

CHAPTER 86

PROFESSIONS AND OCCUPATIONS

SENATE BILL 19-079

BY SENATOR(S) Todd and Priola, Cooke, Coram, Court, Fenberg, Ginal, Moreno, Williams A., Winter, Zenzinger, Bridges, Crowder, Lee, Story, Tate, Garcia;
also REPRESENTATIVE(S) Esgar and Landgraf, Bird, Buckner, Buentello, Caraveo, Duran, Exum, Galindo, Gray, Hansen, Hooton, Jaquez Lewis, Kennedy, Kipp, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Titone, Valdez D., Becker.

AN ACT**CONCERNING A REQUIREMENT THAT CERTAIN PRACTITIONERS PRESCRIBE CONTROLLED SUBSTANCES ELECTRONICALLY.**

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

SECTION 1. In Colorado Revised Statutes, 12-32-107.5, **amend** (3)(c) as follows:

12-32-107.5. Prescriptions - requirement to advise patients - limit on opioid prescriptions - repeal. (3) (c) (I) A podiatrist licensed pursuant to this article 32 may prescribe opioids electronically.

(II) THIS SUBSECTION (3)(c) IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 2. In Colorado Revised Statutes, **add** 12-32-107.7 as follows:

12-32-107.7. Electronic prescribing of controlled substances - exceptions - rules - definition. (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, A PODIATRIST LICENSED UNDER THIS ARTICLE 32 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

(I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC PRESCRIBING IS NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT IS LOCATED OUTSIDE OF THIS STATE;

(III) THE PRESCRIBING PODIATRIST IS DISPENSING THE CONTROLLED SUBSTANCE TO THE PATIENT;

(IV) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD AND 21 CFR 1311;

(V) THE FEDERAL FOOD AND DRUG ADMINISTRATION OR DRUG ENFORCEMENT ADMINISTRATION REQUIRES THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO CONTAIN ONE OR MORE ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC PRESCRIBING;

(VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

(A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

(B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR

(C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE PODIATRIST TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

(VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER A RESEARCH PROTOCOL;

(VIII) THE PODIATRIST WRITES TWENTY-FOUR OR FEWER PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;

(IX) THE PODIATRIST IS PRESCRIBING A CONTROLLED SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR ASSISTED LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS;

(X) THE PODIATRIST REASONABLY DETERMINES THAT THE PATIENT WOULD BE UNABLE TO OBTAIN THE CONTROLLED SUBSTANCE PRESCRIBED ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION; OR

(XI) THE PODIATRIST DEMONSTRATES ECONOMIC HARDSHIP IN ACCORDANCE WITH RULES ADOPTED BY THE BOARD PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.

(b) A PODIATRIST PRACTICING IN A RURAL AREA OF THE STATE OR IN A PRACTICE CONSISTING OF ONLY ONE PODIATRIST SHALL COMPLY WITH THIS SUBSECTION (1) ON OR AFTER JULY 1, 2023.

(2) THE BOARD SHALL ADOPT RULES:

(a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a)(I) OF THIS SECTION; AND

(b) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION (1)(a)(XI) OF THIS SECTION AND ESTABLISHING:

(I) THE PROCESS FOR A PODIATRIST TO DEMONSTRATE ECONOMIC HARDSHIP, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED TO ALLOW THE BOARD TO MAKE A DETERMINATION;

(II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP EXCEPTION IS EFFECTIVE, WHICH PERIOD SHALL NOT EXCEED ONE YEAR; AND

(III) A PROCESS FOR A PODIATRIST TO APPLY TO RENEW AN ECONOMIC HARDSHIP EXCEPTION, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED THAT DEMONSTRATES THE PODIATRIST'S CONTINUING NEED FOR THE EXCEPTION.

(3) (a) THIS SECTION DOES NOT:

(I) CREATE A PRIVATE RIGHT OF ACTION;

(II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR

(III) ESTABLISH A STANDARD OF CARE.

(b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

(4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT:

(a) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES CENSUS BUREAU; OR

(b) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF MANAGEMENT AND BUDGET.

SECTION 3. In Colorado Revised Statutes, 12-32-111, **amend** (1.5) as follows:

12-32-111. Renewal of license. (1.5) The board shall establish a questionnaire to accompany the renewal form. The BOARD MUST DESIGN THE questionnaire ~~shall be designed~~ to determine if the licensee has acted in violation of, or has been disciplined for actions that might be construed as violations of, this ~~article~~ ARTICLE 32 or that may make the licensee unfit to practice podiatry with reasonable care and safety. THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE PODIATRIST HAS COMPLIED WITH SECTION 12-32-107.7. The failure of an applicant to answer the questionnaire accurately ~~shall constitute~~ CONSTITUTES unprofessional conduct pursuant to section 12-32-107.

SECTION 4. In Colorado Revised Statutes, **add** 12-35-114.5 as follows:

12-35-114.5. Electronic prescribing of controlled substances - exceptions - rules. (1) ON OR AFTER JULY 1, 2023, A DENTIST LICENSED UNDER THIS ARTICLE 35 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

(a) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC PRESCRIBING IS NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE;

(b) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT IS LOCATED OUTSIDE OF THIS STATE;

(c) THE PRESCRIBING DENTIST IS DISPENSING THE CONTROLLED SUBSTANCE TO THE PATIENT;

(d) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD AND 21 CFR 1311;

(e) THE FEDERAL FOOD AND DRUG ADMINISTRATION OR DRUG ENFORCEMENT ADMINISTRATION REQUIRES THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO CONTAIN ONE OR MORE ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC PRESCRIBING;

(f) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

(I) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

(II) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR

(III) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE DENTIST TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

(g) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER A RESEARCH PROTOCOL;

(h) THE DENTIST WRITES TWENTY-FOUR OR FEWER PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;

(i) THE DENTIST IS PRESCRIBING A CONTROLLED SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR ASSISTED LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS;

(j) THE DENTIST REASONABLY DETERMINES THAT THE PATIENT WOULD BE UNABLE

TO OBTAIN THE CONTROLLED SUBSTANCE PRESCRIBED ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION; OR

(k) THE DENTIST DEMONSTRATES ECONOMIC HARDSHIP IN ACCORDANCE WITH RULES ADOPTED BY THE BOARD PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.

(2) THE BOARD SHALL ADOPT RULES:

(a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a) OF THIS SECTION; AND

(b) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION (1)(k) OF THIS SECTION AND ESTABLISHING:

(I) THE PROCESS FOR A DENTIST TO DEMONSTRATE ECONOMIC HARDSHIP, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED TO ALLOW THE BOARD TO MAKE A DETERMINATION;

(II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP EXCEPTION IS EFFECTIVE, WHICH PERIOD SHALL NOT EXCEED ONE YEAR; AND

(III) A PROCESS FOR A DENTIST TO APPLY TO RENEW AN ECONOMIC HARDSHIP EXCEPTION, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED THAT DEMONSTRATES THE DENTIST'S CONTINUING NEED FOR THE EXCEPTION.

(3) ON AND AFTER JULY 1, 2023, THE BOARD SHALL REQUIRE A DENTIST WHO APPLIES FOR LICENSE RENEWAL IN ACCORDANCE WITH SECTION 12-35-121 TO COMPLETE A QUESTIONNAIRE THAT REQUIRES THE DENTIST TO INDICATE WHETHER THE DENTIST HAS COMPLIED WITH THIS SECTION. THE FAILURE OF AN APPLICANT TO ANSWER THE QUESTIONNAIRE ACCURATELY CONSTITUTES GROUNDS FOR DISCIPLINE PURSUANT TO SECTION 12-35-129.

(4) (a) THIS SECTION DOES NOT:

(I) CREATE A PRIVATE RIGHT OF ACTION;

(II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR

(III) ESTABLISH A STANDARD OF CARE.

(b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

SECTION 5. In Colorado Revised Statutes, 12-35-129, **amend** (1)(nn) and (1)(oo); and **add** (1)(pp) as follows:

12-35-129. Grounds for disciplinary action. (1) The board may take disciplinary action against an applicant or licensee in accordance with section 12-35-129.1 for any of the following causes:

(nn) Failing to comply with section 12-35-128.5 regarding the placement of interim therapeutic restorations; ~~or~~

(oo) Failing to comply with section 12-35-128.8 regarding the application of silver diamine fluoride; OR

(pp) FAILING TO ACCURATELY COMPLETE AND SUBMIT THE QUESTIONNAIRE REQUIRED BY SECTION 12-35-114.5 (3).

SECTION 6. In Colorado Revised Statutes, 12-36-117.6, **amend** (2) as follows:

12-36-117.6. Prescribing opiates - limitations - repeal. (2) (a) A physician or physician assistant licensed pursuant to this article 36 may prescribe opioids electronically.

(b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 7. In Colorado Revised Statutes, **add** 12-36-117.9 as follows:

12-36-117.9. Electronic prescribing of controlled substances - exceptions - rules - definition. (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, A PHYSICIAN LICENSED UNDER THIS ARTICLE 36 OR A PHYSICIAN ASSISTANT LICENSED UNDER THIS ARTICLE 36 WHO HAS BEEN DELEGATED THE AUTHORITY TO PRESCRIBE MEDICATION SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

(I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC PRESCRIBING IS NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE;

(II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT IS LOCATED OUTSIDE OF THIS STATE;

(III) THE PRESCRIBING PHYSICIAN OR PHYSICIAN ASSISTANT IS DISPENSING THE CONTROLLED SUBSTANCE TO THE PATIENT;

(IV) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD AND 21 CFR 1311;

(V) THE FEDERAL FOOD AND DRUG ADMINISTRATION OR DRUG ENFORCEMENT ADMINISTRATION REQUIRES THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO CONTAIN ONE OR MORE ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC PRESCRIBING;

(VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

(A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR COMPREHENSIVE MEDICATION

MANAGEMENT PLAN;

(B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR

(C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE PHYSICIAN OR PHYSICIAN ASSISTANT TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

(VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER A RESEARCH PROTOCOL;

(VIII) THE PHYSICIAN OR PHYSICIAN ASSISTANT WRITES TWENTY-FOUR OR FEWER PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;

(IX) THE PHYSICIAN OR PHYSICIAN ASSISTANT IS PRESCRIBING A CONTROLLED SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, ASSISTED LIVING RESIDENCE, OR LICENSED HOSPICE HOME CARE OR TO A PERSON WHO IS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS;

(X) THE PHYSICIAN OR PHYSICIAN ASSISTANT REASONABLY DETERMINES THAT THE PATIENT WOULD BE UNABLE TO OBTAIN THE CONTROLLED SUBSTANCE PRESCRIBED ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION; OR

(XI) THE PHYSICIAN OR PHYSICIAN ASSISTANT DEMONSTRATES ECONOMIC HARDSHIP IN ACCORDANCE WITH RULES ADOPTED BY THE BOARD PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.

(b) A PHYSICIAN OR PHYSICIAN ASSISTANT PRACTICING IN A RURAL AREA OF THE STATE OR IN A PRACTICE CONSISTING OF ONLY ONE PHYSICIAN OR PHYSICIAN ASSISTANT SHALL COMPLY WITH THIS SUBSECTION (1) ON OR AFTER JULY 1, 2023.

(2) THE BOARD SHALL ADOPT RULES:

(a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a)(I) OF THIS SECTION; AND

(b) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION (1)(a)(XI) OF THIS SECTION AND ESTABLISHING:

(I) THE PROCESS FOR A PHYSICIAN OR PHYSICIAN ASSISTANT TO DEMONSTRATE ECONOMIC HARDSHIP, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED TO ALLOW THE BOARD TO MAKE A DETERMINATION;

(II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP EXCEPTION IS EFFECTIVE, WHICH PERIOD SHALL NOT EXCEED ONE YEAR; AND

(III) A PROCESS FOR A PHYSICIAN OR PHYSICIAN ASSISTANT TO APPLY TO RENEW AN ECONOMIC HARDSHIP EXCEPTION, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED THAT DEMONSTRATES THE PHYSICIAN'S OR PHYSICIAN ASSISTANT'S CONTINUING NEED FOR THE EXCEPTION.

(3) (a) THIS SECTION DOES NOT:

(I) CREATE A PRIVATE RIGHT OF ACTION;

(II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR

(III) ESTABLISH A STANDARD OF CARE.

(b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

(4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT:

(a) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES CENSUS BUREAU; OR

(b) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF MANAGEMENT AND BUDGET.

SECTION 8. In Colorado Revised Statutes, 12-36-123, **amend** (1)(b) as follows:

12-36-123. Procedure - registration - fees. (1) (b) The board shall design a questionnaire to accompany the renewal form for the purpose of determining whether a licensee has acted in violation of this ~~article~~ ARTICLE 36 or been disciplined for any action that might be considered a violation of this ~~article~~ ARTICLE 36 or might make the licensee unfit to practice medicine with reasonable care and safety. THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-36-117.9. If an applicant fails to answer the questionnaire accurately, ~~such~~ THE failure ~~shall~~ ~~constitute~~ CONSTITUTES unprofessional conduct under section 12-36-117 (1)(aa).

SECTION 9. In Colorado Revised Statutes, 12-38-111.6, **amend** (7.5)(c) as follows:

12-38-111.6. Prescriptive authority - advanced practice nurses - limits on opioid prescriptions - repeal. (7.5) (c) (I) An advanced practice nurse with prescriptive authority pursuant to this section may prescribe opioids electronically.

(II) THIS SUBSECTION (7.5)(c) IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 10. In Colorado Revised Statutes, **add** 12-38-111.7 as follows:

12-38-111.7. Electronic prescribing of controlled substances - exceptions - rules - definition. (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY PURSUANT TO SECTION 12-38-111.6 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102(5), THAT IS INCLUDED IN SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

(I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC PRESCRIBING IS NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE;

(II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT IS LOCATED OUTSIDE OF THIS STATE;

(III) THE PRESCRIBING ADVANCED PRACTICE NURSE IS DISPENSING THE CONTROLLED SUBSTANCE TO THE PATIENT;

(IV) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD AND 21 CFR 1311;

(V) THE FEDERAL FOOD AND DRUG ADMINISTRATION OR DRUG ENFORCEMENT ADMINISTRATION REQUIRES THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO CONTAIN ONE OR MORE ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC PRESCRIBING;

(VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

(A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

(B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR

(C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE ADVANCED PRACTICE NURSE TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

(VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER A RESEARCH PROTOCOL;

(VIII) THE ADVANCED PRACTICE NURSE WRITES TWENTY-FOUR OR FEWER PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;

(IX) THE ADVANCED PRACTICE NURSE IS PRESCRIBING A CONTROLLED SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, ASSISTED LIVING RESIDENCE, OR LICENSED HOSPICE HOME CARE OR TO A PERSON WHO IS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS;

(X) THE ADVANCED PRACTICE NURSE REASONABLY DETERMINES THAT THE PATIENT WOULD BE UNABLE TO OBTAIN THE CONTROLLED SUBSTANCE PRESCRIBED ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION; OR

(XI) THE ADVANCED PRACTICE NURSE DEMONSTRATES ECONOMIC HARDSHIP IN ACCORDANCE WITH RULES ADOPTED BY THE BOARD PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.

(b) AN ADVANCED PRACTICE NURSE PRACTICING IN A RURAL AREA OF THE STATE OR IN A PRACTICE CONSISTING OF ONLY ONE ADVANCED PRACTICE NURSE SHALL COMPLY WITH THIS SUBSECTION (1) ON OR AFTER JULY 1, 2023.

(2) THE BOARD SHALL ADOPT RULES:

(a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a)(I) OF THIS SECTION; AND

(b) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION (1)(a)(XI) OF THIS SECTION AND ESTABLISHING:

(I) THE PROCESS FOR AN ADVANCED PRACTICE NURSE TO DEMONSTRATE ECONOMIC HARDSHIP, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED TO ALLOW THE BOARD TO MAKE A DETERMINATION;

(II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP EXCEPTION IS EFFECTIVE, WHICH PERIOD SHALL NOT EXCEED ONE YEAR; AND

(III) A PROCESS FOR AN ADVANCED PRACTICE NURSE TO APPLY TO RENEW AN ECONOMIC HARDSHIP EXCEPTION, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED THAT DEMONSTRATES THE ADVANCED PRACTICE NURSE'S CONTINUING NEED FOR THE EXCEPTION.

(3) (a) THIS SECTION DOES NOT:

(I) CREATE A PRIVATE RIGHT OF ACTION;

(II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR

(III) ESTABLISH A STANDARD OF CARE.

(b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

(4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT:

(a) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES CENSUS BUREAU; OR

(b) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF MANAGEMENT AND BUDGET.

SECTION 11. In Colorado Revised Statutes, 12-38-111, **amend** (3) as follows:

12-38-111. Requirements for professional nurse licensure. (3) The board shall design a questionnaire to be sent to all licensees who apply for license renewal. Each applicant for license renewal shall complete the board-designed questionnaire. The purpose of the questionnaire is to determine whether a licensee has acted in

violation of this ~~article~~ ARTICLE 38 or been disciplined for any action that might be considered a violation of this ~~article~~ ARTICLE 38 or might make the licensee unfit to practice nursing with reasonable care and safety. THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-38-111.7. If an applicant fails to answer the questionnaire accurately, ~~such~~ THE FAILURE ~~shall constitute~~ CONSTITUTES grounds for discipline under section 12-38-117 (1)(v). The board may include the cost of developing and reviewing the questionnaire in the fee paid under ~~paragraph (e) of subsection (1)~~ SUBSECTION (1)(e) of this section. The board may refuse an application for license renewal that does not accompany an accurately completed questionnaire.

SECTION 12. In Colorado Revised Statutes, 12-40-109.5, **amend** (4)(c) as follows:

12-40-109.5. Use of prescription and nonprescription drugs - limits on opioid prescriptions - repeal. (4) (c) (I). An optometrist licensed pursuant to this article 40 may prescribe opioids electronically.

(II) THIS SUBSECTION (4)(c) IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 13. In Colorado Revised Statutes, **add** 12-40-109.9 as follows:

12-40-109.9. Electronic prescribing of controlled substances - exceptions - rules - definition. (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, AN OPTOMETRIST LICENSED UNDER THIS ARTICLE 40 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

(I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC PRESCRIBING IS NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE;

(II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT IS LOCATED OUTSIDE OF THIS STATE;

(III) THE PRESCRIBING OPTOMETRIST IS DISPENSING THE CONTROLLED SUBSTANCE TO THE PATIENT;

(IV) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD AND 21 CFR 1311;

(V) THE FEDERAL FOOD AND DRUG ADMINISTRATION OR DRUG ENFORCEMENT ADMINISTRATION REQUIRES THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO CONTAIN ONE OR MORE ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC PRESCRIBING;

(VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

(A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

(B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR

(C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE OPTOMETRIST TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

(VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER A RESEARCH PROTOCOL;

(VIII) THE OPTOMETRIST WRITES TWENTY-FOUR OR FEWER PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;

(IX) THE OPTOMETRIST IS PRESCRIBING A CONTROLLED SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR ASSISTED LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS;

(X) THE OPTOMETRIST REASONABLY DETERMINES THAT THE PATIENT WOULD BE UNABLE TO OBTAIN THE CONTROLLED SUBSTANCE PRESCRIBED ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION; OR

(XI) THE OPTOMETRIST DEMONSTRATES ECONOMIC HARDSHIP IN ACCORDANCE WITH RULES ADOPTED BY THE BOARD PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.

(b) AN OPTOMETRIST PRACTICING IN A RURAL AREA OF THE STATE OR IN A PRACTICE CONSISTING OF ONLY ONE OPTOMETRIST SHALL COMPLY WITH THIS SUBSECTION (1) ON OR AFTER JULY 1, 2023.

(2) THE BOARD SHALL ADOPT RULES:

(a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a)(I) OF THIS SECTION; AND

(b) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION (1)(a)(XI) OF THIS SECTION AND ESTABLISHING:

(I) THE PROCESS FOR AN OPTOMETRIST TO DEMONSTRATE ECONOMIC HARDSHIP, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED TO ALLOW THE BOARD TO MAKE A DETERMINATION;

(II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP EXCEPTION IS EFFECTIVE, WHICH PERIOD SHALL NOT EXCEED ONE YEAR; AND

(III) A PROCESS FOR AN OPTOMETRIST TO APPLY TO RENEW AN ECONOMIC HARDSHIP EXCEPTION, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED THAT DEMONSTRATES THE OPTOMETRIST'S CONTINUING NEED FOR THE EXCEPTION.

(3) (a) THIS SECTION DOES NOT:

(I) CREATE A PRIVATE RIGHT OF ACTION;

(II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR

(III) ESTABLISH A STANDARD OF CARE.

(b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

(4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT:

(a) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES CENSUS BUREAU; OR

(b) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF MANAGEMENT AND BUDGET.

SECTION 14. In Colorado Revised Statutes, 12-40-113, **amend** (1)(b) as follows:

12-40-113. License renewal - requirements - fee - failure to pay. (1) (b) The board shall establish a questionnaire to accompany the renewal form. ~~Said~~ THE BOARD MUST DESIGN THE questionnaire ~~shall be designed~~ to determine if the licensee has acted in violation of or has been disciplined for actions that might be considered as violations of this ~~article~~ ARTICLE 40 or that might make the licensee unfit to practice optometry with reasonable care and safety. THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-40-109.9. Failure of the applicant to answer the questionnaire accurately ~~shall be~~ IS considered unprofessional conduct as specified in section 12-40-118.

SECTION 15. In Colorado Revised Statutes, 12-42.5-120, **amend** (1) as follows:

12-42.5-120. Prescription required - exception - dispensing opiate antagonists - definitions. (1) (a) Except as provided in section 18-18-414 ~~C.R.S.~~, and subsections (2) and (3) of this section, an order is required prior to dispensing any prescription drug. Orders shall be readily retrievable within the appropriate statute of limitations.

(b) A PHARMACIST WHO RECEIVES AN ORDER FOR A CONTROLLED SUBSTANCE THAT IS INCLUDED IN SCHEDULE II, III, OR IV FROM A PODIATRIST, DENTIST, PHYSICIAN, PHYSICIAN ASSISTANT, ADVANCED PRACTICE NURSE, OR OPTOMETRIST, WHICH ORDER IS NOT TRANSMITTED ELECTRONICALLY TO THE PHARMACIST, IS NOT REQUIRED TO VERIFY THE APPLICABILITY OF AN EXCEPTION TO ELECTRONIC PRESCRIBING OF CONTROLLED SUBSTANCES UNDER SECTION 12-32-107.7, 12-35-114.5, 12-36-117.9, 12-38-111.7, OR 12-40-109.9 AND MAY DISPENSE THE CONTROLLED SUBSTANCE PURSUANT TO A WRITTEN, ORAL, OR

FACSIMILE-TRANSMITTED ORDER THAT IS OTHERWISE VALID AND CONSISTENT WITH THE REQUIREMENTS OF CURRENT LAW.

SECTION 16. In Colorado Revised Statutes, 12-30-109, **amend as relocated by House Bill 19-1172 (2)** as follows:

12-30-109. Prescribing opioids - limitations - definition - repeal. (2) An opioid prescriber licensed pursuant to article ~~220, 240, 255, 275, 290,~~ or 315 of this title 12 may prescribe opioids electronically.

SECTION 17. In Colorado Revised Statutes, 12-30-109, **amend as relocated by House Bill 19-1172 (2)** as follows:

12-30-109. Prescribing opioids - limitations - definition - repeal. (2) An opioid prescriber licensed pursuant to article ~~220, 240, 255, 275, 290,~~ or 315 of this title 12 may prescribe opioids electronically.

SECTION 18. In Colorado Revised Statutes, **add to article 30 of title 12 as relocated by House Bill 19-1172** 12-30-111 as follows:

12-30-111. Electronic prescribing of controlled substances - exceptions - rules - definitions. (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, ON AND AFTER JULY 1, 2021, A PRESCRIBER SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102(5), THAT IS INCLUDED IN SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

(I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC PRESCRIBING IS NOT AVAILABLE DUE TO TECHNOLOGICAL OR ELECTRICAL FAILURE;

(II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT IS LOCATED OUTSIDE OF THIS STATE;

(III) THE PRESCRIBER IS DISPENSING THE CONTROLLED SUBSTANCE TO THE PATIENT;

(IV) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD AND 21 CFR 1311;

(V) THE FEDERAL FOOD AND DRUG ADMINISTRATION OR DRUG ENFORCEMENT ADMINISTRATION REQUIRES THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO CONTAIN ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC PRESCRIBING;

(VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

(A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

(B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR

(C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE PRESCRIBER TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

(VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER A RESEARCH PROTOCOL;

(VIII) THE PRESCRIBER WRITES TWENTY-FOUR OR FEWER PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;

(IX) THE PRESCRIBER IS PRESCRIBING A CONTROLLED SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR ASSISTED LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS;

(X) THE PRESCRIBER REASONABLY DETERMINES THAT THE PATIENT WOULD BE UNABLE TO OBTAIN CONTROLLED SUBSTANCES PRESCRIBED ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION; OR

(XI) THE PRESCRIBER DEMONSTRATES ECONOMIC HARDSHIP IN ACCORDANCE WITH RULES ADOPTED BY THE REGULATOR PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.

(b) A PRESCRIBER WHO IS A LICENSED DENTIST OR WHO IS PRACTICING IN A RURAL AREA OF THE STATE OR IN A PRACTICE CONSISTING OF ONLY ONE PRESCRIBER SHALL COMPLY WITH THIS SUBSECTION (1) ON AND AFTER JULY 1, 2023.

(2) THE REGULATOR FOR EACH PRESCRIBER SUBJECT TO THIS SECTION SHALL ADOPT RULES:

(a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a)(I) OF THIS SECTION; AND

(b) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION (1)(a)(XI) OF THIS SECTION AND ESTABLISHING:

(I) THE PROCESS FOR A PRESCRIBER TO DEMONSTRATE ECONOMIC HARDSHIP, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED TO ALLOW THE REGULATOR TO MAKE A DETERMINATION;

(II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP EXCEPTION IS EFFECTIVE, WHICH PERIOD MUST NOT EXCEED ONE YEAR, AND

(III) A PROCESS FOR A PRESCRIBER TO APPLY TO RENEW AN ECONOMIC HARDSHIP EXCEPTION, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED THAT DEMONSTRATES THE PRESCRIBER'S CONTINUING NEED FOR THE EXCEPTION.

(3) (a) THIS SECTION DOES NOT:

- (I) CREATE A PRIVATE RIGHT OF ACTION;
- (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR
- (III) ESTABLISH A STANDARD OF CARE.

(b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

(4) AS USED IN THIS SECTION:

(a) "PRESCRIBER" MEANS:

- (I) A DENTIST LICENSED PURSUANT TO ARTICLE 220 OF THIS TITLE 12;
- (II) A PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT TO ARTICLE 240 OF THIS TITLE 12;
- (III) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY PURSUANT TO SECTION 12-255-112;
- (IV) AN OPTOMETRIST LICENSED PURSUANT TO ARTICLE 275 OF THIS TITLE 12; OR
- (V) A PODIATRIST LICENSED PURSUANT TO ARTICLE 290 OF THIS TITLE 12.

(b) "RURAL AREA" MEANS A COUNTY LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT EITHER:

- (I) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES CENSUS BUREAU; OR
- (II) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF MANAGEMENT AND BUDGET.

SECTION 19. In Colorado Revised Statutes, **amend as relocated by House Bill 19-1172** 12-220-119 as follows:

12-220-119. Renewal of dental and dental hygienist licenses - fees - questionnaire. (1) Licenses issued pursuant to this article 220 are subject to the renewal, expiration, reinstatement, and delinquency fee provisions specified in section 12-20-202 (1) and (2). Any person whose license expires is subject to the penalties provided in this article 220 or section 12-20-202 (1).

(2) ON AND AFTER JULY 1, 2023, THE BOARD SHALL REQUIRE A DENTIST WHO APPLIES FOR LICENSE RENEWAL TO COMPLETE A QUESTIONNAIRE THAT REQUIRES THE DENTIST TO INDICATE WHETHER THE DENTIST HAS COMPLIED WITH SECTION 12-30-111. THE FAILURE OF AN APPLICANT TO ANSWER THE QUESTIONNAIRE ACCURATELY CONSTITUTES GROUNDS FOR DISCIPLINE PURSUANT TO SECTION 12-220-130.

SECTION 20. In Colorado Revised Statutes, 12-220-130, **amend as relocated by House Bill 19-1172** (1)(nn) and (1)(oo); and **add** (1)(pp) as follows:

12-220-130. Grounds for disciplinary action - definition. (1) The board may take disciplinary action against an applicant or licensee in accordance with sections 12-20-404 and 12-220-131 for any of the following causes:

(nn) Failing to comply with section 12-220-128 regarding the placement of interim therapeutic restorations; ~~or~~

(oo) Failing to comply with section 12-220-129 regarding the application of silver diamine fluoride; **OR**

(pp) **FAILING TO ACCURATELY COMPLETE AND SUBMIT THE QUESTIONNAIRE REQUIRED BY SECTION 12-220-119 (2).**

SECTION 21. In Colorado Revised Statutes, 12-240-130, **amend as relocated by House Bill 19-1172** (2) as follows:

12-240-130. Procedure - registration - fees. (2) The board shall design a questionnaire to accompany the renewal form for the purpose of determining whether a licensee has acted in violation of this article 240 or been disciplined for any action that might be considered a violation of this article 240 or might make the licensee unfit to practice medicine with reasonable care and safety. **THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-30-111. If an applicant fails to answer the questionnaire accurately, the failure shall constitute CONSTITUTES** unprofessional conduct under section 12-240-121 (1)(t).

SECTION 22. In Colorado Revised Statutes, 12-255-110, **amend as relocated by House Bill 19-1172** (3) as follows:

12-255-110. Requirements for professional nurse licensure. (3) The board shall design a questionnaire to be sent to all licensees who apply for license renewal. Each applicant for license renewal shall complete the board-designed questionnaire. The purpose of the questionnaire is to determine whether a licensee has acted in violation of this article 255 or been disciplined for any action that might be considered a violation of this article 255 or might make the licensee unfit to practice nursing with reasonable care and safety. **THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-30-111. If an applicant fails to answer the questionnaire accurately, the failure shall constitute CONSTITUTES** grounds for discipline under section 12-255-120 (1)(v). The board may include the cost of developing and reviewing the questionnaire in the fee paid under subsection (1)(d) of this section. The board may refuse an application for license renewal that does not accompany an accurately completed questionnaire.

SECTION 23. In Colorado Revised Statutes, 12-275-115, **amend as relocated by House Bill 19-1172** (2) as follows:

12-275-115. License renewal - questionnaire - continuing education. (2) The

board shall establish a questionnaire to accompany the renewal form. The BOARD SHALL DESIGN THE questionnaire ~~shall be designed~~ to determine if the licensee has acted in violation of or has been disciplined for actions that might be considered as violations of this article 275 or that might make the licensee unfit to practice optometry with reasonable care and safety. THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-30-111. Failure of the applicant to answer the questionnaire accurately ~~shall be considered~~ CONSTITUTES unprofessional conduct as specified in section 12-275-120.

SECTION 24. In Colorado Revised Statutes, 12-280-123, **amend as relocated by House Bill 19-1172** (1) as follows:

12-280-123. Prescription required - exception - dispensing opiate antagonists. (1) (a) Except as provided in section 18-18-414 and subsections (2) and (3) of this section, an order is required prior to dispensing any prescription drug. Orders shall be readily retrievable within the appropriate statute of limitations.

(b) A PHARMACIST WHO RECEIVES AN ORDER FOR A CONTROLLED SUBSTANCE THAT IS INCLUDED IN SCHEDULE II, III, OR IV FROM A PODIATRIST, DENTIST, PHYSICIAN, PHYSICIAN ASSISTANT, ADVANCED PRACTICE NURSE, OR OPTOMETRIST, WHICH ORDER IS NOT TRANSMITTED ELECTRONICALLY TO THE PHARMACIST, IS NOT REQUIRED TO VERIFY THE APPLICABILITY OF AN EXCEPTION TO ELECTRONIC PRESCRIBING OF CONTROLLED SUBSTANCES UNDER SECTION 12-30-111 AND MAY DISPENSE THE CONTROLLED SUBSTANCE PURSUANT TO A WRITTEN, ORAL, OR FACSIMILE-TRANSMITTED ORDER THAT IS OTHERWISE VALID AND CONSISTENT WITH THE REQUIREMENTS OF CURRENT LAW.

SECTION 25. In Colorado Revised Statutes, 12-290-119, **amend as relocated by House Bill 19-1172** (2) as follows:

12-290-119. Renewal of license - continuing education - professional development program - rules - renewal questionnaire. (2) The board shall establish a questionnaire to accompany the renewal form. The BOARD SHALL DESIGN THE questionnaire ~~shall be designed~~ to determine if the licensee has acted in violation of, or has been disciplined for actions that might be construed as violations of, this article 290 or that may make the licensee unfit to practice podiatry with reasonable care and safety. THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-30-111. The failure of an applicant to answer the questionnaire accurately ~~shall constitute~~ CONSTITUTES unprofessional conduct pursuant to section 12-290-108.

SECTION 26. Act subject to petition - effective date. (1) Except as otherwise provided in subsection (2) of this section, this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the

governor.

(2) Sections 16 through 25 of this act take effect only if House Bill 19-1172 becomes law, in which case:

(a) Sections 18 and 21 through 25 take effect October 1, 2019;

(b) Section 16 takes effect July 1, 2021; and

(c) Sections 17, 19, and 20 take effect July 1, 2023.

Approved: April 8, 2019