

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 26-0232.01 Josh Schultz x5486

HOUSE BILL 26-1069

HOUSE SPONSORSHIP

Feret and Stewart K.,

SENATE SPONSORSHIP

Mullica,

House Committees

Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

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

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

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

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

The bill defines "first responder" to include:

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

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

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

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

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

2 

3 **SECTION 1.** In Colorado Revised Statutes, 10-16-704, **amend**
4 (19)(e)(I) and (19)(e)(II) introductory portion; and **add** (19)(1.5) as
5 follows:

6 **10-16-704. Network adequacy - required disclosures - balance**
7 **billing - rules - legislative declaration - definitions.**

8 (19) As used in this section:

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

3 (A) A medical screening examination that is within the capability
4 of the emergency department of a hospital or a freestanding emergency
5 department, as applicable, including ancillary services routinely available
6 to the emergency department, AN AMBULANCE SERVICE, AS DEFINED IN
7 SECTION 25-3.5-103 (3), OR AN AGENCY PROVIDING OUT-OF-HOSPITAL
8 SERVICES to evaluate the emergency medical condition; and

9 (B) Within the capabilities of the staff and facilities available at
10 the hospital, regardless of the department in which further examination
11 or treatment is furnished, or the freestanding emergency department, as
12 applicable, further medical examination and treatment as are required to
13 stabilize the patient to ensure, within reasonable medical probability, that
14 no material deterioration of the condition is NOT likely to result from or
15 occur during the transfer of the patient from a facility;

16 (C) THE GROUND TRANSPORTATION OF A COVERED PERSON TO AN
17 APPROPRIATE LOCATION OTHER THAN A HOSPITAL OR AN AGENCY
18 PROVIDING OUT-OF-HOSPITAL SERVICES, IF THE DESTINATION IS A CRISIS
19 STABILIZATION UNIT AND THE PATIENT MEETS CLINICALLY VALIDATED
20 CRITERIA APPROVED BY THE EMERGENCY MEDICAL SERVICE PROVIDER'S
21 MEDICAL DIRECTOR AND THE STATE BOARD OF HEALTH FOR DIVERSION TO
22 THE SELECTED ALTERNATIVE DESTINATION. THE EMERGENCY MEDICAL
23 SERVICE PROVIDER SHALL BILL THE CARRIER FOR TRANSPORTATION OF THE
24 COVERED PERSON AT THE BASIC LIFE SUPPORT RATE; OR

25 (D) THE EXAMINATION AND TREATMENT OF A COVERED PERSON AT
26 THE SCENE OF A MEDICAL EMERGENCY OR DURING TRANSPORT FROM THE
27 SCENE OF A MEDICAL EMERGENCY BY AN AMBULANCE SERVICE, AS

1 DEFINED IN SECTION 25-3.5-103 (3), OR AN AGENCY PROVIDING
2 OUT-OF-HOSPITAL SERVICES.

3 (II) For a covered person ~~who~~ THAT is provided services described
4 in ~~subsections (19)(e)(I)(A) and (19)(e)(I)(B)~~ SUBSECTION (19)(e)(I) of
5 this section with respect to an emergency medical condition, unless each
6 of the conditions in subsection (19)(e)(III) of this section are met, the
7 term "emergency services" includes services that are:

8 (1.5) (I) "OUT-OF-HOSPITAL SERVICES" MEANS FURNISHING ANY
9 NECESSARY GOODS AND SERVICES OUTSIDE OF A HOSPITAL SETTING FOR
10 THE PURPOSE OF PREVENTING, ALLEVIATING, CURING, OR HEALING HUMAN
11 ILLNESS, A PHYSICAL DISABILITY, A PHYSICAL INJURY, OR A SUBSTANCE
12 USE DISORDER WHILE RESPONDING TO AN EMERGENCY OR OTHER
13 HEALTH-CARE CONDITION.

14 (II) "OUT-OF-HOSPITAL SERVICES" DOES NOT INCLUDE
15 PREHOSPITAL SETTING TRANSPORTS.

16 **SECTION 2.** In Colorado Revised Statutes, 25-3.5-103, **amend**
17 (8.5), (8.6), (8.7), (8.8), and (9); and **add** (9.5) as follows:

18 **25-3.5-103. Definitions.**

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

20 (8.5) ~~"Health information organization network" means an~~
21 ~~organization that oversees and governs the exchange of health-related~~
22 ~~information among organizations according to nationally recognized~~
23 ~~standards.~~ "FIRST RESPONDER" MEANS:

24 (a) A PEACE OFFICER, AS DESCRIBED IN SECTION 16-2.5-101;

25 (b) A FIREFIGHTER, AS DEFINED IN SECTION 29-5-203 (10);

26 (c) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION
27 31-30-1102 (9)(a);

1 (d) AN EMERGENCY MEDICAL SERVICE PROVIDER; AND

2 (e) A MENTAL HEALTH PROFESSIONAL WHO RESPONDS IN A
3 PROFESSIONAL CAPACITY TO A JUSTIFIABLE MEDICAL EMERGENCY.

4 (8.6) ~~"Justifiable medical emergency" means an underlying~~
5 ~~medical, traumatic, or psychiatric condition posing an immediate safety~~
6 ~~risk to the individual, emergency medical service provider, or public.~~
7 ~~Excited delirium, any subsequent term for excited delirium, or any acute~~
8 ~~psychiatric diagnosis not recognized in the most recent edition of the~~
9 ~~diagnostic and statistical manual of mental disorders is not a justifiable~~
10 ~~medical emergency~~ "HEALTH INFORMATION ORGANIZATION NETWORK"

11 MEANS AN ORGANIZATION THAT OVERSEES AND GOVERNS THE EXCHANGE
12 OF HEALTH-RELATED INFORMATION AMONG ORGANIZATIONS ACCORDING
13 TO NATIONALLY RECOGNIZED STANDARDS.

14 (8.7) ~~"Local licensing authority" means the governing body of a~~
15 ~~city and county or the board of county commissioners in a county in the~~
16 ~~state~~ "JUSTIFIABLE MEDICAL EMERGENCY" MEANS AN UNDERLYING
17 MEDICAL, TRAUMATIC, OR PSYCHIATRIC CONDITION POSING AN IMMEDIATE
18 SAFETY RISK TO THE INDIVIDUAL, EMERGENCY MEDICAL SERVICE
19 PROVIDER, OR PUBLIC. EXCITED DELIRIUM, ANY SUBSEQUENT TERM FOR
20 EXCITED DELIRIUM, OR ANY ACUTE PSYCHIATRIC DIAGNOSIS NOT
21 RECOGNIZED IN THE MOST RECENT EDITION OF THE DIAGNOSTIC AND
22 STATISTICAL MANUAL OF MENTAL DISORDERS IS NOT A JUSTIFIABLE
23 MEDICAL EMERGENCY.

24 (8.8) ~~"Medical direction" includes, but is not limited to, the~~
25 ~~following:~~ "LOCAL LICENSING AUTHORITY" MEANS THE GOVERNING BODY
26 OF A CITY AND COUNTY OR THE BOARD OF COUNTY COMMISSIONERS IN A
27 COUNTY IN THE STATE.

1 ~~(a) Approval of the medical components of treatment protocols~~
2 ~~and appropriate prearrival instructions;~~

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

6 ~~(c) Authority to recommend appropriate changes to protocols for~~
7 ~~the improvement of patient care; and~~

8 ~~(d) Provision of oversight for the ongoing education, training, and~~
9 ~~quality assurance for providers of emergency care.~~

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

13 ~~(a) APPROVAL OF THE MEDICAL COMPONENTS OF TREATMENT~~
14 ~~PROTOCOLS AND APPROPRIATE PREARRIVAL INSTRUCTIONS;~~

15 ~~(b) ROUTINE REVIEW OF PROGRAM PERFORMANCE AND~~
16 ~~MAINTENANCE OF ACTIVE INVOLVEMENT IN QUALITY IMPROVEMENT~~
17 ~~ACTIVITIES, INCLUDING ACCESS TO DISPATCH TAPES AS NECESSARY FOR~~
18 ~~THE EVALUATION OF PROCEDURES;~~

19 ~~(c) AUTHORITY TO RECOMMEND APPROPRIATE CHANGES TO~~
20 ~~PROTOCOLS FOR THE IMPROVEMENT OF PATIENT CARE; AND~~

21 ~~(d) PROVISION OF OVERSIGHT FOR THE ONGOING EDUCATION,~~
22 ~~TRAINING, AND QUALITY ASSURANCE FOR PROVIDERS OF EMERGENCY~~
23 ~~CARE.~~

24 ~~(9.5) "PATIENT" MEANS AN INDIVIDUAL WHO IS SICK, INJURED, OR~~
25 ~~OTHERWISE INCAPACITATED OR HELPLESS.~~

26 ■ ■

27 **SECTION 3.** In Colorado Revised Statutes, **add** 25.5-4-436 as

1 follows:

2 **25.5-4-436. Transportation by ambulance or other vehicle -**
3 **treatment on scene of a medical emergency - evaluation by**
4 **telemedicine - definitions.**

5 (1) ON AND AFTER JANUARY 1, 2027, THE STATE DEPARTMENT
6 SHALL REIMBURSE:

7 (a) AN AMBULANCE SERVICE **FOR GROUND** TRANSPORTATION BY
8 AN AMBULANCE OR OTHER APPROPRIATELY SITUATED VEHICLE TO A
9 HOSPITAL OR OTHER DESTINATION AS DEEMED APPROPRIATE BY THE
10 AMBULANCE SERVICE'S **MEDICAL DIRECTOR**;

11 (b) AN AMBULANCE SERVICE **FOR TREATMENT ON THE SCENE**
12 **OF A MEDICAL EMERGENCY, WHICH TREATMENT DOES NOT RESULT IN**
13 **GROUND** TRANSPORTATION; AND

14 (c) A QUALIFIED PROVIDER, AN AMBULANCE SERVICE, OR **AN**
15 **AGENCY PROVIDING OUT-OF-HOSPITAL SERVICES FOR** EVALUATION BY
16 TELEMEDICINE OF A PERSON BEING TREATED BY AN AMBULANCE SERVICE
17 **OR AN AGENCY PROVIDING OUT-OF-HOSPITAL SERVICES** FOR THE PURPOSE
18 OF PREVENTING THE NEED TO TRANSPORT THE PERSON TO A HOSPITAL.
19 TELEMEDICINE SHALL BE BILLED USING AN OFFICE OR OTHER OUTPATIENT
20 SERVICES RATE AND NOT USING AN EMERGENCY DEPARTMENT RATE. AN
21 AMBULANCE SERVICE OR **AN AGENCY PROVIDING OUT-OF-HOSPITAL**
22 **SERVICES** IS NOT REQUIRED TO PROCURE TELEMEDICINE FOR A COVERED
23 PERSON AS A CONDITION OF PAYMENT.

24 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
25 REQUIRES:

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

1 (b) (I) "OUT-OF-HOSPITAL SERVICES" MEANS FURNISHING ANY
2 NECESSARY GOODS AND SERVICES OUTSIDE OF A HOSPITAL SETTING FOR
3 THE PURPOSE OF PREVENTING, ALLEVIATING, CURING, OR HEALING HUMAN
4 ILLNESS, A PHYSICAL DISABILITY, A PHYSICAL INJURY, OR A SUBSTANCE
5 USE DISORDER WHILE RESPONDING TO AN EMERGENCY OR OTHER
6 HEALTH-CARE CONDITION.

7 (II) "OUT-OF-HOSPITAL SERVICES" DOES NOT INCLUDE
8 PREHOSPITAL SETTING TRANSPORTS.

9 **SECTION 4.** In Colorado Revised Statutes, 12-280-404, **amend**
10 (7)(b) as follows:

11 **12-280-404. Program operation - access - rules - definitions.**

12 (7) (b) The board may, within existing funds available for
13 operation of the program, provide a means of sharing prescription
14 information and electronic health records through a board-approved
15 vendor and method with the health information organization network, as
16 defined in ~~section 25-3.5-103 (8.5)~~ SECTION 25-3.5-103 (8.6), in order to
17 work collaboratively with the statewide health information exchanges
18 designated by the department of health care policy and financing. Use of
19 the information made available pursuant to this subsection (7)(b) is
20 subject to privacy and security protections in state law and the federal
21 "Health Insurance Portability and Accountability Act of 1996",
22 Pub.L.104-191, as amended, and any implementing regulations.

23 **SECTION 5.** In Colorado Revised Statutes, 25-54-101, **amend**
24 (4) as follows:

25 **25-54-101. Definitions.**

26 As used in this article 54, unless the context otherwise requires:

27 (4) "Health information organization network" means a Colorado

1 ~~organization that has experience in overseeing and governing the~~
2 ~~exchange of health-related information among organizations according~~
3 ~~to Colorado law and nationally recognized standards including but not~~
4 ~~limited to the federal "Health Insurance Portability and Accountability~~
5 ~~Act of 1996", Pub.L. 104-191, as amended~~ HAS THE MEANING SET FORTH
6 IN SECTION 25-3.5-103 (8.6).

7 **SECTION 6.** In Colorado Revised Statutes, 27-50-101, **amend**
8 (14) as follows:

9 **27-50-101. Definitions.**

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

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

13 **SECTION 7. Safety clause.** The general assembly finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, or safety or for appropriations for
16 the support and maintenance of the departments of the state and state
17 institutions.