

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

REENGROSSED

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

LLS NO. 07-0081.01 Kristen Forrestal

HOUSE BILL 07-1023

HOUSE SPONSORSHIP

Stafford, Frangas, Lundberg, and Todd

SENATE SPONSORSHIP

Tochtrop, and Sandoval

House Committees

Health and Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ENHANCE ADVANCED PRACTICE NURSING.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Health Care Task Force. Prohibits carriers from discriminating between a physician and an advanced practice nurse when establishing reimbursement rates for covered services that could be provided by a physician or an advanced practice nurse. States that a law or rule that requires a signature, certification, stamp, verification, affidavit, or endorsement by a physician shall be deemed to allow a signature, certification, stamp, verification, affidavit, or endorsement by an advanced practice nurse as long as it fits within the scope of practice of an advanced practice nurse. Allows an advanced practice nurse to sign

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
March 19, 2007

HOUSE
Amended 2nd Reading
March 16, 2007

a death certificate.

Requires reimbursement for services provided by an advanced practice nurse pursuant to the Colorado medical assistance act to be made directly to the advanced practice nurse upon request, except when the services are provided within the scope of employment as a salaried employee of a public or private institution or a physician. Allows an advanced practice nurse to authorize a parking placard for a person with a disability.

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

SECTION 1. 10-16-125, Colorado Revised Statutes, is amended to read:

10-16-125. Reimbursement to nurses. (1) In counties of the state that are neither part of a metropolitan statistical area nor a primary statistical area, a carrier offering a health benefit plan shall not discriminate between a physician and an ~~advance~~ ADVANCED practice nurse not practicing under the direction of a physician when establishing reimbursement rates for covered services that could be provided by an ~~advance~~ ADVANCED practice nurse or a physician.

(2) IN ORDER TO IMPROVE ACCESS TO PRIMARY CARE AND CHOICES OF PROVIDERS, A CARRIER PROVIDING A HEALTH BENEFIT PLAN SHALL EVALUATE AN APPLICATION FOR STATUS AS A PARTICIPATING PROVIDER FROM AN ADVANCED PRACTICE NURSE UTILIZING OBJECTIVE CRITERIA AND TAKE INTO ACCOUNT THE PROVIDER TO COVERED PERSON RATIO FOR THE COVERED BENEFITS THAT APPROPRIATELY MAY BE PROVIDED BY THE ADVANCED PRACTICE NURSE. IN THE EVENT OF A DENIAL OF THE APPLICATION, THE CARRIER SHALL RESPOND PROMPTLY TO THE ADVANCED PRACTICE NURSE WITH THE REASON FOR THE DENIAL.

SECTION 2. 25.5-4-409 (2), Colorado Revised Statutes, is

1 amended to read:

2 **25.5-4-409. Authorization of services - nurse anesthetists -**
3 **advanced practice nurses.** (2) When services by a ~~certified pediatric~~
4 ~~nurse practitioner or a certified family nurse practitioner~~ AN ADVANCED
5 PRACTICE NURSE are provided in accordance with this article, articles 5
6 and 6 of this title, and section 12-38-103 (10), C.R.S., **OR SECTION**
7 **12-38-111.5, C.R.S.,** the executive director of the state department shall
8 authorize reimbursement for said services. Payment for such services
9 shall be made directly to the ~~nurse practitioner~~ ADVANCED PRACTICE
10 NURSE, if requested by the ~~nurse practitioner~~ ADVANCED PRACTICE NURSE;
11 except that this section shall not apply to ~~nurse practitioners~~ ADVANCED
12 PRACTICE NURSES when acting within the scope of their employment as
13 salaried employees of public or private institutions or physicians.

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

16 **42-3-204. Parking privileges for persons with disabilities -**
17 **applicability.** (1) As used in this section:

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

19 (II) A person who has a physical impairment that substantially
20 limits the person's ability to move from place to place, which impairment
21 is verified, in writing, by the director of the division of rehabilitation
22 (administratively created by the department of human services), ~~or~~ a
23 physician licensed to practice medicine or practicing medicine pursuant
24 to section 12-36-106 (3) (i), C.R.S., ~~or~~ a podiatrist licensed under article
25 32 of title 12, C.R.S., **OR AN ADVANCED PRACTICE NURSE REGISTERED**
26 **PURSUANT TO SECTION 12-38-111.5, C.R.S.** To be valid, such verification
27 by the director, physician, ~~or~~ podiatrist, **OR ADVANCED PRACTICE NURSE**

1 shall certify to the department ~~of revenue~~ that the person meets the
2 standards established by the executive director of the department, in
3 consultation with the director of the division of rehabilitation.

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

20 (c) Such license plate or placard shall be issued to such person
21 upon presentation to the department of a written statement, verified by a
22 physician licensed to practice medicine in this state or practicing
23 medicine pursuant to section 12-36-106 (3) (i), C.R.S., OR AN ADVANCED
24 PRACTICE NURSE REGISTERED PURSUANT TO SECTION 12-38-111.5, C.R.S.,
25 that such person is a person with a disability. The application for such a
26 license plate or placard shall be sent to the department each year; except
27 that a person who has been issued a disabled veteran special license plate

1 shall not send an application to the department every year. The
2 application for a disabled special license plate that qualifies for parking
3 privileges pursuant to this section shall be sent to the department upon
4 transfer of such plate to another vehicle.

5 (3) The department shall issue temporary distinguishing license
6 permits and a temporary identifying placard to a person who is
7 temporarily disabled upon presentation of a written statement, verified by
8 a physician licensed to practice medicine or practicing medicine pursuant
9 to section 12-36-106 (3) (i), C.R.S., ~~or~~ a podiatric physician licensed
10 under article 32 of title 12, C.R.S., OR AN ADVANCED PRACTICE NURSE
11 REGISTERED PURSUANT TO SECTION 12-38-111.5, C.R.S., that such person
12 temporarily meets the definition of a person with a disability. The
13 department shall issue such permits and placards to a qualifying person
14 who is a resident of another state and who becomes disabled while in this
15 state. Such permits and placard shall be valid for a period of ninety days
16 after the date of issuance and may continually be renewed for additional
17 ninety-day periods during the term of such disability upon resubmission
18 of such written and verified statements. The provisions of this section
19 concerning the privileges granted to persons with disabilities shall apply
20 to temporary license permits and temporary placards issued under this
21 subsection (3). Further, the requirement that the placard include a printed
22 identification number as set forth in subparagraph (II) of paragraph (a) of
23 subsection (2) of this section shall apply to both temporary license
24 permits and temporary placards issued under this subsection (3). The
25 verification by a physician licensed to practice medicine or practicing
26 medicine pursuant to section 12-36-106 (3) (i), C.R.S., ~~or~~ a podiatrist
27 licensed under article 32 of title 12, C.R.S., OR AN ADVANCED PRACTICE

1 NURSE REGISTERED PURSUANT TO SECTION 12-38-111.5, C.R.S., shall be
2 carried in the vehicle transporting the person or persons with a disability
3 to whom the temporary license permit or placard has been issued and
4 shall be presented to any law enforcement officer upon request.
5 Temporary license permits and temporary placards issued by states other
6 than Colorado shall be valid so long as they are currently valid in the state
7 of issuance and valid pursuant to 23 CFR part 1235.

8

9 **SECTION 4. Effective date.** (1) This act shall take effect
10 January 1, 2008.

11 (2) However, if a referendum petition is filed against this act or
12 an item, section, or part of this act during the 90-day period after final
13 adjournment of the general assembly that is allowed for submitting a
14 referendum petition pursuant to article V, section 1 (3) of the state
15 constitution, then the act, item, section, or part, shall not take effect unless
16 approved by the people at a biennial regular general election and shall
17 take effect on the date specified in subsection (1) or on the date of the
18 official declaration of the vote thereon by proclamation of the governor,
19 whichever is later.