

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0512.01 Christy Chase x2008

HOUSE BILL 20-1216

HOUSE SPONSORSHIP

Mullica, Buckner, Caraveo, Lontine, Titone

SENATE SPONSORSHIP

(None),

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE STATE BOARD OF NURSING,
102 AND, IN CONNECTION THEREWITH, IMPLEMENTING THE
103 RECOMMENDATIONS CONTAINED IN THE 2019 SUNSET REPORT
104 BY THE DEPARTMENT OF REGULATORY AGENCIES.

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/>.)

Sunset Process - House Health and Insurance Committee. The bill implements the recommendations of the department of regulatory agencies in its sunset review and report on the "Nurse Practice Act" (act),

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.

under which nurses are regulated by the state board of nursing (board). Specifically, the bill:

- ! Continues the act for 7 years, until September 1, 2027 (**sections 1 and 2** of the bill);
- ! Authorizes the board to enter into a confidential agreement to limit practice with a nurse who has a health condition that affects the ability of the nurse to practice safely and modifies grounds for disciplining a nurse to specify that a nurse may be disciplined for failing to notify the board of a health condition that limits the nurse's ability to practice safely, failing to act within the limits imposed by the health condition, or failing to comply with the terms of a confidential agreement entered into with the board (**sections 3 through 5**);
- ! Adds, as a ground for disciplining a nurse, engaging in a sexual act with a patient during the course of care or within 6 months after care is concluded (**section 4**);
- ! Requires licensees and insurance carriers to report malpractice settlements and judgments (**sections 4 and 6 through 8**);
- ! Modifies the grounds for discipline relating to alcohol or drug use or abuse to clarify that the use or abuse need not be ongoing to trigger discipline (**section 4**);
- ! Requires a nurse to report an adverse action or the surrender of a license within 30 days after the action (**section 4**);
- ! Requires a nurse to report a criminal conviction within 30, rather than 45, days after the conviction (**section 4**);
- ! Repeals the standards of "willful" and "negligent" with regard to certain grounds for disciplining a nurse (**section 4**);
- ! Changes the title "advanced practice nurse" and the acronym "A.P.N." to "advanced practice registered nurse" and "A.P.R.N." (**sections 9 through 17**);
- ! Eliminates the requirement that an advanced practice nurse (APN) with prescriptive authority maintain and update an articulated plan once the APN has completed the provisional prescriptive authority period (**section 13**);
- ! Authorizes, rather than requires, the board to conduct random audits of an APN's articulated plan regarding the APN's provisional prescriptive authority (**section 13**);
- ! Eliminates the age limit for a nurse to obtain a volunteer license (**sections 18 and 19**);
- ! Repeals the requirement for the director of the division of professions and occupations to consult with the board

- before appointing an executive administrator and other personnel for the board (**section 20**);
- ! Repeals the requirement for at least one board member to sit on the panel to interview candidates for the board executive administrator position (**section 20**); and
- ! Makes technical amendments to the act to: Split 2 distinct grounds for discipline that are included in a single paragraph in the disciplinary section of the act into 2 separate paragraphs; replaces references in the act to the term "refuse" with the term "deny"; and repeals an obsolete provision (**sections 4 and 21 through 25**).

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-255-134
 3 as follows:

4 **12-255-134. Repeal of article - subject to review.** This article
 5 255 is repealed, effective ~~July 1, 2020~~ SEPTEMBER 1, 2027. Before the
 6 repeal, the board is scheduled for review in accordance with section
 7 24-34-104.

8 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
 9 (18)(a)(V); and **add** (28)(a)(III) as follows:

10 **24-34-104. General assembly review of regulatory agencies**
 11 **and functions for repeal, continuation, or reestablishment - legislative**
 12 **declaration - repeal.** (18) (a) The following agencies, functions, or both,
 13 are scheduled to repeal on July 1, 2020:

14 (V) ~~The state board of nursing created in article 255 of title 12;~~
 15 (28) (a) The following agencies, functions, or both, are scheduled
 16 for repeal on September 1, 2027:

17 (III) THE STATE BOARD OF NURSING CREATED IN ARTICLE 255 OF
 18 TITLE 12;

19 **SECTION 3.** In Colorado Revised Statutes, 12-30-108, **repeal**

1 (4)(a)(I)(C) as follows:

2 **12-30-108. Confidential agreement to limit practice - violation**
3 **grounds for discipline.** (4) (a) This section does not apply to:

4 (I) The following health care professionals:

5 (C) ~~Nurses regulated pursuant to article 255 of this title 12;~~

6 **SECTION 4.** In Colorado Revised Statutes, 12-255-120, **amend**
7 (1)(c), (1)(f), (1)(g), (1)(i), (1)(j), (1)(z), (1)(aa), and (1)(bb); and **add**
8 (1)(cc), (1)(dd), (1)(ee), (1)(ff), and (1)(gg) as follows:

9 **12-255-120. Grounds for discipline.** (1) "Grounds for
10 discipline", as used in this article 255, means any action by any person
11 who:

12 (c) Has ~~willfully or negligently~~ acted in a manner inconsistent
13 with the health or safety of persons under his or her care;

14 (f) Has ~~negligently or willfully~~ practiced nursing in a manner that
15 fails to meet generally accepted standards for the nursing practice;

16 (g) Has ~~negligently or willfully~~ violated any order or rule of the
17 board pertaining to nursing practice or licensure;

18 (i) Excessively OR HABITUALLY uses or abuses OR HAS ENGAGED
19 IN EXCESSIVE OR HABITUAL USE OR ABUSE OF alcohol, A habit-forming
20 ~~drugs~~ DRUG, A controlled ~~substances~~ SUBSTANCE, as defined in section
21 18-18-102 (5), or ANY other ~~drugs~~ DRUG having similar effects; ~~or is~~
22 ~~diverting controlled substances, as defined in section 18-18-102 (5), or~~
23 ~~other drugs having similar effects from the licensee's place of~~
24 ~~employment;~~ except that the board has the discretion not to discipline the
25 licensee if the licensee is participating in good faith in a program
26 approved by the board designed to end the excessive OR HABITUAL use or
27 abuse;

- 1 (j) Has FAILED TO:
- 2 (I) NOTIFY THE BOARD, AS REQUIRED BY SECTION 12-30-108 (1),
- 3 OF a physical ILLNESS, PHYSICAL CONDITION, or BEHAVIORAL HEALTH,
- 4 mental ~~disability~~ HEALTH, OR SUBSTANCE USE DISORDER that ~~renders the~~
- 5 ~~person unable~~ AFFECTS THE PERSON'S ABILITY to practice nursing with
- 6 reasonable skill and safety to ~~the patients and~~ OR that may endanger the
- 7 health or safety of ~~persons~~ INDIVIDUALS under the person's care;
- 8 (II) ACT WITHIN THE LIMITATIONS CREATED BY A PHYSICAL
- 9 ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL HEALTH, MENTAL
- 10 HEALTH, OR SUBSTANCE USE DISORDER THAT RENDERS THE PERSON
- 11 UNABLE TO PRACTICE NURSING WITH REASONABLE SKILL AND SAFETY TO
- 12 PATIENTS OR THAT MAY ENDANGER THE HEALTH OR SAFETY OF
- 13 INDIVIDUALS UNDER THE PERSON'S CARE; OR
- 14 (III) COMPLY WITH THE LIMITATIONS AGREED TO UNDER A
- 15 CONFIDENTIAL AGREEMENT ENTERED INTO PURSUANT TO SECTION
- 16 12-30-108;
- 17 (z) Has failed to report to the board, within ~~forty-five~~ THIRTY days
- 18 after a final conviction, that the person has been convicted of a crime, as
- 19 defined in title 18;
- 20 (aa) Fails to maintain professional liability insurance in
- 21 accordance with section 12-255-113; ~~or~~
- 22 (bb) Has verified by signature the articulated plan developed by
- 23 an advanced practice REGISTERED nurse pursuant to sections 12-240-108
- 24 and 12-255-112 (4) if the articulated plan fails to comply with the
- 25 requirements of section 12-255-112 (4)(b)(II);
- 26 (cc) ENGAGED IN A SEXUAL ACT WITH A PATIENT DURING THE
- 27 COURSE OF PATIENT CARE OR WITHIN SIX MONTHS IMMEDIATELY

1 FOLLOWING THE TERMINATION OF THE PERSON'S PROFESSIONAL
2 RELATIONSHIP WITH THE PATIENT. AS USED IN THIS SUBSECTION (1)(cc),
3 "SEXUAL ACT" MEANS SEXUAL CONTACT, SEXUAL INTRUSION, OR SEXUAL
4 PENETRATION AS DEFINED IN SECTION 18-3-401.

5 (dd) HAS FAILED TO NOTIFY THE BOARD, IN WRITING AND WITHIN
6 THIRTY DAYS AFTER A JUDGMENT OR SETTLEMENT IS ENTERED, OF A FINAL
7 JUDGMENT BY A COURT OF COMPETENT JURISDICTION AGAINST THE
8 LICENSEE FOR MALPRACTICE OF NURSING OR A SETTLEMENT BY THE
9 LICENSEE IN RESPONSE TO CHARGES OR ALLEGATIONS OF MALPRACTICE OF
10 NURSING AND, IN THE CASE OF A JUDGMENT, HAS FAILED TO INCLUDE IN
11 THE NOTICE THE NAME OF THE COURT, THE CASE NUMBER, AND THE NAMES
12 OF ALL PARTIES TO THE ACTION;

13 (ee) FAILS TO REPORT TO THE BOARD, WITHIN THIRTY DAYS AFTER
14 AN ADVERSE ACTION, THAT AN ADVERSE ACTION HAS BEEN TAKEN
15 AGAINST THE PERSON BY ANOTHER LICENSING AGENCY IN ANOTHER STATE
16 OR JURISDICTION, A PEER REVIEW BODY, A HEALTH CARE INSTITUTION, A
17 PROFESSIONAL OR NURSING SOCIETY OR ASSOCIATION, A GOVERNMENTAL
18 AGENCY, A LAW ENFORCEMENT AGENCY, OR A COURT FOR ACTS OR
19 CONDUCT THAT WOULD CONSTITUTE GROUNDS FOR DISCIPLINARY OR
20 ADVERSE ACTION AS DESCRIBED IN THIS ARTICLE 255;

21 (ff) FAILS TO REPORT TO THE BOARD, WITHIN THIRTY DAYS, THE
22 SURRENDER OF A LICENSE OR OTHER AUTHORIZATION TO PRACTICE
23 NURSING IN ANOTHER STATE OR JURISDICTION OR THE SURRENDER OF
24 MEMBERSHIP ON ANY NURSING STAFF OR IN ANY NURSING OR
25 PROFESSIONAL ASSOCIATION OR SOCIETY WHILE UNDER INVESTIGATION BY
26 ANY OF THOSE AUTHORITIES OR BODIES FOR ACTS OR CONDUCT SIMILAR TO
27 ACTS OR CONDUCT THAT WOULD CONSTITUTE GROUNDS FOR ACTION AS

1 DESCRIBED IN THIS ARTICLE 255; OR

2 (gg) IS DIVERTING OR HAS DIVERTED A CONTROLLED SUBSTANCE,
3 AS DEFINED IN SECTION 18-18-102 (5), OR ANY OTHER DRUG HAVING
4 SIMILAR EFFECTS FROM THE PERSON'S PLACE OF EMPLOYMENT.

5 **SECTION 5.** In Colorado Revised Statutes, **add** 12-255-135 as
6 follows:

7 **12-255-135. Confidential agreement to limit practice.**

8 (1) EXCEPT AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION, SECTION
9 12-30-108 CONCERNING CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE
10 APPLIES TO THIS ARTICLE 255.

11 (2) THIS SECTION AND SECTION 12-30-108 DO NOT APPLY TO A
12 NURSE SUBJECT TO DISCIPLINE UNDER SECTION 12-255-120 (1)(i).

13 **SECTION 6.** In Colorado Revised Statutes, **add** 10-1-120.5 as
14 follows:

15 **10-1-120.5. Reporting of malpractice claims against nurses.**

16 (1) EACH INSURANCE COMPANY LICENSED TO DO BUSINESS IN THIS STATE
17 AND ENGAGED IN WRITING MALPRACTICE INSURANCE FOR NURSES SHALL
18 SEND TO THE STATE BOARD OF NURSING, IN THE FORM PRESCRIBED BY THE
19 COMMISSIONER, INFORMATION RELATING TO EACH MALPRACTICE CLAIM
20 AGAINST A LICENSED NURSE THAT IS SETTLED OR IN WHICH JUDGMENT IS
21 RENDERED AGAINST THE INSURED.

22 (2) THE INFORMATION MUST INCLUDE INFORMATION DEEMED
23 NECESSARY BY THE STATE BOARD OF NURSING TO CONDUCT A FURTHER
24 INVESTIGATION AND HEARING.

25 **SECTION 7.** In Colorado Revised Statutes, **amend** 13-64-303 as
26 follows:

27 **13-64-303. Judgments and settlements - reported.** Any final

1 judgment, settlement, or arbitration award against any health care
2 professional or health care institution for medical malpractice shall be
3 reported within fourteen days by ~~such~~ THE professional's or institution's
4 medical malpractice insurance carrier in accordance with section
5 10-1-120, **10-1-120.5**, 10-1-121, 10-1-124, or 10-1-125, ~~C.R.S.~~, or by
6 such professional or institution if there is no commercial medical
7 malpractice insurance coverage to the licensing agency of the health care
8 professional or health care institution for review, investigation, and,
9 where appropriate, disciplinary or other action. Any health care
10 professional, health care institution, or insurance carrier that knowingly
11 fails to report as required by this section shall be subject to a civil penalty
12 of not more than two thousand five hundred dollars. Such penalty shall
13 be determined and collected by the district court in the city and county of
14 Denver. All penalties collected pursuant to this section shall be
15 transmitted to the state treasurer, who shall credit the same to the general
16 fund.

17 **SECTION 8.** In Colorado Revised Statutes, 25-51-104, **amend**
18 (1)(c) and (1)(e) as follows:

19 **25-51-104. Payment and financial resolution.** (1) If a patient
20 accepts an offer of compensation made pursuant to section 25-51-103 (5)
21 and receives the compensation, the payment of compensation to the
22 patient is not a payment resulting from:

23 (c) A malpractice claim settled or in which judgment is rendered
24 against a professional for purposes of reporting by malpractice insurance
25 companies under section 10-1-120, **10-1-120.5**, 10-1-121, 10-1-124,
26 10-1-125, or 10-1-125.5;

27 (e) A judgment, administrative action, settlement, or arbitration

1 award involving malpractice under section 12-200-106 (5), 12-210-105
2 (5), 12-215-115 (1)(i), 12-220-130 (1)(q) or (1)(r), 12-235-111 (1)(i),
3 12-240-125 (4)(b)(III), 12-245-226 (8), 12-250-116, 12-255-119
4 (3)(b)(II), **12-255-120 (1)(dd)**, 12-275-120 (1)(p) or (1)(v), 12-275-129,
5 12-280-111 (1), 12-285-120 (1)(o), 12-285-127 (1)(a), 12-285-211 (1)(k),
6 12-285-216 (1)(a), or 12-290-113 (2)(b)(III).

7 **SECTION 9.** In Colorado Revised Statutes, 12-255-104, **amend**
8 (1), (8)(a), and (8)(b) as follows:

9 **12-255-104. Definitions.** As used in this article 255, unless the
10 context otherwise requires:

11 (1) "Advanced practice REGISTERED nurse" means ~~an advanced~~
12 ~~practice registered nurse who is~~ a REGISTERED professional nurse ~~and~~
13 WHO is licensed to practice pursuant to this article 255, who obtains
14 specialized education or training as provided in ~~this section~~ SECTION
15 12-255-111, and who applies to and is accepted by the board for inclusion
16 in the advanced practice registry ESTABLISHED PURSUANT TO SECTION
17 12-255-111.

18 (8)(a) "Practice of advanced practice REGISTERED nursing" means
19 an expanded scope of professional nursing in a scope, role, and
20 population focus approved by the board, with or without compensation or
21 personal profit, and includes the practice of professional nursing.

22 (b) "Practice of advanced practice REGISTERED nursing" includes
23 prescribing medications as may be authorized pursuant to section
24 12-255-112.

25 **SECTION 10.** In Colorado Revised Statutes, 12-255-105, **amend**
26 (1)(a) introductory portion and (1)(a)(II)(D) as follows:

27 **12-255-105. State board of nursing created - removal of board**

1 **members - meetings of board.** (1) (a) There is hereby created the state
2 board of nursing in the division, which board ~~shall consist~~ CONSISTS of
3 eleven members who are residents of this state, appointed by the governor
4 as follows:

5 (II) Seven members of the board shall be licensed professional
6 nurses who are actively employed in their respective nursing professions
7 and licensed in this state. The professional nurse members shall have been
8 employed for at least three years in their respective categories. Members
9 shall be as follows:

10 (D) One member shall be registered as an advanced practice
11 REGISTERED nurse pursuant to section 12-255-111;

12 **SECTION 11.** In Colorado Revised Statutes, 12-255-107, **amend**
13 (1)(b)(I) as follows:

14 **12-255-107. Powers and duties of the board - rules - definition.**

15 (1) The board has the following powers and duties:

16 (b) (I) To examine, license, reactivate, and renew licenses of
17 qualified applicants and to grant to the applicants temporary licenses and
18 permits to engage in the practice of practical nursing and professional
19 nursing in this state within the limitations imposed by this article 255.
20 Licenses issued pursuant to this article 255 are subject to the renewal,
21 expiration, reinstatement, and delinquency fee provisions specified in
22 section 12-20-202 (1) and (2). The director may increase fees to obtain or
23 renew a professional nurse license or advanced practice REGISTERED
24 nurse authority consistent with section 12-30-105 (4) to fund the
25 division's costs in administering and staffing the nurse-physician advisory
26 task force for Colorado health care created in section 12-30-105 (1). Any
27 person whose license has expired shall be subject to the penalties

1 provided in this article 255 or section 12-20-202 (1).

2 **SECTION 12.** In Colorado Revised Statutes, 12-255-111, **amend**
3 (2), (3)(c)(I), (4), (5), (6)(a) introductory portion, and (6)(b)(I) as follows:

4 **12-255-111. Requirements for advanced practice registered**
5 **nurse registration - legislative declaration - advanced practice**
6 **registry - rules.** (2) The board shall establish the advanced practice
7 registry and shall require that a nurse applying for registration identify ~~his~~
8 ~~or her~~ THE NURSE'S role and population focus. The board shall establish
9 reasonable criteria for designation of specific role and population foci
10 based on currently accepted professional standards. A nurse who is
11 included in the advanced practice registry has the right to use the title
12 "advanced practice REGISTERED nurse" or, if authorized by the board, to
13 use the title "certified nurse midwife", "clinical nurse specialist",
14 "certified registered nurse anesthetist", or "nurse practitioner". These
15 titles may be abbreviated as "A.P.N." "A.P.R.N.", "C.N.M.", "C.N.S.",
16 "C.R.N.A.", or "N.P.", respectively. It is unlawful for any person to use
17 any of the titles or abbreviations listed in this subsection (2) unless
18 included in the registry and authorized by the board to do so.

19 (3) (c) A professional nurse may be included in the advanced
20 practice registry by endorsement if the professional nurse meets one of
21 the following qualifying standards:

22 (I) The professional nurse is recognized as an advanced practice
23 REGISTERED nurse in another state or jurisdiction and has practiced as an
24 advanced practice REGISTERED nurse for at least two of the last five years
25 immediately preceding the date of application for inclusion in the
26 advanced practice registry; or

27 (4) A nurse who meets the definition of advanced practice

1 REGISTERED nurse and the requirements of section 12-255-112 may be
2 granted prescriptive authority as a function in addition to those defined
3 in section 12-255-104 (10).

4 (5) An advanced practice REGISTERED nurse shall practice in
5 accordance with the standards of the appropriate national professional
6 nursing organization and have a safe mechanism for consultation or
7 collaboration with a physician or, when appropriate, referral to a
8 physician. Advanced practice REGISTERED nursing also includes, when
9 appropriate, referral to other health care providers.

10 (6) (a) In order to enhance the cost efficiency and continuity of
11 care, an advanced practice REGISTERED nurse may, within ~~his or her~~ THE
12 NURSE'S scope of practice and within the advanced practice REGISTERED
13 nurse-patient relationship, sign an affidavit, certification, or similar
14 document that:

15 (b) The affidavit, certification, or similar document may not:

16 (I) Be the prescription of medication unless the advanced practice
17 REGISTERED nurse has been granted prescriptive authority pursuant to
18 section 12-255-112; or

19 **SECTION 13.** In Colorado Revised Statutes, 12-255-112, **amend**
20 (1), (3)(a), (3)(b)(I), (4)(a) introductory portion, (4)(a)(VI), (4)(b)
21 introductory portion, (4)(b)(I), (4)(b)(II) introductory portion, (4)(b)(III),
22 (4)(b)(IV), (4)(c), (4)(d), (4)(e), (5), (6)(a), (7)(a), (7)(c)(I), (9), (10), (11),
23 and (12); and **add** (4)(f) as follows:

24 **12-255-112. Prescriptive authority - advanced practice**
25 **registered nurses - limits on opioid prescriptions - rules - financial**
26 **benefit for prescribing prohibited - repeal.** (1) The board may
27 authorize an advanced practice REGISTERED nurse who is listed on the

1 advanced practice registry, has a license in good standing without
2 disciplinary sanctions issued pursuant to section 12-255-110, and has
3 fulfilled requirements established by the board pursuant to this section to
4 prescribe controlled substances or prescription drugs as defined in ~~part 4~~
5 ~~of article 280 of this title 12~~ SECTION 12-280-103.

6 (3) (a) An advanced practice REGISTERED nurse may be granted
7 authority to prescribe prescription drugs and controlled substances to
8 provide treatment to clients within the role and population focus of the
9 advanced practice REGISTERED nurse.

10 (b) (I) An advanced practice REGISTERED nurse who has been
11 granted authority to prescribe prescription drugs and controlled
12 substances under this article 255 may advise the nurse's patients of their
13 option to have the symptom or purpose for which a prescription is being
14 issued included on the prescription order.

15 (4) (a) An advanced practice REGISTERED nurse applying for
16 prescriptive authority shall provide evidence to the board of the
17 following:

18 (VI) A signed attestation ~~that states he or she~~ STATING THAT THE
19 ADVANCED PRACTICE REGISTERED NURSE has completed at least three
20 years of combined clinical work experience as a professional nurse or as
21 an advanced practice REGISTERED nurse.

22 (b) Upon satisfaction of the requirements set forth in subsection
23 (4)(a) of this section, the board may grant provisional prescriptive
24 authority to an advanced practice REGISTERED nurse. The provisional
25 prescriptive authority that is granted is limited to those patients and
26 medications appropriate to the advanced practice REGISTERED nurse's role
27 and population focus. In order to retain provisional prescriptive authority

1 and obtain and retain full prescriptive authority pursuant to this
2 subsection (4) for patients and medications appropriate for the advanced
3 practice REGISTERED nurse's role and population focus, an advanced
4 practice REGISTERED nurse shall satisfy the following requirements:

5 (I) (A) Once the provisional prescriptive authority is granted, the
6 advanced practice REGISTERED nurse must obtain one thousand hours of
7 documented experience in a mutually structured prescribing mentorship
8 either with a physician or with an advanced practice REGISTERED nurse
9 who has full prescriptive authority and experience in prescribing
10 medications. The mentor must be practicing in Colorado and have
11 education, training, experience, and an active practice that corresponds
12 with the role and population focus of the advanced practice REGISTERED
13 nurse.

14 (B) Remote communication with the mentor is permissible within
15 the mentorship as long as the communication is synchronous.
16 Synchronous communication does not include communication by e-mail.

17 (C) The physician or advanced practice REGISTERED nurse serving
18 as a mentor shall not require payment or employment as a condition of
19 entering into the mentorship relationship, but the mentor may request
20 reimbursement of reasonable expenses and time spent as a result of the
21 mentorship relationship.

22 (D) Upon successful completion of the mentorship period, the
23 mentor shall provide ~~his or her~~ THE MENTOR'S signature and attestation to
24 verify that the advanced practice REGISTERED nurse has successfully
25 completed the mentorship within the required period after the provisional
26 prescriptive authority was granted.

27 (E) If an advanced practice REGISTERED nurse with provisional

1 prescriptive authority fails to complete the mentorship required by this
2 subsection (4)(b)(I) within three years or otherwise fails to demonstrate
3 competence as determined by the board, the advanced practice
4 REGISTERED nurse's provisional prescriptive authority expires for failure
5 to comply with the statutory requirements.

6 (II) The advanced practice REGISTERED nurse with provisional
7 prescriptive authority shall develop an articulated plan for safe
8 prescribing that documents how the advanced practice REGISTERED nurse
9 intends to maintain ongoing collaboration with physicians and other
10 health care professionals in connection with the advanced practice
11 REGISTERED nurse's practice of prescribing medication within ~~his or her~~
12 THE ADVANCED PRACTICE REGISTERED NURSE'S role and population focus.
13 The articulated plan shall guide the advanced practice REGISTERED nurse's
14 prescriptive practice. The physician or advanced practice REGISTERED
15 nurse that serves as a mentor as described in subsection (4)(b)(I) of this
16 section shall provide ~~his or her~~ THE MENTOR'S signature and attestation on
17 the articulated plan to verify that the advanced practice REGISTERED nurse
18 has developed an articulated plan. DURING THE PERIOD OF PROVISIONAL
19 PRESCRIPTIVE AUTHORITY, the advanced practice REGISTERED nurse shall
20 retain the articulated plan on file, shall review the plan annually, and shall
21 update the plan as necessary. DURING THE PERIOD OF PROVISIONAL
22 PRESCRIPTIVE AUTHORITY, the articulated plan is subject to review by the
23 board, and the advanced practice REGISTERED nurse shall provide the plan
24 to the board upon request. If an advanced practice REGISTERED nurse with
25 provisional prescriptive authority fails to develop the required articulated
26 plan within three years or otherwise fails to demonstrate competence as
27 determined by the board, the advanced practice REGISTERED nurse's

1 provisional prescriptive authority expires for failure to comply with the
2 statutory requirements. An articulated plan developed pursuant to this
3 subsection (4)(b)(II) must include at least the following:

4 (III) The advanced practice REGISTERED nurse shall maintain
5 professional liability insurance as required by section 12-255-113.

6 (IV) The advanced practice REGISTERED nurse shall maintain
7 national certification, as specified in subsection (4)(a)(III) of this section,
8 unless the board grants an exception.

9 (c) An advanced practice REGISTERED nurse who was granted
10 prescriptive authority prior to July 1, 2010, shall satisfy the following
11 requirements in order to retain prescriptive authority:

12 (I) The advanced practice REGISTERED nurse shall develop an
13 articulated plan as specified in subsection (4)(b)(II) of this section; except
14 that to verify development of an articulated plan, the advanced practice
15 REGISTERED nurse shall obtain the signature of either a physician or an
16 advanced practice REGISTERED nurse who has prescriptive authority and
17 experience in prescribing medications, is practicing in Colorado, and has
18 education, training, experience, and active practice that corresponds with
19 the role and population focus of the advanced practice REGISTERED nurse
20 developing the plan.

21 (II) The advanced practice REGISTERED nurse shall maintain
22 professional liability insurance as required by section 12-255-113.

23 (III) The advanced practice REGISTERED nurse shall maintain
24 national certification, as specified in subsection (4)(a)(III) of this section,
25 unless:

26 (A) The advanced practice REGISTERED nurse was included on the
27 advanced practice registry prior to July 1, 2010, and has not obtained

1 national certification;

2 (B) The advanced practice REGISTERED nurse was included on the
3 advanced practice registry prior to July 1, 2008, and has not completed a
4 graduate degree as specified in section 12-255-111 (3)(a); or

5 (C) The board grants an exception.

6 (d) In order to obtain provisional prescriptive authority and obtain
7 and retain full prescriptive authority in this state, an advanced practice
8 REGISTERED nurse from another state must meet the requirements of this
9 section or substantially equivalent requirements, as determined by the
10 board.

11 (e) The board ~~shall~~ MAY conduct random audits of articulated
12 plans to ensure that the plans satisfy the requirements of this subsection
13 (4) and rules adopted by the board.

14 (f) ONCE AN ADVANCED PRACTICE REGISTERED NURSE OBTAINS
15 FULL PRESCRIPTIVE AUTHORITY PURSUANT TO THIS SUBSECTION (4), THE
16 ADVANCED PRACTICE REGISTERED NURSE IS NOT REQUIRED TO MAINTAIN
17 OR UPDATE AN ARTICULATED PLAN AS DESCRIBED IN SUBSECTION
18 (4)(b)(II) OR (4)(c)(I) OF THIS SECTION.

19 (5) An advanced practice REGISTERED nurse who obtains
20 prescriptive authority pursuant to this section shall be assigned a specific
21 identifier by the state board of nursing. This identifier shall be available
22 to the Colorado medical board and the state board of pharmacy. The state
23 board of nursing shall establish a mechanism to assure that the
24 prescriptive authority of an advanced practice REGISTERED nurse may be
25 readily verified.

26 (6) (a) An advanced practice REGISTERED nurse with prescriptive
27 authority pursuant to this section is subject to the limitations on

1 prescribing opioids specified in section 12-30-109.

2 (7) (a) The scope of practice for an advanced practice REGISTERED
3 nurse may be determined by the board in accordance with this article 255.

4 (c) (I) Prescriptive authority by an advanced practice REGISTERED
5 nurse shall be limited to those patients appropriate to the nurse's scope of
6 practice. Prescriptive authority may be limited or withdrawn and the
7 advanced practice REGISTERED nurse may be subject to further
8 disciplinary action in accordance with this article 255 if the nurse has
9 prescribed outside the nurse's scope of practice or for other than a
10 therapeutic purpose.

11 (9) Nothing in this section shall be construed to permit dispensing
12 or distribution, as defined in section 12-280-103 (14) and (15), by an
13 advanced practice REGISTERED nurse, except for samples, under article
14 280 of this title 12 and the federal "Prescription Drug Marketing Act of
15 1987", Pub.L. 100-293, as amended.

16 (10) ~~No~~ AN advanced practice REGISTERED nurse registered
17 pursuant to section 12-255-111 ~~shall be~~ IS NOT required to apply for or
18 obtain prescriptive authority.

19 (11) Nothing in this section shall limit the practice of nursing by
20 any nurse, including ~~but not limited to~~, advanced practice REGISTERED
21 nurses.

22 (12) An advanced practice REGISTERED nurse shall not accept any
23 direct or indirect benefit from a pharmaceutical manufacturer or
24 pharmaceutical representative for prescribing a specific medication to a
25 patient. For the purposes of this section, a direct or indirect benefit does
26 not include a benefit offered to an advanced practice REGISTERED nurse
27 regardless of whether the specific medication is being prescribed.

1 **SECTION 14.** In Colorado Revised Statutes, **amend** 12-255-113
2 as follows:

3 **12-255-113. Professional liability insurance required -**
4 **advanced practice registered nurses in independent practice - rules.**

5 (1) It is unlawful for any advanced practice REGISTERED nurse engaged
6 in an independent practice of professional nursing to practice within the
7 state of Colorado unless the advanced practice REGISTERED nurse
8 purchases and maintains or is covered by professional liability insurance
9 in an amount not less than five hundred thousand dollars per claim with
10 an aggregate liability for all claims during the year of one million five
11 hundred thousand dollars.

12 (2) Professional liability insurance required by this section shall
13 cover all acts within the scope of practice of an advanced practice
14 REGISTERED nurse as defined in this article 255.

15 (3) Notwithstanding the requirements of subsection (1) of this
16 section, the board, by rule, may exempt or establish lesser liability
17 insurance requirements for advanced practice REGISTERED nurses.

18 (4) Nothing in this section shall be construed to confer liability on
19 an employer for the acts of an advanced practice REGISTERED nurse that
20 are outside the scope of employment or to negate the applicability of the
21 "Colorado Governmental Immunity Act", article 10 of title 24.

22 **SECTION 15.** In Colorado Revised Statutes, 12-255-127, **amend**
23 (1)(n)(II) and (1)(o) as follows:

24 **12-255-127. Exclusions.** (1) No provision of this article 255 shall
25 be construed to prohibit:

26 (n) (II) The issuance by an advanced practice REGISTERED nurse
27 with prescriptive authority of standing orders and protocols for the use of

1 epinephrine auto-injectors for emergency use in a public school or
2 nonpublic school pursuant to a policy adopted in accordance with section
3 22-1-119.5; or

4 (o) A prescription by an advanced practice REGISTERED nurse with
5 prescriptive authority for the use of epinephrine auto-injectors by an
6 authorized entity in accordance with article 47 of title 25.

7 **SECTION 16.** In Colorado Revised Statutes, **amend** 12-255-128
8 as follows:

9 **12-255-128. Prescribing opiate antagonists.** An advanced
10 practice REGISTERED nurse with prescriptive authority pursuant to section
11 12-255-112 may prescribe or dispense an opiate antagonist in accordance
12 with section 12-30-110.

13 **SECTION 17.** In Colorado Revised Statutes, **add** 12-255-136 as
14 follows:

15 **12-255-136. Change of name - direction to revisor - repeal.**

16 (1) THE REVISOR OF STATUTES IS AUTHORIZED TO CHANGE ALL
17 REFERENCES TO "ADVANCED PRACTICE NURSE", "ADVANCED PRACTICE
18 NURSING", AND "A.P.N." THAT APPEAR IN THIS ARTICLE 255 AND
19 ELSEWHERE IN THE COLORADO REVISED STATUTES TO "ADVANCED
20 PRACTICE REGISTERED NURSE", "ADVANCED PRACTICE REGISTERED
21 NURSING", AND "A.P.R.N.", RESPECTIVELY.

22 (2) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.

23 **SECTION 18.** In Colorado Revised Statutes, **amend** 12-255-115
24 as follows:

25 **12-255-115. Volunteer nurse licensure.** (1) The board may issue
26 a license to a ~~retired~~ volunteer nurse who meets the requirements set forth
27 in this section.

1 (2) A ~~retired~~ volunteer nursing license shall only be issued to an
2 applicant who: ~~is at least fifty-five years of age and:~~

3 (a) Currently holds a license to practice nursing, either as a
4 practical nurse or as a professional nurse, and the license is due to expire
5 unless renewed; or

6 (b) ~~Has retired from the practice of nursing and~~ Is not currently
7 engaged in the practice of nursing either full-time or part-time and has,
8 prior to ~~retirement~~ CEASING PRACTICE, maintained full licensure in good
9 standing in any state or territory of the United States.

10 (3) A nurse who holds a ~~retired~~ volunteer nursing license shall not
11 accept compensation for nursing tasks that are performed while in
12 possession of the license. A ~~retired~~ volunteer nursing license shall permit
13 the ~~retired~~ nurse to engage in volunteer nursing tasks within the scope of
14 the nurse's license.

15 (4) An applicant for a ~~retired~~ volunteer nursing license shall
16 submit to the board an application containing the information the board
17 may prescribe, a copy of the applicant's most recent nursing license, and
18 a statement signed under penalty of perjury in which the applicant agrees
19 not to receive compensation for any nursing tasks that are performed
20 while in possession of the license.

21 (5) A person who possesses a ~~retired~~ volunteer nursing license
22 ~~shall be~~ IS immune from civil liability for actions performed within the
23 scope of the nursing license unless it is established that injury or death
24 was caused by gross negligence or the willful and wanton misconduct of
25 the licensee. The immunity provided in this subsection (5) ~~shall apply~~
26 APPLIES only to the licensee and ~~shall~~ DOES not affect the liability of any
27 other individual or entity. Nothing in this subsection (5) ~~shall be~~

1 ~~construed to limit~~ LIMITS the ability of the board to take disciplinary
2 action against a licensee.

3 (6) The fee for a ~~retired~~ volunteer nursing license, including
4 assessments for legal defense, peer assistance, and other programs for
5 which licenses are assessed, ~~shall be no more than~~ MUST NOT EXCEED fifty
6 percent of the license renewal fee, including all assessments, established
7 by the board for an active nursing license.

8 (7) The board shall design a questionnaire to be sent to all ~~retired~~
9 volunteer nurses who apply for license renewal. Each applicant for
10 license renewal shall complete the board-designed questionnaire. The
11 purpose of the questionnaire is to determine whether a licensee has acted
12 in violation of this article 255 or HAS been disciplined for any action that
13 might be considered a violation of this article 255 or might make the
14 licensee unfit to practice nursing with reasonable care and safety. If an
15 applicant fails to answer the questionnaire accurately, the failure ~~shall~~
16 ~~constitute~~ CONSTITUTES grounds for discipline under section 12-255-120
17 (1)(v). The board may include the cost of developing and reviewing the
18 questionnaire in the fee paid under subsection (6) of this section. The
19 board may ~~refuse~~ DENY an application for license renewal that does not
20 accompany an accurately completed questionnaire.

21 (8) The board shall deny an application for the reactivation of a
22 practical or professional nurse license for a ~~retired~~ volunteer nurse if the
23 board determines that the nurse requesting reactivation has not actively
24 volunteered as a nurse for the two-year period immediately preceding the
25 filing of the application for license reactivation or has not otherwise
26 demonstrated continued competency to return to the active practice of
27 nursing in a manner approved by the board.

1 **SECTION 19.** In Colorado Revised Statutes, 13-21-115.5,
2 **amend** (3)(c)(II)(F) as follows:

3 **13-21-115.5. Volunteer service act - immunity - exception for**
4 **operation of motor vehicles - definitions.** (3) As used in this section,
5 unless the context otherwise requires:

6 (c) (II) "Volunteer" includes:

7 (F) A licensed ~~retired~~ volunteer nurse governed by the provisions
8 of article 255 of title 12 performing volunteer nursing tasks within the
9 scope of the person's nursing license, as described in section 12-255-115,
10 as a volunteer for a nonprofit organization, a nonprofit corporation, a
11 governmental entity, or a hospital;

12 **SECTION 20.** In Colorado Revised Statutes, **amend** 12-255-106
13 as follows:

14 **12-255-106. Employees - executive administrator.** ~~After~~
15 ~~consultation with the board,~~ The director shall appoint an executive
16 administrator for the board and other personnel deemed necessary,
17 pursuant to section 13 of article XII of the state constitution. ~~At least one~~
18 ~~member of the board shall serve on any panel convened by the department~~
19 ~~of personnel to interview candidates for the position of executive~~
20 ~~administrator.~~

21 **SECTION 21.** In Colorado Revised Statutes, 12-20-404, **add**
22 (1)(d)(II)(J.5) as follows:

23 **12-20-404. Disciplinary actions - regulator powers -**
24 **disposition of fines.** (1) **General disciplinary authority.** If a regulator
25 determines that an applicant, licensee, certificate holder, or registrant has
26 committed an act or engaged in conduct that constitutes grounds for
27 discipline or unprofessional conduct under a part or article of this title 12

1 governing the particular profession or occupation, the regulator may:

2 (d) (II) A regulator is not authorized under this subsection (1)(d)
3 to refuse to renew the license, certification, or registration of a licensee,
4 certificate holder, or registrant regulated under the following:

5 (J.5) ARTICLE 255 OF THIS TITLE 12 CONCERNING NURSES;

6 **SECTION 22.** In Colorado Revised Statutes, 12-255-110, **amend**
7 (3) as follows:

8 **12-255-110. Requirements for professional nurse licensure -**
9 **rules.** (3) The board shall design a questionnaire to be sent to all
10 licensees who apply for license renewal. Each applicant for license
11 renewal shall complete the board-designed questionnaire. The purpose of
12 the questionnaire is to determine whether a licensee has acted in violation
13 of this article 255 or HAS been disciplined for any action that might be
14 considered a violation of this article 255 or might make the licensee unfit
15 to practice nursing with reasonable care and safety. The board shall
16 include on the questionnaire a question regarding whether the licensee has
17 complied with section 12-30-111. If an applicant fails to answer the
18 questionnaire accurately, the failure constitutes grounds for discipline
19 under section 12-255-120 (1)(v). The board may include the cost of
20 developing and reviewing the questionnaire in the fee paid under
21 subsection (1)(d) of this section. The board may ~~refuse~~ DENY an
22 application for license renewal that does not accompany an accurately
23 completed questionnaire.

24 **SECTION 23.** In Colorado Revised Statutes, 12-255-114, **amend**
25 (3) as follows:

26 **12-255-114. Requirements for practical nurse licensure - rules.**
27 (3) The board shall design a questionnaire to be sent to all licensed

1 practical nurses who apply for license renewal. Each applicant for license
2 renewal shall complete the board-designed questionnaire. The purpose of
3 the questionnaire is to determine whether a licensee has acted in violation
4 of this article 255 or HAS been disciplined for any action that might be
5 considered a violation of this article 255 or might make the licensee unfit
6 to practice nursing with reasonable care and safety. If an applicant fails
7 to answer the questionnaire accurately, the failure ~~shall constitute~~
8 CONSTITUTES grounds for discipline under section 12-255-120 (1)(v). The
9 board may include the cost of developing and reviewing the questionnaire
10 in the fee paid under subsection (1)(d) of this section. The board may
11 ~~refuse~~ DENY an application for license renewal that does not accompany
12 an accurately completed questionnaire.

13 **SECTION 24.** In Colorado Revised Statutes, 12-255-121, **amend**
14 (2)(a)(II), (2)(a)(III), (2)(b) introductory portion, and (2)(c) as follows:

15 **12-255-121. Withholding or denial of license - hearing -**
16 **definitions.** (2) (a) (II) The board may ~~refuse to issue~~ DENY a license or
17 temporary license to practice as a nurse to any applicant during the time
18 the applicant's license is under suspension in another state.

19 (III) The board may ~~refuse to issue~~ DENY a license or may grant
20 a license subject to terms of probation if the board determines that an
21 applicant for a license has not actively practiced practical or professional
22 nursing, or has not otherwise maintained continued competency, as
23 determined by the board, during the two years immediately preceding the
24 application for licensure under this article 255.

25 (b) If the board ~~refuses to issue~~ DENIES a license to an applicant
26 pursuant to subsection (2)(a) of this section, the provisions of section
27 24-4-104 (9) ~~shall~~ apply. Upon the ~~refusal~~ DENIAL, the board shall

1 provide the applicant with a statement in writing setting forth the
2 following:

3 (c) If the board ~~refuses to issue~~ DENIES a license to an applicant
4 on the grounds that the applicant's nursing or other health care occupation
5 license was revoked by another legally authorized board, the board may
6 require the applicant to pass a written examination as provided in section
7 12-255-109 as a prerequisite to licensure. The applicant shall not be
8 allowed to take the written examination until at least two years after the
9 revocation of the nursing or other health care occupation license.

10 **SECTION 25.** In Colorado Revised Statutes, 12-255-118, **repeal**
11 (4) as follows:

12 **12-255-118. Approval of education programs.** (4) ~~Any~~
13 ~~educational program for practical or professional nurses in this state that~~
14 ~~was accredited by the former boards of nursing prior to July 1, 1980, shall~~
15 ~~be deemed to be an approved education program for the purpose of this~~
16 ~~article 255, but the approval shall be subject to the powers and duties of~~
17 ~~the board under section 12-255-107 to deny or to withdraw approval.~~

18 **SECTION 26. Effective date.** This act takes effect July 1, 2020.

19 **SECTION 27. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety.