN ANNUITY TO AN INDIVIDUAL, OR CHARGE AN
4 INDIVIDUAL A DIFFERENT RATE FOR THE SAME COVERAGE, SOLELY
5 BECAUSE SUCH INDIVIDUAL EXECUTED A BEHAVIORAL HEALTH ORDERS
6 FORM OR HAS NOT EXECUTED A BEHAVIORAL HEALTH ORDERS FORM. WITH
7 RESPECT TO ALL OTHER CONDITIONS, PERSONS WHO HAVE EXECUTED A
8 BEHAVIORAL HEALTH ORDERS FORM MUST BE SUBJECT TO THE SAME
9 STANDARDS OF SOUND ACTUARIAL PRINCIPLES OR ACTUAL OR
10 REASONABLY ANTICIPATED EXPERIENCE AS ARE PERSONS WHO HAVE NOT
11 EXECUTED A BEHAVIORAL HEALTH ORDERS FORM.

12 **SECTION 3.** In Colorado Revised Statutes, 15-18.7-102, **amend**
13 the introductory portion as follows:

14 **15-18.7-102. Definitions.** As used in this ~~article~~ PART 1, unless
15 the context otherwise requires:

16 **SECTION 4.** In Colorado Revised Statutes, 15-18.7-104, **amend**
17 (6)(a) as follows:

18 **15-18.7-104. Duty to comply with medical orders for scope of**
19 **treatment form - immunity - effect on criminal charges against**
20 **another person - transferability.** (6) (a) Nothing in this ~~article~~ PART 1
21 shall be construed to modify or alter any generally accepted ethics,
22 standards, protocols, or laws for the practice of medicine or nursing,
23 including the provisions in section 15-18.6-108 concerning euthanasia
24 and mercy killing.

25 **SECTION 5.** In Colorado Revised Statutes, **amend** 15-18.7-109
26 as follows:

27 **15-18.7-109. Effect of a medical orders for scope of treatment**

1 ~~form on life or health insurance. Neither a medical orders for scope of~~
2 ~~treatment form nor the failure of an adult to execute a medical orders for~~
3 ~~scope of treatment form shall affect, impair, or modify a contract of life~~
4 ~~or health insurance or an annuity or be the basis for a delay in issuing or~~
5 ~~refusal to issue an annuity or policy of life or health insurance or for any~~
6 ~~increase of a premium therefor~~ AN INSURER MAY NOT REFUSE TO INSURE,
7 REFUSE TO CONTINUE TO INSURE, OR LIMIT THE AMOUNT, EXTENT, OR KIND
8 OF COVERAGE AVAILABLE FOR LIFE INSURANCE, HEALTH INSURANCE, OR
9 WITHIN AN ANNUITY TO AN INDIVIDUAL, OR CHARGE AN INDIVIDUAL A
10 DIFFERENT RATE FOR THE SAME COVERAGE, SOLELY BECAUSE SUCH
11 INDIVIDUAL EXECUTED A MEDICAL ORDERS FOR SCOPE OF TREATMENT
12 FORM OR HAS NOT EXECUTED A MEDICAL ORDERS FOR SCOPE OF
13 TREATMENT FORM. WITH RESPECT TO ALL OTHER CONDITIONS, PERSONS
14 WHO HAVE EXECUTED A MEDICAL ORDERS FOR SCOPE OF TREATMENT
15 FORM MUST BE SUBJECT TO THE SAME STANDARDS OF SOUND ACTUARIAL
16 PRINCIPLES OR ACTUAL OR REASONABLY ANTICIPATED EXPERIENCE AS ARE
17 PERSONS WHO HAVE NOT EXECUTED A MEDICAL ORDERS FOR SCOPE OF
18 TREATMENT FORM.

19 **SECTION 6. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part will not take effect
26 unless approved by the people at the general election to be held in

- 1 November 2020 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.