

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0531.01 Michael Dohr x4347

SENATE BILL 12-054

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SENATE SPONSORSHIP

Boyd,

HOUSE SPONSORSHIP

(None),

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Health and Human Services

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A BILL FOR AN ACT

101 CONCERNING PROTECTION FOR EMPLOYEES OF LICENSED HEALTH  
102 CARE FACILITIES WHO EXERCISE THEIR OWN JUDGMENT.

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**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://www.leg.state.co.us/billssummaries>.)*

A licensed health care facility or its agent is prohibited from retaliating against an employee of the licensed health care facility who performs an act or omits an act:

! That, in the best medical judgment of the employee using the best available practices, is in the best interest of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

patient; or  
! When following a patient's directive.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25-3-112 as  
3 follows:

4 **25-3-112. Prohibition on retaliation - definition.** (1) A LICENSED  
5 HEALTH CARE FACILITY AS LISTED IN SECTION 25-3-101 (1) OR ITS AGENT  
6 SHALL NOT RETALIATE AGAINST AN EMPLOYEE OF THE LICENSED HEALTH  
7 CARE FACILITY FOR PERFORMING AN ACT OR OMITTING AN ACT:

8 (a) THAT, IN THE BEST MEDICAL JUDGMENT OF THE EMPLOYEE  
9 USING THE BEST AVAILABLE PRACTICES, IS IN THE BEST INTEREST OF THE  
10 PATIENT; OR

11 (b) WHEN FOLLOWING A PATIENT'S DIRECTIVE.

12 (2) FOR PURPOSES OF THIS SECTION, "RETALIATE" MEANS  
13 DEMOTION, REASSIGNMENT OF DUTIES, DISCHARGE FROM EMPLOYMENT,  
14 OR LOSS OF PAY OR BENEFITS.

15 **SECTION 2. Safety clause.** The general assembly hereby finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, and safety.