

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0414.01 Yelana Love x2295

SENATE BILL 19-065

SENATE SPONSORSHIP

Garcia, Bridges, Cooke, Coram, Crowder, Danielson, Donovan, Fenberg, Gardner, Ginal, Gonzales, Priola, Rankin, Rodriguez, Story, Tate, Todd, Williams A., Winter, Woodward, Zenzinger

HOUSE SPONSORSHIP

Exum,

Senate Committees

Health & Human Services
Finance
Appropriations

House Committees

Public Health Care & Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A PEER HEALTH ASSISTANCE**
102 **PROGRAM FOR EMERGENCY MEDICAL SERVICE PROVIDERS, AND,**
103 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 creates a peer health assistance program (program) for emergency medical service providers funded through fees collected from each applicant upon initial or renewal of a certification as an emergency medical service provider. The state board of health (board) is required to select one or more peer health assistance programs as designated

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

HOUSE
Amended 2nd Reading
April 9, 2019

SENATE
3rd Reading Unamended
March 14, 2019

SENATE
Amended 2nd Reading
March 13, 2019

- providers. To be selected as a provider, the program must:
- ! Provide for the education of emergency medical service providers with respect to the recognition and prevention of physical, emotional, and psychological problems and provide for intervention when necessary or under circumstances that may be established by rules promulgated by the board;
 - ! Offer assistance to an emergency medical service provider in identifying physical, emotional, or psychological problems;
 - ! Evaluate the extent of physical, emotional, or psychological problems and refer the emergency medical service provider for appropriate treatment;
 - ! Monitor the status of an emergency medical service provider who has been referred for treatment;
 - ! Provide counseling and support for the emergency medical service provider and for the family of any emergency medical service provider referred for treatment;
 - ! Agree to receive referrals from the board; and
 - ! Agree to make services available to all certified emergency medical service providers.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 25-3.5-207** as
 3 follows:

4 **25-3.5-207. Emergency medical service providers' peer health**
 5 **assistance program - rules.** (1) AS A CONDITION OF INITIAL
 6 CERTIFICATION AND CERTIFICATION RENEWAL, EVERY APPLICANT SHALL
 7 PAY TO THE DEPARTMENT, AT THE TIME OF APPLICATION, TWO DOLLARS
 8 AND FIFTY-FIVE CENTS. THIS AMOUNT MAY BE ADJUSTED ON JANUARY 1,
 9 2021, AND ANNUALLY THEREAFTER BY THE BOARD TO REFLECT:

10 (a) CHANGES IN THE UNITED STATES DEPARTMENT OF LABOR,
 11 BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR
 12 DENVER-AURORA-LAKEWOOD, OR ITS SUCCESSOR INDEX; AND

13 (b) OVERALL UTILIZATION OF THE PROGRAM.

1 (2) THE FEE IMPOSED PURSUANT TO SUBSECTION (1) OF THIS
2 SECTION IS TO SUPPORT DESIGNATED PROVIDERS THE DEPARTMENT
3 SELECTS TO PROVIDE ASSISTANCE TO EMERGENCY MEDICAL SERVICE
4 PROVIDERS NEEDING HELP IN DEALING WITH PHYSICAL, EMOTIONAL, OR
5 PSYCHOLOGICAL CONDITIONS THAT MAY BE DETRIMENTAL TO THEIR
6 ABILITY TO PROVIDE EMERGENCY MEDICAL SERVICES.

7 (3) THE DEPARTMENT SHALL DEPOSIT THE FEES COLLECTED
8 PURSUANT TO THIS SECTION IN THE EMERGENCY MEDICAL SERVICES PEER
9 ASSISTANCE FUND, REFERRED TO IN THIS SECTION AS THE "FUND", WHICH
10 IS HEREBY CREATED IN THE STATE TREASURY. MONEY IN THE FUND IS NOT
11 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY. THE
12 STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
13 FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE
14 FUND. THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
15 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF
16 THIS SECTION.

17 (4) THE DEPARTMENT SHALL SELECT ONE OR MORE PEER HEALTH
18 ASSISTANCE PROGRAMS AS DESIGNATED PROVIDERS. TO BE ELIGIBLE FOR
19 DESIGNATION BY THE DEPARTMENT, A PEER HEALTH ASSISTANCE
20 PROGRAM MUST:

21 (a) PROVIDE FOR THE EDUCATION OF EMERGENCY MEDICAL
22 SERVICE PROVIDERS WITH RESPECT TO THE RECOGNITION AND PREVENTION
23 OF PHYSICAL, EMOTIONAL, AND PSYCHOLOGICAL CONDITIONS AND
24 PROVIDE FOR INTERVENTION WHEN NECESSARY OR UNDER
25 CIRCUMSTANCES THAT THE DEPARTMENT MAY ESTABLISH BY RULE;

26 (b) OFFER ASSISTANCE TO AN EMERGENCY MEDICAL SERVICE
27 PROVIDER IN IDENTIFYING PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL

1 CONDITIONS;

2 (c) EVALUATE THE EXTENT OF PHYSICAL, EMOTIONAL, OR
3 PSYCHOLOGICAL CONDITIONS AND REFER THE EMERGENCY MEDICAL
4 SERVICE PROVIDER FOR APPROPRIATE TREATMENT;

5 (d) MONITOR THE STATUS OF AN EMERGENCY MEDICAL SERVICE
6 PROVIDER WHO HAS BEEN REFERRED FOR TREATMENT;

7 (e) PROVIDE COUNSELING AND SUPPORT FOR THE EMERGENCY
8 MEDICAL SERVICE PROVIDER AND FOR THE FAMILY OF ANY EMERGENCY
9 MEDICAL SERVICE PROVIDER REFERRED FOR TREATMENT;

10 (f) AGREE TO RECEIVE REFERRALS FROM THE DEPARTMENT; AND

11 (g) AGREE TO MAKE SERVICES AVAILABLE TO ALL CERTIFIED
12 EMERGENCY MEDICAL SERVICE PROVIDERS.

13 (5) THE DEPARTMENT MAY SELECT AN ENTITY TO ADMINISTER THE
14 EMERGENCY MEDICAL SERVICE PROVIDERS PEER HEALTH ASSISTANCE
15 PROGRAM. THE ADMINISTERING ENTITY MUST BE A NONPROFIT PRIVATE
16 FOUNDATION THAT IS QUALIFIED UNDER SECTION 501 (c)(3) OF THE
17 FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, AND IS
18 DEDICATED TO PROVIDING SUPPORT FOR CHARITABLE, BENEVOLENT,
19 EDUCATIONAL, AND SCIENTIFIC PURPOSES THAT ARE RELATED TO
20 MEDICINE, MEDICAL EDUCATION, MEDICAL RESEARCH AND SCIENCE, AND
21 OTHER MEDICAL CHARITABLE PURPOSES.

22 (6) THE ADMINISTERING ENTITY SHALL:

23 ==

24 (a) DISTRIBUTE THE MONEY COLLECTED FROM THE DEPARTMENT,
25 LESS EXPENSES, TO AN APPROVED DESIGNATED PROVIDER, AS DIRECTED BY
26 THE DEPARTMENT;

27 (b) PROVIDE AN ANNUAL ACCOUNTING TO THE DEPARTMENT OF

1 ALL AMOUNTS COLLECTED, EXPENSES INCURRED, AND AMOUNTS
2 DISBURSED; AND

3 (c) POST A SURETY PERFORMANCE BOND IN AN AMOUNT SPECIFIED
4 BY THE DEPARTMENT TO SECURE PERFORMANCE UNDER THE
5 REQUIREMENTS OF THIS SECTION. THE ADMINISTERING ENTITY MAY
6 RECOVER THE ACTUAL ADMINISTRATIVE COSTS INCURRED IN PERFORMING
7 ITS DUTIES UNDER THIS SECTION IN AN AMOUNT NOT TO EXCEED TEN
8 PERCENT OF THE TOTAL AMOUNT COLLECTED.

9
10 (7)(a) ANY CERTIFICATE HOLDER WHO DOES NOT HAVE ACCESS TO
11 AN EMPLOYEE ASSISTANCE PROGRAM MAY APPLY TO THE DEPARTMENT
12 FOR PARTICIPATION IN A QUALIFIED PEER HEALTH ASSISTANCE PROGRAM.
13 IN ORDER TO BE ELIGIBLE FOR PARTICIPATION, A CERTIFICATE HOLDER
14 SHALL:

15 (I) ACKNOWLEDGE THE EXISTENCE OR THE POTENTIAL EXISTENCE
16 OF A PHYSICAL, PSYCHOLOGICAL, OR EMOTIONAL CONDITION; EXCESSIVE
17 ALCOHOL OR DRUG USE; OR AN ALCOHOL USE DISORDER, AS DEFINED IN
18 SECTION 27-81-102 (1), OR A SUBSTANCE USE DISORDER, AS DEFINED IN
19 SECTION 27-82-102 (13.5);

20 (II) AFTER A FULL EXPLANATION OF THE OPERATION AND
21 REQUIREMENTS OF THE PEER HEALTH ASSISTANCE PROGRAM, AGREE TO
22 VOLUNTARILY PARTICIPATE IN THE PROGRAM AND AGREE IN WRITING TO
23 PARTICIPATE IN THE PROGRAM OF THE PEER HEALTH ASSISTANCE
24 ORGANIZATION DESIGNATED BY THE DEPARTMENT.

25 (b) (I) ANY CERTIFICATE HOLDER MAY SELF-REFER TO THE
26 QUALIFIED PEER HEALTH ASSISTANCE PROGRAM SELECTED BY THE
27 DEPARTMENT. IF A CERTIFICATE HOLDER WHO SELF-REFERS IN

1 ACCORDANCE WITH THIS SUBSECTION (7)(b) HAS ACCESS TO AN EMPLOYEE
2 ASSISTANCE PROGRAM THE CERTIFICATE HOLDER SHALL COVER THE COST
3 OF THE PROGRAM.

4 (II) A CERTIFICATE HOLDER WHO SELF-REFERS AND IS ACCEPTED
5 INTO A QUALIFIED PEER HEALTH ASSISTANCE PROGRAM SHALL AFFIRM
6 THAT, TO THE BEST OF THEIR KNOWLEDGE, INFORMATION, AND BELIEF,
7 THEY KNOW OF NO INSTANCE IN WHICH THEY HAVE VIOLATED THIS
8 ARTICLE 3.5 OR THE RULES OF THE BOARD, EXCEPT IN INSTANCES
9 AFFECTED BY THE CERTIFICATE HOLDER'S PHYSICAL, PSYCHOLOGICAL, OR
10 EMOTIONAL CONDITION.

11 (8) ALL DOCUMENTS, RECORDS, OR REPORTS GENERATED IN THE
12 PROVISION OF SERVICES TO A CERTIFICATE HOLDER WHO IS ATTENDING A
13 QUALIFIED PEER HEALTH ASSISTANCE PROGRAM ARE CONFIDENTIAL AND
14 NOT SUBJECT TO SUBPOENA AND SHALL NOT BE USED AS EVIDENCE IN ANY
15 PROCEEDING OTHER THAN DISCIPLINARY ACTION BY THE DEPARTMENT.
16 THE DOCUMENTS, RECORDS, AND REPORTS ARE NOT PUBLIC RECORDS FOR
17 PURPOSES OF SECTION 24-72-203.

18 (9) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE
19 DEPARTMENT MAY SUMMARILY SUSPEND THE CERTIFICATION OF ANY
20 CERTIFICATE HOLDER WHO IS REFERRED TO A PEER HEALTH ASSISTANCE
21 PROGRAM BY THE DEPARTMENT AND WHO FAILS TO ATTEND OR TO
22 COMPLETE THE PROGRAM. IF A CERTIFICATE HOLDER OBJECTS TO THE
23 SUSPENSION, THE CERTIFICATE HOLDER MAY SUBMIT A WRITTEN REQUEST
24 TO THE DEPARTMENT FOR THE FORMAL HEARING ON THE SUSPENSION
25 WITHIN TWO DAYS AFTER RECEIVING NOTICE OF THE SUSPENSION AND THE
26 DEPARTMENT SHALL GRANT THE REQUEST. IN THE HEARING, THE
27 CERTIFICATE HOLDER SHALL HAVE THE BURDEN OF PROVING THAT THE

1 CERTIFICATE HOLDER'S CERTIFICATION SHOULD NOT BE SUSPENDED. THE
2 HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 24-4-105.

3 (10) NOTHING IN THIS SECTION CREATES ANY LIABILITY ON THE
4 DEPARTMENT OR THE STATE OF COLORADO FOR THE ACTIONS OF THE
5 DEPARTMENT IN MAKING GRANTS TO PEER ASSISTANCE PROGRAMS, AND
6 NO CIVIL ACTION MAY BE BROUGHT OR MAINTAINED AGAINST THE
7 DEPARTMENT OR THE STATE FOR AN INJURY ALLEGED TO HAVE BEEN THE
8 RESULT OF THE ACTIVITIES OF ANY STATE-FUNDED PEER ASSISTANCE
9 PROGRAM OR THE RESULT OF AN ACT OR OMISSION OF AN EMERGENCY
10 MEDICAL SERVICE PROVIDER PARTICIPATING IN OR REFERRED BY A
11 STATE-FUNDED PEER ASSISTANCE PROGRAM. HOWEVER, THE STATE
12 REMAINS LIABLE UNDER THE "COLORADO GOVERNMENTAL IMMUNITY
13 ACT", ARTICLE 10 OF TITLE 24, IF AN INJURY ALLEGED TO HAVE BEEN THE
14 RESULT OF AN ACT OR OMISSION OF AN EMERGENCY MEDICAL SERVICE
15 PROVIDER PARTICIPATING IN OR REFERRED BY A STATE-FUNDED PEER
16 ASSISTANCE PROGRAM OCCURRED WHILE THE EMERGENCY MEDICAL
17 SERVICE PROVIDER WAS PERFORMING DUTIES AS AN EMPLOYEE OF THE
18 STATE.

19 (11) THE DEPARTMENT MAY PROMULGATE RULES NECESSARY TO
20 IMPLEMENT THIS SECTION.

21 **SECTION 2. Appropriation.** For the 2019-20 state fiscal year,
22 \$57,242 is appropriated to the department of public health and
23 environment for use by the health facilities and emergency medical
24 services division. This appropriation is from the emergency medical
25 services account within the highway users tax fund created in section
26 25-3.5-603 (1)(a), C.R.S., and is based on an assumption that the division
27 will require an additional 0.8 FTE. To implement this act, the division

1 may use this appropriation for the peer health assistance program related
2 to emergency medical services.

3 **SECTION 3. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2020 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.