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HOUSE BILL 26-1296

BY REPRESENTATIVE(S) Bradley and Carter, Espenoza, Caldwell, Duran, Flannell, Gonzalez R., Keltie, Winter T.;
also SENATOR(S) Ball and Rich, Coleman.

CONCERNING DISCIPLINE FOR ADVANCED PRACTICE REGISTERED NURSES FOR
A FAILURE TO TIMELY COMPLETE A MEDICAL CERTIFICATION FOR A
CERTIFICATE OF DEATH.

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

SECTION 1. In Colorado Revised Statutes, 25-2-110, **amend** (4)
as follows:

**25-2-110. Certificates of death - electronic death registration
system - amended certificate of death following a change in gender -
rules - definitions.**

(4) (a) Except when inquiry is required by any provision of section 30-10-606 other than section 30-10-606 (1)(b), the physician, physician assistant, or advanced practice registered nurse in charge of the patient's care for the illness or condition that resulted in death shall complete the medical certification for the certificate of death within seventy-two hours

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

after receipt of the electronic death registration request or, before March 1, 2024, only, for a physician, physician assistant, or advanced practice registered nurse who is not yet registered to use and using the electronic death registration system used by the department of public health and environment and the state registrar pursuant to subsection (1)(b)(I) of this section, within seventy-two hours after receiving notice that a medical certification for a certificate of death must be completed. In the absence of the physician, physician assistant, or advanced practice registered nurse or with the physician's, physician assistant's, or advanced practice registered nurse's approval, the certificate may be completed and signed by an associate physician, physician assistant, advanced practice registered nurse, the chief medical officer of the institution in which the death occurred, or the physician who performed an autopsy upon the decedent, if such individual has access to the medical history of the case, if said individual views the decedent at or after the time of death, and if the death is due to natural causes. If the death is or may be due to unnatural causes, a physician, physician assistant, or advanced practice registered nurse required to complete a medical certification for a certificate of death in accordance with this subsection (4) shall notify the coroner or the medical examiner when an inquiry or an autopsy is required to be performed pursuant to sections 30-10-606 and 30-10-606.5.

(b) (I) On and after March 1, 2024, a physician's OR A physician assistant's ~~or advanced practice registered nurse's~~ repeated or willful failure without reasonable cause to comply with timely completion of a medical certification for a certificate of death in accordance with subsection (1)(a) of this section and this subsection (4) constitutes unprofessional conduct, as defined in section 12-240-121 (1)(hh).

(II) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4)(b)(II), AN ADVANCED PRACTICE REGISTERED NURSE'S REPEATED OR WILLFUL FAILURE WITHOUT REASONABLE CAUSE TO COMPLY WITH TIMELY COMPLETION OF A MEDICAL CERTIFICATION FOR A CERTIFICATE OF DEATH IN ACCORDANCE WITH SUBSECTION (1)(a) OF THIS SECTION AND THIS SUBSECTION (4) IS GROUNDS FOR DISCIPLINE, AS DEFINED IN SECTION 12-255-120 (1)(ii).

(III) If an autopsy is performed, the MEDICAL certification shall indicate whether the decedent was pregnant at the time of death, and the information shall be reported on the death certificate as required by

subsection (9) of this section. Except as otherwise provided in subsection (4.5) of this section, the physician, physician assistant, or advanced practice registered nurse, or, in their absence, their designee in accordance with this subsection (4), shall complete the medical certification for a certificate of death required by this subsection (4) using the electronic death registration system used by the department of public health and environment and the state registrar pursuant to subsection (1)(b)(I) of this section.

SECTION 2. In Colorado Revised Statutes, 12-255-120, **amend** (1)(gg) and (1)(hh); and **add** (1)(ii) as follows:

12-255-120. Grounds for discipline - definitions.

(1) "Grounds for discipline", as used in this part 1, means any action by any person who:

(gg) Is diverting or has diverted a controlled substance, as defined in section 18-18-102 (5), or any other drug having similar effects from the person's place of employment; ~~or~~

(hh) Has been convicted of an offense under section 18-13-131. For purposes of this subsection (1)(hh), "convicted" includes the entry of a plea of guilty or nolo contendere or the imposition of a deferred sentence; OR

(ii) REPEATEDLY OR WILLFULLY FAILS, WITHOUT REASONABLE CAUSE, TO COMPLY WITH THE REQUIREMENTS OF COMPLETING A MEDICAL CERTIFICATION FOR A CERTIFICATE OF DEATH IN ACCORDANCE WITH ANY APPLICABLE DEADLINE SET FORTH IN SECTION 25-2-110.

SECTION 3. 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 12, 2026, if adjournment sine die is on May 13, 2026); 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO