

# Advance Directives



## Background

Advance directives offer a solution to situations when patients are unable to communicate their own wishes for treatment and have not made these wishes known to family or providers in advance. This year, legislators took steps to make those wishes more readily available to providers and to expand the use of these documents to behavioral health treatment.

## SB 19-073: Statewide System of Advance Medical Directives

In order for advance directives to be effective, health care providers need to know they exist and have ready access to them. SB 19-073 establishes a centralized repository for advance directives within the state's existing health information exchange infrastructure to help providers across Colorado respect patients' unique wishes for treatment in the future.

## What You Need to Know

- Nothing in the law changes the current processes for executing advance health care directives in the state.
- In the case of a conflict between an advance health care directive in the system and a hard copy of an advance health care directive, the document most recently completed controls for the medical treatment of the individual.
- Only providers with access to the state's two health information exchanges (HIEs) may upload advance health care directives to the system.

*This guidance does not constitute legal advice to CHA members or others. Each hospital should consult with legal counsel on these matters and have legal counsel review any policies proposed as a result of this guidance.*

## HB 19-1044: Advance Behavioral Health Orders Treatment

HB 19-1044 allows individuals 18 years of age or older to create a behavioral health orders form that communicates behavioral health history, decisions and preferences in the event the patient later lacks decisional capacity.

### What You Need to Know

- Nothing in the law allows an individual to opt-out of involuntary emergency procedures such as mental health holds or commitments.
- Emergency service personnel and health care providers must comply with a properly executed behavioral health orders form that is apparent and immediately available.
- In the case of a conflict between an advance medical directive and a behavioral health orders form, the document most recently completed controls for the behavioral health treatment of the individual.
- In the case of a conflict between the behavioral health orders form and the stated treatment wishes of the individual, the behavioral health orders form controls for the treatment of the individual.

### Additional Resources

- SB 19-073 [Final Bill](#) and [Fiscal Note](#)
- SB 19-073 takes effect Aug. 2, 2019
- HB 19-1044 [Final Bill](#) and [Fiscal Note](#)
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