

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

DRAFT  
10.14.09

**BILL 4**

LLS NO. 10-0247.01 Jane Ritter

**INTERIM COMMITTEE BILL**

**Hospice and Palliative Care in Colorado**

**SHORT TITLE:** "Limit Ability Of Advanced Practice Nurse"

**DEADLINES:** Finalize by: 02/01/10 File by: 02/03/10

**A BILL FOR AN ACT**

101 **CONCERNING ELIMINATING THE ABILITY OF ADVANCED PRACTICE**  
102 **NURSES TO DECLARE PATIENTS TERMINALLY ILL.**

**Bill Summary**

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

**Hospice and Palliative Care in Colorado.** The bill eliminates the ability of advanced practice nurses to declare a patient terminally ill for purposes of triggering end-of-life decisions and leaves such ability to the sole discretion of a physician.

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

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

1           **SECTION 1.** 15-18-104 (1), (2), and (3), Colorado Revised  
2 Statutes, are amended to read:

3           **15-18-104. Declaration as to medical treatment.** (1) Any  
4 competent adult may execute a declaration directing that life-sustaining  
5 procedures be withheld or withdrawn if, at some future time, he or she is  
6 in a terminal condition and either unconscious or otherwise incompetent  
7 to decide whether any medical procedure or intervention should be  
8 accepted or rejected. It shall be the responsibility of the declarant or  
9 someone acting for him or her to submit the declaration to the attending  
10 physician ~~or advanced practice nurse~~ for entry in the declarant's medical  
11 record.

12           (2) In the case of a declaration of a qualified patient known to the  
13 attending physician ~~or advanced practice nurse~~ to be pregnant, a medical  
14 evaluation shall be made as to whether the fetus is viable and could with  
15 a reasonable degree of medical certainty develop to live birth with  
16 continued application of life-sustaining procedures. If such is the case,  
17 the declaration shall be given no force or effect.

18           (3) A declaration executed before two witnesses by any competent  
19 adult shall be legally effective for the purposes of this article and may, but  
20 need not, be in the following form:

21                           **DECLARATION AS TO MEDICAL OR**  
22                           **SURGICAL TREATMENT**

23           I, (name of declarant), being of sound mind and at least eighteen  
24 years of age, direct that my life shall not be artificially prolonged under  
25 the circumstances set forth below and hereby declare that:

26           1. If at any time my attending physician ~~or advanced practice~~  
27 ~~nurse~~ and one other qualified physician ~~or advanced practice nurse~~ certify

1 in writing that:

2 a. I have an injury, disease, or illness which is not curable or  
3 reversible and which, in their judgment, is a terminal condition, and

4 b. For a period of seven consecutive days or more, I have been  
5 unconscious, comatose, or otherwise incompetent so as to be unable to  
6 make or communicate responsible decisions concerning my person, then

7 I direct that, in accordance with Colorado law, life-sustaining  
8 procedures shall be withdrawn and withheld pursuant to the terms of this  
9 declaration, it being understood that life-sustaining procedures shall not  
10 include any medical procedure or intervention for nourishment considered  
11 necessary by the attending physician or advanced practice nurse to  
12 provide comfort or alleviate pain. However, I may specifically direct, in  
13 accordance with Colorado law, that artificial nourishment be withdrawn  
14 or withheld pursuant to the terms of this declaration.

15 2. In the event that the only procedure I am being provided is  
16 artificial nourishment, I direct that one of the following actions be taken:

17 (initials of declarant) a. Artificial nourishment shall not be  
18 continued when it is the only procedure being provided; or

19 (initials of declarant) b. Artificial nourishment shall be continued  
20 for \_\_\_\_\_ days when it is the only procedure being provided; or

21 (initials of declarant) c. Artificial nourishment shall be continued  
22 when it is the only procedure being provided.

23 3. I execute this declaration, as my free and voluntary act, this  
24 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

25 By \_\_\_\_\_  
26 Declarant

27 The foregoing instrument was signed and declared by

1 \_\_\_\_\_ to be his OR HER declaration, in the presence of us,  
2 who, in his OR HER presence, in the presence of each other, and at his OR  
3 HER request, have signed our names below as witnesses, and we declare  
4 that, at the time of the execution of this instrument, the declarant,  
5 according to our best knowledge and belief, was of sound mind and under  
6 no constraint or undue influence.

7 Dated at \_\_\_\_\_, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_,  
8 20\_\_\_\_.

9 \_\_\_\_\_

10 Name and Address

11 \_\_\_\_\_

12 Name and Address

13 STATE OF COLORADO )

14 ) ss.

15 County of \_\_\_\_\_)

16 SUBSCRIBED and sworn to before me by \_\_\_\_\_, the  
17 declarant, and \_\_\_\_\_ and \_\_\_\_\_, witnesses, as the voluntary  
18 act and deed of the declarant this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

19 My commission expires:

20 \_\_\_\_\_

21 Notary Public

22 **SECTION 2. Act subject to petition - effective date.** This act  
23 shall take effect at 12:01 a.m. on the day following the expiration of the  
24 ninety-day period after final adjournment of the general assembly (August  
25 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a  
26 referendum petition is filed pursuant to section 1 (3) of article V of the  
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part shall not take effect  
2 unless approved by the people at the general election to be held in  
3 November 2010 and shall take effect on the date of the official  
4 declaration of the vote thereon by the governor.