

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 16-0393.03 Kristen Forrestal x4217

SENATE BILL 16-135

SENATE SPONSORSHIP

Aguilar,

HOUSE SPONSORSHIP

Ginal,

Senate Committees

Health & Human Services
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING A PHARMACIST'S PROVISION OF HEALTH CARE SERVICES**
102 **THAT HAVE BEEN DELEGATED BY ANOTHER HEALTH CARE**
103 **PROVIDER.**

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/bills summaries>.)

The bill allows a health benefit plan to provide coverage for health care services provided by a pharmacist if the pharmacist meets specified requirements. The bill also allows a pharmacist to enter into a collaborative pharmacy practice agreement with one or more physicians if:

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.

SENATE
Amended 2nd Reading
March 7, 2016

- ! The pharmacist holds a current license to practice in Colorado;
- ! The pharmacist is engaged in the practice of pharmacy;
- ! The pharmacist has earned a doctorate of pharmacy degree or completed at least 5 years of experience as a licensed pharmacist;
- ! The pharmacist carries adequate malpractice insurance;
- ! The pharmacist agrees to devote a portion of his or her practice to collaborative pharmacy practice; and
- ! There is a mechanism in place to document changes to medical records.

The bill prohibits the employment of a physician or advanced practice nurse for collaborative practice agreements if the physician or advanced practice nurse does not have a separate medical practice.

The bill grants rule-making authority to the state board of pharmacy, the Colorado medical board, and the state board of nursing.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 10-16-143 as
3 follows:

4 **10-16-143. Health care services provided by pharmacists.**

5 (1) ANY HEALTH BENEFIT PLAN, EXCEPT SUPPLEMENTAL POLICIES
6 COVERING A SPECIFIED DISEASE OR OTHER LIMITED BENEFIT, THAT
7 PROVIDES HOSPITAL, SURGICAL, OR MEDICAL EXPENSE INSURANCE MAY
8 PROVIDE COVERAGE FOR HEALTH CARE SERVICES UNDER A SPECIFIC
9 TREATMENT PROTOCOL PROVIDED BY A PHARMACIST IF:

10 (a) THE PHARMACIST MEETS THE REQUIREMENTS IN PART 6 OF
11 ARTICLE 42.5 OF TITLE 12, C.R.S.;

12 (b) THE HEALTH BENEFIT PLAN PROVIDES COVERAGE FOR THE
13 SAME SERVICE PROVIDED BY A LICENSED PHYSICIAN OR AN ADVANCED
14 PRACTICE NURSE; AND

15 (c) THE PHARMACIST IS INCLUDED IN THE HEALTH BENEFIT PLAN'S
16 NETWORK OF PARTICIPATING PROVIDERS.

1 (b) THE PHARMACIST IS ENGAGED IN THE PRACTICE OF PHARMACY;

2 (c) THE PHARMACIST HAS EARNED A DOCTORATE OF PHARMACY
3 DEGREE OR COMPLETED AT LEAST FIVE YEARS OF EXPERIENCE AS A
4 LICENSED PHARMACIST;

5 (d) THE PHARMACIST CARRIES ADEQUATE PROFESSIONAL LIABILITY
6 INSURANCE;

7 (e) THE PHARMACIST AGREES TO DEVOTE A PORTION OF HIS OR HER
8 PRACTICE TO COLLABORATIVE PHARMACY PRACTICE; AND

9 (f) THERE IS A PROCESS IN PLACE FOR THE PHYSICIAN OR
10 ADVANCED PRACTICE NURSE AND THE PHARMACIST TO COMMUNICATE
11 AND DOCUMENT CHANGES TO THE PATIENT'S MEDICAL RECORD.

12 (2) A PHARMACIST AND A PHYSICIAN OR ADVANCED PRACTICE
13 NURSE MAY NOT ENTER INTO A COLLABORATIVE PHARMACY PRACTICE
14 AGREEMENT UNLESS THE PHYSICIAN OR ADVANCED PRACTICE NURSE HAS
15 AN ESTABLISHED RELATIONSHIP WITH THE PATIENT OR PATIENTS WHO WILL
16 BE SERVED BY THE PHARMACIST UNDER THE COLLABORATIVE PHARMACY
17 PRACTICE AGREEMENT.

18 (3) A PHARMACIST OR PHARMACY SHALL NOT EMPLOY A
19 PHYSICIAN OR ADVANCED PRACTICE NURSE FOR THE SOLE PURPOSE OF
20 FORMING A COLLABORATIVE PRACTICE AGREEMENT.

21 **12-42.5-603. Rules.** THE BOARD, IN CONJUNCTION WITH THE
22 COLORADO MEDICAL BOARD CREATED IN SECTION 12-36-103, AND THE
23 STATE BOARD OF NURSING CREATED IN SECTION 12-38-104 SHALL
24 PROMULGATE RULES TO IMPLEMENT THIS SECTION. THE RULES MUST
25 INCLUDE THE HEALTH CARE SERVICES AND ANY STATEWIDE PROTOCOLS
26 THAT ARE AUTHORIZED TO BE PART OF THE COLLABORATIVE PHARMACY
27 PRACTICE AGREEMENTS.

1 **SECTION 3. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2016 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.