

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



HOUSE BILL 26-1069

BY REPRESENTATIVE(S) Feret and Stewart K., Bacon, Boesenecker, Bradley, Brown, Camacho, Carter, Duran, Flanell, Gonzalez R., Hamrick, Jackson, Johnson, Joseph, Keltie, Lieder, Lindsay, Lukens, Marshall, McCormick, Nguyen, Paschal, Phillips, Rutinel, Slaugh, Smith, Stewart R., Titone, McCluskie, Barron, Caldwell, Clifford, DeGraaf, English, Luck, Soper, Story, Weinberg, Winter T., Woog;  
also SENATOR(S) Mullica and Simpson, Amabile, Benavidez, Bridges, Bright, Carson, Catlin, Cutter, Daugherty, Exum, Frizell, Gonzales J., Hinrichsen, Jodeh, Kipp, Kirkmeyer, Kolker, Lindstedt, Liston, Marchman, Pelton R., Roberts, Snyder, Wallace, Weissman, Zamora Wilson, Coleman.

CONCERNING INCREASING THE AVAILABILITY OF EMERGENCY MEDICAL SERVICES.

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

**SECTION 1.** In Colorado Revised Statutes, 24-1-119, **add** (19) as follows:

**24-1-119. Department of public health and environment - creation.**

*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.*

(19) THE STATE EMERGENCY MEDICAL AND TRAUMA SERVICES ADVISORY COUNCIL, CREATED IN SECTION 25-3.5-104 (1), IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

**SECTION 2.** In Colorado Revised Statutes, 25-3.5-103, **amend** (8.5), (8.6), (8.7), (8.8), and (9); and **add** (9.8) as follows:

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

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

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

- (a) A PEACE OFFICER, AS DESCRIBED IN SECTION 16-2.5-101;
- (b) A FIREFIGHTER, AS DEFINED IN SECTION 29-5-203 (10);
- (c) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION 31-30-1102 (9)(a);
- (d) AN EMERGENCY MEDICAL SERVICE PROVIDER; AND
- (e) A MENTAL HEALTH PROFESSIONAL WHO RESPONDS IN A PROFESSIONAL CAPACITY TO A JUSTIFIABLE MEDICAL EMERGENCY.

~~(8.6) "Justifiable medical emergency" means an underlying medical, traumatic, or psychiatric condition posing an immediate safety risk to the individual, emergency medical service provider, or public. Excited delirium, any subsequent term for excited delirium, or any acute psychiatric diagnosis not recognized in the most recent edition of the diagnostic and statistical manual of mental disorders is not a justifiable medical emergency.~~ "HEALTH INFORMATION ORGANIZATION NETWORK" MEANS AN ORGANIZATION THAT OVERSEES AND GOVERNS THE EXCHANGE OF HEALTH-RELATED INFORMATION AMONG ORGANIZATIONS ACCORDING TO NATIONALLY RECOGNIZED STANDARDS.

~~(8.7) "Local licensing authority" means the governing body of a city~~

~~and county or the board of county commissioners in a county in the state~~  
"JUSTIFIABLE MEDICAL EMERGENCY" MEANS AN UNDERLYING MEDICAL, TRAUMATIC, OR PSYCHIATRIC CONDITION POSING AN IMMEDIATE SAFETY RISK TO THE INDIVIDUAL, EMERGENCY MEDICAL SERVICE PROVIDER, OR PUBLIC. EXCITED DELIRIUM, ANY SUBSEQUENT TERM FOR EXCITED DELIRIUM, OR ANY ACUTE PSYCHIATRIC DIAGNOSIS NOT RECOGNIZED IN THE MOST RECENT EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS IS NOT A JUSTIFIABLE MEDICAL EMERGENCY.

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

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

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

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

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

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

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

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

(c) AUTHORITY TO RECOMMEND APPROPRIATE CHANGES TO

PROTOCOLS FOR THE IMPROVEMENT OF PATIENT CARE; AND

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

(9.8) "PATIENT" MEANS AN INDIVIDUAL WHO IS SICK, INJURED, OR OTHERWISE INCAPACITATED OR HELPLESS.

**SECTION 3.** In Colorado Revised Statutes, 25-3.5-104, **amend** (4)(d) as follows:

**25-3.5-104. Emergency medical and trauma services advisory council - creation - duties.**

(4) The council shall:

(d) Review and ~~approve~~ MAKE RECOMMENDATIONS TO APPROVE OR DENY new rules CONCERNING EMERGENCY MEDICAL AND TRAUMA SERVICES and modifications to rules CONCERNING EMERGENCY MEDICAL AND TRAUMA SERVICES existing prior to July 1, 2000, prior to the adoption of such rules or modifications by the state board of health;

**SECTION 4.** In Colorado Revised Statutes, **add** 25.5-4-436 as follows:

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

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

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

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

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

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

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

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

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

**SECTION 5.** In Colorado Revised Statutes, 12-280-404, **amend** (7)(b) as follows:

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

(7) (b) The board may, within existing funds available for operation of the program, provide a means of sharing prescription information and electronic health records through a board-approved vendor and method with the health information organization network, as defined in ~~section 25-3.5-103 (8.5)~~ SECTION 25-3.5-103 (8.6), in order to work collaboratively with the statewide health information exchanges designated by the department of health care policy and financing. Use of the information made available pursuant to this subsection (7)(b) is subject to privacy and

security protections in state law and the federal "Health Insurance Portability and Accountability Act of 1996", Pub.L.104-191, as amended, and any implementing regulations.

**SECTION 6.** In Colorado Revised Statutes, 25-54-101, **amend** (4) as follows:

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

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

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

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

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

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

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

**SECTION 8. Safety clause.** The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

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Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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James Rashad Coleman, Sr.  
PRESIDENT OF  
THE SENATE

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Vanessa Reilly  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Esther van Mourik  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO