

CHAPTER 51

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 08-1061

BY REPRESENTATIVE(S) Roberts, Butcher, Curry, Green, Hodge, Kefalas, Kerr J., Labuda, Liston, Looper, Marostica, Merrifield, Primavera, Stafford, Todd, White, Buescher, Carroll T., Fischer, Garza-Hicks, Massey, Solano, and Summers; also SENATOR(S) Hagedorn, Boyd, Gibbs, Groff, Isgar, Kester, McElhany, Mitchell S., Penry, Sandoval, Shaffer, Tapia, and Ward.

AN ACT

CONCERNING SIGNATURES BY ADVANCED PRACTICE NURSES ON SPECIFIED DOCUMENTS WITHIN THE SCOPE OF PRACTICE OF AN ADVANCED PRACTICE NURSE.

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

SECTION 1. 6-1-704 (1) (c) (II), Colorado Revised Statutes, is amended to read:

6-1-704. Health clubs - deceptive trade practices. (1) A person engages in a deceptive trade practice when, in the course of such person's business, vocation, or occupation, such person engages in one or more of the following activities in connection with the advertisement or sale of a membership in a health club:

(c) Fails to allow the buyer, or the estate of the buyer, to cancel the membership contract when:

(II) The buyer becomes totally physically disabled as determined by a licensed physician OR ADVANCED PRACTICE NURSE for the duration of the membership contract;

SECTION 2. 12-30-107 (1), Colorado Revised Statutes, is amended to read:

12-30-107. Unlawful acts. (1) It is a misdemeanor for an individual, person, firm, association, or other entity, other than a licensed physician, LICENSED ADVANCED PRACTICE NURSE WITHIN HIS OR HER SCOPE OF PRACTICE, licensed osteopath, or licensed dentist to diagnose, treat, or prescribe for the treatment of cancer or to hold himself OR HERSELF out to any person as being able to cure, diagnose, treat, or prescribe for the treatment of the disease of cancer. A licensed

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

chiropractor shall not treat cancer, or prescribe for the treatment of cancer. Such chiropractor may treat any person for human ailments within the scope of his OR HER license even though ~~such~~ THE person has or may have cancer at the time, but if a chiropractor knows or has reason to believe that any patient has or may have cancer, he OR SHE must refer the patient to a medical doctor or an osteopath.

SECTION 3. 12-38-111.5 (6), Colorado Revised Statutes, is amended, and the said 12-38-111.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-38-111.5. Requirements for advanced practice nurse registration - legislative declaration - definition - advanced practice registry. (6) ~~A certified nurse-midwife~~ AN ADVANCED PRACTICE NURSE shall practice in accordance with the standards of the ~~American college of nurse-midwives~~ APPROPRIATE NATIONAL PROFESSIONAL NURSING ORGANIZATION AND HAVE ~~including, but not limited to, having~~ a safe mechanism for consultation or collaboration with a physician or, when appropriate, referral to a physician. ADVANCED PRACTICE NURSING ALSO INCLUDES, WHEN APPROPRIATE, REFERRAL TO OTHER HEALTH CARE PROVIDERS.

(7) (a) IN ORDER TO ENHANCE THE COST EFFICIENCY AND CONTINUITY OF CARE, AN ADVANCED PRACTICE NURSE MAY, WITHIN HIS OR HER SCOPE OF PRACTICE AND WITHIN THE ADVANCED PRACTICE NURSE-PATIENT RELATIONSHIP, SIGN AN AFFIDAVIT, CERTIFICATION, OR SIMILAR DOCUMENT THAT:

- (I) DOCUMENTS A PATIENT'S CURRENT HEALTH STATUS;
- (II) AUTHORIZES CONTINUING TREATMENT, TESTS, SERVICES, OR EQUIPMENT; OR
- (III) GIVES ADVANCE DIRECTIVES FOR END-OF-LIFE CARE.

(b) SUCH AFFIDAVIT, CERTIFICATION, OR SIMILAR DOCUMENT MAY NOT:

(I) BE THE PRESCRIPTION OF MEDICATION UNLESS THE ADVANCED PRACTICE NURSE HAS BEEN GRANTED PRESCRIPTIVE AUTHORITY PURSUANT TO SECTION 12-38-111.6; OR

(II) BE IN CONFLICT WITH OTHER REQUIREMENTS OF LAW.

SECTION 4. 13-71-105 (2) (c) and (2) (d), Colorado Revised Statutes, are amended to read:

13-71-105. Qualifications for juror service. (2) A prospective trial or grand juror shall be disqualified, based on the following grounds:

(c) Inability, by reason of a physical or mental disability, to render satisfactory juror service. Any person claiming this disqualification shall submit a letter, if the jury commissioner requests it, from a licensed physician, LICENSED ADVANCED PRACTICE NURSE, or authorized Christian science practitioner, stating the nature of the disability and an opinion that such disability prevents the person from rendering satisfactory juror service. The physician, LICENSED ADVANCED PRACTICE NURSE, or authorized Christian science practitioner shall apply the following guideline: A

person shall be capable of rendering satisfactory juror service if the person is able to perform a sedentary job requiring close attention for three consecutive business days for six hours per day, with short breaks in the morning and afternoon sessions.

(d) Sole responsibility for the daily care of a permanently disabled person living in the same household to the extent that the performance of juror service would cause a substantial risk of injury to the health of the disabled person. Jurors who are regularly employed at a location other than their households may not be disqualified for this reason. Any person claiming this disqualification shall, if the jury commissioner requests it, submit a letter from a licensed physician, LICENSED ADVANCED PRACTICE NURSE, or authorized Christian science practitioner stating the name, address, and age of the disabled person, the nature of care provided by the prospective juror, and an opinion that the performance of juror service would cause a substantial risk of injury to the disabled person.

SECTION 5. 15-18.5-103 (2) and (3), Colorado Revised Statutes, are amended to read:

15-18.5-103. Proxy decision-makers for medical treatment authorized.

(2) The determination that an adult patient lacks decisional capacity to provide informed consent to or refusal of medical treatment may be made by a court or the attending physician, and ~~such~~ THE determination shall be documented in such patient's medical record. THE DETERMINATION MAY ALSO BE MADE BY AN ADVANCED PRACTICE NURSE WHO HAS COLLABORATED ABOUT THE PATIENT WITH A LICENSED PHYSICIAN EITHER IN PERSON, BY TELEPHONE, OR ELECTRONICALLY. THE ADVANCED PRACTICE NURSE SHALL DOCUMENT IN THE PATIENT'S RECORD THE NAME OF THE PHYSICIAN WITH WHOM THE ADVANCED PRACTICE NURSE COLLABORATED. The attending physician shall make specific findings regarding the cause, nature, and projected duration of the patient's lack of decisional capacity, which findings shall be included in the patient's medical record.

(3) Upon a determination that an adult patient lacks decisional capacity to provide informed consent to or refusal of medical treatment, the attending physician, THE ADVANCED PRACTICE NURSE, or such physician's OR NURSE'S designee, shall make reasonable efforts to notify the patient of the patient's lack of decisional capacity. In addition, the attending physician, or such physician's designee, shall make reasonable efforts to locate as many interested persons as defined in this subsection (3) as practicable and the attending physician OR ADVANCED PRACTICE NURSE may rely on such individuals to notify other family members or interested persons. For the purposes of this section, "interested persons" means the patient's spouse, either parent of the patient, any adult child, sibling, or grandchild of the patient, or any close friend of the patient. Upon locating an interested person, the attending physician, ADVANCED PRACTICE NURSE, or such physician's OR NURSE'S designee, shall inform such person of the patient's lack of decisional capacity and that a proxy decision-maker should be selected for the patient.

SECTION 6. 15-18.5-104 (2) and (3), Colorado Revised Statutes, are amended to read:

15-18.5-104. Surrogate decision-makers for health care benefits. (2) A court or the attending physician may make the determination that a person lacks the

decisional capacity to make health care benefit decisions. THE DETERMINATION SHALL BE DOCUMENTED IN SUCH PATIENT'S MEDICAL RECORD. THE DETERMINATION MAY ALSO BE MADE BY AN ADVANCED PRACTICE NURSE WHO HAS COLLABORATED ABOUT THE PATIENT WITH A LICENSED PHYSICIAN EITHER IN PERSON, BY TELEPHONE, OR ELECTRONICALLY. THE ADVANCED PRACTICE NURSE SHALL DOCUMENT IN THE PATIENT'S RECORD THE NAME OF THE PHYSICIAN WITH WHOM THE ADVANCED PRACTICE NURSE COLLABORATED. The attending physician OR NURSE shall make specific findings regarding the cause, nature, and projected duration of the person's lack of decisional capacity regarding health care benefit decisions. Such determination and findings shall be documented in the person's medical record.

(3) Upon a determination that an adult patient lacks decisional capacity to make health care benefit decisions, the attending physician, ADVANCED PRACTICE NURSE, or ~~his or her~~ THE PHYSICIAN'S OR NURSE'S designee shall make reasonable efforts to notify the patient of the patient's lack of decisional capacity. In addition, the attending physician OR ADVANCED PRACTICE NURSE or ~~his or her~~ THE PHYSICIAN'S OR NURSE'S designee shall make reasonable efforts to locate as many interested persons as defined in this subsection (3) as practicable, and the attending physician OR ADVANCED PRACTICE NURSE may rely on such individuals to notify other family members or interested persons. For the purposes of this section, "interested persons" means the patient's spouse; either parent of the patient; any adult child, sibling, or grandchild of the patient; or any close friend of the patient. Upon locating an interested person, the attending physician OR ADVANCED PRACTICE NURSE or ~~his or her~~ THE PHYSICIAN'S OR NURSE'S designee shall inform such person of the patient's lack of decisional capacity and determine whether such interested person is available, willing, and has the capability to act as a surrogate decision-maker for health care benefits for the patient.

SECTION 7. 15-18-104 (1), (2), (2.6), and (3), Colorado Revised Statutes, are amended to read:

15-18-104. Declaration as to medical treatment. (1) Any competent adult may execute a declaration directing that life-sustaining procedures be withheld or withdrawn if, at some future time, he OR SHE is in a terminal condition and either unconscious or otherwise incompetent to decide whether any medical procedure or intervention should be accepted or rejected. It shall be the responsibility of the declarant or someone acting for him OR HER to submit the declaration to the attending physician OR ADVANCED PRACTICE NURSE for entry in the declarant's medical record.

(2) In the case of a declaration of a qualified patient known to the attending physician OR ADVANCED PRACTICE NURSE to be pregnant, a medical evaluation shall be made as to whether the fetus is viable and could with a reasonable degree of medical certainty develop to live birth with continued application of life-sustaining procedures. If such is the case, the declaration shall be given no force or effect.

(2.6) Notwithstanding the provisions of subsection (2.5) of this section and section 15-18-103 (7), when an attending physician OR ADVANCED PRACTICE NURSE has determined that pain results from a discontinuance of artificial nourishment, he OR SHE may order that such nourishment be provided but only to the extent necessary to provide comfort and alleviate such pain.

(3) A declaration executed before two witnesses by any competent adult shall be legally effective for the purposes of this article and may, but need not, be in the following form:

DECLARATION AS TO MEDICAL OR SURGICAL TREATMENT

I, (name of declarant), being of sound mind and at least eighteen years of age, direct that my life shall not be artificially prolonged under the circumstances set forth below and hereby declare that:

1. If at any time my attending physician OR ADVANCED PRACTICE NURSE and one other qualified physician OR ADVANCED PRACTICE NURSE certify in writing that:

a. I have an injury, disease, or illness which is not curable or reversible and which, in their judgment, is a terminal condition, and

b. For a period of seven consecutive days or more, I have been unconscious, comatose, or otherwise incompetent so as to be unable to make or communicate responsible decisions concerning my person, then

I direct that, in accordance with Colorado law, life-sustaining procedures shall be withdrawn and withheld pursuant to the terms of this declaration, it being understood that life-sustaining procedures shall not include any medical procedure or intervention for nourishment considered necessary by the attending physician OR ADVANCED PRACTICE NURSE to provide comfort or alleviate pain. However, I may specifically direct, in accordance with Colorado law, that artificial nourishment be withdrawn or withheld pursuant to the terms of this declaration.

2. In the event that the only procedure I am being provided is artificial nourishment, I direct that one of the following actions be taken:

(initials of declarant) a. Artificial nourishment shall not be continued when it is the only procedure being provided; or

(initials of declarant) b. Artificial nourishment shall be continued for _____ days when it is the only procedure being provided; or

(initials of declarant) c. Artificial nourishment shall be continued when it is the only procedure being provided.

3. I execute this declaration, as my free and voluntary act, this _____ day of _____, 20____.

By _____
Declarant

The foregoing instrument was signed and declared by _____ to be his declaration, in the presence of us, who, in his presence, in the presence of each other, and at his request, have signed our names below as witnesses, and we declare that, at the time of the execution of this instrument, the declarant, according to our best knowledge and belief, was of sound mind and under no constraint or

writing and signed by each of them. The physician OR ADVANCED PRACTICE NURSE shall certify their signatures and the date of the assisted reproduction and shall file the consents with the department of public health and environment, where they shall be kept confidential and in a sealed file; however, the physician's failure to do so does not affect the father and child relationship or the mother and child relationship. All papers and records pertaining to the assisted reproduction, whether part of the permanent record of a court or of a file held by the supervising physician OR ADVANCED PRACTICE NURSE or elsewhere, are subject to inspection only upon an order of the court for good cause shown.

SECTION 10. 25-1-311 (1), (1.5), (3), and (10), Colorado Revised Statutes, are amended to read:

25-1-311. Involuntary commitment of alcoholics. (1) A person may be committed to the custody of the division by the court upon the petition of ~~his~~ THE PERSON'S spouse or guardian, a relative, a physician, AN ADVANCED PRACTICE NURSE, the administrator in charge of any approved treatment facility, or any other responsible person. The petition shall allege that the person is an alcoholic and that ~~he~~ THE PERSON has threatened or attempted to inflict or inflicted physical harm on himself OR HERSELF or on another and that unless committed ~~he~~ THE PERSON is likely to inflict physical harm on himself OR HERSELF or on another or that ~~he~~ THE PERSON is incapacitated by alcohol. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician OR ADVANCED PRACTICE NURSE who has examined the person within two days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the physician's OR ADVANCED PRACTICE NURSE'S findings in support of the allegations of the petition.

(1.5) A petition submitted pursuant to subsection (1) of this section shall not be accepted unless there is documentation of the refusal by the person to be committed to accessible and affordable voluntary treatment. Such documentation may include, but shall not be limited to, physicians' statements, ADVANCED PRACTICE NURSES' STATEMENTS, notations in the person's medical or law enforcement records, or witnesses' statements.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony of at least one licensed physician who has examined the person whose commitment is sought. The person shall be present unless the court believes that ~~his~~ THE PERSON'S presence is likely to be injurious to ~~him~~ THE PERSON; in this event, the court shall appoint a guardian ad litem to represent ~~him~~ THE PERSON throughout the proceeding. If the person has refused to be examined by a licensed physician OR ADVANCED PRACTICE NURSE he OR SHE shall be given an opportunity to be examined by a court-appointed licensed physician OR ADVANCED PRACTICE NURSE. If ~~he~~ THE PERSON refuses and there is sufficient evidence to believe that the allegations of the petition are true or if the court believes that more medical evidence is necessary, the court may commit the person to a licensed hospital for a period of not more than five days for a diagnostic examination. In such event, the court shall schedule a further hearing for final determination of commitment, in no event later than five days after the first hearing.

(10) The court shall inform the person whose commitment or recommitment is sought of his OR HER right to contest the application, to be represented by counsel at every stage of any proceedings relating to ~~his~~ THE PERSON'S commitment and recommitment, and to have counsel appointed by the court or provided by the court if he OR SHE wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for ~~him~~ THE PERSON regardless of his OR HER wishes. The person whose commitment or recommitment is sought shall be informed of his OR HER right to be examined by a licensed physician of ~~his~~ THE PERSON'S choice. If the person is unable to obtain a licensed physician and requests examination by a physician OR ADVANCED PRACTICE NURSE, the court shall employ a licensed physician OR ADVANCED PRACTICE NURSE.

SECTION 11. 25-1-1107 (1), (1.5), (3), and (11), Colorado Revised Statutes, are amended to read:

25-1-1107. Involuntary commitment of drug abusers. (1) A person may be committed to the custody of the division by the court upon the petition of ~~his~~ THE PERSON'S spouse or guardian, a relative, a physician, AN ADVANCED PRACTICE NURSE, the administrator in charge of any approved treatment facility, or any other responsible person. The petition shall allege that the person is a drug abuser and that ~~he~~ THE PERSON has threatened or attempted to inflict or inflicted physical harm on himself OR HERSELF or on another and that unless committed ~~he~~ THE PERSON is likely to inflict physical harm on himself OR HERSELF or on another or that ~~he~~ THE PERSON is incapacitated by drugs. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician OR ADVANCED PRACTICE NURSE who has examined the person within ten days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination or an examination cannot be made of such person due to the person's condition. The certificate shall set forth the physician's OR ADVANCED PRACTICE NURSE'S findings in support of the allegations of the petition.

(1.5) A petition submitted pursuant to subsection (1) of this section shall not be accepted unless there is documentation of the refusal by the person to be admitted to accessible and affordable voluntary treatment. Such documentation may include, but shall not be limited to, physicians' AND ADVANCED PRACTICE NURSES' statements, notations in the person's medical or law enforcement records, or witnesses' statements.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony of at least one licensed physician OR ADVANCED PRACTICE NURSE who has examined the person whose commitment is sought. The person shall be present unless the court believes that ~~his~~ THE PERSON'S presence is likely to be injurious to ~~him~~ THE PERSON; in this event, the court shall appoint a guardian ad litem to represent ~~him~~ THE PERSON throughout the proceeding. If the person has refused to be examined by a licensed physician OR ADVANCED PRACTICE NURSE, he OR SHE shall be given an opportunity to be examined by a court-appointed licensed physician OR ADVANCED PRACTICE NURSE. If ~~he~~ THE PERSON refuses and there is sufficient evidence to believe that the allegations of the petition are true or if the court believes that more medical evidence is necessary, the court may commit the

person to a licensed hospital or an approved public or private treatment facility for a period of not more than five days for a diagnostic examination. In such event, the court shall schedule a further hearing for final determination of commitment, in no event later than five days after the first hearing.

(11) The court shall inform the person whose commitment or recommitment is sought of his OR HER right to contest the application, to be represented by counsel at every stage of any proceedings relating to ~~his~~ THE PERSON'S commitment and recommitment, and to have counsel appointed by the court or provided by the court if ~~he~~ THE PERSON wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for ~~him~~ THE PERSON regardless of ~~his~~ THE PERSON'S wishes. The person whose commitment or recommitment is sought shall be informed of his OR HER right to be examined by a licensed physician OR ADVANCED PRACTICE NURSE of ~~his~~ THE PERSON'S choice. If the person is unable to obtain a licensed physician OR ADVANCED PRACTICE NURSE and requests examination by a physician OR ADVANCED PRACTICE NURSE, the court shall employ a licensed physician OR ADVANCED PRACTICE NURSE.

SECTION 12. 25-4-403 (1) (a) and (2), Colorado Revised Statutes, are amended to read:

25-4-403. Medicine sold only on prescription. (1) (a) No person, other than a licensed physician OR AN ADVANCED PRACTICE NURSE, shall treat or prescribe for a case of venereal disease. No person shall sell or dispense a drug, medicine, remedy, or preparation for the treatment, relief, or cure of such a disease except upon the original written prescription of a duly licensed physician OR ADVANCED PRACTICE NURSE, which prescription shall bear the name and address of the prescribing physician OR ADVANCED PRACTICE NURSE and the name of the municipality or health district in which the patient resides.

(2) No prescription shall be made out or professional services rendered by any physician, ADVANCED PRACTICE NURSE, or other person in case of venereal disease unless the name, address, and occupation of the patient is known. Any person applying to any physician, ADVANCED PRACTICE NURSE, pharmacist, hospital, or sanitarium for treatment, medicine, or hospital care in case of venereal disease who falsely reports to any physician, ADVANCED PRACTICE NURSE, pharmacist, hospital, or sanitarium the name, address, or occupation of the person having such disease or the person for whom the prescription or remedy is intended shall be deemed to have violated ~~the provisions of~~ this part 4.

SECTION 13. 25-4-405 (2), Colorado Revised Statutes, is amended to read:

25-4-405. Examination of persons confined. (2) All persons who are suffering with venereal disease at the time of the expiration of their terms of imprisonment or confinement and other persons who may be isolated, quarantined, or treated under ~~the provisions of~~ this section shall be isolated and treated at public expense until cured. In lieu of such isolation, any of such persons may, in the discretion of the department of public health and environment, be required to report for treatment to a licensed physician OR ADVANCED PRACTICE NURSE or submit to treatment provided at public expense as provided in this section. The department of public

health and environment is authorized to arrange for hospitalization and to provide and furnish such medical treatment as may be determined to be necessary. Nothing in this section shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

SECTION 14. 25-4-506 (2), Colorado Revised Statutes, is amended to read:

25-4-506. Investigation and examination of suspected tuberculosis cases - isolation - quarantine. (2) Whenever the chief medical health officer determines on reasonable grounds that an examination of any person is necessary for the preservation and protection of the public health, he OR SHE shall issue a written order directing medical examination, setting forth the name of the person to be examined, the time and place of the examination, and such other terms and conditions as he OR SHE may deem necessary. A copy of such order shall be served upon the patient. Such an examination may be made by a licensed physician OR ADVANCED PRACTICE NURSE of the examinee's own choice under such terms and conditions as the health officer shall specify.

SECTION 15. 25-4-902 (1) (a), Colorado Revised Statutes, is amended to read:

25-4-902. Immunization prior to attending school. (1) Except as provided in section 25-4-903, no child shall attend any school in the state of Colorado on or after the dates specified in section 25-4-906 (4) unless he or she has presented the following to the appropriate school official:

(a) An up-to-date certificate of immunization from a licensed physician, A LICENSED ADVANCED PRACTICE NURSE, or authorized representative of the department of public health and environment or local health department stating that ~~such~~ THE child has received immunization against communicable diseases as specified by the state board of health, based on recommendations of the advisory committee on immunization practices of the United States department of health and human services or the American academy of pediatrics; or

SECTION 16. 25-4-902.5 (1), Colorado Revised Statutes, is amended to read:

25-4-902.5. Immunization prior to attending a college or university. (1) Except as provided in section 25-4-903, no student shall attend any college or university in the state of Colorado on or after the dates specified in section 25-4-906 (4) unless such student can present to the appropriate official of the school a certificate of immunization from a licensed physician, A LICENSED ADVANCED PRACTICE NURSE, or authorized representative of the department of public health and environment or local health department stating that ~~such~~ THE student has received immunization against communicable diseases as specified by the state board of health or a written authorization signed by one parent or guardian or the emancipated student or the student eighteen years of age or older requesting that local health officials administer the immunizations or a plan signed by one parent or guardian or the emancipated student or the student eighteen years of age or older for receipt by the student of the required inoculation or the first or the next required of a series of inoculations within thirty days.

SECTION 17. 25-4-903 (2) (a), Colorado Revised Statutes, is amended to read:

25-4-903. Exemptions from immunization. (2) It is the responsibility of the parent or legal guardian to have his or her child immunized unless the child is exempted pursuant to this section. A student shall be exempted from receiving the required immunizations in the following manner:

(a) By submitting to the student's school certification from a licensed physician OR ADVANCED PRACTICE NURSE that the physical condition of the student is such that one or more specified immunizations would endanger his or her life or health or is medically contraindicated due to other medical conditions; or

SECTION 18. 25-4-905 (1), Colorado Revised Statutes, is amended to read:

25-4-905. Immunization of indigent children. (1) The local health department, a public health or school nurse under the supervision of a licensed physician, or the department of public health and environment in the absence of a local health department or public health nurse shall provide, at public expense to the extent that funds are available, immunizations required by this part 9 to each child whose parents or guardians cannot afford to have the child immunized or, if emancipated, who cannot himself or herself afford immunization and who has not been exempted. The department of public health and environment shall provide all vaccines necessary to comply with this section as far as funds will permit. Nothing in this section shall preclude the department of public health and environment from distributing vaccines to physicians, ADVANCED PRACTICE NURSES, or others as required by law or the rules of the department. No indigent child shall be excluded, suspended, or expelled from school unless the immunizations have been available and readily accessible to the child at public expense.

SECTION 19. 25-4-1704 (4) (a), Colorado Revised Statutes, is amended to read:

25-4-1704. Infant immunization program - delegation of authority to immunize minor. (4) An infant shall be exempted from receiving the required immunizations:

(a) Upon submitting certification from a licensed physician OR ADVANCED PRACTICE NURSE that the physical condition of the infant is such that one or more specified immunizations would endanger the infant's life or health; or

SECTION 20. 25-6-203, Colorado Revised Statutes, is amended to read:

25-6-203. Extent of services. ~~Such~~ Family planning and birth control services shall include: Interview with trained personnel; distribution of literature; referral to a licensed physician OR ADVANCED PRACTICE NURSE for consultation, examination, tests, medical treatment and prescription; and, to the extent so prescribed, the distribution of rhythm charts, drugs, medical preparations, contraceptive devices, and similar products.

SECTION 21. 25.5-6-504 (1), Colorado Revised Statutes, is amended to read:

25.5-6-504. Program established - financial eligibility. (1) In recognition of the social and economic benefits accruing from the maintenance of persons with HIV/AIDS in their own homes, the general assembly hereby finds and declares that

a program shall be implemented by the state department to provide the services set forth in section 25.5-6-505 to those persons with HIV/AIDS whose gross income does not exceed three hundred percent of the current federal supplemental security income benefit level, whose resources do not exceed the limit established by the state department for individuals receiving a mandatory minimum state supplementation of SSI benefits pursuant to section 26-2-204, C.R.S., or, in the case of a person who is married, do not exceed the amount authorized in section 25.5-6-101, and for whom a licensed physician OR ADVANCED PRACTICE NURSE certifies that such program provides an appropriate alternative to institutionalized care.

SECTION 22. 25.5-6-902 (2) (d), Colorado Revised Statutes, is amended to read:

25.5-6-902. Children's personal assistance services and family support program. (2) As used in this section, unless the context otherwise requires, "eligible disabled children" means children eighteen years of age or younger:

(d) For whom a licensed physician OR AN ADVANCED PRACTICE NURSE has certified that in-home care is an appropriate way to meet the child's needs; and

SECTION 23. 25.5-6-1003 (2) (b) (V), Colorado Revised Statutes, is amended to read:

25.5-6-1003. Pilot program - consumer-directed attendant support. (2) (b) In order to qualify and to remain eligible for the pilot program authorized by this section, a person with a disability shall:

(V) Obtain a statement from his or her primary care physician OR ADVANCED PRACTICE NURSE that indicates ~~such~~ THE person with a disability has sound judgment, or that ~~such~~ THE person with a disability has an authorized representative, and is in stable condition;

SECTION 24. 25.5-6-1102 (2) (c), Colorado Revised Statutes, is amended to read:

25.5-6-1102. Service model - consumer-directed care. (2) In order to qualify and to remain eligible for the consumer-directed care service model authorized by this section, a person shall:

(c) Obtain a statement from his or her primary care physician OR ADVANCED PRACTICE NURSE indicating that the person has sound judgment and the ability to direct his or her care or has an authorized representative;

SECTION 25. 26-2-106 (6) (a), Colorado Revised Statutes, is amended to read:

26-2-106. Applications for public assistance. (6) (a) No application for aid to the needy disabled shall be approved until the applicant's medical condition has been certified by a physician licensed to practice medicine in this state OR AN ADVANCED PRACTICE NURSE LICENSED IN THIS STATE. In addition to a physician, an applicant may be examined by a physician assistant licensed in this state, by an

advanced practice nurse, or by a registered nurse licensed in this state who is functioning within the scope of such nurse's license and training. The supervising physician or the physician or nurse who conducted the examination shall certify in writing upon forms prescribed by the state department as to the diagnosis, prognosis, and other relevant medical or mental factors relating to the disability of the applicant. No applicant disabled as a result of a primary diagnosis of alcoholism or a controlled substance addiction shall be approved for aid to the needy disabled except as provided in section 26-2-111 (4) (e).

SECTION 26. 26-20-104 (1) (d), Colorado Revised Statutes, is amended to read:

26-20-104. Duties relating to use of restraint. (1) Notwithstanding the provisions of section 26-20-103, an agency that uses restraint shall ensure that:

(d) A chemical restraint shall be given only on the order of a physician OR AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY who has determined, either while present during the course of the emergency justifying the use of the chemical restraint or after telephone consultation with a registered nurse, licensed physician assistant, or other authorized staff person who is present at the time and site of the emergency and who has participated in the evaluation of the individual, that such form of restraint is the least restrictive, most appropriate alternative available. NOTHING IN THIS SUBSECTION (1) SHALL MODIFY THE REQUIREMENTS OF SECTION 26-20-102 (2) OR 26-20-103 (3).

SECTION 27. 28-4-103.5 (1) (c), Colorado Revised Statutes, is amended to read:

28-4-103.5. Persons subject to military duty - state defense force. (1) Every able-bodied male citizen of Colorado and those who have declared their intention to become citizens of the United States residing therein between the ages of eighteen and sixty-four years, except persons exempt by law, are subject to military duty in the state defense force. However, the following persons or classes of persons are exempted from military service:

(c) Those permanently disqualified for military service because of physical disability and having in their possession a certificate of some licensed physician OR ADVANCED PRACTICE NURSE or surgeon ~~which~~ THAT describes the nature thereof;

SECTION 28. 31-10-1010 (1) (a), Colorado Revised Statutes, is amended to read:

31-10-1010. Emergency absentee voting. (1) (a) If the voter is confined in a hospital or his place of residence on election day because of conditions arising after the closing day for absent voter's ballot applications, ~~such~~ THE voter may request in a written statement, signed by him OR HER, that the clerk send him OR HER an absent voter's ballot with the word "EMERGENCY" stamped on the stubs thereof. The clerk shall deliver the emergency absent voter's ballot at his OR HER office, during the regular hours of business, to any authorized representative of the voter possessing a written statement from the voter's physician, ADVANCED PRACTICE NURSE, or practitioner that the voter will be confined in a hospital or his OR HER place of residence on election day. For the purposes of this paragraph (a),

"authorized representative" means a person possessing a written statement from the voter containing the voter's signature, name, and address and requesting that ~~such~~ THE emergency absent voter's ballot be given to the authorized person as identified by name and address. The authorized person shall acknowledge receipt of the emergency ballot with his OR HER signature, name, and address.

SECTION 29. 42-3-204 (1) (b) (II), (2) (b), (2) (c), and (3), Colorado Revised Statutes, are amended to read:

42-3-204. Parking privileges for persons with disabilities - applicability.

(1) As used in this section:

(b) "Person with a disability" means either of the following:

(II) A person who has a physical impairment that substantially limits the person's ability to move from place to place, which impairment is verified, in writing, by ~~the director of the division of rehabilitation, administratively created by the department of human services,~~ or a physician licensed to practice medicine or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., ~~or a podiatrist licensed under article 32 of title 12, C.R.S.,~~ OR AN ADVANCED PRACTICE NURSE REGISTERED PURSUANT TO SECTION 12-38-111.5, C.R.S. To be valid, such verification by the director, physician, ~~or podiatrist,~~ OR ADVANCED PRACTICE NURSE shall certify to the department of revenue that the person meets the standards established by the executive director of the department OF REVENUE. ~~in consultation with the director of the division of rehabilitation.~~

(2) (b) Notwithstanding the verification requirements of subparagraphs (I), (II), and (III) of paragraph (a) of this subsection (2), if a renewal applicant has a permanent disability that was verified in writing by a physician licensed to practice medicine in this state or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., OR AN ADVANCED PRACTICE NURSE REGISTERED PURSUANT TO SECTION 12-38-111.5, C.R.S., and provided to the department with the original application for a license plate or placard under this section, such applicant shall not be required to meet such verification requirement to renew such license plate or placard. If a person renews such license plate or placard of and on behalf of a person with a permanent disability, the person renewing such license plate or placard shall sign an affidavit, under the penalty of perjury, attesting to the fact that the person with a permanent disability is still in need of the license plate or placard and stating that such license plate or placard shall be surrendered to the department upon the death of the person with a permanent disability.

(c) Such license plate or placard shall be issued to such person upon presentation to the department of a written statement, verified by a physician licensed to practice medicine in this state or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., OR AN ADVANCED PRACTICE NURSE REGISTERED PURSUANT TO SECTION 12-38-111.5, C.R.S., that such person is a person with a disability. The application for such a license plate or placard shall be sent to the department each year; except that a person who has been issued a disabled veteran special license plate shall not send an application to the department every year.

(3) The department shall issue temporary distinguishing license permits and a

temporary identifying placard to a person who is temporarily disabled upon presentation of a written statement, verified by a physician licensed to practice medicine or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., ~~or~~ a podiatric physician licensed under article 32 of title 12, C.R.S., OR AN ADVANCED PRACTICE NURSE REGISTERED PURSUANT TO SECTION 12-38-111.5, C.R.S., that such person temporarily meets the definition of a person with a disability. The department shall issue such permits and placards to a qualifying person who is a resident of another state and who becomes disabled while in this state. Such permits and placard shall be valid for a period of ninety days after the date of issuance and may continually be renewed for additional ninety-day periods during the term of such disability upon resubmission of such written and verified statements. The provisions of this section concerning the privileges granted to persons with disabilities shall apply to temporary license permits and temporary placards issued under this subsection (3). Further, the requirement that the placard include a printed identification number as set forth in subparagraph (II) of paragraph (a) of subsection (2) of this section shall apply to both temporary license permits and temporary placards issued under this subsection (3). The verification by a physician licensed to practice medicine or practicing medicine pursuant to section 12-36-106 (3) (i), C.R.S., ~~or~~ a podiatrist licensed under article 32 of title 12, C.R.S., OR AN ADVANCED PRACTICE NURSE REGISTERED PURSUANT TO SECTION 12-38-111.5, C.R.S., shall be carried in the vehicle transporting the person or persons with a disability to whom the temporary license permit or placard has been issued and shall be presented to any law enforcement officer upon request. Temporary license permits and temporary placards issued by states other than Colorado shall be valid so long as they are currently valid in the state of issuance and valid pursuant to 23 CFR ~~part~~ 1235.

SECTION 30. Effective date. (1) This act shall take effect January 1, 2009.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-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, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

Approved: March 20, 2008