

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 4, 2016
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB16-1054 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 3, line 26, strike "TO MAKE" and substitute "TO:
2 (a) UNDERSTAND THE NATURE AND CONSEQUENCES OF A HEALTH
3 CARE DECISION;
4 (b) UNDERSTAND THE SIGNIFICANT BENEFITS AND RISKS OF AND
5 ALTERNATIVES TO THE HEALTH CARE DECISION; AND
6 (c) MAKE".
- 7 Page 4, line 13, strike "(f.3)." and substitute "(f.3) AND A CONTINUING
8 CARE RETIREMENT COMMUNITY AS DESCRIBED IN SECTION 25.5-6-203 (1)
9 (c) (I), C.R.S."
- 10 Page 5, strike lines 16 and 17 and substitute "PSYCHOLOGIST LICENSED
11 UNDER PART 3 OF ARTICLE 43 OF TITLE 12, C.R.S., TO PRACTICE
12 PSYCHOLOGY."
- 13 Page 5, after line 21 insert:
14 "(11) "MENTALLY COMPETENT" OR "MENTAL COMPETENCY"
15 MEANS POSSESSING THE NECESSARY AND SUFFICIENT DECISIONAL ABILITY
16 TO BE RESPONSIBLE FOR ONE'S OWN DECISIONS AND ACTIONS REGARDING
17 MEDICAL CARE AND TREATMENT."
- 18 Renumber succeeding subsections accordingly.

- 1 Page 5, line 23, after "CAPABLE," insert "IS MENTALLY COMPETENT,".
- 2 Page 6, strike lines 11 through 14 and substitute:
- 3 "(13) "SELF-ADMINISTER" MEANS A QUALIFIED INDIVIDUAL'S
4 AFFIRMATIVE, CONSCIOUS, AND PHYSICAL ACT OF ADMINISTERING AND
5 INGESTING THE AID-IN-DYING MEDICATION TO BRING ABOUT HIS OR HER
6 OWN DEATH."
- 7 Page 6, line 20, after "CAPABLE," insert "MENTALLY COMPETENT,".
- 8 Page 7, line 17, strike "CAPABLE;" and substitute "MENTALLY
9 COMPETENT;".
- 10 Page 8, strike line 3 and substitute:
- 11 "(c) NEITHER THE INDIVIDUAL'S ATTENDING PHYSICIAN NOR A
12 PERSON DESIGNATED AS THE INDIVIDUAL'S QUALIFIED POWER OF
13 ATTORNEY OR DURABLE MEDICAL POWER OF ATTORNEY SHALL SERVE AS".
- 14 Page 8, line 17, after "DECISION," insert "IS MENTALLY COMPETENT,".
- 15 Page 8, line 21, strike "(12);" and substitute "(13);".
- 16 Page 8, line 27, strike "CAPABLE" and substitute "CAPABLE, MENTALLY
17 COMPETENT,".
- 18 Page 9, line 17, after "DECISION" insert "OR HIS OR HER MENTAL
19 COMPETENCY".
- 20 Page 11, line 14, strike "DECISION," and substitute "DECISION AND IS
21 MENTALLY COMPETENT,".
- 22 Page 11, line 17, after "**capable**" insert "**and mentally competent**".
- 23 Page 11, line 21, after "DECISION" insert "AND MENTALLY COMPETENT,".
- 24 Page 11, line 22, strike "THAT DETERMINATION IS" and substitute "THOSE
25 DETERMINATIONS ARE".
- 26 Page 11, line 23, strike "DETERMINATION" and substitute
27 "DETERMINATIONS"

1 Page 11, lines 25 and 26, strike "AND CONFIRMATION OF THAT
2 DETERMINATION" and substitute "AND IS MENTALLY COMPETENT, AND
3 CONFIRMATION OF THOSE DETERMINATIONS,".

4 Page 12, line 5, after "DECISION" insert "OR MENTAL COMPETENCY".

5 Page 12, line 8, strike "DECISION." and substitute "DECISION AND IS
6 MENTALLY COMPETENT.".

7 Page 12, line 13, strike "DECISION." and substitute "DECISION AND IS
8 MENTALLY COMPETENT.".

9 Page 12, line 15, strike "DECISION," and substitute "DECISION OR IS NOT
10 MENTALLY COMPETENT,".

11 Page 12, line 18, strike "MAY" and substitute "SHALL".

12 Page 12, strike lines 21 through 24 and substitute:

13 "(2) WHEN AN ATTENDING PHYSICIAN CERTIFIES THAT A DEATH
14 OCCURRED IN".

15 Page 16, after line 3 insert:

16 "(3) AN INSURER SHALL NOT DENY OR OTHERWISE ALTER HEALTH
17 CARE BENEFITS AVAILABLE UNDER A POLICY OF SICKNESS AND ACCIDENT
18 INSURANCE TO AN INDIVIDUAL WITH A TERMINAL ILLNESS WHO IS
19 COVERED UNDER THE POLICY.

20 (4) AN INDIVIDUAL WITH A TERMINAL ILLNESS WHO IS A RECIPIENT
21 OF MEDICAL ASSISTANCE UNDER THE "COLORADO MEDICAL ASSISTANCE
22 ACT", ARTICLES 4, 5, AND 6 OF TITLE 25.5, C.R.S., SHALL NOT BE DENIED
23 BENEFITS UNDER THE MEDICAL ASSISTANCE PROGRAM OR HAVE HIS OR HER
24 BENEFITS UNDER THE PROGRAM OTHERWISE ALTERED.".

25 Page 16, after line 25 insert:

26 "(4) THIS SECTION DOES NOT LIMIT CIVIL OR CRIMINAL LIABILITY
27 FOR NEGLIGENCE, RECKLESSNESS, OR INTENTIONAL MISCONDUCT.".

28 Page 19, line 1, strike "BY LAWFUL" and substitute "EITHER BY:

29 (a) RETURNING THE UNUSED MEDICATION TO THE ATTENDING
30 PHYSICIAN WHO PRESCRIBED THE MEDICATION, WHO SHALL DISPOSE OF
31 THE UNUSED MEDICATION IN THE MANNER REQUIRED BY LAW; OR

32 (b) LAWFUL".

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