

## CHAPTER 80

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**PROFESSIONS AND OCCUPATIONS**

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**HOUSE BILL 01-1023**

BY REPRESENTATIVE(S) Tochtrop, Coleman, Borodkin, Boyd, Cloer, Daniel, Garcia, Hodge, Jahn, Kester, Lawrence, Lee, Mace, Madden, Marshall, Miller, Paschall, Plant, Ragsdale, Romanoff, Sanchez, Scott, Spradley, Stafford, Tapia, Veiga, Vigil, Weddig, and Williams S.;

also SENATOR(S) Anderson, Dyer (Arapahoe), Epps, Fitz-Gerald, Hanna, Nichol, Pascoe, Takis, Taylor, and Windels.

**AN ACT**

CONCERNING THE ESTABLISHMENT OF A REDUCED-RATE NURSING LICENSE FOR RETIRED VOLUNTEER NURSES.

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

**SECTION 1.** Part 1 of article 38 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-38-112.5. Retired volunteer nurse licensure.** (1) THE BOARD MAY ISSUE A LICENSE TO A RETIRED VOLUNTEER NURSE WHO MEETS THE REQUIREMENTS SET FORTH IN THIS SECTION.

(2) A RETIRED VOLUNTEER NURSING LICENSE SHALL ONLY BE ISSUED TO AN APPLICANT WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE AND:

(a) CURRENTLY HOLDS A LICENSE TO PRACTICE NURSING, EITHER AS A PRACTICAL NURSE OR AS A PROFESSIONAL NURSE AND SUCH LICENSE IS DUE TO EXPIRE UNLESS RENEWED; OR

(b) HAS RETIRED FROM THE PRACTICE OF NURSING WITHIN THE PAST FOUR YEARS AND IS NOT CURRENTLY ENGAGED IN SUCH PRACTICE EITHER FULL-TIME OR PART-TIME AND HAS, PRIOR TO RETIREMENT, MAINTAINED FULL LICENSURE IN GOOD STANDING IN ANY STATE OR TERRITORY OF THE UNITED STATES.

(3) A NURSE WHO HOLDS A RETIRED VOLUNTEER NURSING LICENSE SHALL NOT ACCEPT COMPENSATION FOR NURSING TASKS THAT ARE PERFORMED WHILE IN POSSESSION OF THE LICENSE. A RETIRED VOLUNTEER NURSING LICENSE SHALL PERMIT

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

THE RETIRED NURSE TO ENGAGE IN VOLUNTEER NURSING TASKS WITHIN THE SCOPE OF THE NURSE'S LICENSE.

(4) AN APPLICANT FOR A RETIRED VOLUNTEER NURSING LICENSE SHALL SUBMIT TO THE BOARD AN APPLICATION CONTAINING SUCH INFORMATION AS THE BOARD MAY PRESCRIBE, A COPY OF THE APPLICANT'S MOST RECENT NURSING LICENSE, AND A STATEMENT SIGNED UNDER PENALTY OF PERJURY IN WHICH THE APPLICANT AGREES NOT TO RECEIVE COMPENSATION FOR ANY NURSING TASKS THAT ARE PERFORMED WHILE IN POSSESSION OF THE LICENSE.

(5) IF, AT THE TIME THE APPLICATION IS MADE FOR A RETIRED VOLUNTEER NURSING LICENSE, THE APPLICANT IS NOT IN COMPLIANCE WITH THE CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE BOARD, THE APPLICANT SHALL BE ISSUED A NONRENEWABLE TEMPORARY LICENSE TO PRACTICE FOR SIX MONTHS IF THE APPLICANT IS OTHERWISE QUALIFIED FOR THE LICENSE.

(6) A PERSON WHO POSSESSES A RETIRED VOLUNTEER NURSING LICENSE SHALL BE IMMUNE FROM CIVIL LIABILITY FOR ACTIONS PERFORMED WITHIN THE SCOPE OF THE NURSING LICENSE UNLESS IT IS ESTABLISHED THAT INJURY OR DEATH WAS CAUSED BY GROSS NEGLIGENCE OR THE WILLFUL AND WANTON MISCONDUCT OF THE LICENSEE. THE IMMUNITY PROVIDED IN THIS SUBSECTION (6) SHALL APPLY ONLY TO THE LICENSEE AND SHALL NOT AFFECT THE LIABILITY OF ANY OTHER INDIVIDUAL OR ENTITY. NOTHING IN THIS SUBSECTION (6) SHALL BE CONSTRUED TO LIMIT THE ABILITY OF THE BOARD TO TAKE DISCIPLINARY ACTION AGAINST A LICENSEE.

(7) THE FEE FOR A RETIRED VOLUNTEER NURSING LICENSE, INCLUDING ASSESSMENTS FOR LEGAL DEFENSE, PEER ASSISTANCE, AND OTHER PROGRAMS FOR WHICH LICENSES ARE ASSESSED, SHALL BE NO MORE THAN FIFTY PERCENT OF THE LICENSE RENEWAL FEE, INCLUDING ALL SUCH ASSESSMENTS, ESTABLISHED BY THE BOARD FOR AN ACTIVE NURSING LICENSE.

**SECTION 2. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 28, 2001