

CHAPTER 219

**PROFESSIONS AND OCCUPATIONS**

**HOUSE BILL 95-1007**

BY REPRESENTATIVES Agler, George, Knox, Clarke, DeGette, Keller, Kerns, Lawrence, Morrison, Nichol, Schwarz, Sullivan, and Sullivant;  
also SENATORS Mutzebaugh, Martinez, Schroeder, Bishop, Casey, Rupert, Pascoe, Tanner, and Weissmann.

**AN ACT**

**CONCERNING THE REGULATION OF NURSING BY THE STATE BOARD OF NURSING, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** 12-38-103 (10), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended to read:

**12-38-103. Definitions.** As used in this article, unless the context otherwise requires:

(10) (a) "Practice of professional nursing" means the performance of both independent nursing functions and delegated medical functions ~~including the initiation and performance of nursing care through prevention, diagnosis, and treatment of human disease, ailment, pain, injury, deformity, or physical or mental condition which requires such specialized knowledge, judgment, and skill involving the application of principles of biological, physical, social, and behavioral sciences as are required for licensing as a professional nurse pursuant to section 12-38-111.~~ IN ACCORDANCE WITH ACCEPTED PRACTICE STANDARDS. SUCH FUNCTIONS INCLUDE THE INITIATION AND PERFORMANCE OF NURSING CARE THROUGH HEALTH PROMOTION, SUPPORTIVE OR RESTORATIVE CARE, DISEASE PREVENTION, DIAGNOSIS AND TREATMENT OF HUMAN DISEASE, AILMENT, PAIN, INJURY, DEFORMITY, AND PHYSICAL OR MENTAL CONDITION USING SPECIALIZED KNOWLEDGE, JUDGMENT, AND SKILL INVOLVING THE APPLICATION OF BIOLOGICAL, PHYSICAL, SOCIAL, AND BEHAVIORAL SCIENCE PRINCIPLES REQUIRED FOR LICENSURE AS A PROFESSIONAL NURSE PURSUANT TO SECTION 12-38-111.

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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.*

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

~~(a)~~ (I) Evaluating health status through the collection and assessment of health data;

~~(b)~~ (II) Health teaching and health counseling;

~~(c)~~ (III) Providing therapy and treatment that is supportive and restorative to life and well-being either directly to the patient or indirectly through consultation with, delegation to, supervision of, or teaching of others;

~~(d)~~ (IV) Executing delegated medical functions;

~~(e)~~ (V) Referring to medical or community agencies those patients who need further evaluation or treatment;

~~(f)~~ (VI) Reviewing and monitoring therapy and treatment plans.

**SECTION 2.** 12-38-104 (1) and (4), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

**12-38-104. State board of nursing created.** (1) (a) There is hereby created the state board of nursing in the division of registrations in the department of regulatory agencies, which board shall consist of eleven members, ~~to be~~ appointed by the governor with senate confirmation, AS FOLLOWS:

(I) ~~Three~~ TWO members OF THE BOARD shall be licensed practical nurses engaged in the practice of practical nursing, one of whom shall be employed by a licensed hospital in a rural area;

(II) ~~Six~~ SEVEN members OF THE BOARD shall be licensed professional nurses as follows:

(A) One member shall be engaged in professional nursing education; ~~at the baccalaureate level;~~

(B) One member shall be engaged in ~~professional~~ PRACTICAL nursing education ~~at the associate degree or diploma level; one member shall be engaged in practical nursing education~~ IN A PROGRAM THAT PREPARES AN INDIVIDUAL FOR LICENSURE;

(C) One member shall be engaged in home health care;

(D) ONE MEMBER SHALL BE REGISTERED AS AN ADVANCED PRACTICE NURSE PURSUANT TO SECTION 12-38-111.5;

(E) One member shall be engaged in nursing service administration; and

(F) Two members shall be engaged as staff nurses, including one staff nurse who is employed in a hospital ~~or a long-term patient care delivery system~~ AND ONE EMPLOYED IN A NURSING CARE FACILITY.

(III) Two members OF THE BOARD shall be persons who are not licensed, employed, or in any way connected with, or with any financial interest in, any health care facility, agency, or insurer.

(IV) ANY STATUTORY CHANGE IN BOARD COMPOSITION SHALL BE IMPLEMENTED WHEN THE TERMS OF CURRENT MEMBERS EXPIRE AND NO MEMBER SHALL BE ASKED TO RESIGN BEFORE THE END OF A TERM DUE TO SUCH STATUTORY CHANGES.

(b) The nurse members OF THE BOARD shall be actively employed in their respective nursing professions, and the professional nurse members shall have been employed for at least three years in their respective categories. All members shall be residents of this state and the nurse members shall be licensed in this state.

(c) (I) Each member OF THE BOARD shall be appointed for a term of three years, except as otherwise provided in subsection (2) of this section.

(II) Any interim appointment necessary to fill a vacancy which has occurred by any reason other than the expiration of a term shall be for the remainder of the term of the individual member whose office has become vacant.

(III) A member may be reappointed for a subsequent term at the pleasure of the governor, with the consent of the senate, but no member shall serve for more than two consecutive terms.

~~(4) (a) The provisions of section 24-34-104, C.R.S., concerning the termination schedule for regulatory bodies of the state unless extended as provided in that section, are applicable to the state board of nursing created by this section.~~

~~(b) This article is repealed, effective July 1, 1995.~~

**SECTION 3.** 12-38-111.5 (3), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended, and the said 12-38-111.5 is further amended BY THE ADDITION OF A NEW SUBSECTION to read:

**12-38-111.5. Requirements for advanced practice nurse registration - legislative declaration - definition - advanced practice registry.** (3) The board shall establish the advanced practice registry and shall require that a nurse applying for registration identify such nurse's area of specialty. The board shall establish reasonable criteria for designation of specific specialties based on currently accepted professional standards. A nurse who is included in the advanced practice registry has the right to use the title "advanced practice nurse" or, if authorized by the board, to use the title "certified nurse midwife", "clinical nurse specialist", "certified REGISTERED nurse anesthetist", or "nurse practitioner". These titles may be abbreviated as "A.P.N.", "C.N.M.", "C.N.S.", "C.R.N.A.", or "N.P.", respectively. It is unlawful for any person to use any of the titles or abbreviations listed in this subsection (3) unless included in the registry and authorized by the board to do so.

(5) A NURSE WHO MEETS THE DEFINITION OF ADVANCED PRACTICE NURSE, AS DEFINED IN SUBSECTION (2) OF THIS SECTION, AND THE REQUIREMENTS OF SECTION 12-38-111.6, MAY BE GRANTED PRESCRIPTIVE AUTHORITY AS A FUNCTION IN ADDITION TO THOSE DEFINED IN SECTION 12-38-103 (10).

**SECTION 4.** Article 38 of title 12, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-38-111.6. Prescriptive authority - advance practice nurses - repeal.**

(1) AN ADVANCED PRACTICE NURSE WHO IS LISTED ON THE ADVANCED PRACTICE REGISTRY, HAS A LICENSE IN GOOD STANDING WITHOUT DISCIPLINARY SANCTIONS ISSUED PURSUANT TO SECTION 12-38-111, AND HAS FULFILLED REQUIREMENTS ESTABLISHED BY THE BOARD PURSUANT TO THIS SECTION MAY BE AUTHORIZED BY THE BOARD TO PRESCRIBE CONTROLLED SUBSTANCES OR PRESCRIPTION DRUGS AS DEFINED IN ARTICLE 22 OF THIS TITLE.

(2) (a) THE BOARD SHALL ADOPT RULES TO IMPLEMENT THIS SECTION.

(b) RULES ADOPTED PURSUANT TO THIS SECTION SHALL REFLECT CURRENT, ACCEPTED PROFESSIONAL STANDARDS FOR THE SAFE AND EFFECTIVE USE OF CONTROLLED SUBSTANCES AND PRESCRIPTION DRUGS.

(3) (a) AN ADVANCED PRACTICE NURSE MAY BE GRANTED AUTHORITY TO PRESCRIBE PRESCRIPTION DRUGS TO PROVIDE TREATMENT FOR PERSONS REQUIRING ROUTINE HEALTH MAINTENANCE OR ROUTINE PREVENTIVE CARE.

(b) AN ADVANCED PRACTICE NURSE MAY BE GRANTED AUTHORITY TO PRESCRIBE PRESCRIPTION DRUGS AND CONTROLLED SUBSTANCES TO PROVIDE TREATMENT FOR PERSONS REQUIRING:

- (I) CARE FOR AN ACUTE SELF-LIMITING CONDITION;
- (II) CARE FOR A CHRONIC CONDITION THAT HAS STABILIZED; OR
- (III) TERMINAL COMFORT CARE.

(c) FOR PURPOSES OF THIS SUBSECTION (3), "SELF-LIMITING CONDITION" MEANS A CONDITION THAT HAS A DEFINED DIAGNOSIS AND A PREDICTABLE OUTCOME AND IS NOT THREATENING TO LIFE OR LIMB.

(4) AN ADVANCED PRACTICE NURSE APPLYING FOR PRESCRIPTIVE AUTHORITY SHALL PROVIDE EVIDENCE TO THE BOARD OF THE FOLLOWING:

- (a) A GRADUATE DEGREE IN A NURSING SPECIALTY;
- (b) SATISFACTORY COMPLETION OF SPECIFIC EDUCATIONAL REQUIREMENTS IN THE USE OF CONTROLLED SUBSTANCES AND PRESCRIPTION DRUGS, AS ESTABLISHED BY THE BOARD, EITHER AS PART OF A DEGREE PROGRAM OR IN ADDITION TO A DEGREE PROGRAM;
- (c) POST-GRADUATE EXPERIENCE AS AN ADVANCED PRACTICE NURSE IN A RELEVANT CLINICAL SETTING, AS DEFINED BY THE BOARD, CONSISTING OF NOT LESS THAN ONE THOUSAND EIGHT HUNDRED HOURS TO BE COMPLETED WITHIN THE IMMEDIATELY PRECEDING FIVE-YEAR PERIOD. THE BOARD SHALL DEFINE THE REQUIREMENTS FOR SUCH EXPERIENCE TO INCLUDE:

(I) SATISFACTORY COMPLETION OF A STRUCTURED PLAN;

(II) ADEQUATE INTERACTION BETWEEN THE ADVANCED PRACTICE NURSE, THE PHYSICIAN, AND ANY OTHER HEALTH PROFESSIONAL;

(III) EXPERIENCE WITH THE SPECIFIC DRUGS RELEVANT TO THE SCOPE OF PRACTICE OF THE ADVANCED PRACTICE NURSE; AND

(IV) ANY OTHER REQUIREMENT THE BOARD DEEMS RELEVANT AND NECESSARY.

(d) (I) EXECUTION OF A WRITTEN COLLABORATIVE AGREEMENT WITH A PHYSICIAN LICENSED IN COLORADO WHOSE MEDICAL EDUCATION, TRAINING, EXPERIENCE, AND ACTIVE PRACTICE CORRESPOND WITH THAT OF THE ADVANCED PRACTICE NURSE.

(II) THE WRITTEN COLLABORATIVE AGREEMENT SHALL INCLUDE THE DUTIES AND RESPONSIBILITIES OF EACH PARTY, PROVISIONS REGARDING CONSULTATION AND REFERRAL, A MECHANISM DESIGNED BY THE ADVANCED PRACTICE NURSE TO ASSURE APPROPRIATE PRESCRIPTIVE PRACTICE, AND OTHER PROVISIONS AS ESTABLISHED BY THE BOARD.

(III) THE NURSE SHALL PROVIDE TO THE BOARD THE NAME AND APPROPRIATE IDENTIFIER OF THE PHYSICIAN AND SHALL KEEP SUCH INFORMATION CURRENT WITH THE BOARD. THIS INFORMATION SHALL ALSO BE AVAILABLE TO THE BOARD OF MEDICAL EXAMINERS, THE BOARD OF PHARMACY, AND, EXCEPT FOR IDENTIFICATION NUMBERS GRANTED BY THE DRUG ENFORCEMENT ADMINISTRATION, TO THE GENERAL PUBLIC. THE NURSE AND COLLABORATING PHYSICIAN SHALL ADVISE EACH OTHER OF COLLABORATIVE AGREEMENTS SIGNED WITH OTHER PARTIES.

(IV) NOTHING IN THIS PARAGRAPH (d) SHALL BE CONSTRUED TO:

(A) PERMIT THE INDEPENDENT PRACTICE OF MEDICINE, AS DEFINED IN SECTION 12-36-106 (1) AND (2), BY AN ADVANCED PRACTICE NURSE;

(B) LIMIT THE ABILITY OF AN ADVANCED PRACTICE NURSE TO MAKE AN INDEPENDENT JUDGMENT;

(C) REQUIRE SUPERVISION BY A PHYSICIAN; OR

(D) REQUIRE THE USE OF METHODS FOR PRESCRIBING MEDICATION THAT ARE CODIFIED AND THAT DO NOT ALLOW THE USE OF PROFESSIONAL JUDGEMENT OR VARIATION ACCORDING TO THE NEEDS OF THE PATIENT.

(5) (a) THE BOARD MAY REVIEW THE EDUCATION AND EXPERIENCE OF AN INDIVIDUAL AND MAY GRANT THE INDIVIDUAL PRESCRIPTIVE AUTHORITY UPON A FINDING THAT SUCH EDUCATION AND EXPERIENCE ARE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS OF THIS SECTION.

(b) FOR PURPOSES OF THIS SUBSECTION (5), SUBSTANTIAL EQUIVALENCE INCLUDES, BUT IS NOT LIMITED TO, A FINDING THAT THE INDIVIDUAL RECEIVED EDUCATION FROM AN INSTITUTION ACCREDITED THROUGH THE UNITED STATES DEPARTMENT OF EDUCATION.

(c) THE BOARD SHALL MAINTAIN STATISTICS ON PERSONS APPLYING FOR REVIEW PURSUANT TO THIS SUBSECTION (5).

(d) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2000.

(6) ADVANCED PRACTICE NURSES FROM OTHER STATES APPLYING FOR PRESCRIPTIVE AUTHORITY SHALL COMPLY WITH ALL REQUIREMENTS SET FORTH IN THIS SECTION OR ANY RULE ADOPTED BY THE BOARD PURSUANT TO THIS SECTION.

(7) AN ADVANCED PRACTICE NURSE WHO OBTAINS PRESCRIPTIVE AUTHORITY PURSUANT TO THIS SECTION SHALL BE ASSIGNED A SPECIFIC IDENTIFIER BY THE BOARD. THIS IDENTIFIER SHALL BE AVAILABLE TO THE BOARD OF MEDICAL EXAMINERS AND THE BOARD OF PHARMACY. THE BOARD SHALL ESTABLISH A MECHANISM TO ASSURE THAT THE PRESCRIPTIVE AUTHORITY OF AN ADVANCED PRACTICE NURSE MAY BE READILY VERIFIED.

(8) (a) THE SCOPE OF PRACTICE FOR AN ADVANCED PRACTICE NURSE MAY BE DETERMINED BY THE BOARD IN ACCORDANCE WITH THIS ARTICLE.

(b) THE BOARD MAY CONSIDER INFORMATION PROVIDED BY NURSING, MEDICAL, OR OTHER HEALTH PROFESSIONAL ORGANIZATIONS, ASSOCIATIONS, OR REGULATORY BOARDS.

(c) (I) PRESCRIPTIVE AUTHORITY BY AN ADVANCED PRACTICE NURSE SHALL BE LIMITED TO THOSE PATIENTS APPROPRIATE TO SUCH NURSE'S SCOPE OF PRACTICE. PRESCRIPTIVE AUTHORITY MAY BE LIMITED OR WITHDRAWN AND THE ADVANCED PRACTICE NURSE MAY BE SUBJECT TO FURTHER DISCIPLINARY ACTION IN ACCORDANCE WITH THIS ARTICLE IF SUCH NURSE HAS PRESCRIBED OUTSIDE SUCH NURSE'S SCOPE OF PRACTICE OR FOR OTHER THAN A THERAPEUTIC PURPOSE.

(II) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A REGISTERED NURSE TO OBTAIN PRESCRIPTIVE AUTHORITY TO DELIVER ANESTHESIA CARE.

(9) ALL PRESCRIPTIONS SHALL BE IN COMPLIANCE WITH APPLICABLE FEDERAL AND STATE LAWS, INCLUDING ARTICLE 22 OF THIS TITLE AND PART 2 OF ARTICLE 18 OF TITLE 18, C.R.S.

(10) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PERMIT DISPENSING OR DISTRIBUTION, AS DEFINED IN SECTION 12-22-102, BY AN ADVANCED PRACTICE NURSE, EXCEPT FOR SAMPLES, UNDER ARTICLE 22 OF THIS TITLE AND THE FEDERAL "PRESCRIPTION DRUG MARKETING ACT OF 1987".

(11) NO ADVANCED PRACTICE NURSE REGISTERED PURSUANT TO SECTION 12-38-111.5 SHALL BE REQUIRED TO APPLY FOR OR OBTAIN PRESCRIPTIVE AUTHORITY.

(12) NOTHING IN THIS SECTION SHALL LIMIT THE PRACTICE OF NURSING AS DEFINED IN SECTION 12-38-103 (9) OR (10) BY ANY NURSE INCLUDING, BUT NOT LIMITED TO, ADVANCED PRACTICE NURSES.

**SECTION 5.** 12-38-115, Colorado Revised Statutes, 1991 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**12-38-115. Temporary licenses and permits.** (3.5) THE BOARD MAY, AS IT DEEMS APPROPRIATE, ISSUE A PERMIT TO A PERSON WHO IS UNDER THE SUPERVISION OF A PROFESSIONAL NURSE LICENSED PURSUANT TO THIS ARTICLE.

**SECTION 6.** The introductory portion to 12-38-117 (1) and 12-38-117 (1) (b) and (1) (i), Colorado Revised Statutes, 1991 Repl. Vol., are amended, and the said 12-38-117 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

**12-38-117. Grounds for discipline.** (1) The board has the power to revoke, suspend, withhold, LIMIT THE SCOPE OF, or refuse to renew any license, to place on probation a licensee or temporary license holder, or to issue a letter of admonition to a licensee in accordance with the procedures set forth in subsection (3) of this section, upon proof that such person:

(b) (I) Has been convicted of a felony ~~or has had accepted by a court a plea of guilty or nolo contendere to a felony.~~ OR ANY CRIME THAT WOULD CONSTITUTE A VIOLATION OF THIS ARTICLE.

(II) (A) FOR PURPOSES OF THIS PARAGRAPH (b), "CONVICTION" INCLUDES THE ENTRY OF A PLEA OF GUILTY OR NOLO CONTENDERE OR THE IMPOSITION OF A DEFERRED SENTENCE.

(B) A certified copy of the judgment of a court of competent jurisdiction of such conviction or plea shall be prima facie evidence of such conviction.

(III) In considering the possible revocation, suspension, LIMITING, or nonrenewal of a license or a temporary license, the board shall be governed by the provisions of section 24-5-101, C.R.S.

(i) Is addicted to or dependent on alcohol or habit-forming drugs, ~~or~~ is a habitual user of controlled substances, as defined in section 12-22-303 (7), or other drugs having similar effects, OR IS DIVERTING CONTROLLED SUBSTANCES, AS DEFINED IN SECTION 12-22-303 (7), OR OTHER DRUGS HAVING SIMILAR EFFECTS FROM THE LICENSEE'S PLACE OF EMPLOYMENT; except that the board has the discretion not to discipline the licensee if ~~he~~ SUCH LICENSEE is participating in good faith in a program approved by the board designed to end such addiction or dependency;

(p) HAS PRESCRIBED, DISTRIBUTED, OR GIVEN TO HIMSELF OR HERSELF OR A FAMILY MEMBER ANY CONTROLLED SUBSTANCE AS DEFINED IN PART 2 OF ARTICLE 18 OF TITLE 18, C.R.S., OR AS CONTAINED IN SCHEDULE II OF 21 U.S.C. SEC. 812;

(q) HAS DISPENSED, INJECTED, OR PRESCRIBED AN ANABOLIC STEROID, AS DEFINED IN SECTION 12-22-102 (2.5), FOR THE PURPOSE OF HORMONAL MANIPULATION THAT IS INTENDED TO INCREASE MUSCLE MASS, STRENGTH, OR WEIGHT WITHOUT A MEDICAL NECESSITY TO DO SO OR FOR THE INTENDED PURPOSE OF IMPROVING PERFORMANCE IN ANY FORM OF EXERCISE, SPORT, OR GAME;

(r) HAS DISPENSED OR INJECTED AN ANABOLIC STEROID, AS DEFINED IN SECTION 12-22-102 (2.5), UNLESS SUCH ANABOLIC STEROID IS DISPENSED FROM A PHARMACY PURSUANT TO A WRITTEN PRESCRIPTION OR IS DISPENSED BY ANY PERSON LICENSED

TO PRACTICE MEDICINE IN THE COURSE OF SUCH PERSON'S PROFESSIONAL PRACTICE;

(s) HAS ADMINISTERED, DISPENSED, OR PRESCRIBED ANY HABIT-FORMING DRUG, AS DEFINED IN SECTION 12-22-303 (13), OR ANY CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 12-22-303 (7), OTHER THAN IN THE COURSE OF LEGITIMATE PROFESSIONAL PRACTICE;

(t) HAS BEEN DISCIPLINED BY ANOTHER STATE, TERRITORY, OR COUNTRY BASED UPON AN ACT OR OMISSION THAT IS DEFINED SUBSTANTIALLY THE SAME AS A GROUND FOR DISCIPLINE PURSUANT TO THIS SUBSECTION (1).

**SECTION 7.** 12-38-119 (2) (a), Colorado Revised Statutes, 1991 Repl. Vol., is amended, and the said 12-38-119 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**12-38-119. Mental and physical examination of licensees.** (2) (a) If the board has reasonable cause to believe that a licensee or temporary license holder is unable to practice with reasonable skill and safety to patients because of a condition described in section 12-38-117 (1) (i) or (1) (j), it may require such person to submit to a mental or physical examination by a ~~physician~~ QUALIFIED PROFESSIONAL it designates. Upon the failure of such person to submit to such mental or physical examination, unless due to circumstances beyond ~~his~~ SUCH PERSON'S control, the board may suspend such person's license until such time as such person submits to the required examinations.

(e) THE BOARD MAY REQUIRE THAT A LICENSEE SUBMIT MEDICAL RECORDS FOR REVIEW IN CONJUNCTION WITH AN INVESTIGATION MADE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2); EXCEPT THAT SUCH RECORDS SHALL REMAIN CONFIDENTIAL AND SHALL BE REVIEWED BY THE BOARD ONLY TO THE EXTENT NECESSARY TO CONDUCT AN INVESTIGATION.

**SECTION 8.** 12-38-120 (4) and (7), Colorado Revised Statutes, 1991 Repl. Vol., are amended to read:

**12-38-120. Disciplinary proceedings - administrative law judges - judicial review.** (4) (a) Disciplinary proceedings shall be conducted in the manner prescribed by article 4 of title 24, C.R.S., and the hearing and opportunity for review shall be conducted pursuant to said article by the board or an administrative law judge at the board's discretion.

(b) BEFORE DETERMINING WHAT DISCIPLINARY ACTION SHOULD BE IMPOSED AGAINST A LICENSEE, THE BOARD SHALL DETERMINE WHAT SANCTIONS, IF ANY, ARE NECESSARY TO PROTECT OR COMPENSATE THE PUBLIC. AFTER ANY SUCH PROTECTION IS IN PLACE OR COMPENSATION MADE, OR BOTH, THE BOARD MAY CONSIDER AND IMPOSE REQUIREMENTS OR FORMS OF RELIEF DESIGNED TO REHABILITATE OR RELIEVE THE LICENSEE. PROTECTION OF THE PUBLIC SHALL BE THE PRIMARY CONCERN IN A DISCIPLINARY PROCEEDING.

(7) In order to aid the board in any hearing or investigation instituted pursuant to this section, the board, through any member or executive officer thereof, shall have the power to issue subpoenas commanding production of copies of any records



containing information relevant to the practice of practical or professional nursing rendered by any licensee, including, but not limited to, hospital and physician records. ~~The person providing such copies shall prepare them from the original record and shall delete from the copy provided pursuant to the subpoena the name of the patient, but he shall identify the patient by a numbered code, to be retained by the custodian of the records from which the copies were made.~~ Upon certification of the custodian that the copies are true and complete except for the patient's name, they shall be deemed authentic, subject to the right to inspect the originals for the limited purpose of ascertaining the accuracy of the copies. No privilege of confidentiality shall exist with respect to such copies, and no liability shall lie against the board or the custodian or ~~his~~ THE CUSTODIAN'S authorized employee for furnishing or using such copies in accordance with this subsection (7).

**SECTION 9.** 12-38-131, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**12-38-131. Impaired professional diversion program - committee.** (1) (a) IF A PERSON LICENSED TO PRACTICE PURSUANT TO THIS ARTICLE VOLUNTARILY SEEKS TREATMENT FOR CHEMICAL OR ALCOHOL DEPENDENCY OR FOR PSYCHIATRIC, PSYCHOLOGICAL, OR EMOTIONAL PROBLEMS THAT COULD LEAD TO FORMAL DISCIPLINARY ACTION BY THE BOARD, THE BOARD MAY ABSTAIN FROM TAKING FORMAL DISCIPLINARY ACTION IF THE BOARD FINDS THAT THE PROTECTION OF PUBLIC HEALTH, SAFETY, AND WELFARE CAN BE ASSURED WHILE THE LICENSEE IS TREATED AND MONITORED BY THE IMPAIRED PROFESSIONAL DIVERSION COMMITTEE CREATED IN SUBSECTION (2) OF THIS SECTION.

(b) AS PART OF THE PROGRAM ESTABLISHED BY THE BOARD TO BE ADMINISTERED BY THE IMPAIRED PROFESSIONAL DIVERSION COMMITTEE, THE BOARD SHALL ADOPT RULES THAT:

(I) SET CRITERIA FOR ACCEPTANCE, DENIAL, OR TERMINATION OF LICENSEES IN THE PROGRAM, SPECIFYING THAT ONLY THOSE LICENSEES WHO REQUEST ACCEPTANCE INTO THE PROGRAM MAY PARTICIPATE;

(II) PROVIDE THAT LICENSEES WHO ARE NOT SPECIFICALLY IDENTIFIED BY THE BOARD AS CANDIDATES FOR THE PROGRAM MAY VOLUNTARILY APPLY WITHOUT REPRISAL;

(III) ALLOW LICENSEES CREDIT FOR PARTICIPATING IN A SIMILAR PROGRAM IN THIS OR ANOTHER STATE ON A CASE-BY-CASE BASIS;

(IV) ALLOW INFORMATION THAT WOULD OTHERWISE BE CONFIDENTIAL TO BE RELEASED, ON A CASE-BY-CASE BASIS, TO ANOTHER STATE WHEN SUCH INFORMATION IS REQUESTED OF A LICENSEE WHO HAS NOT SATISFACTORILY COMPLETED THE PROGRAM IN THIS STATE.

(2) (a) THE BOARD SHALL CREATE A CORPORATE ENTITY FOR THE PURPOSES OF ADMINISTERING AN IMPAIRED PROFESSIONAL DIVERSION PROGRAM. THE BOARD SHALL APPOINT A COMMITTEE TO DIRECT THE PROGRAM THROUGH THE ENTITY THAT SHALL BE COMPOSED OF SEVEN INDIVIDUALS, APPOINTED AS FOLLOWS:

(I) ONE MEMBER SHALL BE A LICENSED PROFESSIONAL NURSE SPECIALIZING IN THE TREATMENT OF CHEMICAL DEPENDENCY, WITH THE FIRST APPOINTEE SERVING UNTIL DECEMBER 31, 1997;

(II) TWO MEMBERS SHALL BE LICENSED PROFESSIONAL NURSES SPECIALIZING IN PSYCHIATRIC NURSING, WITH ONE OF THE FIRST APPOINTEES SERVING UNTIL DECEMBER 31, 1996, AND THE OTHER OF THE FIRST APPOINTEES SERVING UNTIL DECEMBER 31, 1998;

(III) TWO MEMBERS SHALL BE LICENSED PRACTICAL OR PROFESSIONAL NURSES WHO ARE RECOVERING FROM AN ADDICTION TO DRUGS OR ALCOHOL, WITH ONE OF THE FIRST APPOINTEES SERVING UNTIL DECEMBER 31, 1996, AND THE OTHER OF THE FIRST APPOINTEES SERVING UNTIL DECEMBER 31, 1997;

(IV) ONE MEMBER SHALL BE A LICENSED PHYSICIAN WHO SPECIALIZES IN THE DIAGNOSIS AND TREATMENT OF ADDICTIVE DISEASES, WITH THE FIRST APPOINTEE SERVING UNTIL DECEMBER 31, 1998; AND

(V) ONE MEMBER SHALL BE FROM THE PUBLIC AND SHALL BE KNOWLEDGEABLE IN THE FIELD OF CHEMICAL DEPENDENCY, WITH THE FIRST APPOINTEE SERVING UNTIL DECEMBER 31, 1998.

(b) THE MEMBERS OF THE REHABILITATION EVALUATION COMMITTEE CREATED IN SUBSECTION (7) OF THIS SECTION, AS SAID SUBSECTION EXISTED PRIOR TO JULY 1, 1995, SHALL SERVE WITH ITS SAME POWERS AND DUTIES, AS AN INTERIM COMMITTEE, IF THE BOARD DETERMINES AN INTERIM COMMITTEE IS NECESSARY, UNTIL APPOINTMENTS MADE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) ARE FINALIZED.

(c) (I) THE BOARD SHALL APPOINT MEMBERS TO THE COMMITTEE BY A MAJORITY VOTE FOR TERMS OF THREE YEARS, EXCEPT FOR THE FIRST COMMITTEE THAT SHALL BE APPOINTED FOR TERMS AS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (2).

(II) NO MEMBER MAY SERVE MORE THAN ONE TERM; EXCEPT THAT, IF A MEMBER IS APPOINTED TO FINISH OUT A TERM FOR ANOTHER APPOINTEE AND THE REMAINING PORTION OF THE TERM IS FOR LESS THAN EIGHTEEN MONTHS, SUCH REPLACEMENT APPOINTEE MAY SUBSEQUENTLY BE REAPPOINTED FOR A FULL TERM.

(III) NO MEMBER SHALL BE APPOINTED FROM THE MEMBERSHIP ON THE BOARD OR FROM THE STAFF OF THE BOARD.

(IV) BEFORE SEPTEMBER 1, 1995, THE BOARD SHALL APPOINT THE MEMBERS WHO SHALL COMPRISE THE FIRST IMPAIRED PROFESSIONAL DIVERSION COMMITTEE.

(V) THE BOARD MAY MAKE APPOINTMENTS AS NECESSARY TO FINISH THE TERM OF AN APPOINTEE WHO DOES NOT COMPLETE A TERM OF APPOINTMENT.

(d) THE COMMITTEE SHALL BE PAID A PER DIEM AND EXPENSES WHEN MEETING.

(3) (a) THE COMMITTEE SHALL SELECT A DIRECTOR FOR THE IMPAIRED PROFESSIONAL DIVERSION PROGRAM CREATED IN THIS SECTION. THE DIRECTOR MAY

HIRE STAFF OR CONTRACT FOR SERVICES AS NECESSARY TO CARRY OUT THE DUTIES OF THE COMMITTEE. SUCH EMPLOYEES SHALL NOT BE STATE EMPLOYEES FOR PURPOSES OF SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION.

(b) THE COMMITTEE SHALL ESTABLISH GENERAL PROCEDURES AND POLICIES FOR THE IMPAIRED PROFESSIONAL DIVERSION PROGRAM INCLUDING, BUT NOT LIMITED TO, ANY EDUCATIONAL REQUIREMENTS AND PUBLIC RELATIONS.

(c) PURSUANT TO RULES ADOPTED BY THE BOARD, THE COMMITTEE SHALL:

(I) ESTABLISH WAYS TO IDENTIFY LICENSEES WITH ALCOHOL OR DRUG ABUSE OR PSYCHIATRIC, PSYCHOLOGICAL, OR EMOTIONAL PROBLEMS;

(II) DEVELOP METHODS TO REHABILITATE LICENSEES WHO PARTICIPATE IN THE PROGRAM WHILE ASSESSING CONTINUED PUBLIC PROTECTION;

(III) (A) EVALUATE LICENSEES WHO REQUEST ADMITTANCE TO THE PROGRAM, INCLUDING APPROVING OR DISAPPROVING SUCH REQUESTS PURSUANT TO GUIDELINES DEVELOPED AND ADOPTED BY THE COMMITTEE AND THE RECOMMENDATIONS OF THE DIRECTOR; EXCEPT THAT NO LICENSEE SHALL BE ADMITTED TO OR CONTINUED IN THE PROGRAM IF THE SAFETY OF THE PUBLIC CANNOT BE REASONABLY ASSURED.

(B) AS PART OF ITS EVALUATION, THE COMMITTEE MAY CONSIDER ANY INFORMATION RECEIVED CONCERNING THE REQUESTING LICENSEE, INCLUDING INFORMATION RELEASED FROM THE BOARD AT THE DISCRETION OF THE BOARD.

(IV) ADMIT A PARTICIPANT ONLY IF ALL REQUIREMENTS CONCERNING PARTICIPATION, INCLUDING SURVEILLANCE AND SUPERVISION, ARE EXPRESSLY PROVIDED FOR IN A CONTRACT SIGNED BY THE PARTICIPANT AND THE DIRECTOR. REQUIREMENTS FOR PARTICIPATION SHALL BE TAILORED TO REFLECT THE CIRCUMSTANCES OF SUCH PARTICIPATION.

(d) THE COMMITTEE SHALL DEVELOP AN ANNUAL BUDGET AND ADMINISTER FUNDS RECEIVED FROM THE ADMINISTERING ENTITY.

(e) THE COMMITTEE SHALL PROVIDE THE BOARD WITH PERIODIC REPORTS CONTAINING ANONYMOUS DEMOGRAPHIC INFORMATION ABOUT THE PROGRAM'S PARTICIPANTS AND WRITTEN REPORTS ON THE OVERALL OPERATION OF THE PROGRAM.

(f) THE COMMITTEE SHALL REVIEW AND DESIGNATE THOSE TREATMENT PROVIDERS, FACILITIES, OR SERVICES TO WHICH PARTICIPATING LICENSEES MAY BE REFERRED.

(4) (a) A LICENSEE MAY APPLY TO THE PROGRAM WITHOUT BEING REFERRED FOR A VIOLATION OF THIS ARTICLE DUE TO AN ADDICTION TO OR ABUSE OF ALCOHOL OR DRUGS OR DUE TO A PSYCHIATRIC, PSYCHOLOGICAL, OR EMOTIONAL PROBLEM.

(b) A LICENSEE APPLYING TO THE PROGRAM SHALL BE ADVISED OF THE PROCEDURAL REQUIREMENTS OF THE PROGRAM AND THE POSSIBLE RAMIFICATIONS OF NONCOMPLIANCE WITH A CONTRACT FOR PARTICIPATION, ONCE SIGNED.

(5) (a) A LICENSEE MAY BE TERMINATED FROM THE PROGRAM FOR:

(I) SUCCESSFUL COMPLETION OF THE PROGRAM AS SPECIFIED IN THE CONTRACT BETWEEN THE LICENSEE AND DIRECTOR;

(II) FAILING TO COOPERATE WITH THE PROGRAM ADMINISTRATORS AND TO FULFILL THE CONTRACTUAL OBLIGATIONS TO WHICH THE LICENSEE AGREED;

(III) DISCOVERY OF INFORMATION THAT THE LICENSEE FAILED TO DISCLOSE PRIOR TO ACCEPTANCE THAT INDICATES THE LICENSEE MAY HAVE VIOLATED A PROVISION OF THIS ARTICLE; OR

(IV) BECOMING UNABLE TO PRACTICE NURSING WITH REASONABLE SKILL AND SAFETY.

(b) A LICENSEE TERMINATED FROM THE PROGRAM PURSUANT TO SUBPARAGRAPH (II), (III), OR (IV) OF PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL BE REFERRED TO THE BOARD FOR DISCIPLINARY ACTION PURSUANT TO SECTION 12-38-117.

(6) (a) THE IMPAIRED PROFESSIONAL DIVERSION COMMITTEE SHALL HOLD MEETINGS IN EXECUTIVE SESSION WHEN CONSIDERING INFORMATION AND REPORTS REGARDING INDIVIDUAL APPLICANTS OR PARTICIPANTS. ALL OTHER MEETINGS SHALL BE SUBJECT TO THE OPEN MEETINGS LAW, PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S., AND THE OPEN RECORDS LAW, ARTICLE 72 OF TITLE 24, C.R.S.

(b) (I) RECORDS OF A PROCEEDING PERTAINING TO THE REHABILITATION OF A LICENSEE PURSUANT TO THE IMPAIRED PROFESSIONAL DIVERSION PROGRAM SHALL BE CONFIDENTIAL AND SHALL NOT BE SUBJECT TO SUBPOENA EXCEPT IF A LICENSEE HAS BEEN REFERRED TO THE BOARD FOR DISCIPLINARY ACTION BY THE COMMITTEE.

(II) IF THE COMMITTEE HAS DETERMINED THAT A LICENSEE HAS BEEN REHABILITATED THROUGH THE COMPLETION OF THE IMPAIRED PROFESSIONAL DIVERSION PROGRAM, THE COMMITTEE SHALL PURGE AND DESTROY ALL RECORDS PERTAINING TO THE LICENSEE'S PARTICIPATION IN THE PROGRAM.

(III) INFORMATION RECEIVED BY THE COMMITTEE THAT DOES NOT RELATE TO THE LICENSEE'S APPLICATION FOR THE PROGRAM MAY BE USED BY THE BOARD IN A DISCIPLINARY OR CRIMINAL PROCEEDING AGAINST THE LICENSEE.

(7) ANY PERSON WHO, IN GOOD FAITH, PROVIDES INFORMATION TO THE IMPAIRED PROFESSIONAL DIVERSION COMMITTEE OR TO THE BOARD REGARDING A LICENSEE'S POSSIBLE IMPAIRMENT WHILE PRACTICING PURSUANT TO THIS ARTICLE OR LACK OF PROGRESS PURSUANT TO THE PROGRAM SHALL BE IMMUNE FROM CIVIL ACTION FOR DEFAMATION OR OTHER CAUSE OF ACTION RESULTING FROM THE PROVISION OF SUCH INFORMATION.

(8) (a) THERE IS HEREBY CREATED THE IMPAIRED PROFESSIONAL DIVERSION FUND. THE FUND SHALL CONSIST OF ANY UNEXPENDED AND UNENCUMBERED BALANCE IN THE NURSING PEER HEALTH ASSISTANCE DIVERSION FUND, AS SAID FUND EXISTED PRIOR TO JULY 1, 1995, AND ANY MONEYS COLLECTED BY THE BOARD AND REQUIRED TO BE CREDITED TO THE FUND PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (8). ANY INTEREST EARNED ON THE INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED AT LEAST ANNUALLY TO SAID FUND.

(b) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE COSTS OF EDUCATIONAL AND INTERVENTION SERVICES, SERVICES RELATED TO THE IDENTIFICATION OF PSYCHIATRIC, PSYCHOLOGICAL, OR EMOTIONAL PROBLEMS, AND THE REFERRAL TO AND MONITORING AND EVALUATION OF TREATMENT OF THE NURSE PARTICIPANT IN THE IMPAIRED PROFESSIONAL DIVERSION PROGRAM SHALL BE BORNE BY FEES ASSESSED BY THE BOARD AND PAID BY NURSING LICENSEES; EXCEPT THAT THE COST OF TREATMENT SHALL BE THE RESPONSIBILITY OF THE LICENSEE PARTICIPANT. NO MONEYS SHALL BE APPROPRIATED FROM THE GENERAL FUND FOR PAYMENT OF ANY EXPENSES INCURRED UNDER THIS SECTION, AND NO SUCH EXPENSES OF THIS PROGRAM SHALL BE CHARGED AGAINST THE STATE.

(c) EFFECTIVE JULY 1, 1995, AS A CONDITION OF LICENSURE IN THIS STATE, EVERY APPLICANT SHALL PAY TO THE ADMINISTERING ENTITY THAT HAS BEEN SELECTED BY THE BOARD PURSUANT TO THE PROVISIONS OF PARAGRAPH (a) OF SUBSECTION (9) OF THIS SECTION, AN AMOUNT SET BY THE BOARD NOT TO EXCEED TWENTY-EIGHT DOLLARS PER NURSING LICENSEE FOR EACH RENEWAL, WHICH AMOUNT SHALL BE USED TO SUPPORT THE COMMITTEE AND THE IMPAIRED PROFESSIONAL DIVERSION PROGRAM TO PROVIDE ASSISTANCE TO NURSES NEEDING HELP IN DEALING WITH PSYCHIATRIC, PSYCHOLOGICAL, OR EMOTIONAL PROBLEMS OR EXCESSIVE ALCOHOL OR DRUG USE OR ADDICTION THAT MAY BE DETRIMENTAL TO THEIR ABILITY TO PRACTICE NURSING.

(9) (a) THE ENTITY SELECTED BY THE COMMITTEE TO ADMINISTER THE PROGRAM SHALL BE A QUALIFIED, NONPROFIT PRIVATE FOUNDATION THAT IS QUALIFIED UNDER SECTION 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND SHALL BE DEDICATED TO PROVIDING SUPPORT FOR CHARITABLE, EDUCATIONAL, AND SCIENTIFIC PURPOSES THAT ARE RELATED TO NURSING, NURSING EDUCATION, HEALTH-RELATED PROJECTS, RESEARCH AND SCIENCE, AND OTHER CHARITABLE PURPOSES TO ENHANCE THE NURSING PROFESSION.

(b) THE RESPONSIBILITIES OF THE ENTITY SELECTED BY THE COMMITTEE TO ADMINISTER THE PROGRAM SHALL BE TO:

(I) COLLECT THE REQUIRED ANNUAL PAYMENTS;

(II) VERIFY TO THE BOARD, IN A MANNER ACCEPTABLE TO THE BOARD, THE NAMES OF ALL NURSE APPLICANTS WHO HAVE MET THE DESIGNATED PROVIDER'S FEE REQUIREMENTS;

(III) DISTRIBUTE THE MONEYS COLLECTED, LESS EXPENSES, TO THE IMPAIRED PROFESSIONAL DIVERSION PROGRAM, AS DIRECTED BY THE BOARD;

(IV) PROVIDE A BIENNIAL AUDIT AND AN ANNUAL ACCOUNTING TO THE BOARD OF ALL AMOUNTS COLLECTED, EXPENSES INCURRED, AND AMOUNTS DISBURSED; AND

(V) POST A SURETY PERFORMANCE BOND IN AN AMOUNT SPECIFIED BY THE BOARD TO SECURE PERFORMANCE UNDER THE REQUIREMENTS OF THIS SECTION. THE ADMINISTERING ENTITY MAY RECOVER THE ACTUAL ADMINISTRATIVE COSTS INCURRED IN PERFORMING ITS DUTIES UNDER THIS SECTION IN AN AMOUNT NOT TO EXCEED TEN PERCENT OF THE TOTAL AMOUNT COLLECTED. THE BOARD SHALL ADJUST THE FEE REQUIRED IN PARAGRAPH (c) OF SUBSECTION (8) OF THIS SECTION TO PROVIDE

FOR THESE ADMINISTRATIVE COSTS AND TO CONTINUE ADEQUATE FUNDING TO THE IMPAIRED PROFESSIONAL DIVERSION PROGRAM.

(10) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CREATE ANY LIABILITY OF THE BOARD, MEMBERS OF THE BOARD, A COMMITTEE, THE MEMBERS OF A COMMITTEE, OR THE STATE OF COLORADO FOR THE ACTIONS OF THE BOARD IN MAKING AWARDS TO THE IMPAIRED PROFESSIONAL DIVERSION PROGRAM, THE COMMITTEE, OR IN DESIGNATING NURSING LICENSEES TO PARTICIPATE IN THE PROGRAM. NO CIVIL ACTION MAY BE BROUGHT OR MAINTAINED AGAINST THE BOARD, ITS MEMBERS, A COMMITTEE, THE MEMBERS OF A COMMITTEE, OR THE STATE FOR AN INJURY ALLEGED TO HAVE BEEN THE RESULT OF AN ACT OR OMISSION OF A NURSING LICENSEE PARTICIPATING IN OR REFERRED TO A PROGRAM PURSUANT TO THIS SECTION. HOWEVER, THE STATE SHALL REMAIN LIABLE UNDER THE PROVISIONS OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S., IF AN INJURY ALLEGED TO HAVE BEEN THE RESULT OF AN ACT OR OMISSION OF A NURSING LICENSEE PARTICIPATING IN A PEER HEALTH ASSISTANCE DIVERSION PROGRAM OCCURRED WHILE SUCH NURSING LICENSEE WAS PERFORMING DUTIES AS AN EMPLOYEE OF THE STATE.

(11) ANY MEMBER OF THE BOARD OR ANY MEMBER OF THE IMPAIRED PROFESSIONAL DIVERSION PROGRAM COMMITTEE ACTING PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE IMMUNE FROM SUIT IN ANY CIVIL ACTION IF SUCH MEMBER ACTED IN GOOD FAITH WITHIN THE SCOPE OF THE FUNCTION OF SUCH BOARD OR SUCH COMMITTEE, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH THE MEMBER ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN WAS WARRANTED BY THE FACTS.

**SECTION 10.** Article 38 of title 12, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-38-133. Repeal - review of functions.** (1) THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2010.

(2) THE PROVISIONS OF SECTION 24-34-104, C.R.S., CONCERNING THE TERMINATION SCHEDULE FOR REGULATORY BODIES OF THE STATE UNLESS EXTENDED AS PROVIDED IN THAT SECTION, ARE APPLICABLE TO THE STATE BOARD OF NURSING CREATED BY THIS ARTICLE.

**SECTION 11.** 12-36-106 (3), Colorado Revised Statutes, 1991 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**12-36-106. Practice of medicine defined - exemptions from licensing requirements.** (3) Nothing in this section shall be construed to prohibit, or to require a license under this article with respect to, any of the following acts:

(t) (I) THE RENDERING OF PRESCRIPTIONS BY AN ADVANCED PRACTICE NURSE PURSUANT TO SECTION 12-38-111.6.

(II) A PHYSICIAN WHO SIGNS A COLLABORATIVE AGREEMENT WITH AN ADVANCED PRACTICE NURSE PURSUANT TO THE REQUIREMENTS OF SECTION 12-38-111.6 (4) (d) SHALL HAVE A LICENSE IN GOOD STANDING WITHOUT DISCIPLINARY SANCTIONS TO

PRACTICE MEDICINE IN COLORADO AND AN UNRESTRICTED REGISTRATION BY THE DRUG ENFORCEMENT ADMINISTRATION FOR THE SAME SCHEDULES AS THE COLLABORATING ADVANCED PRACTICE NURSE.

(III) (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (C) OF THIS SUBPARAGRAPH (III), A PHYSICIAN MAY NOT ENTER INTO MORE THAN FIVE COLLABORATIVE AGREEMENTS IN ACCORDANCE WITH SECTION 12-38-111.6.

(B) IT IS UNLAWFUL AND A VIOLATION OF THIS ARTICLE FOR ANY PERSON, CORPORATION, OR OTHER ENTITY TO REQUIRE AS A CONDITION OF CONTRACT, EMPLOYMENT, OR COMPENSATION TO EXCEED THE LIMITATION SET PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III).

(C) THE BOARD MAY WAIVE THE MAXIMUM NUMBER OF ADVANCED PRACTICE NURSES WITH WHOM A PHYSICIAN MAY SIGN A COLLABORATIVE AGREEMENT FOR A SPECIFIC PHYSICIAN UPON A FINDING THAT QUALITY PATIENT CARE CAN BE MAINTAINED.

**SECTION 12.** Article 36 of title 12, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-36-106.3. Collaborative agreements with advanced practice nurses.** (1) A PERSON LICENSED PURSUANT TO THE "COLORADO MEDICAL PRACTICE ACT" MAY ENTER INTO A COLLABORATIVE AGREEMENT FOR THE PURPOSES OF PRESCRIPTIVE AUTHORITY BY ADVANCED PRACTICE NURSES PURSUANT TO SECTION 12-38-111.6 (4) (d) (II).

(2) A COLLABORATIVE AGREEMENT SHALL INCLUDE BUT SHALL NOT BE LIMITED TO:

(a) AN ACKNOWLEDGMENT THAT BOTH THE PHYSICIAN AND THE ADVANCED PRACTICE NURSE ARE RESPONSIBLE FOR THE GENERALLY ACCEPTED STANDARDS OF HEALTH CARE;

(b) A DECLARATION THAT THE INTENT OF THE COLLABORATIVE AGREEMENT IS AN INTEGRATED SYSTEM OF CARE;

(c) THE DUTIES AND RESPONSIBILITIES OF EACH PARTY TO THE COLLABORATIVE AGREEMENT;

(d) AN AGREEMENT BETWEEN THE PARTIES AS TO THE SCOPE OF PRESCRIPTIVE AUTHORITY AS IT RELATES TO THE PATIENT CRITERIA IN SECTION 12-38-111.6 (3) AND THE ACTIVE PRACTICE OF THE COLLABORATING PHYSICIAN; AND

(e) (I) DEFINITIONS OF AND PROVISIONS FOR CONSULTATION, REFERRAL, AND QUALITY ASSURANCE.

(II) FOR PURPOSES OF THIS PARAGRAPH (e), "REFERRAL" OCCURS WHEN THE PATIENT'S PHYSICAL OR MENTAL CONDITION CHANGES, AND SUCH CHANGES ARE NOT CONSISTENT WITH SECTION 12-38-111.6 (3).

(3) A COLLABORATIVE AGREEMENT SHALL BE PERIODICALLY REVIEWED BY THE

PARTIES TO ASSURE CONTINUED COMPLIANCE WITH THIS SECTION AND SECTION 12-38-111.6.

**SECTION 13.** 12-36-117 (1), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**12-36-117. Unprofessional conduct.** (1) "Unprofessional conduct" as used in this article means:

(gg) ENTERING INTO OR CONTINUING A COLLABORATIVE AGREEMENT PURSUANT TO SECTIONS 12-38-111.6 (4) (d) (IV) AND 12-36-106.3 THAT FAILS TO MEET GENERALLY ACCEPTABLE STANDARDS OF MEDICAL PRACTICE.

**SECTION 14.** 12-43-219, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

**12-43-219. Article not to restrict other professions.** (1) Nothing in this article shall be construed to prohibit any member of any other profession who is duly licensed or certified pursuant to the laws of this state from rendering service consistent with his OR HER training and professional ethics so long as he THE PROFESSIONAL does not hold himself OR HERSELF out to the public by any title or description to which he SUCH PROFESSIONAL is not entitled pursuant to the provisions of this article.

(2) NO PERSON LICENSED PURSUANT TO ARTICLE 38 OF THIS TITLE 12 SHALL BE SUBJECT TO THE JURISDICTION OF A BOARD CREATED PURSUANT TO THIS ARTICLE TO THE EXTENT SUCH PERSON IS UNDER THE JURISDICTION OF THE STATE BOARD OF NURSING.

**SECTION 15.** 24-34-104 (24) (c), Colorado Revised Statutes, 1988 Repl. Vol., is amended, and the said 24-34-104, as amended, is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (24) The following boards in the division of registrations shall terminate on July 1, 1995:

(c) ~~The state board of nursing, created by article 38 of title 12, C.R.S.~~

(41) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, SHALL TERMINATE ON JULY 1, 2010:

(a) THE FOLLOWING BOARD IN THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES:

(I) THE STATE BOARD OF NURSING, CREATED BY ARTICLE 38 OF TITLE 12, C.R.S.

**SECTION 16. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the fiscal year beginning July 1, 1995, the sum of



forty thousand nine hundred forty-six dollars (\$40,946) and 0.7 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 1995, the sum of two thousand five hundred five dollars (\$2,505), or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies for the purposes of this act. Such sum shall be from cash funds exempt received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section.

**SECTION 17. Effective date - applicability.** This act shall take effect July 1, 1995, and shall apply to acts occurring on or after said date.

**SECTION 18. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 1995