

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

ENGROSSED

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

LLS NO. 20-0513.03 Christy Chase x2008

HOUSE BILL 20-1183

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A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE CERTIFICATION OF NURSE**
102 **AIDES BY THE STATE BOARD OF NURSING, AND, IN CONNECTION**
103 **THEREWITH, IMPLEMENTING THE RECOMMENDATIONS**
104 **CONTAINED IN THE 2019 SUNSET REPORT BY THE DEPARTMENT**
105 **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

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

HOUSE
Amended 2nd Reading
March 6, 2020

agencies in its sunset review and report on the certification of nurse aides by the state board of nursing (board) as follows:

- ! Continues the regulation of certified nurse aides by the board for 7 years, until 2027;
- ! Combines the laws regulating the practice of certified nurse aides with the "Nurse Practice Act";
- ! Modifies the grounds for disciplining a certified nurse aide regarding the excessive use or abuse of alcohol or drugs;
- ! Eliminates an inconsistency regarding the waiting period to apply for a new certification following the revocation or surrender of a nurse aide certification;
- ! Repeals the requirement that the board send communications regarding disciplinary actions by certified mail; and
- ! Modifies the exception to uncertified nurse aide practice in a medical facility to allow an uncertified individual to practice for up to 4 months if the practice is within the scope of employment and is part of an approved training program prior to certification and the certification is not by endorsement.

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 AND ITS FUNCTIONS UNDER THIS ARTICLE 255,
7 INCLUDING THE FUNCTIONS OF THE BOARD RELATED TO THE
8 CERTIFICATION OF NURSE AIDES, ARE scheduled for review in accordance
9 with section 24-34-104.

10 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
11 (19)(a)(I); and **add** (28)(a)(III) as follows:

12 **24-34-104. General assembly review of regulatory agencies**
13 **and functions for repeal, continuation, or reestablishment - legislative**
14 **declaration - repeal.** (19) (a) The following agencies, functions, or both,

1 are scheduled for repeal on September 1, 2020:

2 (I) ~~The certification of nurse aides by the state board of nursing~~
3 ~~in accordance with article 260 of title 12;~~

4 (28) (a) The following agencies, functions, or both, are scheduled
5 for repeal on September 1, 2027:

6 (III) THE STATE BOARD OF NURSING CREATED IN ARTICLE 255 OF
7 TITLE 12 AND THE FUNCTIONS OF THE BOARD, INCLUDING THE FUNCTIONS
8 RELATED TO THE CERTIFICATION OF NURSE AIDES;

9 **SECTION 3.** In Colorado Revised Statutes, **amend** 12-255-101
10 as follows:

11 **12-255-101. Short title.** The short title of this article 255 is the
12 "Nurse AND NURSE AIDE Practice Act".

13 **SECTION 4.** In Colorado Revised Statutes, **amend with**
14 **relocated provisions** 12-255-102 as follows:

15 **12-255-102. Legislative declaration.** (1) The general assembly
16 hereby declares it to be the policy of this state that, in order to safeguard
17 the life, health, property, and public welfare of the people of this state and
18 in order to protect the people of this state from the unauthorized,
19 unqualified, and improper application of services by individuals in the
20 practice of nursing, it is necessary that a proper regulatory authority be
21 established. The general assembly further declares it to be the policy of
22 this state to regulate the practice of nursing through a state agency with
23 the power to enforce ~~the provisions of~~ this article 255.

24 (2) **[Formerly 12-260-101]** It is declared to be the policy of the
25 state of Colorado that, in order to safeguard life, health, property, and the
26 public welfare of the people of the state of Colorado, and in order to
27 protect the people of the state of Colorado against unauthorized,

1 unqualified, and improper application of services by nurse aides in a
2 medical facility, it is necessary that a proper regulatory authority be
3 established. The general assembly further declares it to be the policy of
4 this state to regulate the practice of nurse aides in medical facilities
5 through a state agency with the power to enforce the provisions of this
6 ~~article 260~~ ARTICLE 255 THAT PERTAIN TO THE PRACTICE OF NURSE AIDES.
7 Any person who practices as a nurse aide in a medical facility without
8 qualifying for proper certification and without submitting to the
9 regulations provided in this ~~article 260~~ ARTICLE 255 endangers the public
10 health thereby. The general assembly hereby finds and declares that THE
11 PROVISIONS OF this ~~article 260~~ ARTICLE 255 THAT PERTAIN TO THE
12 PRACTICE OF NURSE AIDES will meet the requirements of the federal
13 "Omnibus Budget Reconciliation Act of 1987", AS AMENDED, PUB.L.
14 100-203, 101 STAT. 1330.

15 **SECTION 5.** In Colorado Revised Statutes, 12-255-104, **amend**
16 (1), (2), (4), (7), (9)(a) introductory portion, (9)(c), (11), and (13); and
17 **add with amended and relocated provisions** (3.5), (5.3), (5.5), (5.7),
18 and (8.5) as follows:

19 **12-255-104. Definitions.** As used in this article 255, unless the
20 context otherwise requires:

21 (1) "Advanced practice nurse" means an advanced practice
22 registered nurse who is a professional nurse and is licensed to practice
23 pursuant to this ~~article 255~~ PART 1, who obtains specialized education or
24 training as provided in this section, and who applies to and is accepted by
25 the board for inclusion in the advanced practice registry.

26 (2) "Approved education program" means a course of training
27 conducted by an educational or health care institution that implements the

1 basic practical or professional nursing curriculum OR THE BASIC NURSE
2 AIDE CURRICULUM, AS APPLICABLE, prescribed and approved by the board.

3 (3.5) **[Formerly 12-260-103 (3)]** "Certified nurse aide" means a
4 person who meets the qualifications specified in PART 2 OF this ~~article 260~~
5 ARTICLE 255 and who is currently certified by the board. Only a person
6 who holds a certificate to practice as a nurse aide in this state pursuant to
7 ~~the provisions PART 2 of this article 260 shall have~~ ARTICLE 255 HAS the
8 right to use the title "certified nurse aide" and its abbreviation, "C.N.A."

9 (4) "Delegated medical function" means an aspect of care that
10 implements and is consistent with the medical plan as prescribed by a
11 licensed or otherwise legally authorized physician, podiatrist, or dentist
12 and is delegated to a registered professional nurse or a practical nurse by
13 a physician, podiatrist, dentist, or physician assistant. For purposes of this
14 subsection (4), "medical plan" means a written plan, verbal order,
15 standing order, or protocol, whether patient specific or not, that authorizes
16 specific or discretionary medical action, which may include but is not
17 limited to the selection of medication. Nothing in this subsection (4) shall
18 limit the practice of nursing as defined in this ~~article 255~~ PART 1.

19 (5.3) **[Formerly 12-260-103 (4)]** "Home health agency" means a
20 provider of home health services, as defined in section 25.5-4-103 (7),
21 that is certified by the department of public health and environment.

22 (5.5) **[Formerly 12-260-103 (5)]** "Medical facility" means a
23 nursing facility licensed by the department of public health and
24 environment or home health agencies certified to receive medicare or
25 medicaid funds, pursuant to the federal "Social Security Act", as
26 amended, distinct part nursing facilities, or home health agencies or
27 entities engaged in nurse aide practice. "Medical facility" does not include

1 hospitals and other facilities licensed or certified pursuant to section
2 25-1.5-103 (1)(a).

3 (5.7) **[Formerly 12-260-103 (6)]** "Nursing facility" ~~shall have~~ HAS
4 the same meaning as set forth in section 25.5-4-103 (14).

5 (7) "Practical nurse", "trained practical nurse", "licensed
6 vocational nurse", or "licensed practical nurse" means a person who holds
7 a license to practice pursuant to this ~~article 255~~ PART 1 as a licensed
8 practical nurse in this state or is licensed in another state and is practicing
9 in this state pursuant to section 24-60-3802, with the right to use the title
10 "licensed practical nurse" and its abbreviation, "L.P.N."

11 (8.5) **[Formerly 12-260-103 (7)]** "Practice of a nurse aide" or
12 "nursing aide practice" means the performance of services requiring the
13 education, training, and skills specified in PART 2 OF this ~~article 260~~
14 ARTICLE 255 for certification as a nurse aide. These services are
15 performed under the supervision of a dentist, physician, podiatrist,
16 professional nurse, licensed practical nurse, or other licensed or certified
17 health care professional acting within the scope of the professional's
18 license or certificate.

19 (9) (a) "Practice of practical nursing" means the performance,
20 under the supervision of a dentist, physician, podiatrist, or professional
21 nurse authorized to practice in this state, of those services requiring the
22 education, training, and experience, as evidenced by knowledge, abilities,
23 and skills required in this ~~article 255~~ PART 1 for licensing as a practical
24 nurse pursuant to section 12-255-114, in:

25 (c) Nothing in this ~~article 255 shall limit or deny~~ PART 1 LIMITS OR
26 DENIES a practical nurse from supervising other practical nurses or other
27 health care personnel.

1 (11) "Registered nurse" or "registered professional nurse" means
2 a professional nurse, and only a person who holds a license to practice
3 professional nursing in this state pursuant to this ~~article 255~~ PART 1 or
4 who holds a license in another state and is practicing in this state pursuant
5 to section 24-60-3802 may use the title "registered nurse" and its
6 abbreviation, "R.N."

7 (13) "Unauthorized practice", FOR PURPOSES OF THIS PART 1,
8 means the practice of practical nursing or the practice of professional
9 nursing by any person:

10 (a) Who has not been issued a license under this ~~article 255~~, or
11 PART 1;

12 (b) Who is not practicing in this state pursuant to section
13 24-60-3802; or

14 (c) Whose license has been suspended or revoked or has expired.

15 **SECTION 6.** In Colorado Revised Statutes, 12-255-107, **amend**
16 (1)(a), (1)(b), (1)(c), (1)(d), (1)(h), (1)(j), (2), and (4); and **add with**
17 **amended and relocated provisions** (6) and (7) as follows:

18 **12-255-107. Powers and duties of the board - rules - definition.**

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

20 (a) (I) To approve, pursuant to rules adopted by the board,
21 educational programs in this state preparing individuals for licensure
22 UNDER THIS PART 1, including approving curricula, conducting surveys,
23 and establishing standards for the educational programs; to deny approval
24 of or withdraw approval from the educational programs for failure to
25 meet required standards as established by this ~~article 255~~ PART 1 or
26 pursuant to rules adopted by the board; and to further establish standards
27 in accordance with this ~~article 255~~ PART 1 in the form of rules to

1 determine whether institutions outside this state shall be deemed to have
2 acceptable educational programs and whether graduates of institutions
3 outside this state shall be deemed to be graduates of approved education
4 programs for the purpose of licensing requirements in this state UNDER
5 THIS PART 1; and to determine by rule when accreditation by a state or
6 voluntary agency may be accepted in lieu of board approval;

7 (II) TO APPROVE NURSE AIDE TRAINING PROGRAMS IN
8 ACCORDANCE WITH SECTION 12-255-118.5;

9 (b) (I) (A) To examine, license, CERTIFY, reactivate, and renew
10 licenses OR CERTIFICATIONS of qualified applicants, and to grant to the
11 applicants temporary licenses and permits, to engage in the practice of
12 practical nursing and professional nursing OR THE PRACTICE OF A NURSE
13 AIDE, AS APPLICABLE, in this state within the limitations imposed by this
14 article 255. Licenses AND CERTIFICATIONS issued pursuant to this article
15 255 are subject to the renewal, expiration, reinstatement, and delinquency
16 fee provisions specified in section 12-20-202 (1) and (2).

17 (B) The director may increase fees to obtain or renew a
18 professional nurse license or advanced practice nurse authority UNDER
19 THIS PART 1 consistent with section 12-30-105 (4) to fund the division's
20 costs in administering and staffing the nurse-physician advisory task force
21 for Colorado health care created in section 12-30-105 (1).

22 (C) Any person whose license OR CERTIFICATION has expired ~~shall~~
23 ~~be~~ IS subject to the penalties provided in this article 255 or section
24 12-20-202 (1).

25 (II) In order to facilitate the licensure AND CERTIFICATION of
26 qualified applicants, the board may, in its discretion, assign licensing AND
27 CERTIFICATION functions in accordance with this article 255 to either

1 panel. Any action taken by a quorum of the assigned panel ~~shall constitute~~
2 CONSTITUTES action by the board.

3 (c) (I) To limit the scope of any license, to place a temporary
4 licensee on probation, or to take disciplinary or other action as specified
5 in section 12-20-404 upon proof that the licensee has committed an act
6 that constitutes grounds for discipline under section 12-255-120 or
7 12-295-111;

8 (II) TO SUSPEND, REVOKE, OR DENY A CERTIFICATION TO PRACTICE
9 AS A NURSE AIDE OR AUTHORITY TO PRACTICE AS A MEDICATION AIDE IN
10 ACCORDANCE WITH SECTION 12-20-404 (1)(d) OR ISSUE A LETTER OF
11 ADMONITION UNDER THE CIRCUMSTANCES SPECIFIED IN AND IN
12 ACCORDANCE WITH SECTION 12-20-404 (4), UPON PROOF THAT THE
13 PERSON ENGAGED IN AN ACT THAT CONSTITUTES GROUNDS FOR DISCIPLINE
14 UNDER SECTION 12-255-209;

15 (d) To permit the executive officer, during the period between
16 board meetings AND PURSUANT TO BOARD RULES, to:

17 (I) Administer examinations AND COMPETENCY EVALUATIONS TO
18 QUALIFIED APPLICANTS;

19 (II) Issue licenses OR CERTIFICATIONS by endorsement, ~~and~~
20 examination, OR COMPETENCY EVALUATION, AS APPLICABLE, TO
21 QUALIFIED APPLICANTS;

22 (III) Renew licenses OR CERTIFICATIONS OF QUALIFIED
23 APPLICANTS; and

24 (IV) Issue temporary licenses and permits to qualified applicants;
25 ~~pursuant to rules adopted by the board;~~

26 (h) To investigate and conduct hearings upon charges for the
27 discipline of nurses AND NURSE AIDES in accordance with ~~the provisions~~

1 of article 4 of title 24 and section 12-20-403 and to impose disciplinary
2 sanctions as provided in this article 255 and section 12-20-404;

3 (j) To adopt rules pursuant to section 12-20-204 to carry out the
4 purposes of this article 255, INCLUDING RULES PERTAINING TO THE
5 CERTIFICATION OF NURSE AIDES TO ENSURE COMPLIANCE WITH FEDERAL
6 LAW AND REGULATION RELATING TO NURSE AIDES;

7 (2) The board shall appoint advisory committees pursuant to
8 section 12-255-108 of at least three psychiatric technicians to advise the
9 board on matters pertaining to psychiatric technician testing. The board
10 shall, in its discretion, assign matters referred to the board by the
11 psychiatric technicians advisory committee to a panel for consideration
12 and implementation, if necessary.

13 (4) The board shall, in its discretion, assign matters referred to the
14 board by the nurse aide advisory committee, created pursuant to ~~section~~
15 ~~12-260-112~~ SECTION 12-255-207, to a panel for consideration and
16 implementation, if necessary.

17 (6) **[Formerly 12-260-104 (4)]** The board shall maintain a registry
18 of all certified nurse aides ~~as well as~~ AND a record of all final disciplinary
19 action taken against persons under ~~the provisions of this article 260~~ THIS
20 ARTICLE 255. The registry shall conform to all requirements of federal law
21 and regulation.

22 (7) **[Formerly 12-260-104 (5)(a)]** The board shall not issue a
23 certificate to a former holder of a NURSE AIDE certificate whose certificate
24 ~~was revoked OR SURRENDERED TO AVOID DISCIPLINE unless:~~

25 (a) ~~THE TWO-YEAR WAITING PERIOD SPECIFIED IN SECTION~~
26 ~~12-20-404 (3) HAS PASSED SINCE THE DATE OF THE REVOCATION OR~~
27 ~~SURRENDER; AND~~

1 (b) The applicant meets the requirements of this ~~article 260~~
2 ~~ARTICLE 255~~, has successfully repeated an approved education program
3 as required by the board, and has repeated and passed a competency
4 evaluation.

5 **SECTION 7.** In Colorado Revised Statutes, 12-255-109, **amend**
6 (2) as follows:

7 **12-255-109. Examination.** (2) In accordance with the
8 requirements of this ~~article 255~~ PART 1, the board shall hold at least two
9 examinations annually for practical nurses and for professional nurses at
10 such places and at such times as the board shall determine.

11 **SECTION 8.** In Colorado Revised Statutes, 12-255-110, **amend**
12 (3) as follows:

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

1 questionnaire.

2 **SECTION 9.** In Colorado Revised Statutes, 12-255-111, **amend**
3 (1) as follows:

4 **12-255-111. Requirements for advanced practice nurse**
5 **registration - legislative declaration - advanced practice registry -**
6 **rules.** (1) The general assembly hereby recognizes that some individuals
7 practicing NURSING pursuant to this ~~article 255~~ PART 1 have acquired
8 additional preparation for advanced practice and hereby determines that
9 it is appropriate for the state to maintain a registry of those individuals.
10 The registry shall be known as the "advanced practice registry".

11 **SECTION 10.** In Colorado Revised Statutes, 12-255-112, **amend**
12 (3)(b), (7)(a), and (7)(c)(I) as follows:

13 **12-255-112. Prescriptive authority - advanced practice nurses**
14 **- limits on opioid prescriptions - rules - financial benefit for**
15 **prescribing prohibited - repeal.** (3) (b) (I) An advanced practice nurse
16 who has been granted authority to prescribe prescription drugs and
17 controlled substances under this ~~article 255~~ PART 1 may advise the nurse's
18 patients of their option to have the symptom or purpose for which a
19 prescription is being issued included on the prescription order.

20 (II) A nurse's failure to advise a patient under subsection (3)(b)(I)
21 of this section ~~shall not be~~ IS NEITHER:

22 (A) Grounds for any disciplinary action against the nurse's
23 professional license issued under this ~~article 255. Failure to advise a~~
24 ~~patient pursuant to subsection (3)(b)(I) of this section shall not be~~ PART
25 1; NOR

26 (B) Grounds for any civil action against a nurse in a negligence
27 or tort action; nor ~~shall the failure be~~

1 (C) Evidence in any civil action against a nurse.

2 (7) (a) The scope of practice for an advanced practice nurse may
3 be determined by the board in accordance with this ~~article 255~~ PART 1.

4 (c) (I) Prescriptive authority by an advanced practice nurse shall
5 be limited to those patients appropriate to the nurse's scope of practice.
6 Prescriptive authority may be limited or withdrawn and the advanced
7 practice nurse may be subject to further disciplinary action in accordance
8 with this ~~article 255~~ PART 1 if the nurse has prescribed outside the nurse's
9 scope of practice or for other than a therapeutic purpose.

10 **SECTION 11.** In Colorado Revised Statutes, 12-255-113, **amend**
11 (2) as follows:

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

14 (2) Professional liability insurance required by this section shall cover all
15 acts within the scope of practice of an advanced practice nurse as defined
16 in this ~~article 255~~ PART 1.

17 **SECTION 12.** In Colorado Revised Statutes, 12-255-114, **amend**
18 (3) as follows:

19 **12-255-114. Requirements for practical nurse licensure - rules.**

20 (3) The board shall design a questionnaire to be sent to all licensed
21 practical nurses who apply for license renewal. Each applicant for license
22 renewal shall complete the board-designed questionnaire. The purpose of
23 the questionnaire is to determine whether a licensee has acted in violation
24 of this ~~article 255~~ PART 1 or been disciplined for any action that might be
25 considered a violation of this ~~article 255~~ PART 1 or might make the
26 licensee unfit to practice nursing with reasonable care and safety. If an
27 applicant fails to answer the questionnaire accurately, the failure ~~shall~~

1 ~~constitute~~ CONSTITUTES grounds for discipline under section 12-255-120
2 (1)(v). The board may include the cost of developing and reviewing the
3 questionnaire in the fee paid under subsection (1)(d) of this section. The
4 board may refuse an application for license renewal that does not
5 accompany an accurately completed questionnaire.

6 **SECTION 13.** In Colorado Revised Statutes, 12-255-115, **amend**
7 (7) as follows:

8 **12-255-115. Retired volunteer nurse licensure.** (7) The board
9 shall design a questionnaire to be sent to all retired volunteer nurses who
10 apply for license renewal. Each applicant for license renewal shall
11 complete the board-designed questionnaire. The purpose of the
12 questionnaire is to determine whether a licensee has acted in violation of
13 this ~~article 255~~ PART 1 or been disciplined for any action that might be
14 considered a violation of this ~~article 255~~ PART 1 or might make the
15 licensee unfit to practice nursing with reasonable care and safety. If an
16 applicant fails to answer the questionnaire accurately, the failure ~~shall~~
17 ~~constitute~~ CONSTITUTES grounds for discipline under section 12-255-120
18 (1)(v). The board may include the cost of developing and reviewing the
19 questionnaire in the fee paid under subsection (6) of this section. The
20 board may refuse an application for license renewal that does not
21 accompany an accurately completed questionnaire.

22 **SECTION 14.** In Colorado Revised Statutes, **amend** 12-255-116
23 as follows:

24 **12-255-116. Persons licensed under previous laws.** Any person
25 holding a valid Colorado license to engage in the practice of practical or
26 professional nursing issued prior to July 1, 1980, shall continue to be
27 licensed under the provisions of this ~~article 255~~ PART 1.

1 **SECTION 15.** In Colorado Revised Statutes, 12-255-117, **amend**
2 (3) as follows:

3 **12-255-117. Temporary licenses and permits.** (3) The board
4 may, as it deems appropriate, issue a permit to a person who is under the
5 supervision of a professional nurse licensed pursuant to this ~~article 255~~
6 PART 1.

7 **SECTION 16.** In Colorado Revised Statutes, 12-255-118, **amend**
8 (1) and (4) as follows:

9 **12-255-118. Approval of education programs.** (1) Any
10 institution in this state desiring to receive from the board approval of its
11 educational program that prepares individuals for licensure as a practical
12 or as a professional nurse shall apply to the board and submit evidence
13 that it is prepared to carry out an educational program that complies with
14 the provisions of this ~~article 255~~ PART 1 and with rules adopted by the
15 board pursuant to this ~~article 255~~ PART 1.

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

22 **SECTION 17.** In Colorado Revised Statutes, **add with amended**
23 **and relocated provisions** 12-255-118.5 as follows:

24 **12-255-118.5. [Formerly 12-260-109] Approved nurse aide**
25 **training programs.** (1) Except for any medical facility or program that
26 has been explicitly disapproved by the department of public health and
27 environment, the board may approve any nurse aide training program

1 offered by or held in a medical facility or offered and held outside a
2 medical facility. Approval by the board ~~shall be~~ IS sufficient to authorize
3 and permit the operation of the training program.

4 (2) The curriculum content for nurse aide training must include
5 material that will provide a basic level of both knowledge and
6 demonstrable skills for each individual completing the program and be
7 presented in a manner that will take into consideration individuals with
8 limited literacy skills. The curriculum content must include needs of
9 populations that may be served by an individual medical facility.

10 (3) The CURRICULUM MUST INCLUDE THE following topics: ~~shall~~
11 ~~be included in the curriculum:~~

- 12 (a) Communication and interpersonal skills;
- 13 (b) Infection control;
- 14 (c) Safety and emergency procedures;
- 15 (d) Promoting residents' and patients' independence;
- 16 (e) Respecting residents' and patients' rights.

17 (4) The training program shall be designed to enable participants
18 to develop and demonstrate competency in the following areas:

- 19 (a) Basic nursing skills;
- 20 (b) Personal care skills;
- 21 (c) Recognition of mental health and social services needs;
- 22 (d) Basic restorative services;
- 23 (e) Resident or patient rights.

24 (5) The board or its designee shall inspect and survey each nurse
25 aide training program it approves during the first year following approval
26 and every two years thereafter. The inspection or survey may be made in
27 conjunction with surveys of medical facilities conducted by the

1 department of public health and environment.

2 (6) The board may require a nurse aide training program to
3 include up to twenty-five percent more hours than the minimum
4 requirements established in the federal "Omnibus Budget Reconciliation
5 Act of 1987", as amended, Pub.L. 100-203, 101 Stat. 1330. Any
6 additional training hours shall be within the subject areas required by
7 federal law.

8 **SECTION 18.** In Colorado Revised Statutes, 12-255-119, **amend**
9 (4)(c)(III) and (7) as follows:

10 **12-255-119. Disciplinary procedures of the board - inquiry**
11 **and hearings panels - mental and physical examinations - definitions**
12 **- rules.** (4) (c) (III) If the hearings panel finds the charges proven and
13 orders that discipline be imposed, it shall also determine the extent of the
14 discipline, which may be in the form of a letter of admonition regarding
15 a license or suspension for a definite or indefinite period, revocation, or
16 nonrenewal of a license to practice. In addition to any other discipline that
17 may be imposed pursuant to this section, the hearings panel may impose
18 a fine of no less than two hundred fifty dollars but no more than one
19 thousand dollars per violation on any nurse who violates this ~~article 255~~
20 PART 1 or any rule adopted pursuant to this ~~article 255~~ PART 1. The board
21 shall adopt rules establishing a fine structure and the circumstances under
22 which fines may be imposed.

23 (7) In case any nurse is determined to be mentally incompetent or
24 insane by a court of competent jurisdiction and a court enters, pursuant to
25 part 3 or 4 of article 14 of title 15 or section 27-65-109 (4) or 27-65-127,
26 an order specifically finding that the mental incompetency or insanity is
27 of such a degree that the nurse is incapable of continuing the practice of

1 nursing, the nurse's license shall automatically be suspended by the board,
2 and, notwithstanding any provision of this ~~article 255~~ PART 1 to the
3 contrary, the suspension shall continue until the nurse is found by the
4 court to be competent to continue the practice of nursing.

5 **SECTION 19.** In Colorado Revised Statutes, 12-255-120, **amend**
6 (1) introductory portion, (1)(b)(I), and (1)(e) as follows:

7 **12-255-120. Grounds for discipline.** (1) "Grounds for
8 discipline", as used in this ~~article 255~~ PART 1, means any action by any
9 person who:

10 (b) (I) Has been convicted of a felony or any crime that would
11 constitute a violation of this ~~article 255~~ PART 1.

12 (e) Has violated or has aided or knowingly permitted any person
13 to violate any provision of this ~~article 255~~ PART 1 or an applicable
14 provision of article 20 or 30 of this title 12;

15 **SECTION 20.** In Colorado Revised Statutes, 12-255-121, **amend**
16 (1)(a), (2)(a)(I), (2)(a)(III), (2)(b)(I)(A), (6)(a)(I), and (6)(a)(III) as
17 follows:

18 **12-255-121. Withholding or denial of license - hearing -**
19 **definitions.** (1) (a) The board is empowered to determine summarily
20 whether an applicant for a license or a temporary license to practice as a
21 nurse possesses the qualifications required by this ~~article 255~~ PART 1,
22 whether there is probable cause to believe that an applicant FOR A LICENSE
23 OR TEMPORARY LICENSE has done any of the acts set forth in section
24 12-255-120 as grounds for discipline, or whether the applicant FOR A
25 LICENSE OR TEMPORARY LICENSE has had a license to practice nursing or
26 any other health care occupation revoked by any legally authorized board.

27 (2) (a) (I) If the board determines that an applicant does not

1 possess the qualifications FOR LICENSURE required by this ~~article 255~~
2 PART 1, that probable cause exists to believe that an applicant FOR A
3 LICENSE OR TEMPORARY LICENSE has done any of the acts set forth in
4 section 12-255-120, or that ~~the~~ AN applicant FOR A LICENSE OR
5 TEMPORARY LICENSE has had a nursing or other health care occupation
6 license revoked by another legally authorized board, the board may
7 withhold or deny the applicant a license UNDER THIS PART 1.

8 (III) The board may refuse to issue a license or may grant a license
9 subject to terms of probation if the board determines that an applicant for
10 a license has not actively practiced practical or professional nursing, or
11 has not otherwise maintained continued competency, as determined by the
12 board, during the two years immediately preceding the application for
13 licensure under this ~~article 255~~ PART 1.

14 (b) If the board refuses to issue a license to an applicant pursuant
15 to subsection (2)(a) of this section, the provisions of section 24-4-104 (9)
16 shall apply. Upon the refusal, the board shall provide the applicant with
17 a statement in writing setting forth the following:

18 (I) The basis of the board's determination that the applicant:

19 (A) Does not possess the qualifications required by this ~~article 255~~
20 PART 1;

21 (6) (a) At the hearing, the applicant shall have the burden of proof
22 to show that:

23 (I) The applicant possesses the qualifications required for
24 licensure under this ~~article 255~~ PART 1;

25 (III) The applicant has actively practiced practical or professional
26 nursing, or has maintained continued competency, during the two years
27 prior to application for a license under this ~~article 255~~ PART 1.

1 **SECTION 21.** In Colorado Revised Statutes, **amend** 12-255-123
2 as follows:

3 **12-255-123. Immunity in professional review.** (1) If a
4 professional review committee is established pursuant to section
5 12-255-108 to investigate the quality of care being given by a person
6 licensed pursuant to this ~~article 255~~, it shall PART 1, THE PROFESSIONAL
7 REVIEW COMMITTEE MUST include in its membership at least three persons
8 licensed in the same category as the licensee under review, but the
9 committee may be authorized to act only by the board.

10 (2) In addition to the persons specified in section 12-20-402, any
11 member of a professional review committee authorized by the board, any
12 member of the committee's staff, any person acting as a witness or
13 consultant to the committee, any witness testifying in a proceeding
14 authorized under this ~~article 255~~ PART 1, and any person who lodges a
15 complaint pursuant to this ~~article 255~~ PART 1 is granted the same
16 immunity and is subject to the same conditions for immunity as specified
17 in section 12-20-402.

18 **SECTION 22.** In Colorado Revised Statutes, 12-255-124, **amend**
19 (3) as follows:

20 **12-255-124. Surrender of license.** (3) The board shall not issue
21 a license or temporary license or permit to a former licensee or temporary
22 license or permit holder whose license has been surrendered unless the
23 licensee meets all of the requirements of this ~~article 255~~ PART 1 for a new
24 applicant, including the passing of an examination.

25 **SECTION 23.** In Colorado Revised Statutes, **amend** 12-255-125
26 as follows:

27 **12-255-125. Unauthorized practice - penalties.** (1) It is

1 unlawful for any person to practice as a practical or professional nurse
2 unless licensed ~~therefor~~ TO PRACTICE THAT PROFESSION.

3 (2) Any person who practices or offers or attempts to practice
4 practical or professional nursing without an active license issued under
5 this ~~article 255~~ PART 1 is subject to penalties pursuant to section
6 12-20-407 (1)(a).

7 **SECTION 24.** In Colorado Revised Statutes, **amend** 12-255-126
8 as follows:

9 **12-255-126. Injunctive proceedings.** The board may seek
10 injunctive relief in accordance with section 12-20-406, but only to enjoin
11 any person who does not possess a currently valid or active practical or
12 professional nurse license OR NURSE AIDE CERTIFICATION from
13 committing any act declared to be unlawful or prohibited by this article
14 255.

15 **SECTION 25.** In Colorado Revised Statutes, 12-255-127, **amend**
16 (1) introductory portion, (2), and (3); and **repeal** (4) as follows:

17 **12-255-127. Exclusions.** (1) ~~No provision of this article 255 shall~~
18 ~~be construed to~~ THIS PART 1 DOES NOT prohibit:

19 (2) ~~No provision in this article 255~~ THIS PART 1 shall NOT be
20 construed as applying to a person who nurses or cares for the sick in
21 accordance with the practice or tenets of any church or religious
22 denomination that teaches reliance upon spiritual means through prayer
23 for healing, and who does not hold himself or herself out to the public to
24 be a licensed practical or professional nurse.

25 (3) Nothing in this ~~article 255~~ shall be deemed to prohibit PART 1:

26 (a) PROHIBITS any licensee from practicing practical or
27 professional nursing independently for compensation upon a fee for

1 services basis;

2 (b) ~~Nothing in this article 255 shall be deemed to prohibit or~~
3 ~~require~~ PROHIBITS OR REQUIRES the direct reimbursement for nursing
4 services and care through qualified governmental and insurance programs
5 to persons duly licensed in accordance with this ~~article 255~~ PART 1; OR

6 (c) CONVEYS TO THE PRACTICE OF NURSING THE PERFORMANCE OF
7 MEDICAL PRACTICE AS REGULATED BY ARTICLE 240 OF THIS TITLE 12.

8 (4) ~~Nothing in this article 255 shall be interpreted as conveying to~~
9 ~~the practice of nursing the performance of medical practice as regulated~~
10 ~~by article 240 of this title 12.~~

11 **SECTION 26.** In Colorado Revised Statutes, **amend** 12-255-129
12 as follows:

13 **12-255-129. Continuing education - rules.** In addition to any
14 other authority conferred upon the board by this ~~article 255~~ PART 1, the
15 board is authorized to require no more than twenty hours of continuing
16 education every two years as a condition of renewal of licenses and to
17 establish procedures and standards for the educational requirements. The
18 board shall, to assure that the continuing education requirements imposed
19 do not have the effect of restraining competition among providers of the
20 education, recognize a variety of alternative means of compliance with
21 the requirements. The board shall adopt rules that are necessary to carry
22 out the provisions of this section ~~the rules to be promulgated~~ in
23 accordance with ~~the provisions of~~ article 4 of title 24.

24 **SECTION 27.** In Colorado Revised Statutes, 12-255-130, **amend**
25 (1) as follows:

26 **12-255-130. Nursing peer health assistance or nurse**
27 **alternative to discipline program - fund - rules.** (1) As a condition of

1 licensure and for the purpose of supporting a nursing peer health
2 assistance program or a nurse alternative to discipline program, every
3 applicant for an initial license or to reinstate a license and any person
4 renewing a license issued pursuant to this ~~article 255~~ PART 1 shall pay to
5 the administering entity designated pursuant to subsection (3)(c) of this
6 section a fee in an amount set by the board, not to exceed twenty-five
7 dollars per year; except that the board may adjust the amount each
8 January 1 to reflect changes in the United States department of labor's
9 bureau of labor statistics consumer price index, or its successor index, for
10 Denver-Aurora-Lakewood for goods paid by urban consumers.

11 **SECTION 28.** In Colorado Revised Statutes, 12-255-132, **amend**
12 (1) as follows:

13 **12-255-132. School nurses - over-the-counter medication.**

14 (1) This ~~article 255~~ PART 1 does not prohibit a person who has been
15 appropriately trained from dispensing an over-the-counter medication to
16 a minor as long as the person has written instructions from the minor's
17 parent or guardian and there is a physician's standing medical order.

18 **SECTION 29.** In Colorado Revised Statutes, **add with amended**
19 **and relocated provisions** part 2 to article 255 of title 12 as follows:

20 **PART 2**

21 **NURSE AIDES**

22 **12-255-201. Nurse aide certification program - department of**
23 **public health and environment to assist - funding.** (1) [Formerly
24 **12-260-104 (2)]** The department of public health and environment, which
25 is otherwise responsible for the regulation of certain medical facilities,
26 shall, as necessary, assist the board in implementing the provisions of this
27 ~~article 260~~ PART 2.

1 (2) [Formerly 12-260-104 (6)] Funding for the nurse aide
2 certification program, as operated by the department of regulatory
3 agencies, shall be provided by the federal medicaid and medicare
4 programs. Medicaid funding shall be secured by the department of health
5 care policy and financing and medicare funding shall be secured by the
6 department of public health and environment. All the funding shall be
7 forwarded to the department of regulatory agencies for its use in
8 operating the nurse aide certification program. The departments of health
9 care policy and financing and public health and environment shall take all
10 reasonable and necessary steps to secure the funding from the federal
11 medicaid and medicare programs.

12 **12-255-202. [Formerly 12-260-105] Application for**
13 **certification - fee.** (1) Every applicant for certification as a nurse aide,
14 whether qualifying by competency evaluation or by endorsement, shall
15 submit the application on forms provided by the board.

16 (2) (a) The APPLICANT SHALL INCLUDE WITH THE application
17 submitted pursuant to subsection (1) of this section ~~shall be accompanied~~
18 ~~by~~ an application fee established pursuant to section 12-20-105.

19 (b) The board may reduce the application fee if federal funds are
20 available. The fee ~~shall~~ IS not ~~be~~ subject to the provisions of section
21 12-20-104.

22 **12-255-203. [Formerly 12-260-106] Application for**
23 **certification by competency evaluation.** (1) Every applicant for
24 certification by competency evaluation shall pay the required application
25 fee and shall submit written evidence that the applicant:

26 (a) Has not committed any act or omission that would be grounds
27 for discipline or denial of certification under this ~~article 260~~ ARTICLE 255;

1 and

2 (b) Has successfully completed an approved education program.

3 **12-255-204. [Formerly 12-260-107] Application for**

4 **certification by endorsement.** (1) Every applicant for certification by
5 endorsement shall pay the required application fee, shall submit the
6 information required by the board in the manner and form specified by the
7 board, and shall submit written evidence that the applicant:

8 (a) Is certified to practice as a nurse aide by another state or
9 territory of the United States with requirements that are essentially similar
10 to the requirements for certification set out in this ~~article 260~~ PART 2 and
11 that the certification is in good standing;

12 (b) Has not committed any act or omission that would be grounds
13 for discipline or denial of certification under this ~~article 260~~ ARTICLE 255;

14 (c) Has successfully completed an education program approved
15 by the board or a nurse aide training program that meets the standards for
16 the programs specified in this ~~article 260~~ ARTICLE 255 and those standards
17 set by the board; and

18 (d) Has no record of abuse, negligence, or misappropriation of
19 resident's property or any disciplinary action taken or pending in any other
20 state or territory against the certification.

21 **12-255-205. [Formerly 12-260-108] Certification by**

22 **competency evaluation.** (1) All applicants except those certified by
23 endorsement shall ~~be required to~~ pass a clinical competency evaluation.
24 The evaluation shall be in a written or oral form and shall include the
25 following areas:

26 (a) Basic nursing skills;

27 (b) Personal care skills;

- 1 (c) Recognition of mental health and social services needs;
- 2 (d) Basic restorative services;
- 3 (e) Resident or patient rights.

4 (2) Competency evaluations shall be held at the times and places
5 as the board determines but shall be held at least four times per year.

6 **12-255-206. [Formerly 12-260-110] Scope of practice - rules.**

7 (1) In addition to any nursing tasks delegated to a certified nurse aide
8 pursuant to section 12-255-131, a certified nurse aide who is deemed
9 competent by a registered nurse licensed pursuant to PART 1 OF THIS
10 article 255 of this title 12 may perform the following tasks:

11 (a) Digital stimulation, insertion of a suppository, or the use of an
12 enema, or any other medically acceptable procedure to stimulate a bowel
13 movement;

14 (b) Gastrostomy-tube and jejunostomy-tube feedings; and

15 (c) Placement in a client's mouth of presorted medication that has
16 been boxed or packaged by a registered nurse, a licensed practical nurse,
17 or a pharmacist;

18 (d) ADMINISTRATION OF OXYGEN TO CLIENTS; AND

19 (e) CHANGING OSTOMY BAGS.

20 (2) The board shall promulgate rules concerning the competency
21 requirements for a certified nurse aide to perform the tasks listed in
22 subsection (1) of this section.

23 (3) The duties performed by a certified nurse aide as specified in
24 subsection (1) of this section are not considered a delegation of nursing
25 tasks pursuant to section 12-255-131.

26 (4) A registered nurse who in good faith determines that a
27 certified nurse aide is competent to perform the tasks listed in subsection

1 (1) of this section is not liable for the actions of the certified nurse aide
2 in the performance of the tasks.

3 **12-255-207. [Formerly 12-260-112] Advisory committee.** To
4 assist in the performance of its duties under this ~~article 260~~ PART 2, the
5 board may designate an advisory committee, which shall report to the
6 board. The committee ~~shall be composed~~ CONSISTS of seven members
7 who have expertise in an area under review. One member shall be a
8 certified nurse aide; one member shall be a licensed professional nurse or
9 a licensed practical nurse as defined in section 12-255-104 who
10 supervises certified nurse aides; one member shall represent a home
11 health agency; one member shall represent a nursing facility; one member
12 shall be a department of public health and environment employee; and
13 two members shall be members of the public. Committee members shall
14 receive a per diem allowance pursuant to section 12-20-103 (6) for their
15 services and shall be reimbursed for the actual and necessary expenses in
16 the performance of their duties from the division of professions and
17 occupations cash fund by the general assembly.

18 **12-255-208. [Formerly 12-260-113] Medication aides - training**
19 **- scope of duties - rules.** (1) Prior to a certified nurse aide obtaining
20 authority as a medication aide to administer medications, the certified
21 nurse aide shall meet all applicable requirements as established by rules
22 of the board. The board shall promulgate rules regarding the scope of
23 practice, education, experience, and certification requirements for a nurse
24 aide to obtain authority to administer medications. The board shall
25 consider, but not be limited to, reducing the number of required hours of
26 education, expanding the allowable routes of administration, reducing or
27 eliminating the required hours of work experience, and developing

1 different scopes of practice depending on practice setting, if appropriate.

2 (2) The board shall promulgate rules regarding the supervision
3 requirements for a medication aide, the requirements for a registered
4 nurse to perform a patient assessment before a medication aide
5 administers medications to the patient, and requirements for a registered
6 nurse to review medications to be administered by a medication aide.

7 (3) The administration of medications by medication aides ~~shall~~
8 DOES not alter any requirement or limitation applicable to the delegation
9 of nursing tasks pursuant to section 12-255-131.

10 **12-255-209. [Formerly 12-260-114] Grounds for discipline.**

11 (1) The board may suspend, revoke, or deny any person's certification to
12 practice as a nurse aide or authority to practice as a medication aide in
13 accordance with section 12-20-404 (1)(d) or may issue to the person a
14 letter of admonition under the circumstances specified in and in
15 accordance with section 12-20-404 (4), upon proof that a person:

16 (a) Has procured or attempted to procure a certificate by fraud,
17 deceit, misrepresentation, misleading omission, or material misstatement
18 of fact;

19 (b) Has been convicted of a felony or has had a court accept a plea
20 of guilty or nolo contendere to a felony. A certified copy of the conviction
21 or plea from a court of competent jurisdiction ~~shall be~~ IS prima facie
22 evidence of the conviction or plea. In considering discipline based on the
23 grounds specified in this subsection (1)(b), the board shall be governed
24 by ~~the provisions of~~ sections 12-20-202 (5) and 24-5-101.

25 (c) Has had a certification to practice as a nurse aide or to practice
26 any other health care occupation suspended or revoked in any jurisdiction.
27 A certified copy of the order of suspension or revocation shall be prima

1 facie evidence of the suspension or revocation.

2 (d) Has violated or has aided or knowingly permitted any person
3 to violate any provision of this ~~article 260~~ PART 2 or an applicable
4 provision of article 20 or 30 of this title 12;

5 (e) Has negligently or willfully violated any order or rule of the
6 board pertaining to practice or certification as a nurse aide;

7 (f) Has verbally or physically abused a person under the care of
8 the certified nurse aide;

9 (g) ~~Has an alcohol use disorder, as defined in section 27-81-102,~~
10 ~~or a substance use disorder, as defined in section 27-82-102, or~~
11 Excessively uses OR ABUSES ALCOHOL, any habit-forming drug, or any
12 controlled substance, as defined in section 18-18-102 (5), or other drugs
13 having similar effects, or is diverting controlled substances, as defined in
14 section 18-18-102 (5), or other drugs having similar effects from the
15 person's place of employment;

16 (h) Has misused any drug or controlled substance, as defined in
17 section 18-18-102 (5);

18 (i) Has a physical or mental disability that renders the person
19 unable to practice as a certified nurse aide with reasonable skill and safety
20 to the patients and that may endanger the health or safety of persons under
21 ~~his or her~~ THE NURSE AIDE'S care;

22 (j) Has violated the confidentiality of information or knowledge
23 as prescribed by law concerning any patient;

24 (k) Has misappropriated patient or facility property;

25 (l) Has engaged in any conduct that would constitute a crime as
26 defined in title 18, if the conduct relates to the person's ability to practice
27 as a nurse aide. In considering discipline based upon the grounds

1 specified in this subsection (1)(l), the board shall be governed by the
2 provisions of sections 12-20-202 (5) and 24-5-101.

3 (m) Has neglected a person under the care of the certified nurse
4 aide;

5 (n) Has willfully or negligently acted in a manner inconsistent
6 with the health or safety of persons under ~~his or her~~ THE NURSE AIDE'S
7 care;

8 (o) Has willfully or negligently practiced as a medication aide in
9 a manner that does not meet generally accepted standards for practice;

10 (p) Has willfully or negligently violated any order or rule of the
11 board pertaining to the practice or authorization as a medication aide;

12 (q) Has practiced in a medical facility as a nurse aide except as
13 provided in this ~~article 260~~ PART 2;

14 (r) Has practiced as a nurse aide during any period when his or her
15 certificate has been suspended or revoked;

16 (s) Has sold or fraudulently obtained or furnished a certificate to
17 practice as a nurse aide or has aided or abetted therein;

18 (t) Has failed to respond in a materially factual and timely manner
19 to a complaint as grounds for discipline pursuant to ~~section 12-260-117~~
20 SECTION 12-255-212; OR

21 (u) Has failed to report a criminal conviction to the board within
22 forty-five days after the conviction.

23 (2) Except as otherwise provided in subsection (1) of this section,
24 the board need not find that the actions that form the basis for the
25 disciplinary action were willful. However, the board, in its discretion,
26 may consider whether the action was willful in determining the sanctions
27 it imposes on the nurse aide.

1 (3) An employer of a medication aide shall report conduct that
2 constitutes grounds for discipline pursuant to this section to the board and
3 any disciplinary action taken by the employer against a medication aide
4 or the resignation of a medication aide in lieu of a disciplinary action
5 resulting from the conduct.

6 **12-255-210. [Formerly 12-260-115] Withholding or denial of**
7 **certification.** (1) If the board determines that an applicant for an initial
8 certificate to practice as a nurse aide does not possess the qualifications
9 specified in ~~section 12-260-106 or 12-260-107~~ SECTION 12-255-203 OR
10 12-255-204, that ~~section 12-260-114 (1)(f)~~ SECTION 12-255-209 (1)(f) is
11 applicable, or that there is reasonable cause to believe that the applicant
12 has committed any of the acts set forth in ~~section 12-260-114~~ SECTION
13 12-255-209 as grounds for discipline, ~~it~~ THE BOARD may deny the
14 applicant a certificate. When the board denies a certificate, it shall comply
15 with the following procedures:

16 (a) The provisions of section 24-4-104 shall apply, and the board
17 shall provide the applicant with a written statement that sets forth the
18 basis for the board's determination.

19 (b) If the applicant requests a hearing pursuant to section 24-4-104
20 (9), the following ~~shall apply~~ APPLIES:

21 (I) An applicant whose certification has been denied on the basis
22 of a lack of qualifications has the burden of proof to show that the
23 applicant possesses the qualifications required under this ~~article 260~~ PART
24 2.

25 (II) For an applicant whose certification has been denied on the
26 basis of reasonable cause to believe that grounds for discipline exist, the
27 board has the burden of proof to show the commission of acts constituting

1 grounds for discipline under this ~~article 260~~ PART 2.

2 (c) If a hearing is conducted, the board shall affirm, modify, or
3 reverse its prior determination and action in accordance with the findings
4 resulting from the hearing.

5 (d) If an applicant who has requested a hearing pursuant to section
6 24-4-104 (9) fails to appear at the hearing, absent a determination by the
7 board that there was good cause for the failure to appear, the board may
8 affirm its prior action of withholding certification without conducting a
9 hearing on the matter.

10 (e) If the board withholds certification without a hearing in
11 accordance with ~~the provisions of this section, it shall be~~ THE BOARD IS
12 immune from suit concerning the withholding unless it has acted
13 unreasonably or has failed to act in good faith.

14 **12-255-211. [Formerly 12-260-116] Mental and physical**
15 **competency of nurse aides.** (1) If a certified nurse aide is determined by
16 a court of competent jurisdiction to have a mental health disorder, the
17 board shall automatically suspend the certified nurse aide's certification,
18 and the suspension must continue until the certified nurse aide is
19 determined by the court to be restored to competency; duly discharged as
20 restored to competency; or otherwise determined to be competent in any
21 other manner provided by law.

22 (2) (a) If the board has reasonable cause to believe that a certified
23 nurse aide's physical or mental health has resulted in the nurse aide being
24 unable to practice with reasonable skill or that the practice of the nurse
25 aide is a threat to the safety of ~~his or her~~ THE NURSE AIDE'S patients, the
26 board may require the nurse aide to submit to a mental or physical
27 examination by a physician or other licensed health care provider

1 designated by the board.

2 (b) If a nurse aide fails to submit to a mental or physical
3 examination, the board may suspend the nurse aide's certification until the
4 required examination or examinations are conducted.

5 (3) Every person who applies to the board for certification as a
6 nurse aide ~~shall be~~ IS deemed by virtue of ~~such~~ THE application to have
7 consented to undergo a physical or mental examination at any time if the
8 board so requests. Any request by the board to a nurse aide to submit to
9 the examination shall be in writing and shall contain the basis upon which
10 the board determined that reasonable cause to believe the condition
11 specified in subsection (2)(a) of this section exists.

12 (4) A certified nurse aide who has been requested to submit to a
13 physical or mental examination may provide the board with information
14 concerning ~~his or her~~ THE NURSE AIDE'S physical or mental health from a
15 physician of the nurse aide's own choice. The board may consider the
16 information in conjunction with, but not in lieu of, testimony and
17 information provided by the physician designated by the board to examine
18 the nurse aide.

19 (5) The results of any mental or physical examination requested
20 by the board pursuant to this section shall not be used as evidence in any
21 proceeding except a proceeding conducted pursuant to this ~~article 260~~
22 PART 2. The results of the examination shall not be deemed to be public
23 records and shall not be made available to the public.

24 **12-255-212. [Formerly 12-260-117] Disciplinary proceedings**
25 **- hearing officers.** (1) The board may employ hearing officers as
26 authorized in section 12-20-403 (3).

27 (2) A proceeding for discipline of a certified nurse aide may be

1 commenced when the board has reasonable grounds to believe that a
2 nurse aide certified by the board has committed acts that may violate the
3 provisions of this ~~article 260~~ PART 2.

4 (3) The license of a person certified by the board as a nurse aide
5 may be revoked or the person may otherwise be disciplined pursuant to
6 section 12-20-404 upon written findings by the board that the licensee has
7 committed acts that violate the provisions of this ~~article 260~~ PART 2.

8 (4) ~~Any~~ NO LATER THAN THIRTY DAYS AFTER THE DATE OF THE
9 BOARD'S ACTION, THE BOARD SHALL SEND A NOTICE TO A certified nurse
10 aide disciplined under subsection (3) of this section, ~~shall be notified by~~
11 ~~the board, by a certified letter~~ to the most recent address THE CERTIFIED
12 NURSE AIDE provided to the board, ~~by the certified nurse aide, no later~~
13 ~~than thirty days following the date of the board's action,~~ NOTIFYING THE
14 CERTIFIED NURSE AIDE of the action taken, the specific charges giving rise
15 to the action, and the certified nurse aide's right to request a hearing on
16 the action taken.

17 (5) Within thirty days after THE BOARD SENDS THE notification, ~~is~~
18 ~~sent by the board,~~ the certified nurse aide may file a written request with
19 the board for a hearing on the action taken. Upon receipt of the request,
20 the board shall grant a hearing to the certified nurse aide. If the certified
21 nurse aide fails to file a written request for a hearing within thirty days,
22 the action of the board shall be final on that date.

23 (6) Disciplinary proceedings shall be conducted in the manner
24 prescribed by article 4 of title 24 and section 12-20-403.

25 (7) Failure of the certified nurse aide to appear at the hearing
26 without good cause shall be deemed a withdrawal of ~~his or her~~ THE
27 CERTIFIED NURSE AIDE'S request for a hearing, and the board's action shall

1 be final on that date. Failure, without good cause, of the board to appear
2 at the hearing shall be deemed cause to dismiss the proceeding.

3 (8) (a) No previously issued certificate to engage in practice as a
4 nurse aide shall be revoked or suspended except under the procedure set
5 forth in this section, except in emergency situations as provided by
6 section 24-4-104.

7 (b) The denial of an application to renew an existing certificate
8 shall be treated in all respects as a revocation.

9 (9) A person providing documents subpoenaed pursuant to section
10 12-20-403 (2) shall prepare them from the original record and shall delete
11 from the copy provided pursuant to the subpoena the name of the patient,
12 but the patient shall be identified by a numbered code to be retained by
13 the custodian of the records from which the copies were made. Upon
14 certification of the custodian that the copies are true and complete except
15 for the patient's name, ~~they~~ THE COPIES shall be deemed authentic, subject
16 to the right to inspect the originals for the limited purpose of ascertaining
17 the accuracy of the copies. ~~No~~ A privilege of confidentiality ~~shall~~ DOES
18 NOT exist with respect to the copies, and ~~no~~ liability ~~shall~~ DOES NOT lie
19 against the board or the custodian or the custodian's authorized employee
20 for furnishing or using the copies in accordance with this subsection (9).

21 (10) The board may issue and send a confidential letter of concern
22 to a certificate holder under the circumstances specified in section
23 12-20-404 (5).

24 (11) An employer of a nurse aide shall report to the board any
25 disciplinary action taken against the nurse aide or any resignation in lieu
26 of a disciplinary action for conduct that constitutes a violation of this
27 ~~article 260~~ PART 2.

1 (12) Except when a decision to proceed with a disciplinary action
2 has been agreed upon by a majority of the board or its designee and notice
3 of formal complaint is drafted and served on the licensee by first-class
4 mail, any investigations, examinations, hearings, meetings, or any other
5 proceedings of the board related to discipline that are conducted pursuant
6 to ~~the provisions of this section shall be~~ ARE exempt from the open
7 records provisions of article 72 of title 24 requiring that the proceedings
8 of the board be conducted publicly or that the minutes or records of the
9 board with respect to action of the board taken pursuant to ~~the provisions~~
10 ~~of this section~~ be open to public inspection.

11 (13) The board may issue cease-and-desist orders under the
12 circumstances and in accordance with the procedures specified in section
13 12-20-405.

14 **12-255-213. [REDACTED] Surrender of certificate. (1) [Formerly**
15 **12-260-118 (1)]** Prior to the initiation of an investigation or hearing, any
16 certified nurse aide may surrender the aide's certificate to practice as a
17 nurse aide to the board.

18 (2) **[Formerly 12-260-118 (2)]** Following the initiation of an
19 investigation or hearing and upon a finding that to conduct the
20 investigation or hearing would not be in the public interest, the board may
21 allow a certified nurse aide to surrender the aide's certificate to practice.

22 [REDACTED]
23 (3) **[Formerly 12-260-118 (4)]** The surrender of a certificate in
24 accordance with this section removes all rights and privileges to practice
25 as a nurse aide, including the right to apply for renewal of a certificate.

26 **12-255-214. [Formerly 12-260-120] Exclusions. (1)** This ~~article~~
27 ~~260 shall not be construed to~~ PART 2 DOES NOT affect or apply to:

- 1 (a) The gratuitous care of friends or family members;
- 2 (b) A person for hire who does not represent himself or herself as
3 or hold himself or herself out to the public as a certified nurse aide.
4 However, ~~no~~ A person for hire who is not a nurse aide certified under this
5 ~~article 260~~ PART 2 shall NOT perform the duties of or hold himself or
6 herself out as being able to perform the full duties of a certified nurse
7 aide.
- 8 (c) Nursing assistance in the case of an emergency;
- 9 (d) A person who is directly employed by a medical facility while
10 acting within the scope and course of employment for the first four
11 consecutive months of the person's employment at the medical facility if
12 the ~~person is pursuing initial certification as a nurse aide~~ EMPLOYMENT IS
13 PART OF AN APPROVED TRAINING PROGRAM PRIOR TO CERTIFICATION AND
14 THE CERTIFICATION IS NOT BY ENDORSEMENT PURSUANT TO SECTION
15 12-255-204. A person may utilize this exclusion only once in any
16 twelve-month period. This exclusion ~~shall~~ DOES not apply to any person
17 who has allowed ~~his or her~~ THE PERSON'S certification to lapse, had ~~his or~~
18 ~~her~~ THE PERSON'S certification as a nurse aide suspended or revoked, or
19 had ~~his or her~~ AN application for certification denied.
- 20 (e) Any person licensed, certified, or registered by the state of
21 Colorado who is acting within the scope of ~~such~~ THE license, certificate,
22 or registration;
- 23 (f) Any person performing services pursuant to sections
24 12-255-131, 25.5-10-204 (2)(j), 27-10.5-103 (2)(i), and part 3 of article
25 1.5 of title 25.
- 26 **12-255-215. [Formerly 12-260-121] Unauthorized practice -**
27 **penalties.** Any person who practices or offers or attempts nursing aide

1 practice or medication administration without an active certificate of
2 authority issued under this ~~article 260~~ PART 2; practices in a medical
3 facility as a nurse aide except as provided in this ~~article 260~~ PART 2; uses
4 any designation in connection with ~~his or her~~ THE PERSON'S name that
5 tends to imply that ~~he or she~~ THE PERSON is a certified nurse aide unless
6 ~~he or she~~ THE PERSON is so certified under this ~~article 260~~ PART 2;
7 practices as a nurse aide during any period when ~~his or her~~ THE PERSON'S
8 certificate has been suspended or revoked; or sells or fraudulently obtains
9 or furnishes a certificate to practice as a nurse aide or aids or abets therein
10 commits a class 2 misdemeanor and shall be punished as provided in
11 section 18-1.3-501 for the first offense, and any person committing a
12 second or subsequent offense commits a class 6 felony and shall be
13 punished as provided in section 18-1.3-401.

14 **SECTION 30. Repeal of relocated and nonrelocated**
15 **provisions in this act.** In Colorado Revised Statutes, **repeal** article 260
16 of title 12; except that 12-260-102, 12-260-103 (1) and (2), 12-260-104
17 (1), (3), and (5)(b), 12-260-111, 12-260-118 (3), 12-260-119, 12-260-122,
18 and 12-260-123 are not relocated.

19 **SECTION 31.** In Colorado Revised Statutes, 6-23-101, **amend**
20 (2) as follows:

21 **6-23-101. Definitions.** As used in this section:

22 (2) "Direct primary health care provider" means an individual or
23 legal entity that is licensed under article 240 OF TITLE 12 or PART 1 OF
24 ARTICLE 255 of title 12 to provide primary care services in this state and
25 who enters into a direct primary care agreement. "Direct primary health
26 care provider" includes an individual primary care provider or other legal
27 entity, alone or with others professionally associated with the individual

1 or other legal entity.

2 **SECTION 32.** In Colorado Revised Statutes, 10-1-128, **amend**
3 (1) as follows:

4 **10-1-128. Fraudulent insurance acts - immunity for furnishing**
5 **information relating to suspected insurance fraud - legislative**
6 **declaration.** (1) For purposes of this title 10, articles 40 to 47 of title 8,
7 articles 200, 215, 220, 240, 245, ~~255~~, 275, 285, 290, and 300 of title 12,
8 PART 1 OF ARTICLE 255 OF TITLE 12, and article 20 of title 44, a fraudulent
9 insurance act is committed if a person knowingly and with intent to
10 defraud presents, causes to be presented, or prepares with knowledge or
11 belief that it will be presented to or by an insurer, a purported insurer, or
12 any producer thereof any written statement as part or in support of an
13 application for the issuance or the rating of an insurance policy or a claim
14 for payment or other benefit pursuant to an insurance policy that the
15 person knows to contain false information concerning any fact material
16 thereto or if the person knowingly and with intent to defraud or mislead
17 conceals information concerning any fact material thereto. For purposes
18 of this section, "written statement" includes a patient medical record as
19 such term is defined in section 18-4-412 (2)(a) and any bill for medical
20 services.

21 **SECTION 33.** In Colorado Revised Statutes, 12-20-104, **amend**
22 (1) as follows:

23 **12-20-104. Excise tax on renewal fees - report to joint budget**
24 **committee - definition.** (1) Notwithstanding any provision of law to the
25 contrary, there is imposed, and the executive director shall collect, an
26 excise tax of one dollar for each year of the renewal period upon the
27 payment of renewal fees that are required to be paid by individuals for the

1 renewal of a license, registration, or certificate granting the individual
2 authority or permission from the state to continue the practice of a
3 profession or occupation; except that the excise tax shall not be imposed
4 on the renewal fee paid by nurse aides pursuant to ~~section 12-260-111~~
5 12-255-107.

6 **SECTION 34.** In Colorado Revised Statutes, 12-20-404, **amend**
7 (1)(b)(II)(C), (1)(c)(II)(E), (1)(d)(II)(K), (2)(b)(IV), and (3)(a)(II)(J); and
8 **repeal** (3)(c)(VII) as follows:

9 **12-20-404. Disciplinary actions - regulator powers -**
10 **disposition of fines. (1) General disciplinary authority.** If a regulator
11 determines that an applicant, licensee, certificate holder, or registrant has
12 committed an act or engaged in conduct that constitutes grounds for
13 discipline or unprofessional conduct under a part or article of this title 12
14 governing the particular profession or occupation, the regulator may:

15 (b) (II) A regulator is not authorized under this subsection (1)(b)
16 to impose probation on a licensee, certificate holder, or registrant
17 regulated under the following:

18 (C) ~~Article 260~~ ARTICLE 255 of this title 12 concerning nurse
19 aides; or

20 (c) (II) A regulator is not authorized under this subsection (1)(c)
21 to impose a fine on a licensee, certificate holder, or registrant regulated
22 under the following:

23 (E) ~~Article 260~~ ARTICLE 255 of this title 12 concerning nurse
24 aides;

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

1 (K) ~~Article 260~~ ARTICLE 255 of this title 12 concerning nurse
2 aides;

3 (2) **Deferral precluded.** (b) This subsection (2) does not apply
4 to the following:

5 (IV) ~~Article 260~~ ARTICLE 255 of this title 12 concerning nurse
6 aides.

7 (3) **Waiting period after revocation or surrender.** (a) (II) In
8 addition, the waiting period specified in subsection (3)(a)(I) of this
9 section applies when a person regulated under any of the following
10 articles surrenders a license, certification, or registration to avoid
11 discipline:

12 (J) Article 255 of this title 12 concerning nurses AND NURSE
13 AIDES;

14 (c) This subsection (3) does not apply to the following:

15 (VII) ~~Article 260 of this title 12 concerning nurse aides;~~

16 **SECTION 35.** In Colorado Revised Statutes, 12-20-406, **amend**
17 (2)(b)(IX); and **repeal** (2)(b)(X) as follows:

18 **12-20-406. Injunctive relief.** (2) (b) Subsection (2)(a) of this
19 section does not apply to the following:

20 (IX) Article 255 of this title 12 concerning nurses AND NURSE
21 AIDES;

22 (X) ~~Article 260 of this title 12 concerning nurse aides;~~

23 **SECTION 36.** In Colorado Revised Statutes, 12-20-407, **amend**
24 (2)(d) as follows:

25 **12-20-407. Unauthorized practice of profession or occupation**
26 **- penalties - exclusions.** (2) The penalties for:

27 (d) Engaging in unauthorized activities regarding nurse aide

1 practice are governed by ~~section 12-260-121~~ SECTION 12-255-215.

2 **SECTION 37.** In Colorado Revised Statutes, 12-30-102, **amend**
3 (3)(a)(XXIII) as follows:

4 **12-30-102. Medical transparency act of 2010 - disclosure of**
5 **information about health care licensees - fines - rules - short title -**
6 **legislative declaration - review of functions - repeal.** (3) (a) As used
7 in this section, "applicant" means a person applying for a new, active
8 license, certification, or registration or to renew, reinstate, or reactivate
9 an active license, certification, or registration to practice:

10 (XXIII) As a certified nurse aide pursuant to ~~article 260~~ ARTICLE
11 255 of this title 12;

12 **SECTION 38.** In Colorado Revised Statutes, 12-30-104, **amend**
13 (4) as follows:

14 **12-30-104. Health care prescriber boards - disciplinary**
15 **procedures - definitions.** (4) If any provision of article 4 of title 24,
16 PART 1 OF ARTICLE 255 OF THIS TITLE 12, or article 220, 240, ~~255~~, 275,
17 290, or 315 of this title 12 is more protective of complainants' rights or
18 results in a more expeditious resolution of disciplinary proceedings than
19 a corresponding provision of this section, that provision applies rather
20 than the corresponding provision of this section.

21 **SECTION 39.** In Colorado Revised Statutes, 12-30-106, **amend**
22 (1) as follows:

23 **12-30-106. Health care work force data collection - repeal.**
24 (1) On or before July 1, 2013, the director of the division shall implement
25 a system to collect health care work force data from health care
26 professionals who are eligible for the Colorado health service corps
27 pursuant to part 5 of article 1.5 of title 25, from practical and professional

1 nurses licensed pursuant to PART 1 OF article 255 of this title 12, and from
2 pharmacists licensed pursuant to article 280 of this title 12, collectively
3 referred to in this section as "health care professionals". Each health care
4 professional shall submit the data as part of the initial licensure process
5 and upon the renewal of the health care professional's license. Neither an
6 executive department nor a board in an executive department is
7 responsible for verifying the data or disciplining a health care
8 professional for noncompliance with this section.

9 **SECTION 40.** In Colorado Revised Statutes, 12-30-108, **amend**
10 (4)(a)(I)(D) as follows:

11 **12-30-108. Confidential agreement to limit practice - violation**
12 **grounds for discipline.** (4) (a) This section does not apply to:

13 (I) The following health care professionals:

14 (D) Nurse aides regulated pursuant to ~~article 260~~ ARTICLE 255 of
15 this title 12;

16 **SECTION 41.** In Colorado Revised Statutes, 12-30-109, **amend**
17 **as it exists until July 1, 2021,** (2) as follows:

18 **12-30-109. Prescribing opioids - limitations - definition -**
19 **repeal.** (2) An opioid prescriber licensed pursuant to PART 1 OF ARTICLE
20 255 OF THIS TITLE 12 OR article 220, 240, ~~255~~, 275, 290, or 315 of this
21 title 12 may prescribe opioids electronically.

22 **SECTION 42.** In Colorado Revised Statutes, 12-30-201, **amend**
23 (1)(b) as follows:

24 **12-30-201. Legislative declaration.** (1) The general assembly
25 hereby finds, determines, and declares that the Colorado medical board
26 created in article 240 of this title 12 and the state board of nursing created
27 in article 255 of this title 12 act for the state in their sovereign capacity to

1 govern licensure, discipline, and professional review of persons licensed
2 to practice medicine, persons licensed as physician assistants, and
3 advanced practice nurses, respectively, in this state. The general assembly
4 further finds, determines, and declares that:

5 (b) It is necessary for the health, safety, and welfare of the people
6 of this state that the appropriate regulatory boards exercise their authority
7 to protect the people of this state from unauthorized practice and
8 unprofessional conduct by persons licensed to provide health care under
9 ~~articles 240 and 255~~ ARTICLE 240 of this title 12 AND PART 1 OF ARTICLE
10 255 OF THIS TITLE 12.

11 **SECTION 43.** In Colorado Revised Statutes, 12-30-203, **amend**
12 (1)(a)(I) and (1)(b) as follows:

13 **12-30-203. Use of professional review committees.** (1) (a) The
14 general assembly recognizes that:

15 (I) The medical board and the nursing board, while assuming and
16 retaining ultimate authority for licensure and discipline in accordance
17 with ~~articles 240 and 255~~ ARTICLE 240 of this title 12 AND PART 1 OF
18 ARTICLE 255 OF THIS TITLE 12, respectively, and in accordance with this
19 part 2, cannot practically and economically assume responsibility over
20 every single allegation or instance of purported deviation from the
21 standards of quality for the practice of medicine or nursing, from the
22 standards of professional conduct, or from the standards of appropriate
23 care; and

24 (b) It is therefore the intent of the general assembly that the
25 medical board and the nursing board utilize and allow professional review
26 committees and governing boards to assist them in meeting their
27 responsibilities under ~~articles 240 and 255~~ ARTICLE 240 of this title 12

1 AND PART 1 OF ARTICLE 255 OF THIS TITLE 12, respectively, and under this
2 part 2.

3 **SECTION 44.** In Colorado Revised Statutes, 12-30-204, **amend**
4 (5)(i) and (12)(a)(II) as follows:

5 **12-30-204. Establishment of professional review committees**
6 **- function - rules.** (5) A professional review committee established by
7 any of the following authorized entities is an approved professional
8 review committee under this part 2 if it operates in compliance with
9 written bylaws, policies, or procedures that are in compliance with this
10 part 2 and that have been approved by the authorized entity's governing
11 board and if it is registered with the division in accordance with section
12 12-30-206:

13 (i) The governing board of any authorized entity that has a
14 professional review committee established pursuant to article 240 OF THIS
15 TITLE 12 or PART 1 OF ARTICLE 255 of this title 12;

16 (12) (a) Except as provided in subsection (12)(b) of this section,
17 the records of an authorized entity or its professional review committee
18 may be disclosed to:

19 (II) The nursing board, as requested by the nursing board acting
20 within the scope of its authority or as required or appropriate under this
21 part 2 or PART 1 OF article 255 of this title 12;

22 **SECTION 45.** In Colorado Revised Statutes, 12-225-101, **amend**
23 (2)(c) as follows:

24 **12-225-101. Scope of article - exemptions - legislative**
25 **declaration.** (2) Nothing in this article 225 shall be construed to prohibit,
26 or to require registration under this article 225, with regard to:

27 (c) The rendering of services by certified nurse-midwives properly

1 licensed and practicing in accordance with the provisions of PART 1 OF
2 article 255 of this title 12; or

3 **SECTION 46.** In Colorado Revised Statutes, 12-240-107, **amend**
4 (1)(f)(I) as follows:

5 **12-240-107. Practice of medicine defined - exemptions from**
6 **licensing requirements - unauthorized practice by physician**
7 **assistants and anesthesiologist assistants - penalties - definitions -**
8 **rules - repeal.** (1) For the purpose of this article 240, "practice of
9 medicine" means:

10 (f) The practice of midwifery, except:

11 (I) Services rendered by certified nurse-midwives properly
12 licensed and practicing in accordance with the provisions of PART 1 OF
13 article 255 of this title 12; or

14 **SECTION 47.** In Colorado Revised Statutes, 12-245-221, **amend**
15 (2) as follows:

16 **12-245-221. Article not to restrict other professions.** (2) No
17 person licensed pursuant to PART 1 OF article 255 of this title 12 shall be
18 subject to the jurisdiction of a board created pursuant to this article 245
19 to the extent the person is under the jurisdiction of the state board of
20 nursing.

21 **SECTION 48.** In Colorado Revised Statutes, 12-290-116, **amend**
22 (6)(d) as follows:

23 **12-290-116. Unauthorized practice - penalties - exclusions.**

24 (6) The provisions of this article 290 shall not:

25 (d) Be construed to prohibit, or to require a license for, the
26 rendering of nursing services by registered or other nurses in the lawful
27 discharge of their duties pursuant to PART 1 OF article 255 of this title 12.

1 **SECTION 49.** In Colorado Revised Statutes, 13-4-102, **repeal**
2 (2)(bb) as follows:

3 **13-4-102. Jurisdiction.** (2) The court of appeals has initial
4 jurisdiction to:

5 ~~(bb) Review final actions taken pursuant to article 260 of title 12~~
6 ~~by the state board of nursing in the division of professions and~~
7 ~~occupations in the department of regulatory agencies;~~

8 **SECTION 50.** In Colorado Revised Statutes, 13-21-115.5,
9 **amend** (3)(c)(II)(D), (3)(c)(II)(E), (3)(c)(II)(F), and (3)(c)(II)(G) as
10 follows:

11 **13-21-115.5. Volunteer service act - immunity - exception for**
12 **operation of motor vehicles.** (3) As used in this section, unless the
13 context otherwise requires:

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

15 (D) A licensed nurse governed by the "Nurse AND NURSE AIDE
16 Practice Act", article 255 of title 12, performing the practice of practical
17 nursing or the practice of professional nursing, as defined in section
18 12-255-104 (9) and (10), respectively, as a volunteer for a nonprofit
19 organization, a nonprofit corporation, a governmental entity, or a hospital;

20 (E) A registered advanced practice nurse governed by the "Nurse
21 AND NURSE AIDE Practice Act", article 255 of title 12, performing nursing
22 tasks within the scope of the person's nursing license and performing
23 advanced practice under authority granted by the state board of nursing
24 pursuant to sections 12-255-111 and 12-255-112 as a volunteer for a
25 nonprofit organization, a nonprofit corporation, a governmental entity, or
26 a hospital;

27 (F) A licensed retired volunteer nurse governed by the provisions

1 of PART 1 OF article 255 of title 12 performing volunteer nursing tasks
2 within the scope of the person's nursing license, as described in section
3 12-255-115, as a volunteer for a nonprofit organization, a nonprofit
4 corporation, a governmental entity, or a hospital;

5 (G) A certified nurse aide governed by the provisions of ~~article~~
6 ~~260~~ ARTICLE 255 of title 12 performing the practice of a nurse aide, as
7 defined in ~~section 12-260-103 (7)~~ SECTION 12-255-104 (8.5), as a
8 volunteer for a nonprofit organization, a nonprofit corporation, a
9 governmental entity, or a hospital;

10 **SECTION 51.** In Colorado Revised Statutes, 18-1.3-501, **amend**
11 (1.7)(b) as follows:

12 **18-1.3-501. Misdemeanors classified - drug misdemeanors and**
13 **drug petty offenses classified - penalties - legislative intent -**
14 **definitions.** (1.7) (b) "Mental health professional" means a mental health
15 professional licensed to practice medicine pursuant to article 240 of title
16 12 or a person licensed as a mental health professional pursuant to article
17 245 of title 12, a person licensed as a nurse pursuant to article 255 of title
18 12, a nurse aide certified pursuant to ~~article 260~~ ARTICLE 255 of title 12,
19 and a psychiatric technician licensed pursuant to article 295 of title 12.

20 **SECTION 52.** In Colorado Revised Statutes, 22-1-119.5, **amend**
21 (5.5)(a)(II)(B) as follows:

22 **22-1-119.5. Asthma, food allergy, and anaphylaxis health**
23 **management - self-administered medication - staff-administered**
24 **medication - rules - definitions.** (5.5) (a) As used in this subsection
25 (5.5) and in subsection (6) of this section, unless the context otherwise
26 requires:

27 (II) "Designated school personnel" means:

1 (B) An employee in a school who has been trained on the
2 administration of epinephrine auto-injectors consistent with the rules on
3 administration of epinephrine auto-injectors and to whom a nurse has
4 delegated the nursing task of administering epinephrine auto-injectors to
5 students or has been trained by a medical professional licensed under
6 article 240 OF TITLE 12 or PART 1 OF ARTICLE 255 of title 12 and to whom
7 the licensee has delegated the administration of epinephrine auto-injectors
8 under the authority of that person's license.

9 **SECTION 53.** In Colorado Revised Statutes, **amend** 23-2-103 as
10 follows:

11 **23-2-103. Awarding degrees.** Notwithstanding the provisions of
12 section 7-50-105 or any other law to the contrary, a person, partnership,
13 corporation, company, society, or association doing business in the state
14 of Colorado shall not award, bestow, confer, give, grant, convey, or sell
15 to any other person a degree or honorary degree upon which is inscribed,
16 in any language, the word "associate", "bachelor", "baccalaureate",
17 "master", or "doctor", or any abbreviation thereof, or offer courses of
18 instruction or credits purporting to lead to any such degree, unless the
19 person, partnership, corporation, company, society, or association is a
20 state college or university; a private college or university that is
21 authorized pursuant to this article 2; a private occupational school; a
22 seminary or religious training institution that is authorized pursuant to this
23 article 2; or a school, college, or university that offers courses of
24 instruction or study in compliance with standards prescribed by PART 1 OF
25 ARTICLE 255 OF TITLE 12 AND articles 100, 120, 215, 220, 240, 245, ~~255~~,
26 275, 280, 285, 290, and 315 of title 12.

27 **SECTION 54.** In Colorado Revised Statutes, 23-64-104, **amend**

1 (1)(l) as follows:

2 **23-64-104. Exemptions.** (1) The following educational
3 institutions and educational services are exempt from this article 64:

4 (l) Nurse aide training programs approved pursuant to ~~section~~
5 ~~12-260-109-(1)~~ SECTION 12-255-118.5 (1);

6 **SECTION 55.** In Colorado Revised Statutes, 24-10-103, **amend**
7 (4)(b)(IV) as follows:

8 **24-10-103. Definitions.** As used in this article 10, unless the
9 context otherwise requires:

10 (4) (b) "Public employee" includes any of the following:

11 (IV) Any health care practitioner who is a nurse licensed under
12 PART 1 OF article 255 of title 12 employed by a public entity. Any such
13 person shall maintain the status of a public employee only when such
14 person engages in activities at or for the public entity that are within the
15 course and scope of such person's responsibilities as an employee of the
16 public entity.

17 **SECTION 56.** In Colorado Revised Statutes, 25-1.5-301, **amend**
18 (4)(b) as follows:

19 **25-1.5-301. Definitions.** As used in this part 3, unless the context
20 otherwise requires:

21 (4) "Qualified manager" means a person who:

22 (b) Has completed training in the administration of medications
23 pursuant to section 25-1.5-303 or is a licensed nurse pursuant to PART 1
24 OF article 255 of title 12, a licensed physician pursuant to article 240 of
25 title 12, or a licensed pharmacist pursuant to article 280 of title 12. Every
26 unlicensed person who is a "qualified manager" within the meaning of
27 this subsection (4) shall successfully complete a competency evaluation

1 pertaining to the administration of medications.

2 **SECTION 57.** In Colorado Revised Statutes, 25-1.5-302, **amend**
3 (1)(b) as follows:

4 **25-1.5-302. Administration of medications - powers and duties**
5 **of department - criminal history record checks.** (1) The department
6 has, in addition to all other powers and duties imposed upon it by law, the
7 power to establish and maintain by rule a program for the administration
8 of medications in facilities. The department of human services, the
9 department of health care policy and financing, and the department of
10 corrections shall develop and conduct a medication administration
11 program as provided in this part 3. A medication administration program
12 developed pursuant to this subsection (1) must be conducted within the
13 following guidelines:

14 (b) Any individual who is not otherwise authorized by law to
15 administer medication in a facility shall be allowed to perform such duties
16 only after passing a competency evaluation. An individual who
17 administers medications in facilities in compliance with the provisions of
18 this part 3 shall be exempt from the licensing requirements of the
19 "Colorado Medical Practice Act", the "Nurse AND NURSE AIDE Practice
20 Act", and the laws of this state pertaining to possession of controlled
21 substances as contained in article 280 of title 12, part 2 of article 80 of
22 title 27, or the "Uniform Controlled Substances Act of 2013", article 18
23 of title 18.

24 **SECTION 58.** In Colorado Revised Statutes, 25-1.5-303, **amend**
25 (1) as follows:

26 **25-1.5-303. Medication reminder boxes or systems -**
27 **medication cash fund.** (1) Medication reminder boxes or systems may

1 be used if such containers have been filled and properly labeled by a
2 pharmacist licensed pursuant to article 280 of title 12, a nurse licensed
3 pursuant to PART 1 OF article 255 of title 12, or an unlicensed person
4 trained pursuant to this section or filled and properly labeled through the
5 gratuitous care by members of one's family or friends. Nothing in this
6 section authorizes or shall be construed to authorize the practice of
7 pharmacy, as defined in section 12-280-103 (39). An unlicensed person
8 shall not fill and label medication reminder boxes pursuant to this section
9 until the person has successfully completed a competency evaluation from
10 an approved training entity or has been approved by an authorized
11 agency, and no facility shall use an unlicensed person to perform such
12 services unless the facility has a qualified manager to oversee the work
13 of the unlicensed person or persons.

14 **SECTION 59.** In Colorado Revised Statutes, 25-4-1709, **amend**
15 (5) as follows:

16 **25-4-1709. Limitations on liability.** (5) A practitioner licensed
17 to practice medicine pursuant to article 240 of title 12 or nursing pursuant
18 to PART 1 OF article 255 of title 12 or the health care clinic, hospital,
19 office of a private practitioner, or county public health clinic at which the
20 immunization was administered that relies on the health history and other
21 information given by a person who has been delegated the authority to
22 consent to the immunization of a minor pursuant to section 25-4-1704
23 (2.5) is not liable for damages related to an immunization resulting from
24 factual errors in the health history or information given to the practitioner
25 or the health care clinic, hospital, office of a private practitioner, or
26 county public health clinic at which the immunization was administered
27 by the person when such practitioner or health care clinic, hospital, office

1 of a private practitioner, or county public health clinic reasonably relies
2 upon the health history information given and exercises reasonable and
3 prudent care in administering the immunization.

4 **SECTION 60.** In Colorado Revised Statutes, 25-4-2403, **amend**
5 (8) as follows:

6 **25-4-2403. Department of public health and environment -**
7 **powers and duties - immunization tracking system - definitions -**
8 **rules.** (8) A person licensed to practice medicine pursuant to article 240
9 of title 12; a person licensed to practice nursing pursuant to PART 1 OF
10 article 255 of title 12; any other licensed health care practitioner as
11 defined in section 25-4-1703; providers of county nursing services; staff
12 members of health care clinics, hospitals, and offices of private
13 practitioners; county, district, and municipal public health agencies; and
14 all persons and entities listed in subsection (2) of this section are
15 authorized to report to the immunization tracking system and to use the
16 reminder and recall process established by the immunization tracking
17 system.

18 **SECTION 61.** In Colorado Revised Statutes, 25.5-6-1102,
19 **amend** (7) as follows:

20 **25.5-6-1102. Service model - consumer-directed care.**
21 (7) Sections 12-255-104 ~~(7)~~ and ~~(11)~~ **(7), (8.5), AND (11)**, 12-255-125 (1),
22 ~~12-260-103 (7), and 12-260-120 (1)(b)~~ AND **12-255-214 (1)(b)** shall not
23 apply to a person who is directly employed by an individual participating
24 in the consumer-directed care service model pursuant to this section and
25 who is acting within the scope and course of such employment. However,
26 such person may not represent himself or herself to the public as a
27 licensed nurse, a certified nurse aide, a licensed practical or professional

1 nurse, a registered nurse, or a registered professional nurse. This
2 exclusion shall not apply to any person who has had his or her license as
3 a nurse or certification as a nurse aide suspended or revoked or his or her
4 application for such license or certification denied.

5 **SECTION 62.** In Colorado Revised Statutes, 25.5-6-1203,
6 **amend** (3) as follows:

7 **25.5-6-1203. In-home support services - eligibility - licensure**
8 **exclusion - in-home support service agency responsibilities - rules.**

9 (3) Sections 12-255-104 ~~(7) and (11)~~ **(7), (8.5), AND (11)**, 12-255-125 (1),
10 ~~12-260-103 (7), and 12-260-120 (1)(b)~~ **AND 12-255-214 (1)(b)** shall not
11 apply to a person who is directly employed by an in-home support service
12 agency to provide in-home support services and who is acting within the
13 scope and course of such employment or is a family member providing
14 in-home support services pursuant to this part 12. However, such person
15 may not represent himself or herself to the public as a licensed nurse, a
16 certified nurse aide, a licensed practical or professional nurse, a registered
17 nurse, or a registered professional nurse. This exclusion shall not apply
18 to any person who has had his or her license as a nurse or certification as
19 a nurse aide suspended or revoked or his or her application for such
20 license or certification denied.

21 **SECTION 63.** In Colorado Revised Statutes, 25.5-10-204,
22 **amend** (2)(j)(III) as follows:

23 **25.5-10-204. Duties of the executive director - state board**
24 **rules - definition.** (2) The state board shall adopt such rules, in
25 accordance with section 24-4-103, as are necessary to carry out the
26 provisions and purposes of this article 10, including but not limited to the
27 following subjects:

1 (j) (III) A person who is not otherwise authorized by law to
2 administer nutrition and fluids through gastrostomy tubes is allowed to
3 perform the duties only under the supervision of a licensed nurse or
4 physician. A person who administers nutrition and fluids in compliance
5 with the provisions of this subsection (2)(j) is exempt from the licensing
6 requirements of the "Colorado Medical Practice Act", article 240 of title
7 12, and the "Nurse AND NURSE AIDE Practice Act", article 255 of title 12.
8 Nothing in this subsection (2)(j) shall be deemed to authorize the
9 administration of medications through gastrostomy tubes. A person
10 administering medications through gastrostomy tubes is subject to the
11 requirements of part 3 of article 1.5 of title 25.

12 **SECTION 64.** In Colorado Revised Statutes, 26-6.4-103, **amend**
13 (5) as follows:

14 **26-6.4-103. Definitions.** As used in this article 6.4, unless the
15 context otherwise requires:

16 (5) "Nurse" means a person licensed as a professional nurse
17 pursuant to PART 1 OF article 255 of title 12 or accredited by another state
18 or voluntary agency that the state board of nursing has identified by rule
19 pursuant to section 12-255-107 (1)(a) as one whose accreditation may be
20 accepted in lieu of board approval.

21 **SECTION 65.** In Colorado Revised Statutes, 27-10.5-103,
22 **amend** (2)(i)(III) as follows:

23 **27-10.5-103. Duties of the executive director - rules -**
24 **definition.** (2) In accordance with section 24-4-103, and in coordination
25 with the requirements of article 10 of title 25.5, the department shall
26 adopt such rules as are necessary to carry out the provisions and purposes
27 of this article 10.5, including but not limited to the following:

1 (i) (III) A person who is not otherwise authorized by law to
2 administer nutrition and fluids through gastrostomy tubes is allowed to
3 perform the duties only under the supervision of a licensed nurse or
4 physician. A person who administers nutrition and fluids in compliance
5 with the provisions of this subsection (2)(i) is exempt from the licensing
6 requirements of the "Colorado Medical Practice Act", article 240 of title
7 12, and the "Nurse AND NURSE AIDE Practice Act", article 255 of title 12.
8 Nothing in this subsection (2)(i) shall be deemed to authorize the
9 administration of medications through gastrostomy tubes. A person
10 administering medications through gastrostomy tubes is subject to the
11 requirements of part 3 of article 1.5 of title 25.

12 **SECTION 66.** In Colorado Revised Statutes, 27-65-105, **amend**
13 (6) as follows:

14 **27-65-105. Emergency procedure.** (6) At any time during
15 emergency custody of an individual pursuant to this section in either an
16 emergency medical services facility or a designated facility, if, in the
17 opinion of a professional person, or an advanced practice nurse licensed
18 pursuant to PART 1 OF article 255 of title 12 and included in the advanced
19 practice registry pursuant to section 12-255-111 with a population focus
20 in psychiatry or mental health, acting within his or her scope of practice,
21 the person no longer meets the standards for emergency custody or
22 detention and his or her care can be provided in another setting, the
23 person must be appropriately discharged or referred for further care and
24 treatment on a voluntary basis, or certified for treatment pursuant to
25 section 27-65-107.

26 **SECTION 67.** In Colorado Revised Statutes, 27-82-114, **amend**
27 (2)(a)(I)(C) as follows:

1 **27-82-114. Opioid crisis recovery funds advisory committee -**
2 **creation - membership - purpose.** (2) (a) The committee consists of
3 members appointed as follows:

4 (I) Thirteen members appointed by the governor, including:

5 (C) One member licensed to practice as a nurse pursuant to PART
6 1 OF article 255 of title 12;

7 **SECTION 68.** In Colorado Revised Statutes, 27-82-202, **amend**
8 (2) as follows:

9 **27-82-202. Definitions.** As used in this part 2, unless the context
10 otherwise requires:

11 (2) "Licensed health care provider" means a physician or
12 physician assistant licensed pursuant to article 240 of title 12 or a nurse
13 licensed pursuant to PART 1 OF article 255 of title 12.

14 **SECTION 69.** In Colorado Revised Statutes, 38-12-401, **amend**
15 (4) as follows:

16 **38-12-401. Definitions.** As used in this part 4, unless the context
17 otherwise requires:

18 (4) "Medical professional" means a person licensed to practice
19 medicine pursuant to article 240 OF TITLE 12 or PART 1 OF ARTICLE 255 of
20 title 12.

21 **SECTION 70. Effective date.** This act takes effect July 1, 2020.

22 **SECTION 71. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety.