

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.

HB19-1242 be amended as follows:

1 Amend printed bill, page 20, strike line 21 and substitute:

2 **"SECTION 19.** In Colorado Revised Statutes, 12-42.5-102,
3 **amend** (30), (39), and (39.5)(a)(IV); and **add** (6.3), (6.4), and (30.5) as
4 follows:

5 **12-42.5-102. Definitions.** As used in this article 42.5, unless the
6 context otherwise requires or the term is otherwise defined in another part
7 of this article 42.5:

8 (6.3) "CERTIFICATION" MEANS A CERTIFICATION TO PRACTICE AS
9 A PHARMACY TECHNICIAN ISSUED BY THE BOARD IN ACCORDANCE WITH
10 SECTION 12-42.5-113.5 (2) AND INCLUDES A PROVISIONAL CERTIFICATION
11 ISSUED IN ACCORDANCE WITH SECTION 12-42.5-113.5 (3).

12 (6.4) "CERTIFYING ORGANIZATION" MEANS A BOARD-APPROVED,
13 NATIONALLY RECOGNIZED ORGANIZATION THAT CERTIFIES PHARMACY
14 TECHNICIANS.

15 (30) "Pharmacy technician" OR "CERTIFICANT" means ~~an unlicensed~~ A person who ~~performs those functions set forth in paragraph~~
16 ~~(b) of subsection (31) of this section under the supervision of a~~
17 ~~pharmacist~~ IS CERTIFIED BY THE BOARD TO PRACTICE AS A PHARMACY
18 TECHNICIAN AND INCLUDES A PERSON ISSUED A PROVISIONAL
19 CERTIFICATION PURSUANT TO SECTION 12-42.5-113.5 (3).

20 (30.5) "PRACTICE AS A PHARMACY TECHNICIAN" MEANS ENGAGING
21 IN ANY OF THE FOLLOWING ACTIVITIES INVOLVED IN THE PRACTICE OF
22 PHARMACY, UNDER THE SUPERVISION AND DELEGATION OF A SUPERVISING
23 PHARMACIST:

24 (a) RECEIVING AND INITIALLY INPUTTING NEW WRITTEN,
25 FAXSIMILE, OR ELECTRONIC ORDERS;

26 (b) PREPARING, MIXING, ASSEMBLING, PACKAGING, OR LABELING
27 A DRUG OR DEVICE;

28 (c) PROPERLY AND SAFELY STORING DRUGS OR DEVICES;

29 (d) MAINTAINING PROPER RECORDS FOR DRUGS AND DEVICES;

30 (e) TRANSFERRING PRESCRIPTIONS; AND

31 (f) OTHER ACTIVITIES AS AUTHORIZED AND DEFINED BY THE
32 BOARD BY RULE.

33 (39) "Supervision" means that a licensed pharmacist is on the
34 location and readily available to consult with and assist ~~unlicensed~~
35 CERTIFICANTS PRACTICING AS PHARMACY TECHNICIANS AS DESCRIBED IN
36 SUBSECTION (30.5) OF THIS SECTION OR UNREGULATED personnel
37 performing tasks ~~described in paragraph (b) of subsection (31) of this~~
38 ~~section~~ AT THE DIRECTION OF THE LICENSED PHARMACIST. If the
39

1 unlicensed person is a pharmacy technician located at a registered
2 telepharmacy outlet, the licensed pharmacist need not be physically
3 present at the telepharmacy outlet as long as the licensed pharmacist is
4 connected to the telepharmacy outlet via computer link, video link, and
5 audio link, or via other telecommunication equipment of equivalent
6 functionality, and is readily available to consult with and assist the
7 pharmacy technician in performing tasks described in ~~paragraph (b) of~~
8 ~~subsection (31) SUBSECTION (30.5) of this section.~~

9 (39.5) (a) "Telepharmacy outlet" means a remote pharmacy site
10 that:

11 (IV) Has a pharmacy technician on site who, under the remote
12 supervision of a licensed pharmacist located at the central pharmacy,
13 performs the tasks described in ~~paragraph (b) of subsection (31)~~
14 ~~SUBSECTION (30.5) of this section.~~

15 **SECTION 20.** In Colorado Revised Statutes, 12-42.5-103,
16 **amend (3)(b)** as follows:

17 **12-42.5-103. State board of pharmacy - creation - subject to**
18 **termination - repeal of parts.** (3) (b) Parts 1 to 3 of this ~~article~~ ARTICLE
19 42.5 are repealed, effective September 1, 2021. ~~Prior to~~ BEFORE the
20 repeal, the ~~department of regulatory agencies shall review~~ the board and
21 the regulation of the practice of pharmacy pursuant to parts 1 to 3 of this
22 ~~article as provided in~~ ARTICLE 42.5, INCLUDING THE REGULATION OF THE
23 PRACTICE AS A PHARMACY TECHNICIAN, ARE SCHEDULED FOR REVIEW IN
24 ACCORDANCE WITH section 24-34-104. ~~E.R.S.~~

25 **SECTION 21.** In Colorado Revised Statutes, 12-42.5-104,
26 **amend (1)(a)** as follows:

27 **12-42.5-104. Membership of board - removal - compensation**
28 **- meetings.** (1) (a) The board is composed of:

29 (I) Five licensed pharmacists, each having at least five years'
30 experience in this state and actively engaged in the practice of pharmacy
31 in this state; and

32 (II) Two ~~nonpharmacists~~ MEMBERS WHO ARE NOT PHARMACISTS
33 AND who have no financial interest in the practice of pharmacy; EXCEPT
34 THAT, UPON THE EXPIRATION OF THE TERM OF OFFICE OF ONE OF THE
35 MEMBERS APPOINTED PURSUANT TO THIS SUBSECTION (1)(a)(II) ON OR
36 AFTER OCTOBER 1, 2019, OR UPON A VACANCY IN A POSITION APPOINTED
37 UNDER THIS SUBSECTION (1)(a)(II) ON OR AFTER OCTOBER 1, 2019,
38 WHICHEVER OCCURS FIRST, THE GOVERNOR SHALL APPOINT ONE
39 PHARMACY TECHNICIAN CERTIFIED IN ACCORDANCE WITH SECTION
40 12-42.5-113.5 (2) WHO HAS AT LEAST FIVE YEARS OF EXPERIENCE
41 PRACTICING AS A PHARMACY TECHNICIAN TO SERVE ON THE BOARD, AND
42 THEREAFTER THE COMPOSITION OF THE BOARD MUST CONTINUE TO
43 REFLECT THIS CHANGE.

1 **SECTION 22.** In Colorado Revised Statutes, 12-42.5-106,
2 **amend** (1)(b), (1)(c), (1)(e), and (1)(f)(I) as follows:

3 **12-42.5-106. Powers and duties.** (1) The board shall:

4 (b) Prescribe forms and receive applications for licensure,
5 CERTIFICATION, and registration and grant, renew, reactivate, and reinstate
6 licenses and registrations;

7 (c) Deny, suspend, or revoke licenses, CERTIFICATIONS, or
8 registrations;

9 (d) Administer examinations to, and determine the qualifications
10 and fitness of, applicants for licensure, CERTIFICATION, or registration;

11 (f) Keep a record of:

12 (I) All licenses, CERTIFICATIONS, registrations, and license,
13 CERTIFICATION, and registration renewals, reactivations, and
14 reinstements for a reasonable period;

15 **SECTION 23.** In Colorado Revised Statutes, 12-42.5-110,
16 **amend** (1) introductory portion; **add** (1)(r), (1)(s), (1)(t), and (1)(u) as
17 follows:

18 **12-42.5-110. Fees.** (1) The director of the division of professions
19 and occupations shall determine, and the board shall collect, fees pursuant
20 to section 24-34-105, C.R.S., for the following licenses, CERTIFICATIONS,
21 and registrations:

22 (r) FOR THE INITIAL CERTIFICATION OR PROVISIONAL
23 CERTIFICATION AS A PHARMACY TECHNICIAN, AS PROVIDED IN SECTION
24 12-42.5-113.5;

25 (s) FOR THE RENEWAL OF A CERTIFICATION AS A PHARMACY
26 TECHNICIAN PURSUANT TO SECTION 12-42.5-113.5 (2), AS PROVIDED IN
27 SECTION 12-42.5-114 (1);

28 (t) FOR REINSTATEMENT AS A PHARMACY TECHNICIAN, AS
29 PROVIDED IN SECTION 12-42.5-114 (2);

30 (u) FOR THE ISSUANCE OF A DUPLICATE CERTIFICATE TO A
31 PHARMACY TECHNICIAN.

32 **SECTION 24.** In Colorado Revised Statutes, 12-42.5-112,
33 **amend** (2)(a), (3), (6), and (7); and **add** (2)(c) as follows:

34 **12-42.5-112. Licensure or registrations - applicability -**
35 **applications - licensure requirements - rules.** (2) (a) Every applicant
36 for a license OR CERTIFICATION under this article ARTICLE 42.5 must read
37 and write the English language, or if the applicant is a partnership, each
38 member of the partnership must read and write the English language. If
39 the applicant is a Colorado corporation, the corporation must be in good
40 standing, and if the applicant is a foreign corporation, it must be qualified
41 to do business in this state.

42 (c) THE BOARD SHALL ISSUE A CERTIFICATION TO AN APPLICANT TO
43 PRACTICE AS A PHARMACY TECHNICIAN WHO SATISFIES THE

1 REQUIREMENTS OF THIS ARTICLE 42.5, THIS SECTION, AND SECTION
2 12-42.5-113.5.

3 (3) Every applicant for a license, CERTIFICATION, or registration
4 under this ~~article~~ ARTICLE 42.5 shall make written application in the
5 manner and form prescribed by the board, setting forth the applicant's
6 name and address, the applicant's qualifications for the license,
7 CERTIFICATION, or registration, and other information required by the
8 board. The applicant shall submit with the application the required fee,
9 and, if the applicant is required to take an examination, the applicant shall
10 appear for examination at the time and place fixed by the board.

11 (6) No applicant shall exercise the privileges of licensure,
12 CERTIFICATION, or registration until the board grants the license,
13 CERTIFICATION, or registration.

14 (7) The board may require any applicant for licensure OR
15 CERTIFICATION to display written or oral competency in English. The
16 board may utilize a standardized test to determine language proficiency.

17 **SECTION 25.** In Colorado Revised Statutes, **add** 12-42.5-113.5
18 as follows:

19 **12-42.5-113.5. Certification of pharmacy technicians -**
20 **requirements - provisional certification - criminal history record**
21 **check.** (1) ON OR AFTER JUNE 15, 2020, A PERSON SHALL NOT ENGAGE IN
22 THE PRACTICE AS A PHARMACY TECHNICIAN UNLESS THE PERSON HAS
23 OBTAINED A CERTIFICATION OR PROVISIONAL CERTIFICATION FROM THE
24 BOARD IN ACCORDANCE WITH THIS SECTION.

25 (2) IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN
26 SECTION 12-42.5-112 OR THIS ARTICLE 42.5, TO BE CERTIFIED AS A
27 PHARMACY TECHNICIAN, AN APPLICANT MUST:

28 (a) PROVIDE PROOF SATISFACTORY TO THE BOARD THAT THE
29 APPLICANT HAS OBTAINED AND MAINTAINS IN GOOD STANDING
30 CERTIFICATION AS A PHARMACY TECHNICIAN FROM A CERTIFYING
31 ORGANIZATION; AND

32 (b) SUBMIT TO A CRIMINAL HISTORY RECORD CHECK IN THE FORM
33 AND MANNER AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION OR
34 PROVIDE PROOF SATISFACTORY TO THE BOARD THAT THE APPLICANT
35 SUBMITTED TO A CRIMINAL HISTORY RECORD CHECK AS A CONDITION OF
36 EMPLOYMENT AT A PHARMACY OR OTHER OUTLET OR AS REQUIRED BY THE
37 APPLICANT'S CURRENT EMPLOYER.

38 (3) (a) IF AN APPLICANT FOR CERTIFICATION AS A PHARMACY
39 TECHNICIAN HAS NOT SATISFIED THE REQUIREMENTS OF SUBSECTION (2)(a)
40 OF THIS SECTION AT THE TIME OF APPLICATION TO THE BOARD, THE BOARD
41 MAY GRANT THE APPLICANT A PROVISIONAL CERTIFICATION UPON
42 SATISFACTION OF ALL OTHER REQUIREMENTS FOR CERTIFICATION
43 SPECIFIED IN THIS SECTION AND SECTION 12-42.5-112.

13 (II) THE BOARD SHALL ADOPT RULES TO ESTABLISH A PROCESS FOR
14 A PROVISIONAL CERTIFICANT TO APPLY FOR A HARDSHIP EXTENSION TO
15 EXTEND THE VALIDITY OF THE PROVISIONAL CERTIFICATION BEYOND
16 EIGHTEEN MONTHS. THE BOARD SHALL ESTABLISH CRITERIA FOR
17 QUALIFYING FOR A HARDSHIP EXTENSION BASED ON:

18 (A) THE NEGATIVE EFFECTS ON ACCESS TO CARE IN THE
19 COMMUNITY SERVED BY THE PROVISIONAL CERTIFICANT OR THE
20 EMPLOYER OF THE PROVISIONAL CERTIFICANT;

21 (B) FINANCIAL HARSHSHIP; OR
22 (C) HEALTH CIRCUMSTANCES.

23 (c) A PERSON WHOSE PROVISIONAL CERTIFICATION EXPIRES IS NOT
24 PRECLUDED FROM APPLYING TO THE BOARD FOR CERTIFICATION AS A
25 PHARMACY TECHNICIAN IN ACCORDANCE WITH SUBSECTION (2) OF THIS
26 SECTION.

1 RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF
2 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL
3 FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE
4 BOARD.

5 (b) THE BOARD SHALL USE THE INFORMATION RESULTING FROM
6 THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO
7 INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO
8 HOLD A CERTIFICATION OR PROVISIONAL CERTIFICATION PURSUANT TO
9 THIS SECTION.

10 **SECTION 26.** In Colorado Revised Statutes, 12-42.5-114,
11 **amend** (1) and (2) as follows:

12 **12-42.5-114. Expiration and renewal of licenses or**
13 **registrations.** (1) All licenses, CERTIFICATIONS, and registrations,
14 EXCEPT PROVISIONAL CERTIFICATIONS ISSUED PURSUANT TO SECTION
15 12-42.5-113.5 (3), expire pursuant to a schedule established by the
16 director of the division of professions and occupations within the
17 department of regulatory agencies and must be renewed or reinstated
18 pursuant to section 24-34-102 (8). ~~C.R.S.~~ The director of the division of
19 professions and occupations may establish renewal fees and delinquency
20 fees for reinstatement pursuant to section 24-34-105. ~~C.R.S.~~ If a person
21 fails to renew his or her license, CERTIFICATION, or registration pursuant
22 to the schedule established by the director of the division of professions
23 and occupations, the license, CERTIFICATION, or registration expires. Any
24 person whose license, CERTIFICATION, or registration expires is subject to
25 the penalties provided in this ~~article~~ ARTICLE 42.5 or section 24-34-102
26 (8). ~~C.R.S.~~

27 (2) A pharmacist who fails to renew his or her license OR A
28 PHARMACY TECHNICIAN WHO FAILS TO RENEW HIS OR HER CERTIFICATION
29 ISSUED PURSUANT TO SECTION 12-42.5-113.5 (2) on or before the
30 applicable renewal time may have his or her license OR CERTIFICATION,
31 AS APPLICABLE, reinstated for the remainder of the current renewal period
32 by filing a proper application, satisfying the board that the pharmacist OR
33 PHARMACY TECHNICIAN is fully qualified to practice, and paying the
34 reinstatement fee as provided in section 12-42.5-110 (1)(e) OR (1)(t), AS
35 APPLICABLE, and all delinquent fees.

36 **SECTION 27.** In Colorado Revised Statutes, **add** 12-42.5-115.5
37 as follows:

38 **12-42.5-115.5. Continuing education for pharmacy technicians**
39 **- exceptions - inactive status.** (1) EXCEPT AS PERMITTED IN SUBSECTION
40 (2) OF THIS SECTION, THE BOARD SHALL NOT RENEW, REINSTATE, OR
41 REACTIVATE THE CERTIFICATION OF A PHARMACY TECHNICIAN THAT WAS
42 ISSUED PURSUANT TO SECTION 12-42.5-113.5 (2) UNTIL THE PHARMACY
43 TECHNICIAN PRESENTS EVIDENCE THAT THE PHARMACY TECHNICIAN HAS

1 SATISFACTORILY COMPLETED THE CONTINUING EDUCATION AND RENEWAL
2 REQUIREMENTS OF, AND MAINTAINS ACTIVE CERTIFICATION WITH, A
3 CERTIFYING ORGANIZATION. SUBJECT TO SUBSECTION (3) OF THIS SECTION,
4 THE EVIDENCE MAY BE PROVIDED BY AN ATTESTATION ON THE
5 CERTIFICATION RENEWAL APPLICATION.

6 (2) THE BOARD MAY RENEW THE CERTIFICATION FOR THE FIRST
7 RENEWAL PERIOD FOLLOWING THE ISSUANCE OF THE ORIGINAL
8 CERTIFICATION WITHOUT REQUIRING A PHARMACY TECHNICIAN TO
9 COMPLETE ANY CONTINUING PHARMACY TECHNICIAN EDUCATION IF THE
10 PHARMACY TECHNICIAN OBTAINS A CERTIFICATION WITHIN ONE YEAR
11 AFTER OBTAINING NATIONAL CERTIFICATION AS SPECIFIED IN SECTION
12 12-42.5-113.5 (2)(a).

13 (3) THE BOARD MAY ANNUALLY AUDIT UP TO FIVE PERCENT OF THE
14 PHARMACY TECHNICIANS CERTIFIED AND RESIDING IN COLORADO TO
15 DETERMINE COMPLIANCE WITH THIS SECTION.

16 (4) IF A PHARMACY TECHNICIAN FAILS TO COMPLETE THE
17 CONTINUING EDUCATION AND RENEWAL REQUIREMENTS OF, AND
18 MAINTAIN ACTIVE CERTIFICATION WITH, A CERTIFYING ORGANIZATION,
19 THE PHARMACY TECHNICIAN'S STATE CERTIFICATION BECOMES INACTIVE.
20 AN INACTIVE CERTIFICANT IS NOT REQUIRED TO COMPLY WITH ANY
21 CONTINUING PHARMACY TECHNICIAN EDUCATION REQUIREMENT SO LONG
22 AS THE CERTIFICANT REMAINS INACTIVE, BUT THE CERTIFICANT MUST
23 CONTINUE TO PAY APPLICABLE FEES, INCLUDING RENEWAL FEES. THE
24 BOARD SHALL NOTE "INACTIVE STATUS" ON THE FACE OF ANY
25 CERTIFICATION IT ISSUES TO A CERTIFICANT WHILE THE CERTIFICANT
26 REMAINS INACTIVE. BEFORE AN INACTIVE PHARMACY TECHNICIAN
27 RESUMES PRACTICE AS A PHARMACY TECHNICIAN AFTER BEING PLACED ON
28 AN INACTIVE LIST, THE PHARMACY TECHNICIAN MUST FILE AN
29 APPLICATION TO ACTIVATE THE CERTIFICATION, PAY THE CERTIFICATION
30 RENEWAL FEE, AND, SUBJECT TO SUBSECTION (2) OF THIS SECTION, MEET
31 THE CONTINUING EDUCATION REQUIREMENTS OF THIS SECTION. IF A
32 PHARMACY TECHNICIAN ENGAGES IN PRACTICE AS A PHARMACY
33 TECHNICIAN WHILE ON INACTIVE STATUS, THAT CONDUCT IS GROUNDS FOR
34 CERTIFICATION REVOCATION UNDER THIS ARTICLE 42.5.

35 **SECTION 28.** In Colorado Revised Statutes, 12-42.5-116,
36 amend (3)(b) and (5) as follows:

37 **12-42.5-116. Prescription drug outlet under charge of
38 pharmacist.** (3) (b) An outlet as recognized in section 12-42.5-117
39 (1)(d) need not be under the direct charge of a pharmacist, but a licensed
40 pharmacist shall either initially interpret all prescription orders
41 compounded or dispensed from the outlet or provide written protocols for
42 compounding and dispensing by ~~unlicensed persons~~ PHARMACY
43 TECHNICIANS. An outlet qualifying for registration under this paragraph

1 (b) SUBSECTION (3)(b) may also apply to the board for a waiver of the
2 requirements concerning physical space, equipment, inventory, or
3 business hours as necessary and consistent with the outlet's limited public
4 welfare purpose. In determining the granting or denial of a waiver
5 application, the board shall ensure that the public interest criteria set forth
6 in section 12-42.5-101 are satisfied. All other provisions of this ~~article~~
7 ~~ARTICLE 42.5~~, except as specifically waived by the board, apply to the
8 outlet.

9 (5) (a) EXCEPT AS SPECIFIED IN SUBSECTION (5)(b) OF THIS
10 SECTION, the pharmacist responsible for the prescription order or chart
11 order may delegate ~~certain specific tasks described in section 12-42.5-102~~
12 ~~(31)(b) to a~~ THE FOLLOWING TASKS TO THE FOLLOWING INDIVIDUALS IF, IN
13 THE PHARMACIST'S PROFESSIONAL JUDGMENT, THE DELEGATION IS
14 APPROPRIATE:

15 (I) SPECIFIC TASKS SPECIFIED IN BOARD RULES TO AN
16 UNREGULATED person who is not a pharmacist or pharmacy intern ~~but~~
17 AND who is ~~an unlicensed assistant~~ under the pharmacist's supervision; ~~if, in the pharmacist's professional judgment, the delegation is appropriate;~~
18 ~~except that~~ OR

20 (II) SPECIFIC TASKS DESCRIBED IN SECTION 12-42.5-102 (30.5) OR
21 IN BOARD RULES ADOPTED PURSUANT TO SECTION 12-42.5-102 (30.5)(f)
22 TO A PHARMACY TECHNICIAN WHO IS UNDER THE PHARMACIST'S
23 SUPERVISION.

24 (b) The pharmacist shall not make ~~the~~ A delegation DESCRIBED IN
25 SUBSECTION (5)(a) OF THIS SECTION if the delegation jeopardizes the
26 public health, safety, or welfare, is prohibited by rule of the board, or
27 violates section 12-42.5-126 (1).

28 **SECTION 29.** In Colorado Revised Statutes, 12-42.5-119,
29 amend (1) and (3) as follows:

30 **12-42.5-119. Limited authority to delegate activities**
31 **constituting practice of pharmacy to pharmacy interns or pharmacy**
32 **technicians.** (1) A pharmacist may supervise up to six persons who are
33 either pharmacy interns or pharmacy technicians, of whom no more than
34 two may be pharmacy interns. If three or more pharmacy technicians are
35 on duty, the majority must be certified by ~~a nationally recognized~~
36 ~~certification~~ ~~THE board possess a degree from an accredited pharmacy~~
37 ~~technician training program, or have completed five hundred hours of~~
38 ~~experiential training in duties described in section 12-42.5-102 (31)(b) at~~
39 ~~the pharmacy as certified by the pharmacist manager within eighteen~~
40 ~~months of hire~~ IN ACCORDANCE WITH SECTION 12-42.5-113.5 (2).

41 (3) The supervision ratio specified in subsection (1) of this section
42 does not include other ancillary personnel who may be in the prescription
43 drug outlet but who are not performing duties described in section

1 12-42.5-102 (31)(b) that are delegated to the interns or DUTIES DESCRIBED
2 IN SECTION 12-42.5-102 (30.5) THAT ARE DELEGATED TO pharmacy
3 technicians.

4 **SECTION 30.** In Colorado Revised Statutes, 12-42.5-123,
5 **amend** (1) introductory portion, (1)(a), (1)(d), (1)(f), (1)(g), (1)(j), (1)(k),
6 (1)(q), and (1)(r)(II) as follows:

7 **12-42.5-123. Unprofessional conduct - grounds for discipline.**

8 (1) The board may suspend, revoke, refuse to renew, or otherwise
9 discipline any license or registration issued by it, after a hearing held in
10 accordance with the provisions of this section, upon proof that the
11 licensee, CERTIFICANT, or registrant:

12 (a) Is guilty of misrepresentation, fraud, or deceit in procuring,
13 attempting to procure, or renewing a license, CERTIFICATION, or
14 registration;

15 (d) Is unfit or incompetent by reason of negligence or habits, or
16 for any other cause, to practice pharmacy OR TO PRACTICE AS A
17 PHARMACY TECHNICIAN;

18 (f) Knowingly permits a person not:

19 (I) Licensed as a pharmacist or pharmacy intern to engage in the
20 practice of pharmacy; OR

21 (II) CERTIFIED AS A PHARMACY TECHNICIAN TO ENGAGE IN THE
22 PRACTICE AS A PHARMACY TECHNICIAN;

23 (g) Has had ~~his or her~~ A license to practice pharmacy OR A
24 CERTIFICATION OR OTHER AUTHORIZATION TO PRACTICE AS A PHARMACY
25 TECHNICIAN in another state revoked or suspended, or is otherwise
26 disciplined or has committed acts in any other state that would subject
27 ~~him or her~~ THE PERSON to disciplinary action in this state;

28 (j) Has engaged in the practice of pharmacy OR THE PRACTICE AS
29 A PHARMACY TECHNICIAN while on inactive status;

30 (k) Has failed to meet generally accepted standards of pharmacy
31 OR PHARMACY TECHNICIAN practice;

32 (q) Has failed to notify the board of any discipline, WITHIN THIRTY
33 DAYS AFTER THE DISCIPLINE, against: ~~his or her~~

34 (I) A license in another state; ~~within thirty days after the~~
35 discipline; OR

36 (II) A CERTIFICATION OR OTHER AUTHORIZATION IN ANOTHER
37 STATE TO PRACTICE AS A PHARMACY TECHNICIAN;

38 (r) (II) Has failed to act within the limitations created by a
39 physical illness; a physical condition; or a behavioral, mental health, or
40 substance use disorder that renders the person unable to practice
41 pharmacy OR AS A PHARMACY TECHNICIAN with reasonable skill and
42 safety or that may endanger the health or safety of persons under his or
43 her care; or

1 **SECTION 31.** In Colorado Revised Statutes, 12-42.5-124,
2 **amend** (1)(a), (2)(a), (2)(b) introductory portion, (2)(b)(I), (2)(b)(II),
3 (2)(b)(III), (2)(b)(IV), (3), (4), (6), (7)(a), (9)(a), (10)(a), (10)(c)(III), and
4 (11) and as follows:

5 **12-42.5-124. Disciplinary actions.** (1) (a) The board may deny
6 or discipline an applicant, licensee, CERTIFICANT, or registrant when the
7 board determines that the applicant, licensee, CERTIFICANT, or registrant
8 has engaged in activities that are grounds for discipline.

9 (2) (a) Proceedings for the denial, suspension, or revocation of a
10 license, CERTIFICATION, or registration and any judicial review of a
11 suspension or revocation must be conducted in accordance with article 4
12 of title 24, C.R.S., and the board or, at the board's discretion, an
13 administrative law judge, shall conduct the hearing and opportunity for
14 review.

15 (b) Upon finding that grounds for discipline pursuant to section
16 12-42.5-123 exist, the board may impose one or more of the following
17 penalties on a person who holds or is seeking a new or renewal license,
18 CERTIFICATION, or registration:

19 (I) Suspension of the offender's license, CERTIFICATION, or
20 registration for a period to be determined by the board;

21 (II) Revocation of the offender's license, CERTIFICATION, or
22 registration;

23 (III) Restriction of the offender's license, CERTIFICATION, or
24 registration to prohibit the offender from performing certain acts or from
25 practicing pharmacy OR THE PRACTICE AS A PHARMACY TECHNICIAN in a
26 particular manner for a period to be determined by the board;

27 (IV) Refusal to renew the offender's license, CERTIFICATION, or
28 registration;

29 (3) The board may also include in any disciplinary order that
30 allows the licensee, CERTIFICANT, or registrant to continue to practice
31 conditions that the board deems appropriate to assure that the licensee,
32 CERTIFICANT, or registrant is physically, mentally, morally, and otherwise
33 qualified to practice pharmacy in accordance with the generally accepted
34 professional standards of practice, including any or all of the following:

35 (a) Requiring the licensee, CERTIFICANT, or registrant to submit to
36 examinations that the board may order to determine the licensee's OR
37 CERTIFICANT'S physical or mental condition or professional qualifications;

38 (b) Requiring the licensee OR CERTIFICANT to take therapy courses
39 of training or education that the board deems necessary to correct
40 deficiencies found either in the hearing or by examinations required
41 pursuant to paragraph (a) of this subsection (3) SUBSECTION (3)(a) OF THIS
42 SECTION;

43 (c) Requiring the review or supervision of the licensee's OR

1 CERTIFICANT's practice to determine the quality of and correct
2 deficiencies in his or her practice; and

3 (d) Imposing restrictions upon the nature of the licensee's OR
4 CERTIFICANT's practice to assure that he or she does not practice beyond
5 the limits of his or her capabilities.

6 (4) Upon failure of the licensee, CERTIFICANT, or registrant to
7 comply with any conditions imposed by the board pursuant to subsection
8 (3) of this section, unless due to conditions beyond the licensee's,
9 CERTIFICANT's, or registrant's control, the board may order suspension of
10 the license, CERTIFICATION, or registration in this state until the licensee,
11 CERTIFICANT, or registrant complies with the conditions.

12 (6) (a) When a complaint or an investigation discloses an instance
13 of misconduct that, in the opinion of the board, does not warrant formal
14 action by the board but should not be dismissed as being without merit,
15 the board may send a letter of admonition by certified mail to the licensee,
16 CERTIFICANT, or registrant against whom the complaint was made or who
17 was the subject of investigation and, in the case of a complaint, may send
18 a copy of the letter of admonition to the person making the complaint.

19 (b) When the board sends a letter of admonition to a licensee or
20 registrant complained against, the board shall include in the letter a
21 statement advising the licensee, CERTIFICANT, or registrant that the
22 licensee, CERTIFICANT, or registrant has the right to request in writing,
23 within twenty days after receipt of the letter, that the board initiate formal
24 disciplinary proceedings to adjudicate the propriety of the conduct upon
25 which the letter of admonition is based.

26 (c) If the licensee, CERTIFICANT, or registrant timely requests
27 adjudication, the letter of admonition is vacated, and the board shall
28 process the matter by means of formal disciplinary proceedings.

29 (7) (a) When a complaint or an investigation discloses an instance
30 of conduct that does not warrant formal action by the board but the board
31 determines that the conduct could warrant action if continued, the board
32 may send a confidential letter of concern to the licensee, CERTIFICANT, or
33 registrant against whom the complaint was made or who was the subject
34 of investigation. If a complaint precipitated the investigation, the board
35 shall send a response to the person making the complaint.

36 (9) (a) If it appears to the board, based upon credible evidence as
37 presented in a written complaint by any person, that a licensee,
38 CERTIFICANT, or registrant is acting in a manner that is an imminent threat
39 to the health and safety of the public or a person is acting or has acted
40 without the required license, CERTIFICATION, or registration, the board
41 may issue an order to cease and desist the activity. The board shall set
42 forth in the order the statutes and rules alleged to have been violated, the
43 facts alleged to have constituted the violation, and the requirement that all

1 unlawful acts or unlicensed, UNCERTIFIED, or unregistered practices
2 immediately cease.

3 (10) (a) If it appears to the board, based upon credible evidence
4 as presented in a written complaint by any person, that a person has
5 violated any other portion of this ~~article~~ ARTICLE 42.5, then, in addition
6 to any specific powers granted pursuant to this ~~article~~ ARTICLE 42.5, the
7 board may issue to the person an order to show cause as to why the board
8 should not issue a final order directing the person to cease and desist from
9 the unlawful act or unlicensed, UNCERTIFIED, or unregistered practice.

10 (c) (III) If the board reasonably finds that the person against
11 whom the order to show cause was issued is acting or has acted without
12 the required license, CERTIFICATION, or registration or has or is about to
13 engage in acts or practices constituting violations of this ~~article~~ ARTICLE
14 42.5, the board may issue a final cease-and-desist order directing the
15 person to cease and desist from further unlawful acts or unlicensed,
16 UNCERTIFIED, or unregistered practices.

17 (11) If it appears to the board, based upon credible evidence
18 presented to the board, that a person has engaged in or is about to engage
19 in any unlicensed, UNCERTIFIED, or unregistered act or practice, any act
20 or practice constituting a violation of this ~~article~~ ARTICLE 42.5, any rule
21 promulgated pursuant to this ~~article~~ ARTICLE 42.5, or any order issued
22 pursuant to this ~~article~~ ARTICLE 42.5, or any act or practice constituting
23 grounds for administrative sanction pursuant to this ~~article~~ ARTICLE 42.5,
24 the board may enter into a stipulation with the person.

25 **SECTION 32.** In Colorado Revised Statutes, 12-42.5-126,
26 **amend** (1)(d) and (2); and **add** (1)(n) as follows:

27 **12-42.5-126. Unlawful acts - civil fines.** (1) It is unlawful:

28 (d) To falsely assume the title of or falsely represent that one is a
29 pharmacist, PHARMACY TECHNICIAN, practitioner, or registered outlet;

30 (n) To PRACTICE AS A PHARMACY TECHNICIAN WITHOUT A
31 CERTIFICATION.

32 (2) (a) In addition to any other penalties that may be imposed
33 under this part 1, a person who engages in an unlawful act under this
34 section may be punished by a civil fine of not less than one thousand
35 dollars and not more than ten thousand dollars for each violation. Fines
36 imposed and paid under this section shall be deposited in the general
37 fund.

38 (b) THIS SUBSECTION (2) DOES NOT APPLY TO A PHARMACY
39 TECHNICIAN.

40 **SECTION 33.** In Colorado Revised Statutes, **amend** 12-42.5-127
41 as follows:

42 **12-42.5-127. Unauthorized practice - penalties.** (1) Any person
43 who practices or offers or attempts to practice pharmacy without an active

1 license issued under this ~~article~~ ARTICLE 42.5 commits a class 2
2 misdemeanor and shall be punished as provided in section 18-1.3-501
3 C.R.S., for the first offense, and any person committing a second or
4 subsequent offense commits a class 6 felony and shall be punished as
5 provided in section 18-1.3-401. C.R.S.

6 (2) ANY PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO
7 PRACTICE AS A PHARMACY TECHNICIAN WITHOUT AN ACTIVE
8 CERTIFICATION ISSUED UNDER THIS ARTICLE 42.5 COMMITS A CLASS 2
9 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
10 18-1.3-501 FOR THE FIRST OFFENSE, AND ANY PERSON COMMITTING A
11 SECOND OR SUBSEQUENT OFFENSE COMMITS A CLASS 6 FELONY AND SHALL
12 BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401.

13 **SECTION 34.** In Colorado Revised Statutes, **amend** 12-42.5-134
14 as follows:

15 **12-42.5-134. Confidential agreement to limit practice -**
16 **violation - grounds for discipline.** (1) If a pharmacist, ~~or~~ intern, OR
17 PHARMACY TECHNICIAN has a physical illness, ~~a~~ physical condition, or ~~a~~
18 behavioral or mental health disorder that renders the person unable to
19 practice pharmacy OR AS A PHARMACY TECHNICIAN with reasonable skill
20 and safety to clients, the pharmacist, ~~or~~ intern, OR PHARMACY TECHNICIAN
21 shall notify the board of the physical illness, ~~the~~ physical condition, or ~~the~~
22 behavioral or mental health disorder in a manner and within a period
23 determined by the board. The board may require the pharmacist, ~~or~~ intern,
24 OR PHARMACY TECHNICIAN to submit to an examination or refer the
25 pharmacist or intern to the pharmacy peer health assistance diversion
26 program established in part 2 of this article 42.5 to evaluate the extent of
27 the physical illness, ~~the~~ physical condition, or ~~the~~ behavioral or mental
28 health disorder and its impact on the pharmacist's, ~~or~~ intern's, OR
29 PHARMACY TECHNICIAN's ability to practice pharmacy OR AS A PHARMACY
30 TECHNICIAN with reasonable skill and safety to clients.

31 (2) (a) Upon determining that a pharmacist, ~~or~~ intern, OR
32 PHARMACY TECHNICIAN with a physical illness, ~~a~~ physical condition or ~~a~~
33 behavioral or mental health disorder is able to render limited services
34 with reasonable skill and safety to clients, the board may enter into a
35 confidential agreement with the pharmacist, ~~or~~ intern, OR PHARMACY
36 TECHNICIAN in which the pharmacist, ~~or~~ intern, OR PHARMACY
37 TECHNICIAN agrees to limit his or her practice based on the restrictions
38 imposed by the physical illness, ~~the~~ physical condition, or ~~the~~ behavioral
39 or mental health disorder, as determined by the board.

40 (b) As part of the agreement, the pharmacist, ~~or~~ intern, OR
41 PHARMACY TECHNICIAN is subject to periodic reevaluations or monitoring
42 as determined appropriate by the board. The board may refer the
43 pharmacist or intern to the pharmacy peer health assistance diversion

1 program for reevaluation or monitoring.

2 (c) The parties may modify or dissolve the agreement as necessary
3 based on the results of a reevaluation or of monitoring.

4 (3) By entering into an agreement with the board pursuant to this
5 section to limit his or her practice, a pharmacist, ~~or~~ intern, OR PHARMACY
6 TECHNICIAN is not engaging in activities prohibited pursuant to section
7 12-42.5-123. The agreement does not constitute a restriction or discipline
8 by the board. However, if the pharmacist, ~~or~~ intern, OR PHARMACY
9 TECHNICIAN fails to comply with the terms of an agreement entered into
10 pursuant to this section, the failure constitutes a prohibited activity
11 pursuant to section 12-42.5-123 (1)(r), and the pharmacist, ~~or~~ intern, OR
12 PHARMACY TECHNICIAN is subject to discipline in accordance with section
13 12-42.5-124.

14 (4) This section does not apply to a pharmacist, ~~or~~ intern, OR
15 PHARMACY TECHNICIAN subject to discipline for prohibited activities as
16 described in section 12-42.5-123 (1)(e).

17 **SECTION 35. Act subject to petition - effective date.**

18 (1) Except as otherwise provided in subsection (2) of this section, this
19 act".

20 Page 21, after line 3 insert:

21 "(2) (a) Sections 1 through 18 of this act take effect only if House
22 Bill 19-1172 becomes law.

23 (b) Sections 19 through 34 of this act take effect only if House
24 Bill 19-1172 does not become law.".

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