

CHAPTER 397

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 22-1115

BY REPRESENTATIVE(S) Kipp and Soper, Bernett, Bockenfeld, Boesenecker, Duran, Hooton, Jodeh, Lindsay, McCormick, Michaelson Jenet, Ricks, Sirota, Cutter, McCluskie;
also SENATOR(S) Pettersen and Jaquez Lewis, Story, Winter.

AN ACT

**CONCERNING THE PRESCRIPTION DRUG MONITORING PROGRAM, AND, IN CONNECTION THEREWITH,
MAKING AN APPROPRIATION.**

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

SECTION 1. In Colorado Revised Statutes, 12-30-109, **amend** (1)(b) as follows:

12-30-109. Prescriptions - limitations - definition - rules. (1) (b) Prior to prescribing ~~the second fill of~~ any opioid or benzodiazepine prescription pursuant to this section, a prescriber must comply with ~~the requirements of~~ section 12-280-404 (4). Failure to comply with section 12-280-404 (4) constitutes unprofessional conduct or grounds for discipline, as applicable, under section 12-220-201, 12-240-121, 12-255-120, 12-275-120, 12-290-108, or 12-315-112, as applicable to the particular prescriber, only if the prescriber repeatedly fails to comply.

SECTION 2. In Colorado Revised Statutes, 12-220-408, **amend as it will become effective July 1, 2023,** (2) as follows:

12-220-408. Renewal of dental and dental hygienist licenses - fees - questionnaire. (2) (a) 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 AND IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a). The failure of an applicant to answer the questionnaire accurately constitutes grounds for discipline pursuant to section 12-220-201.

(b) THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING WHETHER:

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.

(I) THE DENTIST HAS COMPLIED WITH SECTION 12-30-111; AND

(II) THE DENTIST IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND IS AWARE OF THE PENALTIES FOR FAILING TO COMPLY WITH THAT SECTION.

(c) ON AND AFTER JULY 1, 2024, AS A CONDITION OF RENEWAL OF A LICENSE, EACH DENTIST SHALL ATTEST THAT THE DENTIST IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE DENTIST IS AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

SECTION 3. In Colorado Revised Statutes, 12-240-130, **amend** (2); and **add** (4) as follows:

12-240-130. Renewal, reinstatement, delinquency - fees - questionnaire.

(2) (a) 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 HAS been disciplined for any action that might be considered a violation of this article 240 or THAT might make the licensee unfit to practice medicine with reasonable care and safety. The board shall include on the questionnaire a question regarding whether:

(I) The licensee has complied with section 12-30-111; AND

(II) THE LICENSEE IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND IS AWARE OF THE PENALTIES FOR FAILING TO COMPLY WITH THAT SECTION.

(b) If an applicant fails to answer the questionnaire accurately, the failure constitutes unprofessional conduct under section 12-240-121 (1)(t).

(4) ON AND AFTER JULY 1, 2024, AS A CONDITION OF RENEWAL OF A LICENSE, EACH LICENSEE SHALL ATTEST THAT THE LICENSEE IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE LICENSEE IS AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

SECTION 4. In Colorado Revised Statutes, 12-255-110, **amend** (3) as follows:

12-255-110. Requirements for professional nurse licensure. (3)(a) 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 part 1 or has been disciplined for any action that might be considered a violation of this part 1 or THAT 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 AND IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a). If an applicant fails to answer the questionnaire accurately, the failure 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 deny an application for license renewal that does not accompany an accurately completed questionnaire.

(b) ON AND AFTER JULY 1, 2024, AS A CONDITION OF RENEWAL OF A LICENSE, EACH LICENSEE SHALL ATTEST THAT THE LICENSEE IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE LICENSEE IS AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

SECTION 5. In Colorado Revised Statutes, 12-275-115, **amend** (2) as follows:

12-275-115. License renewal - questionnaire - continuing education.

(2) (a) The board shall establish a questionnaire to accompany the renewal form. The board shall design the questionnaire 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 AND IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a). Failure of the applicant to answer the questionnaire accurately constitutes unprofessional conduct as specified in section 12-275-120.

(b) ON AND AFTER JULY 1, 2024, AS A CONDITION OF RENEWAL OF A LICENSE, EACH LICENSEE SHALL ATTEST THAT THE LICENSEE IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE LICENSEE IS AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

SECTION 6. In Colorado Revised Statutes, 12-280-116, **add** (4) as follows:

12-280-116. Expiration and renewal of licenses, certifications, or registrations. (4) ON AND AFTER JULY 1, 2023, AS A CONDITION OF RENEWAL OF A LICENSE, EACH PHARMACIST SHALL ATTEST THAT THE PHARMACIST IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE PHARMACIST IS AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

SECTION 7. In Colorado Revised Statutes, 12-290-119, **amend** (2) as follows:

12-290-119. Renewal of license - continuing education - professional development program - rules - renewal questionnaire. (2) (a) The board shall establish a questionnaire to accompany the renewal form. The board shall design the questionnaire 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 AND IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a). The failure of an applicant to answer the questionnaire accurately constitutes unprofessional conduct pursuant to section 12-290-108.

(b) ON AND AFTER JULY 1, 2024, AS A CONDITION OF RENEWAL OF A LICENSE, EACH PODIATRIST SHALL ATTEST THAT THE PODIATRIST IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE PODIATRIST IS AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

SECTION 8. In Colorado Revised Statutes, 12-315-110, **add** (4) as follows:

12-315-110. License renewal - waiver - rules - continuing education. (4) ON AND AFTER JULY 1, 2024, AS A CONDITION OF RENEWAL OF A LICENSE, EACH VETERINARIAN SHALL ATTEST THAT THE VETERINARIAN IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE VETERINARIAN IS AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

SECTION 9. In Colorado Revised Statutes, 12-280-403, **amend** (2)(b) introductory portion and (2)(b)(III)(B); and **add** (7) as follows:

12-280-403. Prescription drug use monitoring program - registration required - applications - rules - appropriation - repeal. (2) (b) When registering with the program or at any time thereafter, a practitioner may authorize ~~up to three~~ designees to access the program under section 12-280-404 (3)(b) or (3)(d) on behalf of the practitioner, and a pharmacist may authorize ~~up to six~~ designees to access the program under section 12-280-404 (3)(f), if:

(III) The practitioner or pharmacist remains responsible for:

(B) Any negligent breach of confidentiality of information obtained from the program by the practitioner's or pharmacist's designee WHEN THE DESIGNEE ACCESSED THE PROGRAM ON BEHALF OF THE SUPERVISING PRACTITIONER OR PHARMACIST.

(7) (a) SUBJECT TO AVAILABLE FUNDING, THE DIVISION SHALL SOLICIT APPLICATIONS FROM PUBLIC AND PRIVATE INTEGRATION ORGANIZATIONS AND, ON OR BEFORE JULY 1, 2024, APPROVE:

(I) QUALIFIED INTEGRATION ORGANIZATIONS THAT PRACTITIONERS AND PHARMACISTS MAY USE TO INTEGRATE ACCESS OF AND DATA ENTRY INTO THE PROGRAM; AND

(II) QUALIFIED INTEGRATION ORGANIZATIONS THAT PRACTITIONERS AND PHARMACISTS MAY USE TO INTEGRATE ACCESS OF AND DATA ENTRY INTO A PATIENT'S ELECTRONIC MEDICAL RECORDS.

(b) THE DIVISION SHALL IMPLEMENT A PROCESS WHEREBY PRACTITIONERS AND PHARMACISTS, WHO HAVE NOT INTEGRATED THEIR ELECTRONIC MEDICAL RECORDS AND THE PROGRAM, MAY APPLY FOR AND RECEIVE MONEY FROM A QUALIFIED INTEGRATION ORGANIZATION APPROVED BY THE DIVISION TO HELP DEFRAY ALL OR A PORTION OF THE COSTS TO INTEGRATE THE PROGRAM AND ELECTRONIC MEDICAL RECORDS.

(c) THE BOARD MAY PROMULGATE RULES TO IMPLEMENT THIS SUBSECTION (7).

(d) (I) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL TRANSFER TWO MILLION DOLLARS AND FORTY-FIVE THOUSAND ONE HUNDRED NINETY-EIGHT DOLLARS FOR THE ADMINISTRATIVE COSTS OF THIS SUBSECTION (7) FROM THE GENERAL FUND TO THE PRESCRIPTION DRUG MONITORING FUND CREATED IN SECTION 12-280-405. THE DIVISION MAY USE THE MONEY TRANSFERRED TO THE PRESCRIPTION DRUG MONITORING FUND PURSUANT TO THIS SUBSECTION (7) FOR THE PURPOSES OF THIS SUBSECTION (7). ANY MONEY TRANSFERRED PURSUANT TO THIS

SUBSECTION (7) NOT EXPENDED PRIOR TO JULY 1, 2023, SHALL REMAIN IN THE FUND FOR THE SAME PURPOSE THROUGH DECEMBER 30, 2024.

(II) THIS SUBSECTION (7)(d) IS REPEALED, EFFECTIVE DECEMBER 31, 2024.

SECTION 10. Appropriation. (1) For the 2022-23 state fiscal year, \$2,016,475 is appropriated to the department of regulatory agencies for use by the division of professions and occupations. This appropriation is from the prescription drug monitoring fund created in section 12-280-405 (1), C.R.S. Any money appropriated in this section not expended prior to July 1, 2023, is further appropriated to the division through December 30, 2024 for the same purpose. To implement this act, the division may use this appropriation as follows:

- (a) \$16,475 for personal services; and
- (b) \$2,000,000 for electronic medical records assistance.

SECTION 11. Act subject to petition - effective date. 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; 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 7, 2022