

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

DRAFT
10.14.09

BILL 9

LLS NO. 10-0314.01 Jane Ritter

INTERIM COMMITTEE BILL

Hospice and Palliative Care in Colorado

SHORT TITLE: "Advanced Practice Nurses Physical Force"

A BILL FOR AN ACT

101 **CONCERNING ELIMINATING ADVANCED PRACTICE NURSES FROM THE**
102 **SPECIAL RELATIONSHIPS EXEMPTION CREATED FOR THE USE OF**
103 **PHYSICAL FORCE IN CERTAIN EMERGENCY SITUATIONS.**

Bill Summary

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

The bill leaves to the sole discretion of a physician, or a person acting under his or her direction, the authority to use reasonable and appropriate force in emergency situations for the purpose of administering a recognized form of treatment for the health of the patient.

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

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

2 **SECTION 1.** The introductory portion to 18-1-703 (1) (e) and
3 18-1-703 (1) (e) (II), Colorado Revised Statutes, are amended to read:

4 **18-1-703. Use of physical force - special relationships.** (1) The
5 use of physical force upon another person which would otherwise
6 constitute an offense is justifiable and not criminal under any of the
7 following circumstances:

8 (e) A duly licensed physician, ~~advanced practice nurse~~, or a
9 person acting under his or her direction, may use reasonable and
10 appropriate physical force for the purpose of administering a recognized
11 form of treatment that he or she reasonably believes to be adapted to
12 promoting the physical or mental health of the patient if:

13 (II) The treatment is administered in an emergency when the
14 physician ~~or advanced practice nurse~~ reasonably believes that no one
15 competent to consent can be consulted and that a reasonable person,
16 wishing to safeguard the welfare of the patient, would consent.

17 **SECTION 2. Act subject to petition - effective date.** This act
18 shall take effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part shall not take effect
24 unless approved by the people at the general election to be held in
25 November 2010 and shall take effect on the date of the official
26 declaration of the vote thereon by the governor.