

CHAPTER 60

HUMAN SERVICES - BEHAVIORAL HEALTH

HOUSE BILL 19-1044

BY REPRESENTATIVE(S) Kraft-Tharp and Landgraf, Arndt, Buckner, Buentello, Caraveo, Carver, Coleman, Cutter, Duran, Exum, Galindo, Gonzales-Gutierrez, Gray, Herod, Jaquez Lewis, Kennedy, Kipp, Larson, Liston, Lontine, Melton, Michaelson Jenet, Mullica, Sandridge, Singer, Sirota, Snyder, Sullivan, Tipper, Titone, Valdez D., Wilson, Becker, Beckman, Bird, Buck, Catlin, Esgar, Froelich, Garnett, Geitner, Hansen, Hooton, Humphrey, Jackson, McCluskie, McLachlan, Neville, Pelton, Roberts, Valdez A., Van Winkle, Weissman;
also SENATOR(S) Todd and Coram, Bridges, Court, Crowder, Danielson, Fields, Gardner, Ginal, Gonzales, Lee, Moreno, Pettersen, Priola, Rodriguez, Story, Tate, Williams A., Winter, Garcia.

AN ACT

**CONCERNING ADVANCE BEHAVIORAL HEALTH ORDERS DETERMINING THE SCOPE OF TREATMENT
AN ADULT WISHES TO RECEIVE UNDER CERTAIN BEHAVIORAL HEALTH CIRCUMSTANCES.**

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

- (a) Colorado law has traditionally recognized the right of an adult or his or her authorized agent to accept or reject health care or treatment;
- (b) Each adult has the right to establish instructions for the administration of behavioral health treatment;
- (c) Current instruments for making instructions concerning medical orders for scope of treatment do not adequately address the complexities associated with behavioral health treatment; and
- (d) Adults with behavioral health disorders are in particular need of a consistent method for identifying and communicating critical behavioral health treatment history, decisions, and preferences that each sector of the health care community will recognize and follow.

(2) The general assembly therefore concludes that it is in the best interests of the

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.

people of Colorado to create a behavioral health orders for scope of treatment. Consistent with the goal of enhancing patient-centered, compassionate care through methods to enhance continuity and communication across health care settings, behavioral health orders for scope of treatment will provide a process for timely discussion between adults, their health care providers, and their authorized agents about behavioral health treatment, and will ensure those preferences are clearly and unequivocally documented.

SECTION 2. In Colorado Revised Statutes, **add** part 2 to article 18.7 of title 15 as follows:

PART 2
DIRECTIVES CONCERNING BEHAVIORAL HEALTH
ORDERS FOR SCOPE OF TREATMENT

15-18.7-201. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADULT" MEANS A PERSON EIGHTEEN YEARS OF AGE OR OLDER.

(2) "AGENT" MEANS A PERSON EIGHTEEN YEARS OF AGE OR OLDER WHO IS AUTHORIZED BY AN ADULT TO MAKE DECISIONS CONCERNING BEHAVIORAL HEALTH TREATMENT, MEDICATION, AND ALTERNATIVE TREATMENT FOR THE ADULT TO THE EXTENT AUTHORIZED BY THE ADULT.

(3) "BEHAVIORAL HEALTH" HAS THE SAME MEANING AS SET FORTH IN SECTION 27-60-100.3 (1).

(4) "BEHAVIORAL HEALTH ORDERS FOR SCOPE OF TREATMENT", "BEHAVIORAL HEALTH ORDERS FORM", OR "PSYCHIATRIC ADVANCE DIRECTIVE" MEANS A WRITTEN INSTRUCTION, CREATED PURSUANT TO SECTION 15-18.7-202, CONCERNING BEHAVIORAL HEALTH TREATMENT, MEDICATION, AND ALTERNATIVE TREATMENT DECISIONS, PREFERENCES, AND HISTORY TO BE MADE ON BEHALF OF THE ADULT WHO PROVIDED THE INSTRUCTION.

(5) "BEHAVIORAL HEALTH TREATMENT" MEANS THE PROVISION, WITHHOLDING, OR WITHDRAWAL OF ANY BEHAVIORAL HEALTH:

(a) EXAMINATION;

(b) SERVICE;

(c) PROCEDURE; OR

(d) MEDICATION.

(6) "DISINTERESTED WITNESS" MEANS AN ADULT OTHER THAN A SPOUSE, PARTNER IN A CIVIL UNION, DOMESTIC PARTNER, ROMANTIC PARTNER, CHILD, PARENT, SIBLING, GRANDCHILD, GRANDPARENT, HEALTH CARE PROVIDER, PERSON WHO AT THE TIME OF THE ADULT'S SIGNATURE HAS A CLAIM AGAINST ANY PORTION OF THE ADULT'S ESTATE AT THE TIME OF THE ADULT'S DEATH, OR PERSON WHO

KNOWS OR BELIEVES THAT HE OR SHE HAS AN ENTITLEMENT TO ANY PORTION OF THE ADULT'S ESTATE AT THE TIME OF THE ADULT'S DEATH EITHER AS A BENEFICIARY OF A WILL THAT EXISTS AT THE TIME OF THE ADULT'S SIGNATURE OR AS AN HEIR AT LAW, WHO CAN ATTEST THAT THE ADULT EXECUTING THE BEHAVIORAL HEALTH ORDERS FORM WAS OF SOUND MIND AND FREE OF COERCION WHEN HE OR SHE SIGNED THE BEHAVIORAL HEALTH ORDERS FORM.

(7) "EMERGENCY MEDICAL SERVICE PERSONNEL" MEANS:

(a) AN EMERGENCY MEDICAL SERVICE PROVIDER WHO IS CERTIFIED OR LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, CREATED AND EXISTING PURSUANT TO SECTION 25-1-102;

(b) AN EMERGENCY MEDICAL RESPONDER OR A REGISTERED EMERGENCY MEDICAL RESPONDER, AS DEFINED IN SECTION 25-3.5-1102 (1) AND (3);

(c) A CRISIS RESPONSE SYSTEM CONTRACTOR, AS DEFINED IN SECTION 27-60-100.3 (4).

(8) "HEALTH CARE FACILITY" MEANS:

(a) A HOSPITAL;

(b) A HOSPICE INPATIENT RESIDENCE;

(c) A NURSING FACILITY;

(d) A DIALYSIS TREATMENT FACILITY;

(e) AN ASSISTED LIVING RESIDENCE;

(f) AN ENTITY THAT PROVIDES HOME-BASED AND COMMUNITY-BASED SERVICES;

(g) A HOSPICE OR HOME HEALTH CARE AGENCY;

(h) THE COLORADO MENTAL HEALTH INSTITUTE AT FORT LOGAN;

(i) THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO; OR

(j) ANOTHER FACILITY THAT PROVIDES OR CONTRACTS TO PROVIDE HEALTH CARE SERVICES, WHICH FACILITY IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED OR PERMITTED BY LAW TO PROVIDE MEDICAL TREATMENT.

(9) "HEALTH CARE PROVIDER" MEANS:

(a) A PHYSICIAN OR OTHER INDIVIDUAL WHO PROVIDES MEDICAL TREATMENT TO AN ADULT AND WHO IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED OR PERMITTED BY LAW TO PROVIDE MEDICAL TREATMENT OR WHO IS EMPLOYED BY OR ACTING FOR SUCH AN AUTHORIZED PERSON;

(b) A PROFESSIONAL PERSON, AS DEFINED IN SECTION 27-65-102 (17);

(c) A MENTAL HEALTH PROFESSIONAL LICENSED, CERTIFIED, OR REGISTERED PURSUANT TO ARTICLE 43 OF TITLE 12; OR

(d) ANY OTHER HEALTH CARE PROVIDER REGULATED BY THE STATE WHEN ENGAGED IN ASSISTING CONSUMERS WITH BEHAVIORAL HEALTH CARE ACCESS AND COVERAGE ISSUES.

(10) "SOUND MIND" MEANS THE ABILITY TO PROVIDE INFORMED CONSENT TO OR REFUSAL OF BEHAVIORAL HEALTH TREATMENT OR THE ABILITY TO MAKE AN INFORMED BEHAVIORAL HEALTH CARE BENEFIT DECISION.

15-18.7-202. Behavioral health orders for scope of treatment - form contents - effect. (1) A BEHAVIORAL HEALTH ORDERS FORM MUST INCLUDE THE FOLLOWING INFORMATION CONCERNING THE ADULT WHOSE BEHAVIORAL HEALTH TREATMENT, MEDICATION, AND ALTERNATIVE TREATMENT ARE THE SUBJECT OF THE BEHAVIORAL HEALTH ORDERS FORM:

- (a) THE ADULT'S NAME, DATE OF BIRTH, AND GENDER;
- (b) THE ADULT'S EYE AND HAIR COLOR;
- (c) THE ADULT'S RACE OR ETHNIC BACKGROUND;
- (d) THE ADULT'S INSTRUCTIONS CONCERNING BEHAVIORAL HEALTH TREATMENT;
- (e) THE ADULT'S INSTRUCTIONS CONCERNING MEDICATION, INCLUDING PRIMARY AND ALTERNATIVE INSTRUCTIONS;
- (f) THE ADULT'S INSTRUCTIONS CONCERNING ALTERNATIVE TREATMENT;
- (g) THE ADULT'S INSTRUCTIONS CONCERNING APPOINTING AN AGENT OR NOT APPOINTING AN AGENT. IF THE ADULT CHOOSES TO APPOINT AN AGENT, HE OR SHE MUST INCLUDE:
 - (I) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE AGENT; AND
 - (II) THE SCOPE OF THE AGENT'S AUTHORITY WHEN ACTING ON BEHALF OF THE ADULT. THE SCOPE OF THE AGENT'S AUTHORITY MUST BE EITHER:
 - (A) THE AGENT IS LIMITED TO EXECUTING THE ADULT'S INSTRUCTIONS DETAILED ON THE BEHAVIORAL HEALTH ORDERS FORM; OR
 - (B) THE AGENT HAS AUTHORITY TO MAKE DECISIONS CONCERNING BEHAVIORAL HEALTH TREATMENT, MEDICATION, AND ALTERNATIVE TREATMENT ON BEHALF OF THE ADULT;
- (h) THE ADULT'S SIGNATURE OR MARK, AND THE DATE THAT THE ADULT SIGNED THE BEHAVIORAL HEALTH ORDERS FORM;
- (i) TWO DISINTERESTED WITNESSES' SIGNATURES OR MARKS, AND THE DATE THAT THE DISINTERESTED WITNESSES SIGNED THE BEHAVIORAL HEALTH ORDERS FORM;

(j) THE AGENT'S SIGNATURE OR MARK, AND THE DATE THAT THE AGENT SIGNED THE BEHAVIORAL HEALTH ORDERS FORM, IF APPLICABLE;

(k) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE ADULT'S HEALTH CARE PROVIDER, IF APPLICABLE; AND

(l) THE NAME OF THE HEALTH CARE FACILITY IN WHICH THE ADULT IS ENROLLED, IF APPLICABLE.

(2) A BEHAVIORAL HEALTH ORDERS FORM IS EFFECTIVE UPON COMPLIANCE WITH THIS SECTION.

(3) A BEHAVIORAL HEALTH ORDERS FORM IS EFFECTIVE FOR TWO YEARS FOLLOWING THE DATE THAT THE ADULT SIGNED THE BEHAVIORAL HEALTH ORDERS FORM, UNLESS THE ADULT EXECUTES A NEW BEHAVIORAL HEALTH ORDERS FORM, OR AMENDS OR REVOKES THE BEHAVIORAL HEALTH ORDERS FORM, BEFORE THE BEHAVIORAL HEALTH ORDERS FORM BECOMES INEFFECTIVE.

(4) NOTHING IN THIS PART 2 ALLOWS AN ADULT TO INCLUDE IN HIS OR HER BEHAVIORAL HEALTH ORDERS FORM AN INSTRUCTION THAT EXEMPTS THE ADULT FROM AN INVOLUNTARY EMERGENCY PROCEDURE OR COMMITMENT AUTHORIZED PURSUANT TO STATE LAW. ANY INSTRUCTION THAT ATTEMPTS TO EXEMPT THE ADULT FROM AN INVOLUNTARY EMERGENCY PROCEDURE OR COMMITMENT AUTHORIZED PURSUANT TO STATE LAW IS VOID.

(5) A BEHAVIORAL HEALTH ORDERS FORM MAY BE ADMISSIBLE IN A HEARING PURSUANT TO SECTION 27-65-111 FOR THE PURPOSE OF ESTABLISHING THE ADULT'S BEHAVIORAL HEALTH TREATMENT, MEDICATION, AND ALTERNATIVE TREATMENT HISTORY, DECISIONS, AND PREFERENCES TO BE MADE ON BEHALF OF THE ADULT DURING AN INVOLUNTARY EMERGENCY PROCEDURE OR COMMITMENT AUTHORIZED PURSUANT TO STATE LAW.

(6) NOTHING IN THIS PART 2 MEANS THAT AN ADULT WHO HAS EXECUTED A BEHAVIORAL HEALTH ORDERS FORM HAS WAIVED THE RIGHT TO A HEARING BEFORE THE COURT OR JURY PURSUANT TO SECTION 27-65-111.

(7) NOTHING IN THIS PART 2 MEANS THAT AN ADULT WHO HAS EXECUTED A BEHAVIORAL HEALTH ORDERS FORM HAS CONSENTED TO A PETITION FOR INVOLUNTARY ADMINISTRATION OF MEDICATION AUTHORITY PURSUANT TO SECTION 27-65-111 (5).

15-18.7-203. Amendment and revocation of a behavioral health orders for scope of treatment. (1) THE ADULT MAY AMEND OR REVOKE ALL OR PART OF HIS OR HER BEHAVIORAL HEALTH ORDERS FORM AT ANY TIME.

(2) AN AMENDED BEHAVIORAL HEALTH ORDERS FORM IS EFFECTIVE FOR TWO YEARS FOLLOWING THE DATE THAT THE ADULT SIGNED THE AMENDED BEHAVIORAL HEALTH ORDERS FORM, UNLESS THE ADULT EXECUTES A NEW BEHAVIORAL HEALTH ORDERS FORM, OR AMENDS OR REVOKES THE AMENDED BEHAVIORAL HEALTH ORDERS FORM, BEFORE THE AMENDED BEHAVIORAL HEALTH ORDERS FORM BECOMES INEFFECTIVE.

(3) IN ORDER TO EXECUTE A VALID AMENDMENT OR REVOCATION, THE ADULT MUST:

(a) EXECUTE A NEW BEHAVIORAL HEALTH ORDERS FORM; OR

(b) MARK THE EXISTING BEHAVIORAL HEALTH ORDERS FORM IN A MANNER THAT CLEARLY COMMUNICATES THE INTENT TO AMEND OR REVOKE ALL OR PART OF THE BEHAVIORAL HEALTH ORDERS FORM.

(4) IN ORDER FOR THE AMENDMENT OR REVOCATION TO BE VALID, THE AMENDMENT OR REVOCATION MUST INCLUDE:

(a) THE ADULT'S SIGNATURE OR MARK, AND THE DATE THAT THE ADULT EXECUTED THE NEW BEHAVIORAL HEALTH ORDERS FORM OR AMENDED OR REVOKED THE BEHAVIORAL HEALTH ORDERS FORM;

(b) TWO DISINTERESTED WITNESSES' SIGNATURES OR MARKS, AND THE DATE THAT THE DISINTERESTED WITNESSES SIGNED THE NEW BEHAVIORAL HEALTH ORDERS FORM OR THE AMENDED OR REVOKED BEHAVIORAL HEALTH ORDERS FORM; AND

(c) (I) EXCEPT AS PROVIDED IN SUBSECTION (4)(c)(II) OF THIS SECTION, THE AGENT'S SIGNATURE OR MARK, AND THE DATE THAT THE AGENT SIGNED THE NEW BEHAVIORAL HEALTH ORDERS FORM OR THE AMENDED OR REVOKED BEHAVIORAL HEALTH ORDERS FORM, IF APPLICABLE.

(II) AN AGENT'S SIGNATURE OR MARK MUST NOT BE REQUIRED FOR AN AMENDMENT TO BE VALID IF THE ADULT IS AMENDING THE BEHAVIORAL HEALTH ORDERS FORM TO REMOVE THE AGENT.

(5) EMERGENCY MEDICAL SERVICE PERSONNEL, A HEALTH CARE PROVIDER, OR AN AGENT WHO BECOMES AWARE OF A NEW, AMENDED, OR REVOKED BEHAVIORAL HEALTH ORDERS FORM SHALL PROMPTLY COMMUNICATE THE FACT TO A HEALTH CARE PROVIDER WHO IS PROVIDING CARE TO THE ADULT WHO IS THE SUBJECT OF THE BEHAVIORAL HEALTH ORDERS FORM.

(6) A PROPERLY EXECUTED NEW, AMENDED, OR REVOKED BEHAVIORAL HEALTH ORDERS FORM CONTROLS OVER A PREVIOUSLY EXECUTED BEHAVIORAL HEALTH ORDERS FORM.

15-18.7-204. Effect of behavioral health orders for scope of treatment. (1) IN EXECUTING A BEHAVIORAL HEALTH ORDERS FORM, THE ADULT, AGENT, AND THE HEALTH CARE PROVIDER SHALL MAKE A GOOD-FAITH EFFORT TO LOCATE AND INCORPORATE, AS APPROPRIATE AND DESIRED, THE BEHAVIORAL HEALTH TREATMENT, MEDICATION, AND ALTERNATIVE TREATMENT DECISIONS, PREFERENCES, OR HISTORY DOCUMENTED IN THE ADULT'S BEHAVIORAL HEALTH ORDERS FORM.

(2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(a) OF THIS SECTION, IN CASE OF A CONFLICT BETWEEN A BEHAVIORAL HEALTH ORDERS FORM AND AN ADULT'S ADVANCE MEDICAL DIRECTIVE, THE DOCUMENT MOST RECENTLY EXECUTED CONTROLS FOR THE BEHAVIORAL HEALTH TREATMENT, MEDICATION, OR ALTERNATIVE TREATMENT DECISION OR PREFERENCE AT ISSUE.

(3) NOTWITHSTANDING ANY PROVISION OF THIS PART 2 TO THE CONTRARY:

(a) AN AGENT OR HEALTH CARE PROVIDER MAY NOT REVOKE OR AMEND THE ADULT'S PREVIOUSLY EXECUTED ADVANCE MEDICAL DIRECTIVE REGARDING PROVISION OF ARTIFICIAL NUTRITION OR HYDRATION IF THE DIRECTIVE IS DOCUMENTED IN A DECLARATION EXECUTED BY THE ADULT PURSUANT TO THE "COLORADO MEDICAL TREATMENT DECISION ACT", ARTICLE 18 OF THIS TITLE 15.

(b) AN AGENT MAY NOT REVOKE A PREEXISTING CPR DIRECTIVE UNLESS IT WAS ORIGINALLY EXECUTED BY THE AGENT.

(c) AN AGENT WHO IS A PROXY DECISION-MAKER PURSUANT TO ARTICLE 18.5 OF THIS TITLE 15 MAY AUTHORIZE THE WITHDRAWAL OF ARTIFICIAL NUTRITION OR HYDRATION ONLY IN ACCORDANCE WITH SECTION 15-18.5-103 (6).

15-18.7-205. Duty to comply with behavioral health orders for scope of treatment - immunity - effect on criminal charges against another person - transferability. (1) (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, EMERGENCY MEDICAL SERVICE PERSONNEL, A HEALTH CARE PROVIDER, OR A HEALTH CARE FACILITY SHALL COMPLY WITH AN ADULT'S EXECUTED BEHAVIORAL HEALTH ORDERS FORM THAT:

(I) HAS BEEN EXECUTED IN THIS STATE OR ANOTHER STATE;

(II) IS APPARENT AND IMMEDIATELY AVAILABLE; AND

(III) REASONABLY SATISFIES THE REQUIREMENTS SPECIFIED IN SECTION 15-18.7-202.

(b) THE EMERGENCY MEDICAL SERVICE PERSONNEL, A HEALTH CARE PROVIDER, OR A HEALTH CARE FACILITY SHALL COMPLY WITH THE BEHAVIORAL HEALTH ORDERS FORM AS REQUIRED BY SUBSECTION (1)(a) OF THIS SECTION UNLESS THE ADULT'S INSTRUCTION ON THE BEHAVIORAL HEALTH ORDERS FORM WILL CAUSE SUBSTANTIAL HARM TO THE ADULT. IF THE ADULT'S INSTRUCTION ON THE BEHAVIORAL HEALTH ORDERS FORM WILL CAUSE SUBSTANTIAL HARM TO THE ADULT, THE EMERGENCY MEDICAL SERVICE PERSONNEL, HEALTH CARE PROVIDER, OR HEALTH CARE FACILITY SHALL MAKE A GOOD FAITH EFFORT TO CONSULT WITH THE ADULT'S AGENT, IF APPLICABLE, AND OFFER AN ALTERNATIVE COURSE OF TREATMENT.

(c) IN CASE OF A CONFLICT BETWEEN THE ADULT'S BEHAVIORAL HEALTH ORDERS FORM AND THE ADULT'S REQUEST FOR BEHAVIORAL HEALTH TREATMENT, MEDICATION, OR ALTERNATIVE TREATMENT DECISION OR PREFERENCE, THE BEHAVIORAL HEALTH ORDERS FORM CONTROLS FOR THE BEHAVIORAL HEALTH TREATMENT, MEDICATION, OR ALTERNATIVE TREATMENT DECISION OR PREFERENCE AT ISSUE.

(2) EMERGENCY MEDICAL SERVICE PERSONNEL, A HEALTH CARE PROVIDER, A HEALTH CARE FACILITY, OR ANY OTHER PERSON WHO COMPLIES WITH A LEGALLY EXECUTED BEHAVIORAL HEALTH ORDERS FORM THAT IS APPARENT AND IMMEDIATELY AVAILABLE AND THAT HE OR SHE BELIEVES TO BE THE MOST CURRENT

VERSION OF THE BEHAVIORAL HEALTH ORDERS FORM IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR REGULATORY SANCTION FOR SUCH COMPLIANCE.

(3) COMPLIANCE BY EMERGENCY MEDICAL SERVICE PERSONNEL, A HEALTH CARE PROVIDER, OR A HEALTH CARE FACILITY WITH AN EXECUTED BEHAVIORAL HEALTH ORDERS FORM MUST NOT AFFECT THE CRIMINAL PROSECUTION OF A PERSON OTHERWISE CHARGED WITH THE COMMISSION OF A CRIMINAL ACT.

(4)(a) NOTHING IN THIS PART 2 MODIFIES OR ALTERS ANY GENERALLY ACCEPTED ETHICS, STANDARDS, PROTOCOLS, OR LAWS FOR EMERGENCY MEDICAL PERSONNEL, A HEALTH CARE PROVIDER, OR A HEALTH CARE FACILITY, INCLUDING THE PROVISIONS IN SECTION 15-18.6-108 CONCERNING EUTHANASIA AND MERCY KILLING.

(b) A BEHAVIORAL HEALTH ORDERS FORM DOES NOT COMPEL OR AUTHORIZE EMERGENCY MEDICAL SERVICE PERSONNEL, A HEALTH CARE PROVIDER, OR A HEALTH CARE FACILITY TO ADMINISTER BEHAVIORAL HEALTH TREATMENT, MEDICATION, OR ALTERNATIVE TREATMENT THAT IS PROHIBITED BY STATE OR FEDERAL LAW.

(5) IF THE ADULT WHO IS KNOWN TO HAVE PROPERLY EXECUTED AND SIGNED A BEHAVIORAL HEALTH ORDERS FORM IS TRANSFERRED FROM ONE HEALTH CARE FACILITY OR HEALTH CARE PROVIDER TO ANOTHER, THE TRANSFERRING HEALTH CARE FACILITY OR HEALTH CARE PROVIDER SHALL COMMUNICATE THE EXISTENCE OF THE BEHAVIORAL HEALTH ORDERS FORM TO THE RECEIVING HEALTH CARE FACILITY OR HEALTH CARE PROVIDER BEFORE THE TRANSFER. THE TRANSFERRING HEALTH CARE FACILITY OR HEALTH CARE PROVIDER SHALL ENSURE THAT THE BEHAVIORAL HEALTH ORDERS FORM OR A COPY OF THE BEHAVIORAL HEALTH ORDERS FORM ACCOMPANIES THE ADULT UPON ADMISSION TO OR DISCHARGE FROM A HEALTH CARE FACILITY.

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

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

15-18.7-206. Behavioral health orders for scope of treatment not required for treatment. A HEALTH CARE FACILITY OR A HEALTH CARE PROVIDER SHALL NOT REQUIRE AN ADULT TO HAVE EXECUTED A BEHAVIORAL HEALTH ORDERS FORM AS A CONDITION OF BEING ADMITTED TO, OR RECEIVING BEHAVIORAL HEALTH TREATMENT, MEDICATION, OR ALTERNATIVE TREATMENT FROM, THE HEALTH CARE

FACILITY OR HEALTH CARE PROVIDER.

15-18.7-207. Effect of a behavioral health orders for scope of treatment on life or health insurance. AN INSURER MAY NOT REFUSE TO INSURE, REFUSE TO CONTINUE TO INSURE, OR LIMIT THE AMOUNT, EXTENT, OR KIND OF COVERAGE AVAILABLE FOR LIFE INSURANCE, HEALTH INSURANCE, OR WITHIN AN ANNUITY TO AN INDIVIDUAL, OR CHARGE AN INDIVIDUAL A DIFFERENT RATE FOR THE SAME COVERAGE, SOLELY BECAUSE SUCH INDIVIDUAL EXECUTED A BEHAVIORAL HEALTH ORDERS FORM OR HAS NOT EXECUTED A BEHAVIORAL HEALTH ORDERS FORM. WITH RESPECT TO ALL OTHER CONDITIONS, PERSONS WHO HAVE EXECUTED A BEHAVIORAL HEALTH ORDERS FORM MUST BE SUBJECT TO THE SAME STANDARDS OF SOUND ACTUARIAL PRINCIPLES OR ACTUAL OR REASONABLY ANTICIPATED EXPERIENCE AS ARE PERSONS WHO HAVE NOT EXECUTED A BEHAVIORAL HEALTH ORDERS FORM.

SECTION 3. In Colorado Revised Statutes, 15-18.7-102, **amend** the introductory portion as follows:

15-18.7-102. Definitions. As used in this ~~article~~ PART 1, unless the context otherwise requires:

SECTION 4. In Colorado Revised Statutes, 15-18.7-104, **amend** (6)(a) as follows:

15-18.7-104. Duty to comply with medical orders for scope of treatment form - immunity - effect on criminal charges against another person - transferability. (6) (a) Nothing in this ~~article~~ PART 1 shall be construed to modify or alter any generally accepted ethics, standards, protocols, or laws for the practice of medicine or nursing, including the provisions in section 15-18.6-108 concerning euthanasia and mercy killing.

SECTION 5. In Colorado Revised Statutes, **amend** 15-18.7-109 as follows:

15-18.7-109. Effect of a medical orders for scope of treatment form on life or health insurance. ~~Neither a medical orders for scope of treatment form nor the failure of an adult to execute a medical orders for scope of treatment form shall affect, impair, or modify a contract of life or health insurance or an annuity or be the basis for a delay in issuing or refusal to issue an annuity or policy of life or health insurance or for any increase of a premium therefor~~ AN INSURER MAY NOT REFUSE TO INSURE, REFUSE TO CONTINUE TO INSURE, OR LIMIT THE AMOUNT, EXTENT, OR KIND OF COVERAGE AVAILABLE FOR LIFE INSURANCE, HEALTH INSURANCE, OR WITHIN AN ANNUITY TO AN INDIVIDUAL, OR CHARGE AN INDIVIDUAL A DIFFERENT RATE FOR THE SAME COVERAGE, SOLELY BECAUSE SUCH INDIVIDUAL EXECUTED A MEDICAL ORDERS FOR SCOPE OF TREATMENT FORM OR HAS NOT EXECUTED A MEDICAL ORDERS FOR SCOPE OF TREATMENT FORM. WITH RESPECT TO ALL OTHER CONDITIONS, PERSONS WHO HAVE EXECUTED A MEDICAL ORDERS FOR SCOPE OF TREATMENT FORM MUST BE SUBJECT TO THE SAME STANDARDS OF SOUND ACTUARIAL PRINCIPLES OR ACTUAL OR REASONABLY ANTICIPATED EXPERIENCE AS ARE PERSONS WHO HAVE NOT EXECUTED A MEDICAL ORDERS FOR SCOPE OF TREATMENT FORM.

SECTION 6. 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 2, 2019, if adjournment sine die is on May 3, 2019); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 28, 2019