



STATEMENT OF BASIS, PURPOSE and JUSTIFICATION for an EMERGENCY RULE

State Board of Nursing

On June 28, 2021, Governor Jared Polis signed Colorado House Bill 21-1276 (*Concerning the prevention of substance use disorders*). This bill takes effect on November 1, 2021.

BASIS

The basis for this rule is to carry out the provisions of Colorado House Bill 21-1276, and the Nurse and Nurse Aide Practice Act at section 12-255-101, *et seq.*, C.R.S.

PURPOSE

The attached rule is promulgated on an emergency basis to implement Colorado House Bill 21-1276, and comply with the bill's November 1, 2021, effective date.

JUSTIFICATION

Pursuant to section 24-4-103(6)(a), C.R.S., a temporary or emergency rule may be adopted without compliance with section 24-4-103(4), C.R.S., which requires the agency to hold a public hearing "at which it shall afford interested persons an opportunity to submit written data, views, or arguments and to present the same orally"; and with less than the twenty days' notice set forth in section 24-4-103(3), C.R.S., or without notice where circumstances imperatively require, only if the agency finds that "[i]mmediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for preservation of the public health, safety or welfare and compliance with the requirements of this section would be contrary to the public interest." Such findings must be made on the record.

The specific statutory authorities that authorize this emergency rulemaking is pursuant to sections 12-20-204(1), 12-30-109(6), 12-255-107, and 24-4-103(6)(a), C.R.S. The adoption of this rule on an emergency basis is imperatively necessary to comply with the requirements and effective date of state law. This temporary/emergency rule takes effect on November 1, 2021, and will remain in effect for no more than 120 days after the date of adoption of this temporary/emergency rule.

Adopted by the Board on this 27th day of October 2021.