

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public Health Care & Human Services.

SB19-079 be amended as follows:

1 Amend reengrossed bill, page 21, strike lines 23 through 27.

2 Strike page 22 and substitute:

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

5 **12-30-109. Prescribing opioids - limitations - definition -**
6 **repeal.** (2) An opioid prescriber licensed pursuant to article 220 ~~240~~,
7 ~~255, 275, 290~~, or 315 of this title 12 may prescribe opioids electronically.

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

10 **12-30-109. Prescribing opioids - limitations - definition -**
11 **repeal.** (2) An opioid prescriber licensed pursuant to article ~~220, 240~~,
12 ~~255, 275, 290~~, or 315 of this title 12 may prescribe opioids electronically.

13 **SECTION 18.** In Colorado Revised Statutes, **add to article 30**
14 **of title 12 as relocated by House Bill 19-1172** 12-30-110 as follows:

15 **12-30-111. Electronic prescribing of controlled substances -**
16 **exceptions - rules - definitions.** (1) (a) EXCEPT AS PROVIDED IN
17 SUBSECTION (1)(b) OF THIS SECTION, ON AND AFTER JULY 1, 2021, A
18 PRESCRIBER SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS DEFINED IN
19 SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III, OR IV
20 PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY ELECTRONIC
21 PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

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

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

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

29 (IV) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT
30 SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL
31 FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD AND 21 CFR
32 1311;

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

37 (VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND
38 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 HARSHNESS 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 HARSHIP EXCEPTION, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED THAT DEMONSTRATES THE PRESCRIBER'S CONTINUING NEED FOR THE EXCEPTION.

7 (4) AS USED IN THIS SECTION:

8 (a) "PRESCRIBER" MEANS:

9 (I) A DENTIST LICENSED PURSUANT TO ARTICLE 220 OF THIS TITLE
10 12:

11 (II) A PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT
12 TO ARTICLE 240 OF THIS TITLE 12;
13 (III) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE
14 AUTHORITY PURSUANT TO SECTION 12-255-112;

14 AN OPTOMETRIST LICENSED PURSUANT TO SECTION 200 OF THIS
15 (IV) AN OPTOMETRIST LICENSED PURSUANT TO ARTICLE 275 OF
16 THIS TITLE 12; OR
17 (V) A PODIATRIST LICENSED PURSUANT TO ARTICLE 290 OF THIS
18 TITLE 12

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

20 NONMETROPOLITAN AREA IN THE STATE THAT EITHER:
21 (I) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES
22 WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE
23 MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
24 CENSUS BUREAU; OR

24 CENSUS BUREAU, OR
25 (II) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A
26 RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF
27 MANAGEMENT AND BUDGET.

28 **SECTION 19.** In Colorado Revised Statutes, **amend as relocated**
29 **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).

36 (2) ON AND AFTER JULY 1, 2023, THE BOARD SHALL REQUIRE A
37 DENTIST WHO APPLIES FOR LICENSE RENEWAL TO COMPLETE A
38 QUESTIONNAIRE THAT REQUIRES THE DENTIST TO INDICATE WHETHER THE
39 DENTIST HAS COMPLIED WITH SECTION 12-30-111. THE FAILURE OF AN
40 APPLICANT TO ANSWER THE QUESTIONNAIRE ACCURATELY CONSTITUTES
41 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)

1 as follows:

2 **12-220-130. Grounds for disciplinary action - definition.**

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

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

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

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

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

14 **12-240-130. Procedure - registration - fees.** (2) The board shall
15 design a questionnaire to accompany the renewal form for the purpose of
16 determining whether a licensee has acted in violation of this article 240
17 or been disciplined for any action that might be considered a violation of
18 this article 240 or might make the licensee unfit to practice medicine with
19 reasonable care and safety. THE BOARD SHALL INCLUDE ON THE
20 QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS
21 COMPLIED WITH SECTION 12-30-111. If an applicant fails to answer the
22 questionnaire accurately, the failure ~~shall constitute~~ CONSTITUTES
23 unprofessional conduct under section 12-240-121 (1)(t).

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

26 **12-255-110. Requirements for professional nurse licensure.**

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

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

1 **12-275-115. License renewal - questionnaire - continuing**
2 **education.** (2) The board shall establish a questionnaire to accompany
3 the renewal form. The BOARD SHALL DESIGN THE questionnaire ~~shall be~~
4 ~~designed~~ to determine if the licensee has acted in violation of or has been
5 disciplined for actions that might be considered as violations of this
6 article 275 or that might make the licensee unfit to practice optometry
7 with reasonable care and safety. THE BOARD SHALL INCLUDE ON THE
8 QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS
9 COMPLIED WITH SECTION 12-30-111. Failure of the applicant to answer the
10 questionnaire accurately ~~shall be considered~~ CONSTITUTES unprofessional
11 conduct as specified in section 12-275-120.

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

14 **12-280-123. Prescription required - exception - dispensing**
15 **opiate antagonists.** (1) (a) Except as provided in section 18-18-414 and
16 subsections (2) and (3) of this section, an order is required prior to
17 dispensing any prescription drug. Orders shall be readily retrievable
18 within the appropriate statute of limitations.

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

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

31 **12-290-119. Renewal of license - continuing education -**
32 **professional development program - rules - renewal questionnaire.**
33 (2) The board shall establish a questionnaire to accompany the renewal
34 form. The BOARD SHALL DESIGN THE questionnaire ~~shall be~~
35 ~~designed~~ to determine if the licensee has acted in violation of, or has been disciplined
36 for actions that might be construed as violations of, this article 290 or that
37 may make the licensee unfit to practice podiatry with reasonable care and
38 safety. THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION
39 REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH SECTION
40 12-30-111. The failure of an applicant to answer the questionnaire
41 accurately ~~shall constitute~~ CONSTITUTES unprofessional conduct pursuant
42 to section 12-290-108.

43 **SECTION 26. Act subject to petition - effective date.**

1 (1) Except as otherwise provided in subsection (2) of this section, 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 2, 2019, if adjournment sine die is on May 3, 2019); 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 2020 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.

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

- 13 (a) Sections 18 and 21 through 25 take effect October 1, 2019;
14 (b) Section 16 takes effect July 1, 2021; and
15 (c) Sections 17, 19, and 20 take effect July 1, 2023.".

16 Strike "STANDARD" and substitute "STANDARD AND 21 CFR 1311" on:
17 **Page 3, line 5; page 6, line 17; page 10, line 5; page 14, line 7; and page**
18 **18, line 10.**

19 After "ADMINISTRATION" insert "OR DRUG ENFORCEMENT
20 ADMINISTRATION" on: **Page 3, line 6; page 6, line 18; page 10, line 6;**
21 **page 14, line 8; and page 18, line 11.**

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