

HOUSE COMMITTEE OF REFERENCE AMENDMENT
Committee on Appropriations.

HB23-1077 be amended as follows:

- 1 Amend printed bill, page 3, line 12, after "(b)" insert "(I)".
- 2 Page 3, line 14, after "PATIENT'S" insert "SPECIFIC".
- 3 Page 3, line 18, strike "(1)(b)," and substitute "(1)(b)(I),".
- 4 Page 3, after line 23 insert:

5 "(II) IF A LICENSEE HAS OBTAINED THE PATIENT'S SPECIFIC
6 INFORMED CONSENT TO HEALTH CARE, AND AN INTIMATE EXAMINATION
7 IS NECESSARY TO OR INCLUDED IN THE HEALTH CARE TO WHICH THE
8 PATIENT HAS PREVIOUSLY CONSENTED, THE LICENSEE NEED NOT OBTAIN
9 A SEPARATE SPECIFIC INFORMED CONSENT FROM THE PATIENT IN ORDER TO
10 PERFORM THE INTIMATE EXAMINATION.".
- 11 Page 3, line 26, strike "HEALTH-CARE PROVIDER" and substitute "LICENSEE".
- 13 Page 4, line 2, strike "HEALTH-CARE PROVIDER" and substitute "LICENSEE".
- 15 Page 5, line 7, strike "HEALTH-CARE PROVIDER" and substitute "LICENSEE".
- 17 Page 5, strike lines 12 and 13 and substitute "THE LICENSED HEALTH-CARE
18 FACILITY WHERE THE LICENSEE WILL BE PERFORMING THE INTIMATE
19 EXAMINATION OR DEVELOPED BY A REGULATOR FOR".
- 20 Page 5, lines 18 and 19, strike "AND WITH THE DEPARTMENT OF PUBLIC
21 HEALTH AND ENVIRONMENT".
- 22 Page 5, lines 20 and 21, strike "ALL LICENSED HEALTH-CARE FACILITIES
23 AND".
- 24 Page 5, line 23, strike "HEALTH-CARE PROVIDER" and substitute "LICENSEE".
- 26 Page 8, strike lines 25 through 27.
- 27 Strike pages 9 through 11.

1 Page 12, strike lines 1 through 8 and substitute:

2 **"25-3-130. Intimate examination of sedated or unconscious**
3 **patient - health-care facility requirements - policy against or develop**
4 **informed consent form - required reporting of provider violations -**
5 **definitions.** (1) (a) A HEALTH-CARE FACILITY SHALL EITHER:

6 (I) DEVELOP A POLICY PROHIBITING A LICENSED HEALTH-CARE
7 PROVIDER, OR A STUDENT OR TRAINEE UNDER THE SUPERVISION OF A
8 LICENSED HEALTH-CARE PROVIDER, FROM PERFORMING AN INTIMATE
9 EXAMINATION OF A SEDATED OR UNCONSCIOUS PATIENT AT THE
10 HEALTH-CARE FACILITY IF THE INTIMATE EXAMINATION IS FOR
11 EDUCATIONAL OR TRAINING PURPOSES; OR

12 (II) DEVELOP A WRITTEN OR ELECTRONIC SPECIFIC INFORMED
13 CONSENT DOCUMENT FOR A LICENSED HEALTH-CARE PROVIDER TO USE IN
14 OBTAINING A PATIENT'S SPECIFIC INFORMED CONSENT, AS REQUIRED BY
15 AND CONSISTENT WITH SECTION 12-30-120, BEFORE PERFORMING OR
16 ALLOWING A STUDENT OR TRAINEE UNDER THE LICENSED HEALTH-CARE
17 PROVIDER'S SUPERVISION TO PERFORM AN INTIMATE EXAMINATION OF A
18 SEDATED OR UNCONSCIOUS PATIENT FOR EDUCATIONAL OR TRAINING
19 PURPOSES AT THE HEALTH-CARE FACILITY. A WRITTEN OR ELECTRONIC
20 DOCUMENT THAT A HEALTH-CARE FACILITY DEVELOPS MUST SATISFY THE
21 REQUIREMENTS OF SECTION 12-30-120 (2).

22 (b) IF A HEALTH-CARE FACILITY DEVELOPS A POLICY IN
23 ACCORDANCE WITH SUBSECTION (1)(a)(I) OF THIS SECTION, THE
24 HEALTH-CARE FACILITY SHALL MAKE THE POLICY AVAILABLE TO THE
25 PUBLIC, INCLUDING ON THE HEALTH-CARE FACILITY'S PUBLIC-FACING
26 WEBSITE.

27 (c) IF A HEALTH-CARE FACILITY DEVELOPS A SPECIFIC INFORMED
28 CONSENT DOCUMENT PURSUANT TO SUBSECTION (1)(a)(II) OF THIS
29 SECTION, THE HEALTH-CARE FACILITY SHALL MAKE THE DOCUMENT
30 AVAILABLE FOR USE BY LICENSED HEALTH-CARE PROVIDERS, AND SHALL
31 DIRECT LICENSED HEALTH-CARE PROVIDERS TO USE THE DOCUMENT TO
32 OBTAIN A PATIENT'S SPECIFIC INFORMED CONSENT, BEFORE PERFORMING
33 OR ALLOWING STUDENTS OR TRAINEES UNDER THE LICENSED
34 HEALTH-CARE PROVIDERS' SUPERVISION TO PERFORM INTIMATE
35 EXAMINATIONS FOR EDUCATIONAL OR TRAINING PURPOSES ON SEDATED OR
36 UNCONSCIOUS PATIENTS.

37 (2)(a) A HEALTH-CARE FACILITY SHALL PROMPTLY REPORT TO THE
38 COLORADO MEDICAL BOARD ANY LICENSED HEALTH-CARE PROVIDER THAT
39 HAS VIOLATED THE HEALTH-CARE FACILITY'S POLICY DEVELOPED UNDER
40 SUBSECTION (1)(a)(I) OF THIS SECTION OR HAS FAILED TO OBTAIN A
41 PATIENT'S SPECIFIC INFORMED CONSENT, AS REQUIRED BY AND
42 CONSISTENT WITH SECTION 12-30-120 AND EXCEPT AS PROVIDED IN
43 SUBSECTION (2)(b) OF THIS SECTION, BEFORE PERFORMING AN INTIMATE
44 EXAMINATION FOR EDUCATIONAL OR TRAINING PURPOSES ON A SEDATED

1 OR UNCONSCIOUS PATIENT.

2 (b) A LICENSED HEALTH-CARE PROVIDER DOES NOT VIOLATE THE
3 HEALTH-CARE FACILITY'S POLICY UNDER SUBSECTION (1)(a)(I) OF THIS
4 SECTION OR SECTION 12-30-120, AND THE HEALTH-CARE FACILITY SHALL
5 NOT REPORT THE LICENSED HEALTH-CARE PROVIDER TO THE COLORADO
6 MEDICAL BOARD, IF THE LICENSED HEALTH-CARE PROVIDER, AS SPECIFIED
7 IN SECTION 12-30-120 (1)(b), PERFORMS AN INTIMATE EXAMINATION ON
8 A SEDATED OR UNCONSCIOUS PATIENT WITHOUT FIRST OBTAINING THE
9 PATIENT'S SPECIFIC INFORMED CONSENT:

10 (I) IN AN EMERGENCY WHEN THE INTIMATE EXAMINATION IS
11 MEDICALLY NECESSARY FOR THE LIFE OR WELL-BEING OF THE PATIENT; OR
12 (II) WHEN THE PATIENT HAS PREVIOUSLY CONSENTED TO HEALTH
13 CARE AND AN INTIMATE EXAMINATION IS NECESSARY TO OR INCLUDED IN
14 THE CARE TO WHICH THE PATIENT HAS CONSENTED.".

15 Rerumber succeeding subsections accordingly.

16 Page 14, line 9, strike "(6)(c)(I) AND (6)(c)(II)" and substitute "(5)(c)(I)
17 AND (5)(c)(II)".

18 Page 14, line 12, strike "(6)(c)(III)" and substitute "(5)(c)(III)".

19 Page 14, line 15, strike "(6)(c)(IV)" and substitute "(5)(c)(IV)".

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