

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

January 23, 2019
Date

Committee on Public Health Care & Human Services.

After consideration on the merits, the Committee recommends the following:

HB19-1044 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 3, lines 21 and 22, strike "TREATMENT"OR
2 "BEHAVIORAL HEALTH ORDERS FORM" and substitute "TREATMENT",
3 "BEHAVIORAL HEALTH ORDERS FORM", OR "PSYCHIATRIC ADVANCE
4 DIRECTIVE".

5 Page 4, line 7, after "SPOUSE," insert "PARTNER IN A CIVIL UNION,".

6 Page 4, strike lines 17 through 20 and substitute:
7 "(b) AN EMERGENCY MEDICAL RESPONDER OR A REGISTERED
8 EMERGENCY MEDICAL RESPONDER, AS DEFINED IN SECTION 25-3.5-1102
9 (1) AND (3)."

10 Page 7, after line 10 insert:

11 "(3) NOTHING IN THIS PART 2 ALLOWS AN ADULT TO INCLUDE IN
12 HIS OR HER BEHAVIORAL HEALTH ORDERS FORM AN INSTRUCTION THAT
13 EXEMPTS THE ADULT FROM AN INVOLUNTARY EMERGENCY PROCEDURE OR
14 COMMITMENT AUTHORIZED PURSUANT TO STATE LAW. ANY INSTRUCTION
15 THAT ATTEMPTS TO EXEMPT THE ADULT FROM AN INVOLUNTARY
16 EMERGENCY PROCEDURE OR COMMITMENT AUTHORIZED PURSUANT TO
17 STATE LAW IS VOID."

18 Page 10, strike lines 3 through 6 and substitute
19 "(b) THE EMERGENCY MEDICAL SERVICES PERSONNEL, A HEALTH

1 CARE."

2 Page 10, line 7, strike "STILL".

3 Page 10, line 9, strike "SECTION." and substitute "SECTION UNLESS THE
4 ADULT'S INSTRUCTION ON THE BEHAVIORAL HEALTH ORDERS FORM WILL
5 CAUSE SUBSTANTIAL HARM TO THE ADULT. IF THE ADULT'S INSTRUCTION
6 ON THE BEHAVIORAL HEALTH ORDERS FORM WILL CAUSE SUBSTANTIAL
7 HARM TO THE ADULT, THE EMERGENCY MEDICAL SERVICE PERSONNEL,
8 HEALTH CARE PROVIDER, OR HEALTH CARE FACILITY SHALL MAKE A GOOD
9 FAITH EFFORT TO CONSULT WITH THE ADULT'S AGENT, IF APPLICABLE, AND
10 OFFER AN ALTERNATIVE COURSE OF TREATMENT."

11 Page 11, line 3, strike "THE PRACTICE OF MEDICINE OR NURSING," and
12 substitute "EMERGENCY MEDICAL PERSONNEL, A HEALTH CARE PROVIDER,
13 OR A HEALTH CARE FACILITY,".

14 Page 11, after line 20 insert:

15 "(6) (a) NOTHING IN THIS PART 2 ALLOWS AN ADULT TO INCLUDE
16 IN HIS OR HER BEHAVIORAL HEALTH ORDERS FORM AN INSTRUCTION THAT
17 EXEMPTS THE ADULT FROM AN INVOLUNTARY EMERGENCY PROCEDURE OR
18 COMMITMENT AUTHORIZED PURSUANT TO STATE LAW. ANY INSTRUCTION
19 THAT ATTEMPTS TO EXEMPT THE ADULT FROM AN INVOLUNTARY
20 EMERGENCY PROCEDURE OR COMMITMENT AUTHORIZED PURSUANT TO
21 STATE LAW IS VOID.

22 (b) NOTWITHSTANDING AN INSTRUCTION ON AN ADULT'S
23 BEHAVIORAL HEALTH ORDERS FORM THAT STATES TO EXEMPT THE ADULT
24 FROM AN INVOLUNTARY EMERGENCY PROCEDURE OR COMMITMENT
25 AUTHORIZED PURSUANT TO STATE LAW, ANY PERSON AUTHORIZED TO
26 PERFORM AN INVOLUNTARY EMERGENCY PROCEDURE OR COMMITMENT
27 PURSUANT TO STATE LAW AND WHO COMPLIES WITH THE REQUIREMENTS
28 OF AN INVOLUNTARY EMERGENCY PROCEDURE OR COMMITMENT
29 PURSUANT TO STATE LAW IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY
30 OR REGULATORY SANCTION."

** ** ** ** **