

HB 1069 -- Redline

Rerevised to Final Act -- Availability of Emergency Medical Services

Deletions ~~struck~~ · Insertions underlined

~~Second NOTE: Regular Session Seventy-fifth General Assembly STATE OF COLORADO REREVISED This Version Includes All Amendments Adopted in the Second House LLS NO.~~

~~26-0232-01 This Josh bill Schultz has x5486 been HOUSE prepared BILL for 26-1060 the HOUSE signatures SPONSORSHIP of Feret the and appropriate Stewart legislative K., officers Bacon, Boesenecker, Bradley, Brown, Camacho, Carter, Duran, Flanell, Gonzalez R., Hamrick, Jackson, Johnson, Joseph, Keltie, Lieder, Lindsay, Lukens, Marshall, McCluskie, McCormick, Nguyen, Paschal, Phillips, Rutinel, Slaugh, Smith, Stewart R., Titone SENATE SPONSORSHIP Mullica and Simpson, the Amabile, Governor. Benavidez, Bridges, Bright, Carson, Catlin, Coleman, Cutter, Daugherty, Exum, Frizell, Gonzales J., Hinrichsen, Jodeh, Kipp, Kirkmeyer, Kolker, Lindstedt, Liston, Marchman, Pelton R., Roberts, Snyder, Wallace, Weissman, Zamora Wilson d e m 2 t n 2 A U, E i y House Committees Senate Committees S a a Health & Human Services Health & Human Services e M Appropriations Appropriations d A BILL FOR AN ACT i a C ONCERNING INCREASING THE AVAILABILITY OF EMERGENCY e 2 T d 20 N 2 5 MEDICAL SERVICES.~~

E To determine whether the Governor has signed Bill the Summary bill nor Ataken (Note: other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

~~This HOUSE summary BILL applies 26-1069 to BY this REPRESENTATIVE(S) bill Feret as introduced and does Stewart not reflect any amendments that may be subsequently adopted. If this bill K., d Bacon, d Boesenecker, passes Bradley, third Brown, reading Camacho, in Carter, the Duran, house Flanell, of Gonzalez introduction, R., a Hamrick, bill Jackson, summary Johnson, that Joseph, e Keltie, 2 Lieder, applies Lindsay, to Lukens, the Marshall, reengrossed McCormick, Nguyen, Paschal, Phillips, Rutinel, Slaugh, Smith, Stewart R., version Titone, of McCluskie, this Barron, bill Caldwell, will Clifford, be DeGraaf, available English, at Luck, E Soper, a Story, 2 Weinberg, S Winter UT., @Woog; <http://leg.colorado.gov>.) O n h H a r e M~~

~~The bill clarifies that "emergency services" include transportation of an individual to an appropriate location other than a hospital or 3 community integrated health-care service agency (agency).~~

~~The also use SENATOR(S) of Mullica telemedicine and when Simpson, an Amabile, insured Benavidez, person Bridges, has Bright, encountered Carson, g Catlin, an Cutter, ambulance Daugherty, service Exum, or Frizell, agency Gonzales to J., prevent Hinrichsen, Jodeh, Kipp, Kirkmeyer, Kolker, Lindstedt, Liston, Marchman, the Pelton R., Roberts, Snyder, Wallace, Weissman, Zamora Wilson, Coleman. need to transport the i 6 person to an emergency department is included in the definition of a 0 S R, U d 6 H 2 r Shading denotes HOUSE amendment.~~

~~Double CONCERNING underlining INCREASING denotes THE SENATE AVAILABILITY amendment. OF EMERGENCY MEDICAL SERVICES .~~

~~e a Capital letters or bold & italic numbers indicate new material to be added to existing law. n M Dashes through the words or numbers indicate deletions from existing law.~~

~~e A "emergency services", which services are required to be made available to insured persons 24 hours per day, 7 days per week.~~

~~The bill defines "first responder" to include:~~

~~! A peace officer;~~

~~! A firefighter;~~

~~! A volunteer firefighter;~~

~~! An emergency medical service provider;~~

~~or ! A mental health professional who responds in a professional capacity to a justifiable medical emergency.~~

~~The bill requires the executive director of the department of public health and environment to adopt rules by June 1, 2027, authorizing an emergency medical service provider with a community paramedic endorsement who is employed by, volunteering for, or contracting with a licensed agency to provide for the inventory, compliance, and administration of, or to directly administer, medications, procedures, or diagnostic testing.~~

~~Beginning January 1, 2027, the bill requires the department of health care policy and financing to reimburse the following entities under the "Colorado Medical Assistance Act":~~

~~! An ambulance service or an agency for transportation by an ambulance or other vehicle to a hospital or other destination as deemed appropriate by the ambulance service's or agency's medical director;~~

~~! An ambulance service or an agency for treatment on the scene of a medical emergency, which treatment does not result in transportation;~~

~~and ! A qualified provider, an ambulance service, or an agency for evaluation by telemedicine of a person being treated by an ambulance service or an agency for the purpose of preventing the need to transport the person to a hospital.~~

~~(19) Capital T letters HE or STATE bold EMERGENCY & MEDICAL italic AND numbers TRAUMA indicate SERVICES new -2- material 1069 added ADVISORY to COUNCIL existing , CREATED law; IN SECTION 25-3.5-104 (1) IS A TYPE 2 ENTITY , AS DEFINED IN SECTIO 24-1-105.~~

dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(19) T HE STATE EMERGENCY MEDICAL AND TRAUMA SERVICES ADVISORY COUNCIL , CREATED IN SECTION 25-3.5-104 (1), IS A TYPE 2 ENTITY , AS DEFINED IN SECTION 24-1-105.

and add ~~(9.5)~~ (9.8) as follows:

(8.5) "Health information organization network" means an organization that oversees and governs the exchange of health-related information among organizations according to nationally recognized ~~standards.~~ "FIRST standards. RESPONDER" MEANS :

~~(a) "IRST A RESPONDER PEACE" OFFICER, AS MEANS DESCRIBED: IN SECTION 16-2.5-101;~~

~~(b)(a) A FIREFIGHTER, AS PEACE DEFINED OFFICER , AS DESCRIBED IN SECTION 29-5-203~~ SECTION (10); 16-2.5-101;

~~(c)(b) A VOLUNTEER FIREFIGHTER , AS AS-DEFINED IN SECTION 31-30-1102~~ 29-5-203 (9)(a); (10);

(c) A VOLUNTEER FIREFIGHTER , AS DEFINED IN SECTION 31-30-1102 (9)(a);

(8.6) ~~"Justifiable"~~ "Justifiable medical emergency" means an underlying medical, medical emergency" means an underlying medical, traumatic, or psychiatric condition posing an immediate safety risk to the individual, individual, emergency medical service provider, or public. Excited delirium, emergency any subsequent term for excited delirium, or any acute psychiatric diagnosis medical not service recognized provider, in or the public. most recent edition of the diagnostic and statistical manual of mental disorders is not a justifiable medical emergency" H EALTH INFORMATION ORGANIZATION NETWORK "MEANS AN ORGANIZATION THAT OVERSEES AND GOVERNS THE EXCHANGE OF HEALTH -RELATED INFORMATION AMONG ORGANIZATIONS ACCORDING TO NATIONALLY RECOGNIZED STANDARDS .

Excited (8.7) delirium, "Local licensing authority" means the governing body of a city any subsequent PAGE term 2-HOUSE for BILL excited 26-1069 delirium, and county or any acute the psychiatric board diagnosis of not county recognized commissioners in a county in the most state recent "JUSTIFIABLE edition MEDICAL of EMERGENCY the" diagnostic MEANS and AN statistical UNDERLYING manual MEDICAL of, mental TRAUMATIC disorders, OR is PSYCHIATRIC not CONDITION a POSING justifiable AN medical IMMEDIATE emergency SAFETY "H RISK EALTH TO INFORMATION THE ORGANIZATION INDIVIDUAL NETWORK, "EMERGENCY MEANS AN ORGANIZATION THAT OVERSEES AND GOVERNS THE EXCHANGE MEDICAL OF HEALTH SERVICE -RELATED INFORMATION AMONG ORGANIZATIONS ACCORDING PROVIDER TO, OR NATIONALLY PUBLIC. EXCITED DELIRIUM , ANY SUBSEQUENT TERM FOR EXCITED DELIRIUM , OR ANY ACUTE PSYCHIATRIC DIAGNOSIS NOT RECOGNIZED STANDARDS IN THE MOST RECENT EDITION OF THE DIAGNOSTIC AND STATISTICAL M ANUAL OF M ENTAL D ISORDERS IS NOT A JUSTIFIABLE MEDICAL EMERGENCY .

~~-3- (8.8) 1069 "Medical (8.7) direction" "Local includes, licensing but authority" is means not the limited governing to, body of a city and county or the board following: of county commissioners in a county in the state" JUSTIFIABLE MEDICAL EMERGENCY " MEANS AN UNDERLYING MEDICAL , TRAUMATIC, OR PSYCHIATRIC CONDITION POSING AN IMMEDIATE SAFETY RISK TO THE INDIVIDUAL , EMERGENCY MEDICAL SERVICE PROVIDER , OR PUBLI-~~

EXCITED "OCAL DELIRIU, ANY LICENSING SUBSEQUENT AUTHORITY TERM" FOR MEANS EXCITED DELIRIUM , OR ANY ACUTE PSYCHIATRIC DIAGNOSIS NOT RECOGNIZED IN THE MOST GOVERNING RECENT BODY EDITION OF THE A DCITY IAGNOSTIC AND STATISTICAL COUNTY MOR ANUAL THE BOARD OF M COUNTY ENTAL COMMISSIONERS D IN ISORDERS IS NOT A JUSTIFIABLE COUNTY MEDICAL IN EMERGENCY THE STATE .

~~(8.8)(a) "Medical Approval of direction" the medical components of includes, treatment protocols and but appropriate is prearrival not instructions; limited to, the following "LOCAL LICENSING AUTHORITY " MEANS THE GOVERNING BODY OF A CITY AND COUNTY OR THE BOARD OF COUNTY COMMISSIONERS IN A COUNTY IN THE STATE.~~

(a)(b) Approval Routine review of the program medical performance components and maintenance of treatment active protocols involvement and in appropriate quality prearrival improvement instructions; activities, including access to dispatch tapes as necessary for the evaluation of procedures;

(b)(c) Routine Authority to recommend appropriate changes to protocols for the review improvement of program patient performance care; and maintenance of active involvement in quality improvement activities, including access to dispatch tapes as necessary for the evaluation of procedures;

(c) and Authority to (d) recommend Provision appropriate of changes oversight to protocols for the improvement ongoing education, training, and quality assurance for providers of patient emergency care; care.

and (9) (d) "Patient" means any individual who is sick, injured, or otherwise Provision of oversight for the ongoing education, training, and incapacitated quality or assurance helpless. -for providers of emergency care.

(9) EDICAL "Patient" DIRECTION means" any INCLUDES individual, BUT who is sick, injured, or otherwise incapacitated or helpless. DICAL DIRECTION" INCLUDES, BUT IS NOT LIMITED , THE TO, THE FOLLOWING :

(a) APPROVAL OF THE MEDICAL COMPONENTS OF TREATMENT ~~4-1069~~ PROTOCOLS AND APPROPRIATE PREARRIVAL INSTRUCTIONS; INSTRUCTIONS ;

(b) ROUTINE REVIEW OF PROGRAM PERFORMANCE AND MAINTENANCE OF ACTIVE INVOLVEMENT IN QUALITY IMPROVEMENT ~~ACTIVITIES, INCLUDING ACTIVITIES, INCLUDING ACCESS TO DISPATCH TAPES AS NECESSARY FOR THE ACCESS TO DISPATCH TAPES AS NECESSARY FOR THE~~ EVALUATION OF ~~PROCEDURES; PROCEDURES ;~~

(c) AUTHORITY TO RECOMMEND APPROPRIATE CHANGES TO PAGE 3-HOUSE BILL 26-1069 PROTOCOLS FOR THE IMPROVEMENT OF PATIENT ~~CARE; AND CARE ;~~ AND (d) PROVISION OF OVERSIGHT FOR THE ONGOING EDUCATION , ~~TRAINING, TRAINING AND QUALITY ASSURANCE FOR PROVIDERS OF EMERGENCY CARE - QUALITY ASSURANCE FOR PROVIDERS OF EMERGENCY CARE .~~

~~(9.5)(9.8) "PATIENT" MEANS "PATIENT" MEANS AN INDIVIDUAL WHO IS SICK, INJURED, OR WHO IS SICK, INJURED, OR OTHERWISE INCAPACITATED OR HELPLESS, HELPLESS .~~

~~Emergency medical and trauma services advisory council - creation - duties.~~

(d) ~~Review and approve and MAKE RECOMMENDATIONS TO APPROVE OR DENY new rules rules CONCERNING EMERGENCY MEDICAL AND TRAUMA SERVICES EMERGENCY and modification to rules CONCERNING EMERGENCY MEDICAL AND TRAUMA - MEDICAL AND TRAUMA SERVICES and modifications to r CONCERNING EMERGENCY MEDICAL AND TRAUMA~~ SERVICES existing prior to July 1, 2000, prior to the adoption of such rules or modifications by the state board of health;

Transportation by ambulance or other vehicle - ~~treatment on scene of a medical emergency - evaluation by telemedicine - evaluation by -5-1069 telemedicine - definitions.~~

(1) ~~ON AND AFTER JANUARY 1, 2027, THE STATE DEPARTMENT SHALL 2027 THEREIMBURSE STATE: - DEPARTMENT SHALL REIMBURSE:~~

(a) ~~AN AMBULANCE SERVICE AN FOR GROUND TRANSPORTATION BY AMBULANCE SERVICE FOR GROUND TRANSPORTATION BY AN AMBULANCE OR OTHER APPROPRIATELY SITUATED VEHICLE TO A HOSPITAL OR OTHER DESTINATION AS DEEMED APPROPRIATE BY THE AMBULANCE SERVICE SERVICE'S S-MEDICAL DIRECTOR DIRECTOR:-;~~

(b) ~~AN AMBULANCE A N AMBULANCE SERVICE FOR TREATMENT ON THE TREATMENT ON THE SCENE OF A MEDICAL EMERGENCY , WHICH TREATMENT DOES NOT RESULT IN GROUND TRANSPORTATION ; AND PAGE 4-HOUSE BILL 26-1069 (c) A QUALIFIED PROVIDER , AN AMBULANCE SERVICE , OR AN AGENCY PROVIDING OUT - OF - HOSPITAL SERVICES FOR EVALUATION BY TELEMEDICINE OF A QUALIFIED PERSON PROVIDER, AN BEING TREATED BY AN AMBULANCE SERVICE , OR AN AGENCY PROVIDING OUT - OF - HOSPITAL OF HOSPITAL SERVICES FOR EVALUATION THE BY PURPOSE TELEMEDICINE OF OF A PREVENTING PERSON THE NEED TO TRANSPORT THE PERSON TO A HOSPITAL BEING. TELEMEDICINE SHALL TREATED BE BILLED USING AN OFFICE OR OTHER OUTPATIENT SERVICES RATE AND NOT BY USING AN EMERGENCY DEPARTMENT RATE AN. A AMBULANCE N AMBULANCE SERVICE OR AN SERVICE AGENCY OR AN AGENCY PROVIDING OUT PROVIDING OF HOSPITAL SERVICES FOR THE PURPOSE OUT OF PREVENTING HOSPITAL THE SERVICES NEED IS NOT REQUIRED TO TRANSPORT PROCURE THE TELEMEDICINE FOR A COVERED PERSON TO AS A HOSPITAL - CONDITION OF PAYMENT .~~

~~TELEMEDICINE SHALL BE BILLED USING AN OFFICE OR OTHER OUTPATIENT (2) SERVICES A RATES AND USED NOT IN USING THIS AN SECTION, UNLESS EMERGENCY THE DEPARTMENT CONTEXT RATE, OTHERWISE REQUIRES :~~

~~AN (a) AMBULANCE "AMBULANCE SERVICE SERVICE" HAS THE MEANING SET FORTH IN SECTION OR 25-3.5-103 AN (3) . - AGENCY PROVIDING OUT-OF-HOSPITAL SERVICES IS NOT REQUIRED TO PROCURE TELEMEDICINE FOR A COVERED PERSON AS A CONDITION OF PAYMENT.~~

~~(2)(b) AS (I) USED "OUT-OF-HOSPITAL THIS SERVICES" SECTION, UNLESS MEANS THE FURNISHING CONTEXT ANY OTHERWISE NECESSARY GOODS AND SERVICES OUTSIDE OF A HOSPITAL SETTING FOR THE PURPOSE OF PREVENTING , ALLEVIATING, CURING , OR HEALING HUMAN ILLNESS, A PHYSICAL DISABILITY , A PHYSICAL INJURY , OR A SUBSTANCE USE DISORDER WHILE RESPONDING TO AN EMERGENCY OR OTHER HEALTH - CARE CONDITION .~~

~~(a)(II) "A" OF MBULANCE OF SERVICE HOSPITAL SERVICES "HAS" THE DOES NOT INCLUDE PREHOSPITAL MEANING SETTING SET TRANSPORTS FORTH. IN SECTION 25-3.5-103 (3) .~~

~~(b) SECTION (I) 5. "UT-OF-HOSPITAL SERVICES" MEANS FURNISHING ANY NECESSARY GOODS AND SERVICES OUTSIDE OF A HOSPITAL SETTING FOR THE PURPOSE OF PREVENTING , ALLEVIATING, CURING, OR HEALING HUMAN - 6-1069 ILLNESS, A PHYSICAL DISABILITY, A PHYSICAL INJURY, OR A SUBSTANCE USE DISORDER WHILE RESPONDING TO AN EMERGENCY OR OTHER HEALTH - CARE CONDITION .~~

~~(II) In "O Colorado UT-OF-HOSPITAL Revised SERVICES" Statutes, DOES 12-280-404, NOT amend INCLUDE (7)(b) PREHOSPITAL as SETTING follows: TRANSPORTS -~~

~~SECTIONS.~~

~~In Colorado Revised Statutes, 12-280-404, amend (7)(b) as follows:~~

~~(7)(7)(b) (b) The board may, within existing funds available for operation The board may, within existing funds available for operation of the program, provide a means of sharing prescription information and electronic health records through a board-approved vendor and method with health records through a board-approved vendor and method with the health information organization network, as defined in section 25-3.5-103 25-3.5-103(8.6), in order to work collaboratively (8.5) ION 25-3.5-103(8.6), in order to work collaboratively with the statewide health information exchanges designated by the by the~~

department of health care ~~policy and~~ policy and financing.

Use of the information made available pursuant to this subsection (7)(b) is subject to privacy and PAGE 5-HOUSE BILL 26-1069 security protections in state law and the federal "Health Insurance Portability and Accountability Act of 1996", Pub.L.104-191, as amended, and any implementing regulations.

~~SECTION 6.~~ SECTION 6.

~~In Colorado Revised Statutes, Colorado 25-54-101, amend (4) Revised Statutes, 25-54-101, amend (4)~~ as follows:

(4) ~~"Health information organization network" means a Colorado "Health information organization that network" has means experience a in Colorado overseeing organization that has experience in overseeing and governing the exchange and governing the exchange of~~ health-related information among organizations according to Colorado law and nationally recognized standards including but not ~~7-1069~~ limited to the federal "Health Insurance Portability and Accountability Act of 1996", Pub.L.

104-191, as ~~amen~~ HAS amended HAS THE MEANING SET MEANING SET FORTH IN ~~SECTION 25-3.5-103~~ SECTION 25-3.5-103 (8.6).

~~SECTION 7.~~ SECTION 7.

~~In Colorado Revised Statutes, 27-50-101, amend (14) Colorado Revised Statutes, 27-50-101, amend (14)~~ as follows:

(14) "Health information organization network" has the same ~~meaning as defined in section 25-3.5-103 (8.5) SECTION meaning 25-3.5-103 (8.6).~~ as defined in section 25-3.5-103 (8.5) SECTION 25-3.5-103 (8.6).

The general assembly finds, determines, and declares that this act is necessary for the immediate ~~preservation of the public peace, health, or safety or for appropriations for~~ preservation of the public peace, health, or safety or for appropriations for PAGE 6-HOUSE BILL 26-1069 the support and maintenance of the departments of the state and state institutions.

~~-8-~~ 1069 Julie McCluskie James Rashad Coleman, Sr.

SPEAKER OF THE HOUSE PRESIDENT OF OF REPRESENTATIVES THE SENATE

Vanessa Reilly Esther van Mourik CHIEF CLERK OF THE HOUSE SECRETARY OF OF REPRESENTATIVES THE SENATE APPROVED (Date and Time)

Jared S.

Polis GOVERNOR OF THE STATE OF COLORADO PAGE 7-HOUSE BILL 26-1069