

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

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 19-0284.01 Jacob Baus x2173

**HOUSE BILL 19-1044**

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Public Health Care & Human Services

**Senate Committees**

Health & Human Services

SENATE  
Amended 3rd Reading  
February 27, 2019

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**A BILL FOR AN ACT**

101     **CONCERNING ADVANCE BEHAVIORAL HEALTH ORDERS DETERMINING**  
102             **THE SCOPE OF TREATMENT AN ADULT WISHES TO RECEIVE**  
103             **UNDER CERTAIN BEHAVIORAL HEALTH CIRCUMSTANCES.**

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SENATE  
Amended 2nd Reading  
February 26, 2019

**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>.)*

HOUSE  
3rd Reading Unamended  
January 28, 2019

Under current law, an adult may establish advance medical orders for scope of treatment, allowing an adult to establish directives for the administration of medical treatment in the event the adult later lacks decisional capacity to provide informed consent to, withdraw from, or refuse medical treatment.

HOUSE  
Amended 2nd Reading  
January 25, 2019

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.

The bill creates a similar order for behavioral health orders for scope of treatment so that an adult may communicate his or her behavioral health history, decisions, and preferences.

The bill:

- ! Lists the requirements for a behavioral health orders for scope of treatment form;
- ! Details the duties and immunities of emergency medical services personnel, health care providers, and health care facilities with respect to treating an adult with behavioral health orders for scope of treatment;
- ! Details how a behavioral health orders for scope of treatment form is executed, amended, or revoked; and
- ! Prohibits an effect on a health insurance contract, life insurance contract, or annuity, by executing or failing to execute a behavioral health orders for scope of treatment.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Colorado law has traditionally recognized the right of an adult  
5 or his or her authorized agent to accept or reject health care or treatment;

6 (b) Each adult has the right to establish instructions for the  
7 administration of behavioral health treatment;

8 (c) Current instruments for making instructions concerning  
9 medical orders for scope of treatment do not adequately address the  
10 complexities associated with behavioral health treatment; and

11 (d) Adults with behavioral health disorders are in particular need  
12 of a consistent method for identifying and communicating critical  
13 behavioral health treatment history, decisions, and preferences that each  
14 sector of the health care community will recognize and follow.

15 (2) The general assembly therefore concludes that it is in the best  
16 interests of the people of Colorado to create a behavioral health orders for  
17 scope of treatment. Consistent with the goal of enhancing

1 patient-centered, compassionate care through methods to enhance  
2 continuity and communication across health care settings, behavioral  
3 health orders for scope of treatment will provide a process for timely  
4 discussion between adults, their health care providers, and their  
5 authorized agents about behavioral health treatment, and will ensure those  
6 preferences are clearly and unequivocally documented.

7 **SECTION 2.** In Colorado Revised Statutes, **add** part 2 to article  
8 18.7 of title 15 as follows:

9 **PART 2**  
10 **DIRECTIVES CONCERNING BEHAVIORAL HEALTH**  
11 **ORDERS FOR SCOPE OF TREATMENT**

12 **15-18.7-201. Definitions.** AS USED IN THIS PART 2, UNLESS THE  
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "ADULT" MEANS A PERSON EIGHTEEN YEARS OF AGE OR OLDER.

15 (2) "AGENT" MEANS A PERSON EIGHTEEN YEARS OF AGE OR OLDER  
16 WHO IS AUTHORIZED BY AN ADULT TO MAKE DECISIONS CONCERNING  
17 BEHAVIORAL HEALTH TREATMENT, MEDICATION, AND ALTERNATIVE  
18 TREATMENT FOR THE ADULT TO THE EXTENT AUTHORIZED BY THE ADULT.

19 (3) "BEHAVIORAL HEALTH" HAS THE SAME MEANING AS SET FORTH  
20 IN SECTION 27-60-100.3 (1).

21 (4) "BEHAVIORAL HEALTH ORDERS FOR SCOPE OF "TREATMENT",  
22 "BEHAVIORAL HEALTH ORDERS FORM", OR "PSYCHIATRIC ADVANCE  
23 DIRECTIVE" MEANS A WRITTEN INSTRUCTION, CREATED PURSUANT TO  
24 SECTION 15-18.7-202, CONCERNING BEHAVIORAL HEALTH TREATMENT,  
25 MEDICATION, AND ALTERNATIVE TREATMENT DECISIONS, PREFERENCES,  
26 AND HISTORY TO BE MADE ON BEHALF OF THE ADULT WHO PROVIDED THE  
27 INSTRUCTION.

1 (5) "BEHAVIORAL HEALTH TREATMENT" MEANS THE PROVISION,  
2 WITHHOLDING, OR WITHDRAWAL OF ANY BEHAVIORAL HEALTH:

- 3 (a) EXAMINATION;
- 4 (b) SERVICE;
- 5 (c) PROCEDURE; OR
- 6 (d) MEDICATION.

7 (6) "DISINTERESTED WITNESS" MEANS AN ADULT OTHER THAN A  
8 SPOUSE, PARTNER IN A CIVIL UNION, DOMESTIC PARTNER, ROMANTIC  
9 PARTNER, CHILD, PARENT, SIBLING, GRANDCHILD, GRANDPARENT, HEALTH  
10 CARE PROVIDER, PERSON WHO AT THE TIME OF THE ADULT'S SIGNATURE  
11 HAS A CLAIM AGAINST ANY PORTION OF THE ADULT'S ESTATE AT THE TIME  
12 OF THE ADULT'S DEATH, OR PERSON WHO KNOWS OR BELIEVES THAT HE OR  
13 SHE HAS AN ENTITLEMENT TO ANY PORTION OF THE ADULT'S ESTATE AT  
14 THE TIME OF THE ADULT'S DEATH EITHER AS A BENEFICIARY OF A WILL  
15 THAT EXISTS AT THE TIME OF THE ADULT'S SIGNATURE OR AS AN HEIR AT  
16 LAW, WHO CAN ATTEST THAT THE ADULT EXECUTING THE BEHAVIORAL  
17 HEALTH ORDERS FORM WAS OF SOUND MIND AND FREE OF COERCION WHEN  
18 HE OR SHE SIGNED THE BEHAVIORAL HEALTH ORDERS FORM.

19 (7) "EMERGENCY MEDICAL SERVICE PERSONNEL" MEANS:

20 (a) AN EMERGENCY MEDICAL SERVICE PROVIDER WHO IS CERTIFIED  
21 OR LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,  
22 CREATED AND EXISTING PURSUANT TO SECTION 25-1-102;

23 (b) AN EMERGENCY MEDICAL RESPONDER OR A REGISTERED  
24 EMERGENCY MEDICAL RESPONDER, AS DEFINED IN SECTION 25-3.5-1102  
25 (1) AND (3).

26 (c) A CRISIS RESPONSE SYSTEM CONTRACTOR, AS DEFINED IN  
27 SECTION 27-60-100.3 (4).

1 (8) "HEALTH CARE FACILITY" MEANS:  
2 (a) A HOSPITAL;  
3 (b) A HOSPICE INPATIENT RESIDENCE;  
4 (c) A NURSING FACILITY;  
5 (d) A DIALYSIS TREATMENT FACILITY;  
6 (e) AN ASSISTED LIVING RESIDENCE;  
7 (f) AN ENTITY THAT PROVIDES HOME-BASED AND  
8 COMMUNITY-BASED SERVICES;  
9 (g) A HOSPICE OR HOME HEALTH CARE AGENCY;  
10 (h) THE COLORADO MENTAL HEALTH INSTITUTE AT FORT LOGAN;  
11 (i) THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO; OR  
12 (j) ANOTHER FACILITY THAT PROVIDES OR CONTRACTS TO PROVIDE  
13 HEALTH CARE SERVICES, WHICH FACILITY IS LICENSED, CERTIFIED, OR  
14 OTHERWISE AUTHORIZED OR PERMITTED BY LAW TO PROVIDE MEDICAL  
15 TREATMENT.

16 (9) "HEALTH CARE PROVIDER" MEANS:  
17 (a) A PHYSICIAN OR OTHER INDIVIDUAL WHO PROVIDES MEDICAL  
18 TREATMENT TO AN ADULT AND WHO IS LICENSED, CERTIFIED, OR  
19 OTHERWISE AUTHORIZED OR PERMITTED BY LAW TO PROVIDE MEDICAL  
20 TREATMENT OR WHO IS EMPLOYED BY OR ACTING FOR SUCH AN  
21 AUTHORIZED PERSON;  
22 (b) A PROFESSIONAL PERSON, AS DEFINED IN SECTION 27-65-102  
23 (17);  
24 (c) A MENTAL HEALTH PROFESSIONAL LICENSED, CERTIFIED, OR  
25 REGISTERED PURSUANT TO ARTICLE 43 OF TITLE 12; OR  
26 (d) ANY OTHER HEALTH CARE PROVIDER REGULATED BY THE  
27 STATE WHEN ENGAGED IN ASSISTING CONSUMERS WITH BEHAVIORAL

1 HEALTH CARE ACCESS AND COVERAGE ISSUES.

2 (10) "SOUND MIND" MEANS THE ABILITY TO PROVIDE INFORMED  
3 CONSENT TO OR REFUSAL OF BEHAVIORAL HEALTH TREATMENT OR THE  
4 ABILITY TO MAKE AN INFORMED BEHAVIORAL HEALTH CARE BENEFIT  
5 DECISION.

6 **15-18.7-202. Behavioral health orders for scope of treatment**

7 **- form contents - effect.** (1) A BEHAVIORAL HEALTH ORDERS FORM MUST  
8 INCLUDE THE FOLLOWING INFORMATION CONCERNING THE ADULT WHOSE  
9 BEHAVIORAL HEALTH TREATMENT, MEDICATION, AND ALTERNATIVE  
10 TREATMENT ARE THE SUBJECT OF THE BEHAVIORAL HEALTH ORDERS  
11 FORM:

12 (a) THE ADULT'S NAME, DATE OF BIRTH, AND GENDER;

13 (b) THE ADULT'S EYE AND HAIR COLOR;

14 (c) THE ADULT'S RACE OR ETHNIC BACKGROUND;

15 (d) THE ADULT'S INSTRUCTIONS CONCERNING BEHAVIORAL HEALTH  
16 TREATMENT;

17 (e) THE ADULT'S INSTRUCTIONS CONCERNING MEDICATION,  
18 INCLUDING PRIMARY AND ALTERNATIVE INSTRUCTIONS;

19 (f) THE ADULT'S INSTRUCTIONS CONCERNING ALTERNATIVE  
20 TREATMENT;

21 (g) THE ADULT'S INSTRUCTIONS CONCERNING APPOINTING AN  
22 AGENT OR NOT APPOINTING AN AGENT. IF THE ADULT CHOOSES TO APPOINT  
23 AN AGENT, HE OR SHE MUST INCLUDE:

24 (I) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE AGENT;

25 AND

26 (II) THE SCOPE OF THE AGENT'S AUTHORITY WHEN ACTING ON  
27 BEHALF OF THE ADULT. THE SCOPE OF THE AGENT'S AUTHORITY MUST BE

1 EITHER:

2 (A) THE AGENT IS LIMITED TO EXECUTING THE ADULT'S  
3 INSTRUCTIONS DETAILED ON THE BEHAVIORAL HEALTH ORDERS FORM; OR

4 (B) THE AGENT HAS AUTHORITY TO MAKE DECISIONS CONCERNING  
5 BEHAVIORAL HEALTH TREATMENT, MEDICATION, AND ALTERNATIVE  
6 TREATMENT ON BEHALF OF THE ADULT;

7 (h) THE ADULT'S SIGNATURE OR MARK, AND THE DATE THAT THE  
8 ADULT SIGNED THE BEHAVIORAL HEALTH ORDERS FORM;

9 (i) TWO DISINTERESTED WITNESSES' SIGNATURES OR MARKS, AND  
10 THE DATE THAT THE DISINTERESTED WITNESSES SIGNED THE BEHAVIORAL  
11 HEALTH ORDERS FORM;

12 (j) THE AGENT'S SIGNATURE OR MARK, AND THE DATE THAT THE  
13 AGENT SIGNED THE BEHAVIORAL HEALTH ORDERS FORM, IF APPLICABLE;

14 (k) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE  
15 ADULT'S HEALTH CARE PROVIDER, IF APPLICABLE; AND

16 (l) THE NAME OF THE HEALTH CARE FACILITY IN WHICH THE ADULT  
17 IS ENROLLED, IF APPLICABLE.

18 (2) A BEHAVIORAL HEALTH ORDERS FORM IS EFFECTIVE UPON  
19 COMPLIANCE WITH THIS SECTION.

20 (3) A BEHAVIORAL HEALTH ORDERS FORM IS EFFECTIVE FOR TWO  
21 YEARS FOLLOWING THE DATE THAT THE ADULT SIGNED THE BEHAVIORAL  
22 HEALTH ORDERS FORM, UNLESS THE ADULT EXECUTES A NEW BEHAVIORAL  
23 HEALTH ORDERS FORM, OR AMENDS OR REVOKES THE BEHAVIORAL  
24 HEALTH ORDERS FORM, BEFORE THE BEHAVIORAL HEALTH ORDERS FORM  
25 BECOMES INEFFECTIVE.

26 (4) NOTHING IN THIS PART 2 ALLOWS AN ADULT TO INCLUDE IN HIS  
27 OR HER BEHAVIORAL HEALTH ORDERS FORM AN INSTRUCTION THAT

1 EXEMPTS THE ADULT FROM AN INVOLUNTARY EMERGENCY PROCEDURE OR  
2 COMMITMENT AUTHORIZED PURSUANT TO STATE LAW. ANY INSTRUCTION  
3 THAT ATTEMPTS TO EXEMPT THE ADULT FROM AN INVOLUNTARY  
4 EMERGENCY PROCEDURE OR COMMITMENT AUTHORIZED PURSUANT TO  
5 STATE LAW IS VOID.

6 (5) A BEHAVIORAL HEALTH ORDERS FORM MAY BE ADMISSIBLE IN  
7 A HEARING PURSUANT TO SECTION 27-65-111 FOR THE PURPOSE OF  
8 ESTABLISHING THE ADULT'S BEHAVIORAL HEALTH TREATMENT,  
9 MEDICATION, AND ALTERNATIVE TREATMENT HISTORY, DECISIONS, AND  
10 PREFERENCES TO BE MADE ON BEHALF OF THE ADULT DURING AN  
11 INVOLUNTARY EMERGENCY PROCEDURE OR COMMITMENT AUTHORIZED  
12 PURSUANT TO STATE LAW.

13 (6) NOTHING IN THIS PART 2 MEANS THAT AN ADULT WHO HAS  
14 EXECUTED A BEHAVIORAL HEALTH ORDERS FORM HAS WAIVED THE RIGHT  
15 TO A HEARING BEFORE THE COURT OR JURY PURSUANT TO SECTION  
16 27-65-111.

17 (7) NOTHING IN THIS PART 2 MEANS THAT AN ADULT WHO HAS  
18 EXECUTED A BEHAVIORAL HEALTH ORDERS FORM HAS CONSENTED TO A  
19 PETITION FOR INVOLUNTARY ADMINISTRATION OF MEDICATION AUTHORITY  
20 PURSUANT TO SECTION 27-65-111 (5).

21 **15-18.7-203. Amendment and revocation of a behavioral**  
22 **health orders for scope of treatment.** (1) THE ADULT MAY AMEND OR  
23 REVOKE ALL OR PART OF HIS OR HER BEHAVIORAL HEALTH ORDERS FORM  
24 AT ANY TIME.

25 (2) AN AMENDED BEHAVIORAL HEALTH ORDERS FORM IS  
26 EFFECTIVE FOR TWO YEARS FOLLOWING THE DATE THAT THE ADULT  
27 SIGNED THE AMENDED BEHAVIORAL HEALTH ORDERS FORM, UNLESS THE



1 ADULT EXECUTES A NEW BEHAVIORAL HEALTH ORDERS FORM, OR AMENDS  
2 OR REVOKES THE AMENDED BEHAVIORAL HEALTH ORDERS FORM, BEFORE  
3 THE AMENDED BEHAVIORAL HEALTH ORDERS FORM BECOMES INEFFECTIVE.

4 (3) IN ORDER TO EXECUTE A VALID AMENDMENT OR REVOCATION,  
5 THE ADULT MUST:

6 (a) EXECUTE A NEW BEHAVIORAL HEALTH ORDERS FORM; OR

7 (b) MARK THE EXISTING BEHAVIORAL HEALTH ORDERS FORM IN A  
8 MANNER THAT CLEARLY COMMUNICATES THE INTENT TO AMEND OR  
9 REVOKE ALL OR PART OF THE BEHAVIORAL HEALTH ORDERS FORM.

10 (4) IN ORDER FOR THE AMENDMENT OR REVOCATION TO BE VALID,  
11 THE AMENDMENT OR REVOCATION MUST INCLUDE:

12 (a) THE ADULT'S SIGNATURE OR MARK, AND THE DATE THAT THE  
13 ADULT EXECUTED THE NEW BEHAVIORAL HEALTH ORDERS FORM OR  
14 AMENDED OR REVOKED THE BEHAVIORAL HEALTH ORDERS FORM;

15 (b) TWO DISINTERESTED WITNESSES' SIGNATURES OR MARKS, AND  
16 THE DATE THAT THE DISINTERESTED WITNESSES SIGNED THE NEW  
17 BEHAVIORAL HEALTH ORDERS FORM OR THE AMENDED OR REVOKED  
18 BEHAVIORAL HEALTH ORDERS FORM; AND

19 (c) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(c)(II) OF THIS  
20 SECTION, THE AGENT'S SIGNATURE OR MARK, AND THE DATE THAT THE  
21 AGENT SIGNED THE NEW BEHAVIORAL HEALTH ORDERS FORM OR THE  
22 AMENDED OR REVOKED BEHAVIORAL HEALTH ORDERS FORM, IF  
23 APPLICABLE.

24 (II) AN AGENT'S SIGNATURE OR MARK MUST NOT BE REQUIRED FOR  
25 AN AMENDMENT TO BE VALID IF THE ADULT IS AMENDING THE  
26 BEHAVIORAL HEALTH ORDERS FORM TO REMOVE THE AGENT.

27 (5) EMERGENCY MEDICAL SERVICE PERSONNEL, A HEALTH CARE

1 PROVIDER, OR AN AGENT WHO BECOMES AWARE OF A NEW, AMENDED, OR  
2 REVOKED BEHAVIORAL HEALTH ORDERS FORM SHALL PROMPTLY  
3 COMMUNICATE THE FACT TO A HEALTH CARE PROVIDER WHO IS PROVIDING  
4 CARE TO THE ADULT WHO IS THE SUBJECT OF THE BEHAVIORAL HEALTH  
5 ORDERS FORM.

6 (6) A PROPERLY EXECUTED NEW, AMENDED, OR REVOKED  
7 BEHAVIORAL HEALTH ORDERS FORM CONTROLS OVER A PREVIOUSLY  
8 EXECUTED BEHAVIORAL HEALTH ORDERS FORM.

9 **15-18.7-204. Effect of behavioral health orders for scope of**  
10 **treatment.** (1) IN EXECUTING A BEHAVIORAL HEALTH ORDERS FORM, THE  
11 ADULT, AGENT, AND THE HEALTH CARE PROVIDER SHALL MAKE A  
12 GOOD-FAITH EFFORT TO LOCATE AND INCORPORATE, AS APPROPRIATE AND  
13 DESIRED, THE BEHAVIORAL HEALTH TREATMENT, MEDICATION, AND  
14 ALTERNATIVE TREATMENT DECISIONS, PREFERENCES, OR HISTORY  
15 DOCUMENTED IN THE ADULT'S BEHAVIORAL HEALTH ORDERS FORM.

16 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(a) OF  
17 THIS SECTION, IN CASE OF A CONFLICT BETWEEN A BEHAVIORAL HEALTH  
18 ORDERS FORM AND AN ADULT'S ADVANCE MEDICAL DIRECTIVE, THE  
19 DOCUMENT MOST RECENTLY EXECUTED CONTROLS FOR THE BEHAVIORAL  
20 HEALTH TREATMENT, MEDICATION, OR ALTERNATIVE TREATMENT  
21 DECISION OR PREFERENCE AT ISSUE.

22 (3) NOTWITHSTANDING ANY PROVISION OF THIS PART 2 TO THE  
23 CONTRARY:

24 (a) AN AGENT OR HEALTH CARE PROVIDER MAY NOT REVOKE OR  
25 AMEND THE ADULT'S PREVIOUSLY EXECUTED ADVANCE MEDICAL  
26 DIRECTIVE REGARDING PROVISION OF ARTIFICIAL NUTRITION OR  
27 HYDRATION IF THE DIRECTIVE IS DOCUMENTED IN A DECLARATION

1 EXECUTED BY THE ADULT PURSUANT TO THE "COLORADO MEDICAL  
2 TREATMENT DECISION ACT", ARTICLE 18 OF THIS TITLE 15.

3 (b) AN AGENT MAY NOT REVOKE A PREEXISTING CPR DIRECTIVE  
4 UNLESS IT WAS ORIGINALLY EXECUTED BY THE AGENT.

5 (c) AN AGENT WHO IS A PROXY DECISION-MAKER PURSUANT TO  
6 ARTICLE 18.5 OF THIS TITLE 15 MAY AUTHORIZE THE WITHDRAWAL OF  
7 ARTIFICIAL NUTRITION OR HYDRATION ONLY IN ACCORDANCE WITH  
8 SECTION 15-18.5-103 (6).

9 **15-18.7-205. Duty to comply with behavioral health orders for**  
10 **scope of treatment - immunity - effect on criminal charges against**  
11 **another person - transferability.** (1) (a) EXCEPT AS OTHERWISE  
12 PROVIDED IN THIS SECTION, EMERGENCY MEDICAL SERVICE PERSONNEL, A  
13 HEALTH CARE PROVIDER, OR A HEALTH CARE FACILITY SHALL COMPLY  
14 WITH AN ADULT'S EXECUTED BEHAVIORAL HEALTH ORDERS FORM THAT:

- 15 (I) HAS BEEN EXECUTED IN THIS STATE OR ANOTHER STATE;
- 16 (II) IS APPARENT AND IMMEDIATELY AVAILABLE; AND
- 17 (III) REASONABLY SATISFIES THE REQUIREMENTS SPECIFIED IN  
18 SECTION 15-18.7-202.

19 (b) THE EMERGENCY MEDICAL SERVICES PERSONNEL, A HEALTH  
20 CARE PROVIDER, OR A HEALTH CARE FACILITY SHALL COMPLY WITH THE  
21 BEHAVIORAL HEALTH ORDERS FORM AS REQUIRED BY SUBSECTION (1)(a)  
22 OF THIS SECTION UNLESS THE ADULT'S INSTRUCTION ON THE BEHAVIORAL  
23 HEALTH ORDERS FORM WILL CAUSE SUBSTANTIAL HARM TO THE ADULT. IF  
24 THE ADULT'S INSTRUCTION ON THE BEHAVIORAL HEALTH ORDERS FORM  
25 WILL CAUSE SUBSTANTIAL HARM TO THE ADULT, THE EMERGENCY  
26 MEDICAL SERVICE PERSONNEL, HEALTH CARE PROVIDER, OR HEALTH CARE  
27 FACILITY SHALL MAKE A GOOD FAITH EFFORT TO CONSULT WITH THE

1 ADULT'S AGENT, IF APPLICABLE, AND OFFER AN ALTERNATIVE COURSE OF  
2 TREATMENT.

3 (c) IN CASE OF A CONFLICT BETWEEN THE ADULT'S BEHAVIORAL  
4 HEALTH ORDERS FORM AND THE ADULT'S REQUEST FOR BEHAVIORAL  
5 HEALTH TREATMENT, MEDICATION, OR ALTERNATIVE TREATMENT  
6 DECISION OR PREFERENCE, THE BEHAVIORAL HEALTH ORDERS FORM  
7 CONTROLS FOR THE BEHAVIORAL HEALTH TREATMENT, MEDICATION, OR  
8 ALTERNATIVE TREATMENT DECISION OR PREFERENCE AT ISSUE.

9 (2) EMERGENCY MEDICAL SERVICE PERSONNEL, A HEALTH CARE  
10 PROVIDER, A HEALTH CARE FACILITY, OR ANY OTHER PERSON WHO  
11 COMPLIES WITH A LEGALLY EXECUTED BEHAVIORAL HEALTH ORDERS  
12 FORM THAT IS APPARENT AND IMMEDIATELY AVAILABLE AND THAT HE OR  
13 SHE BELIEVES TO BE THE MOST CURRENT VERSION OF THE BEHAVIORAL  
14 HEALTH ORDERS FORM IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY OR  
15 REGULATORY SANCTION FOR SUCH COMPLIANCE.

16 (3) COMPLIANCE BY EMERGENCY MEDICAL SERVICE PERSONNEL,  
17 A HEALTH CARE PROVIDER, OR A HEALTH CARE FACILITY WITH AN  
18 EXECUTED BEHAVIORAL HEALTH ORDERS FORM MUST NOT AFFECT THE  
19 CRIMINAL PROSECUTION OF A PERSON OTHERWISE CHARGED WITH THE  
20 COMMISSION OF A CRIMINAL ACT.

21 (4) (a) NOTHING IN THIS PART 2 MODIFIES OR ALTERS ANY  
22 GENERALLY ACCEPTED ETHICS, STANDARDS, PROTOCOLS, OR LAWS FOR  
23 EMERGENCY MEDICAL PERSONNEL, A HEALTH CARE PROVIDER, OR A  
24 HEALTH CARE FACILITY, INCLUDING THE PROVISIONS IN SECTION  
25 15-18.6-108 CONCERNING EUTHANASIA AND MERCY KILLING.

26 (b) A BEHAVIORAL HEALTH ORDERS FORM DOES NOT COMPEL OR  
27 AUTHORIZE EMERGENCY MEDICAL SERVICE PERSONNEL, A HEALTH CARE

1 PROVIDER, OR A HEALTH CARE FACILITY TO ADMINISTER BEHAVIORAL  
2 HEALTH TREATMENT, MEDICATION, OR ALTERNATIVE TREATMENT THAT IS  
3 PROHIBITED BY STATE OR FEDERAL LAW.

4 (5) IF THE ADULT WHO IS KNOWN TO HAVE PROPERLY EXECUTED  
5 AND SIGNED A BEHAVIORAL HEALTH ORDERS FORM IS TRANSFERRED FROM  
6 ONE HEALTH CARE FACILITY OR HEALTH CARE PROVIDER TO ANOTHER, THE  
7 TRANSFERRING HEALTH CARE FACILITY OR HEALTH CARE PROVIDER SHALL  
8 COMMUNICATE THE EXISTENCE OF THE BEHAVIORAL HEALTH ORDERS  
9 FORM TO THE RECEIVING HEALTH CARE FACILITY OR HEALTH CARE  
10 PROVIDER BEFORE THE TRANSFER. THE TRANSFERRING HEALTH CARE  
11 FACILITY OR HEALTH CARE PROVIDER SHALL ENSURE THAT THE  
12 BEHAVIORAL HEALTH ORDERS FORM OR A COPY OF THE BEHAVIORAL  
13 HEALTH ORDERS FORM ACCOMPANIES THE ADULT UPON ADMISSION TO OR  
14 DISCHARGE FROM A HEALTH CARE FACILITY.

15 (6) (a) NOTHING IN THIS PART 2 ALLOWS AN ADULT TO INCLUDE IN  
16 HIS OR HER BEHAVIORAL HEALTH ORDERS FORM AN INSTRUCTION THAT  
17 EXEMPTS THE ADULT FROM AN INVOLUNTARY EMERGENCY PROCEDURE OR  
18 COMMITMENT AUTHORIZED PURSUANT TO STATE LAW. ANY INSTRUCTION  
19 THAT ATTEMPTS TO EXEMPT THE ADULT FROM AN INVOLUNTARY  
20 EMERGENCY PROCEDURE OR COMMITMENT AUTHORIZED PURSUANT TO  
21 STATE LAW IS VOID.

22 (b) NOTWITHSTANDING AN INSTRUCTION ON AN ADULT'S  
23 BEHAVIORAL HEALTH ORDERS FORM THAT STATES TO EXEMPT THE ADULT  
24 FROM AN INVOLUNTARY EMERGENCY PROCEDURE OR COMMITMENT  
25 AUTHORIZED PURSUANT TO STATE LAW, ANY PERSON AUTHORIZED TO  
26 PERFORM AN INVOLUNTARY EMERGENCY PROCEDURE OR COMMITMENT  
27 PURSUANT TO STATE LAW AND WHO COMPLIES WITH THE REQUIREMENTS

1 OF AN INVOLUNTARY EMERGENCY PROCEDURE OR COMMITMENT  
2 PURSUANT TO STATE LAW IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY  
3 OR REGULATORY SANCTION.

4 **15-18.7-206. Behavioral health orders for scope of treatment**  
5 **not required for treatment.** A HEALTH CARE FACILITY OR A HEALTH  
6 CARE PROVIDER SHALL NOT REQUIRE AN ADULT TO HAVE EXECUTED A  
7 BEHAVIORAL HEALTH ORDERS FORM AS A CONDITION OF BEING ADMITTED  
8 TO, OR RECEIVING BEHAVIORAL HEALTH TREATMENT, MEDICATION, OR  
9 ALTERNATIVE TREATMENT FROM, THE HEALTH CARE FACILITY OR HEALTH  
10 CARE PROVIDER.

11 **15-18.7-207. Effect of a behavioral health orders for scope of**  
12 **treatment on life or health insurance.** AN INSURER MAY NOT REFUSE TO  
13 INSURE, REFUSE TO CONTINUE TO INSURE, OR LIMIT THE AMOUNT, EXTENT,  
14 OR KIND OF COVERAGE AVAILABLE FOR LIFE INSURANCE, HEALTH  
15 INSURANCE, OR WITHIN AN ANNUITY TO AN INDIVIDUAL, OR CHARGE AN  
16 INDIVIDUAL A DIFFERENT RATE FOR THE SAME COVERAGE, SOLELY  
17 BECAUSE SUCH INDIVIDUAL EXECUTED A BEHAVIORAL HEALTH ORDERS  
18 FORM OR HAS NOT EXECUTED A BEHAVIORAL HEALTH ORDERS FORM. WITH  
19 RESPECT TO ALL OTHER CONDITIONS, PERSONS WHO HAVE EXECUTED A  
20 BEHAVIORAL HEALTH ORDERS FORM MUST BE SUBJECT TO THE SAME  
21 STANDARDS OF SOUND ACTUARIAL PRINCIPLES OR ACTUAL OR  
22 REASONABLY ANTICIPATED EXPERIENCE AS ARE PERSONS WHO HAVE NOT  
23 EXECUTED A BEHAVIORAL HEALTH ORDERS FORM.

24 **SECTION 3.** In Colorado Revised Statutes, 15-18.7-102, **amend**  
25 the introductory portion as follows:

26 **15-18.7-102. Definitions.** As used in this ~~article~~ PART 1, unless  
27 the context otherwise requires:

1           **SECTION 4.** In Colorado Revised Statutes, 15-18.7-104, **amend**  
2 (6)(a) as follows:

3           **15-18.7-104. Duty to comply with medical orders for scope of**  
4 **treatment form - immunity - effect on criminal charges against**  
5 **another person - transferability.** (6) (a) Nothing in this ~~article~~ PART 1  
6 shall be construed to modify or alter any generally accepted ethics,  
7 standards, protocols, or laws for the practice of medicine or nursing,  
8 including the provisions in section 15-18.6-108 concerning euthanasia  
9 and mercy killing.

10           **SECTION 5.** In Colorado Revised Statutes, **amend** 15-18.7-109  
11 as follows:

12           **15-18.7-109. Effect of a medical orders for scope of treatment**  
13 **form on life or health insurance.** ~~Neither a medical orders for scope of~~  
14 ~~treatment form nor the failure of an adult to execute a medical orders for~~  
15 ~~scope of treatment form shall affect, impair, or modify a contract of life~~  
16 ~~or health insurance or an annuity or be the basis for a delay in issuing or~~  
17 ~~refusal to issue an annuity or policy of life or health insurance or for any~~  
18 ~~increase of a premium therefor~~ AN INSURER MAY NOT REFUSE TO INSURE,  
19 REFUSE TO CONTINUE TO INSURE, OR LIMIT THE AMOUNT, EXTENT, OR KIND  
20 OF COVERAGE AVAILABLE FOR LIFE INSURANCE, HEALTH INSURANCE, OR  
21 WITHIN AN ANNUITY TO AN INDIVIDUAL, OR CHARGE AN INDIVIDUAL A  
22 DIFFERENT RATE FOR THE SAME COVERAGE, SOLELY BECAUSE SUCH  
23 INDIVIDUAL EXECUTED A MEDICAL ORDERS FOR SCOPE OF TREATMENT  
24 FORM OR HAS NOT EXECUTED A MEDICAL ORDERS FOR SCOPE OF  
25 TREATMENT FORM. WITH RESPECT TO ALL OTHER CONDITIONS, PERSONS  
26 WHO HAVE EXECUTED A MEDICAL ORDERS FOR SCOPE OF TREATMENT  
27 FORM MUST BE SUBJECT TO THE SAME STANDARDS OF SOUND ACTUARIAL

1 PRINCIPLES OR ACTUAL OR REASONABLY ANTICIPATED EXPERIENCE AS ARE  
2 PERSONS WHO HAVE NOT EXECUTED A MEDICAL ORDERS FOR SCOPE OF  
3 TREATMENT FORM.

4 **SECTION 6. Act subject to petition - effective date.** This act  
5 takes effect at 12:01 a.m. on the day following the expiration of the  
6 ninety-day period after final adjournment of the general assembly (August  
7 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
8 referendum petition is filed pursuant to section 1 (3) of article V of the  
9 state constitution against this act or an item, section, or part of this act  
10 within such period, then the act, item, section, or part will not take effect  
11 unless approved by the people at the general election to be held in  
12 November 2020 and, in such case, will take effect on the date of the  
13 official declaration of the vote thereon by the governor.