

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Office of e-Health and Data

REPORTING AND COLLECTING MEDICAL AID-IN-DYING MEDICATION INFORMATION

6 CCR 1009-4

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Adopted by the Board of Health on January 18, 2017. Effective January 18, 2017.

I. Definitions

- A. "Attending physician," as used herein, shall be the attending physician defined in Section 25-48-102 (2), C.R.S., who prescribes medical aid-in-dying medication pursuant to Article 48, Title 25, C.R.S.
- B. "Health Care Provider," as used herein, shall be the person defined in Section 25-48-102(4), C.R.S., who:
 - 1. Dispenses the medical aid-in-dying medication directly to the patient, or
 - 2. To fulfill the attending physician's written prescription for medical aid-in-dying medication, dispenses the medical aid-in-dying medication directly to the patient, the attending physician or an individual expressly designated by the patient.

II. Requirements for Reporting Medical Record Information to the Department

- A. Within 30 calendar days of writing a prescription for medical aid-in-dying medication to end the life of a qualified patient, the attending physician or the attending physician's designee, shall submit, in the form prescribed by the Department, the following:
 - 1. Patient's name and date of birth;
 - 2. Dates of all oral requests made by the patient;
 - 3. The prescribing attending physician's name, mailing address and phone number;
 - 4. The patient's completed written request for medical aid-in-dying medication to end life that complies with Section 25-48-112, C.R.S.;
 - 5. The attending physician's:
 - a. Diagnosis of a terminal disease;
 - b. Prognosis of six months or less;
 - c. Mental capacity determination that documents that the individual is making a voluntary and informed request;
 - d. Notation(s) of notification provided to the patient of the right to rescind a request made for medical aid-in-dying medication;

- e. Notation of the medical aid-in-dying medications prescribed, dose and date prescribed;
- f.
 - i) Notation and date when the medical aid-in-dying medication was dispensed directly by the attending physician, or
 - ii) If the attending physician delivered a written prescription to a licensed pharmacist, the name and phone number of the pharmacist and the pharmacy, and a notation that the pharmacy was informed that medical aid-in-dying medication was prescribed pursuant to Article 48, Title 25, C.R.S., and the date of the notification; and
- g. Notation that all requirements under Article 48, Title 25, C.R.S. have been satisfied and indicating the steps taken to carry out the patient's request.
- 6. The consulting physician's name, mailing address and phone number and a copy of the consulting physician's written confirmation of the attending physician's diagnosis, prognosis, and mental capacity determination.
- 7. If obtained by the physician, a written confirmation of mental capacity from a licensed mental health provider.
- B. All information submitted pursuant to this Section II will be submitted by mail or secure e-mail as directed by the Department.

III. Requirements for Reporting Dispensing Record Information to the Department

- A. Pursuant to Section 25-48-111(2)(b), C.R.S., within 10 calendar days of dispensing medication pursuant to the Act, the health care provider dispensing a medical aid-in-dying medication shall submit to the Department a completed, signed and dated copy of the dispensing record. The health care provider shall submit, in the form prescribed by the Department, the following:
 - 1. Patient's name and date of birth;
 - 2. Prescribing physician's name and phone number;
 - 3. Dispensing health care provider's name, address and phone number;
 - 4. Medication dispensed and quantity;
 - 5. Date the prescription was written; and
 - 6. Date the medication was dispensed.
- B. All information submitted pursuant to this Section III will be submitted by mail or secure e-mail as directed by the Department.

IV. Confidentiality

Except as otherwise required by law, all information collected pursuant to Section 25-48-111(2), C.R.S. and this rule, is confidential.

Editor's Notes

History

Entire rule emer. rule eff. 01/18/2017.