

First Regular Session
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STATE OF COLORADO

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DRAFT

LLS NO. 09-0223.01 Kristen Forrestal

SUNSET BILL

Sunset Process - Senate Health and
Human Services Committee

SHORT TITLE: "Sunset Unlicensed Administration Of Meds"

A BILL FOR AN ACT

101 CONCERNING CONTINUATION OF THE REGULATION OF
102 ADMINISTRATION OF MEDICATION BY UNLICENSED PERSONS.

Bill Summary

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

Sunset Process - Senate Health and Human Services Committee. Implements the recommendations of the department of regulatory agencies in its sunset review of the administration of medications by unlicensed persons as follows:

- *Recommendation 1:* Continues the qualified medication administration person (QMAP) program.
- *Recommendation 2:* Removes the QMAP education and

- evaluation program from the sunset review calendar.
- *Recommendation 3:* Requires employers to document that all unlicensed medication administration persons who are currently within their employ have passed the QMAP competency evaluation at least every 5 years, as a condition of employment.
- *Recommendation 4:* Requires employers who utilize QMAP services to require each person to submit a complete set of fingerprints to the department of public health and environment for the purpose of conducting a criminal history record check in order to determine if the unlicensed person has a drug-related criminal history.

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

2 *Recommendation 1:*

3 **SECTION 1. Repeal.** 25-1.5-304, Colorado Revised Statutes, is
4 repealed as follows:

5 **25-1.5-304. Repeal of part.** ~~(1) This part 3 is repealed, effective~~
6 ~~July 1, 2009:~~

7 ~~(2) Prior to such repeal, the program established by this part 3~~
8 ~~shall be subject to review by a legislative committee of reference~~
9 ~~designated pursuant to section 2-3-1201, C.R.S., to conduct the review~~
10 ~~pursuant to section 24-34-104, C.R.S., and the provisions of section~~
11 ~~24-34-104 (5) to (12), C.R.S., concerning a wind-up period, an analysis~~
12 ~~and evaluation, public hearings, and claims by or against an agency shall~~
13 ~~apply to the operation of the program specified in this part 3. Such~~
14 ~~review shall include an examination of the regulatory process that~~
15 ~~governs facilities using trained but unlicensed persons to monitor and~~
16 ~~administer medication.~~

17 **SECTION 2. Repeal.** 24-34-104 (40) (a), Colorado Revised
18 Statutes, is repealed as follows:

19 **24-34-104. General assembly review of regulatory agencies**

1 **and functions for termination, continuation, or reestablishment.**

2 (40) The following agencies, functions, or both, shall terminate on July
3 1, 2009:

4 (a) ~~The program for the administration and monitoring of~~
5 ~~medications in facilities authorized pursuant to part 3 of article 1.5 of title~~
6 ~~25, C.R.S.;~~

7 **SECTION 3. Repeal.** 12-38-125 (1) (h) (II), Colorado Revised
8 Statutes, are repealed as follows:

9 **12-38-125. Exclusions - repeal.** (1) No provision of this article
10 shall be construed to prohibit:

11 ~~(h) (II) This paragraph (h) is repealed, effective July 1, 2009.~~
12 ~~Prior to such repeal, the exclusion set forth in this paragraph (h) shall be~~
13 ~~subject to review by a legislative committee of reference designated~~
14 ~~pursuant to section 2-3-1201, C.R.S., to conduct the review pursuant to~~
15 ~~section 24-34-104, C.R.S., and the provisions of section 24-34-104 (5) to~~
16 ~~(12), C.R.S., concerning a wind-up period, an analysis and evaluation,~~
17 ~~public hearings, and claims by or against an agency shall apply to the~~
18 ~~operation of the program specified in this paragraph (h).~~

19 **SECTION 4. Repeal.** 12-36-106 (3) (o) (II), Colorado Revised
20 Statutes, is repealed as follows:

21 **12-36-106. Practice of medicine defined - exemptions from**
22 **licensing requirements - unauthorized practice by physician assistant**
23 **- penalties - repeal.** (3) Nothing in this section shall be construed to
24 prohibit, or to require a license or a physician training license under this
25 article with respect to, any of the following acts:

26 (o) ~~(II) This paragraph (o) is repealed, effective July 1, 2009.~~
27 ~~Prior to such repeal, the exemption to licensure requirement set forth in~~

1 this paragraph (o) shall be subject to review by a legislative committee of
2 reference designated pursuant to section 2-3-1201, C.R.S., to conduct the
3 review pursuant to section 24-34-104, C.R.S., and the provisions of
4 section 24-34-104 (5) to (12), C.R.S., concerning a wind-up period, an
5 analysis and evaluation, public hearings, and claims by or against an
6 agency shall apply to the operation of the program specified in this
7 paragraph (o).

8 *Recommendations 2 and 3:*

9 **SECTION 5.** 25-1.5-303 (3), Colorado Revised Statutes, is
10 amended to read:

11 **25-1.5-303. Medication reminder boxes or systems -**
12 **medication cash fund.** (3) The executive directors of the departments
13 that control the "facilities" defined in section 25-1.5-301 (2) (a) and (2)
14 (b) may direct the unlicensed staff of any such facility to monitor
15 medications in any part of any such facility. Administration of
16 medications in any such facility shall be allowed only in those areas of
17 any such facility that have a licensed physician or other licensed
18 practitioner on duty. Notwithstanding other training requirements
19 established in this section, the operator or administrator of every facility
20 that hires an unlicensed person to administer medications pursuant to this
21 section shall provide on-the-job training for such person, and all such
22 unlicensed persons hired on or after July 1, 1998, shall be adequately
23 supervised until they have completed such training. Such on-the-job
24 training shall be appropriate to the job responsibilities of each trainee.
25 FACILITY OPERATORS AND ADMINISTRATORS SHALL REQUIRE EACH
26 UNLICENSED PERSON WHO ADMINISTERS MEDICATION IN THE FACILITY TO
27 PASS THE COMPETENCY EVALUATION DEVELOPED OR APPROVED BY THE

1 DEPARTMENT PURSUANT TO SECTION 25-1.5-302 (2) AS A CONDITION OF
2 EMPLOYMENT IN THAT FACILITY AND AT LEAST EVERY FIVE YEARS.
3 Facility operators and administrators shall document each unlicensed
4 person's satisfactory completion of on-the-job training AND PASSAGE OF
5 THE COMPETENCY EVALUATION in ~~their~~ HIS OR HER permanent personnel
6 file.

7 *Recommendation 4:*

8 **SECTION 6.** 25-1.5-302, Colorado Revised Statutes, is amended
9 BY THE ADDITION OF A NEW SUBSECTION to read:

10 **25-1.5-302. Administration of medications - powers and duties**
11 **of the department - criminal history record checks.** (8) EACH OWNER,
12 OPERATOR, OR SUPERVISOR OF A FACILITY WHO EMPLOYS A PERSON WHO
13 IS NOT LICENSED TO ADMINISTER MEDICATIONS SHALL CONDUCT A DRUG-
14 RELATED CRIMINAL BACKGROUND CHECK ON EACH EMPLOYEE PRIOR TO
15 EMPLOYMENT.

16 **SECTION 7. Effective date.** This act shall take effect July 1,
17 2009.

18 **SECTION 8. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.

