

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 29, 2018  
Date

Committee on Health, Insurance, & Environment.

After consideration on the merits, the Committee recommends the following:

HB18-1279 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** 12-32-107.7 as  
4 follows:

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

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

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

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

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

23 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES

1 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO  
2 CONTAIN ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC  
3 PRESCRIBING;

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

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

9 (B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR  
10 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE PODIATRIST  
11 TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

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

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

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

21 (X) THE PODIATRIST REASONABLY DETERMINES THAT THE PATIENT  
22 WOULD BE UNABLE TO OBTAIN CONTROLLED SUBSTANCES PRESCRIBED  
23 ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD  
24 ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION.

25 (b) A PODIATRIST PRACTICING IN A RURAL AREA OF THE STATE OR  
26 IN A PRACTICE CONSISTING OF ONLY ONE PODIATRIST SHALL COMPLY WITH  
27 THIS SUBSECTION (1) ON OR AFTER JULY 1, 2022.

28 (2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES  
29 A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF  
30 SUBSECTION (1)(a)(I) OF THIS SECTION.

31 (3) (a) THIS SECTION DOES NOT:

32 (I) CREATE A PRIVATE RIGHT OF ACTION;

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

34 (III) ESTABLISH A STANDARD OF CARE.

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

37 (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY  
38 THAT IS LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT  
39 EITHER HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES WITH  
40 FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE MOST  
41 RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES

1 CENSUS BUREAU OR THAT SATISFIES ALTERNATE CRITERIA FOR THE  
2 DESIGNATION OF A RURAL AREA AS MAY BE PROMULGATED BY THE  
3 FEDERAL OFFICE OF MANAGEMENT AND BUDGET.

4 **SECTION 2.** In Colorado Revised Statutes, 12-32-111, **amend**  
5 (1.5) as follows:

6 **12-32-111. Renewal of license.** (1.5) The board shall establish  
7 a questionnaire to accompany the renewal form. The questionnaire ~~shall~~  
8 MUST be designed to determine if the licensee has acted in violation of,  
9 or has been disciplined for actions that might be construed as violations  
10 of, this article 32 or that may make the licensee unfit to practice podiatry  
11 with reasonable care and safety. THE BOARD SHALL INCLUDE ON THE  
12 QUESTIONNAIRE A QUESTION REGARDING WHETHER THE PODIATRIST HAS  
13 COMPLIED WITH SECTION 12-32-107.7. The failure of an applicant to  
14 answer the questionnaire accurately ~~shall constitute~~ CONSTITUTES  
15 unprofessional conduct pursuant to section 12-32-107.

16 **SECTION 3.** In Colorado Revised Statutes, **add** 12-35-114.5 as  
17 follows:

18 **12-35-114.5. Electronic prescribing of controlled substances**  
19 **- exceptions - rules.** (1) ON OR AFTER JULY 1, 2022, A DENTIST LICENSED  
20 UNDER THIS ARTICLE 35 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS  
21 DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III,  
22 OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY  
23 ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

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

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

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

31 (d) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT  
32 SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL  
33 FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;

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

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

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

1 (II) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR  
2 (III) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE DENTIST TO  
3 ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;  
4 (g) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER  
5 A RESEARCH PROTOCOL;  
6 (h) THE DENTIST WRITES TWENTY-FOUR OR FEWER PRESCRIPTIONS  
7 FOR CONTROLLED SUBSTANCES PER YEAR;  
8 (i) THE DENTIST IS PRESCRIBING A CONTROLLED SUBSTANCE TO BE  
9 ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE FACILITY,  
10 HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR ASSISTED  
11 LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF THE  
12 DEPARTMENT OF CORRECTIONS; OR  
13 (j) THE DENTIST REASONABLY DETERMINES THAT THE PATIENT  
14 WOULD BE UNABLE TO OBTAIN CONTROLLED SUBSTANCES PRESCRIBED  
15 ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD  
16 ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION.  
17 (2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES  
18 A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF  
19 SUBSECTION (1)(a) OF THIS SECTION.  
20 (3) ON AND AFTER JULY 1, 2022, THE BOARD SHALL REQUIRE A  
21 DENTIST WHO IS RENEWING HIS OR HER LICENSE IN ACCORDANCE WITH  
22 SECTION 12-35-121 TO COMPLETE A QUESTIONNAIRE THAT REQUIRES THE  
23 DENTIST TO INDICATE WHETHER HE OR SHE HAS COMPLIED WITH THIS  
24 SECTION. THE FAILURE OF AN APPLICANT TO ANSWER THE QUESTIONNAIRE  
25 ACCURATELY CONSTITUTES GROUNDS FOR DISCIPLINE PURSUANT TO  
26 SECTION 12-35-129.  
27 (4) (a) THIS SECTION DOES NOT:  
28 (I) CREATE A PRIVATE RIGHT OF ACTION;  
29 (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR  
30 (III) ESTABLISH A STANDARD OF CARE.  
31 (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE  
32 NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.  
33 **SECTION 4.** In Colorado Revised Statutes, 12-35-129, **amend**  
34 (1)(mm); and **add** (1)(oo) and (1)(pp) as follows:  
35 **12-35-129. Grounds for disciplinary action.** (1) The board may  
36 take disciplinary action against an applicant or licensee in accordance  
37 with section 12-35-129.1 for any of the following causes:  
38 (mm) Failing to complete and maintain records of completing  
39 continuing education as required by section 12-35-139; ~~or~~  
40 (oo) FAILING TO COMPLY WITH SECTION 12-35-114.5 AND RULES  
41 ADOPTED BY THE BOARD UNDER THAT SECTION REGARDING ELECTRONIC

1     PRESCRIBING OF CONTROLLED SUBSTANCES; OR  
2             (pp)    FAILING TO ACCURATELY COMPLETE AND SUBMIT THE  
3     QUESTIONNAIRE REQUIRED BY SECTION 12-35-114.5 (3).  
4             **SECTION 5.** In Colorado Revised Statutes, **add** 12-36-117.9 as  
5     follows:  
6             **12-36-117.9. Electronic prescribing of controlled substances**  
7     **- exceptions - rules - definition.** (1) (a)   EXCEPT AS PROVIDED IN  
8     SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, A  
9     PHYSICIAN LICENSED UNDER THIS ARTICLE 36 OR A PHYSICIAN ASSISTANT  
10    LICENSED UNDER THIS ARTICLE 36 WHO HAS BEEN DELEGATED THE  
11    AUTHORITY TO PRESCRIBE MEDICATION SHALL PRESCRIBE A CONTROLLED  
12    SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN  
13    SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18,  
14    ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY  
15    UNLESS:  
16             (I)    AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC  
17    PRESCRIBING IS NOT AVAILABLE DUE TO TECHNOLOGICAL OR ELECTRICAL  
18    FAILURE;  
19             (II)   THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT  
20    IS LOCATED OUTSIDE OF THIS STATE;  
21             (III)   THE PRESCRIBING PHYSICIAN OR PHYSICIAN ASSISTANT IS  
22    DISPENSING THE CONTROLLED SUBSTANCE TO THE PATIENT;  
23             (IV)    THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT  
24    SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL  
25    FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;  
26             (V)    THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES  
27    THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO  
28    CONTAIN ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC  
29    PRESCRIBING;  
30             (VI)    THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND  
31    ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:  
32                 (A)   PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF  
33    DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR  
34    COMPREHENSIVE MEDICATION MANAGEMENT PLAN;  
35                 (B)   IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR  
36                 (C)   UNDER OTHER CIRCUMSTANCES THAT PERMIT THE PHYSICIAN  
37    OR PHYSICIAN ASSISTANT TO ISSUE A PRESCRIPTION THAT IS NOT  
38    PATIENT-SPECIFIC;  
39             (VII)   THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER  
40    A RESEARCH PROTOCOL;  
41             (VIII)  THE PHYSICIAN OR PHYSICIAN ASSISTANT WRITES

1 TWENTY-FOUR OR FEWER PRESCRIPTIONS FOR CONTROLLED SUBSTANCES  
2 PER YEAR;

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

9 (X) THE PHYSICIAN OR PHYSICIAN ASSISTANT REASONABLY  
10 DETERMINES THAT THE PATIENT WOULD BE UNABLE TO OBTAIN  
11 CONTROLLED SUBSTANCES PRESCRIBED ELECTRONICALLY IN A TIMELY  
12 MANNER AND THAT THE DELAY WOULD ADVERSELY AFFECT THE PATIENT'S  
13 MEDICAL CONDITION.

14 (b) A PHYSICIAN OR PHYSICIAN ASSISTANT PRACTICING IN A RURAL  
15 AREA OF THE STATE OR IN A PRACTICE CONSISTING OF ONLY ONE  
16 PHYSICIAN OR PHYSICIAN ASSISTANT SHALL COMPLY WITH THIS  
17 SUBSECTION (1) ON OR AFTER JULY 1, 2022.

18 (2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES  
19 A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF  
20 SUBSECTION (1)(a)(I) OF THIS SECTION.

21 (3) (a) THIS SECTION DOES NOT:

22 (I) CREATE A PRIVATE RIGHT OF ACTION;

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

24 (III) ESTABLISH A STANDARD OF CARE.

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

27 (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY  
28 THAT IS LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT  
29 EITHER HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES WITH  
30 FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE MOST  
31 RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES  
32 CENSUS BUREAU OR THAT SATISFIES ALTERNATE CRITERIA FOR THE  
33 DESIGNATION OF A RURAL AREA AS MAY BE PROMULGATED BY THE  
34 FEDERAL OFFICE OF MANAGEMENT AND BUDGET.

35 **SECTION 6.** In Colorado Revised Statutes, 12-36-123, **amend**  
36 (1)(b) as follows:

37 **12-36-123. Procedure - registration - fees.** (1) (b) The board  
38 shall design a questionnaire to accompany the renewal form for the  
39 purpose of determining whether a licensee has acted in violation of this  
40 article **36** or been disciplined for any action that might be considered a  
41 violation of this article **36** or might make the licensee unfit to practice

1 medicine with reasonable care and safety. THE BOARD SHALL INCLUDE ON  
2 THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS  
3 COMPLIED WITH SECTION 12-36-117.9. If an applicant fails to answer the  
4 questionnaire accurately, ~~such~~ THE failure ~~shall constitute~~ CONSTITUTES  
5 unprofessional conduct under section 12-36-117 (1)(aa).

6 **SECTION 7.** In Colorado Revised Statutes, **add** 12-38-111.7 as  
7 follows:

8 **12-38-111.7. Electronic prescribing of controlled substances**  
9 **- exceptions - rules - definition.** (1) (a) EXCEPT AS PROVIDED IN  
10 SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, AN  
11 ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY PURSUANT  
12 TO SECTION 12-38-111.6 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS  
13 DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III,  
14 OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY  
15 ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

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

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

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

23 (IV) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT  
24 SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL  
25 FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;

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

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

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

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

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

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

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

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

7 (X) THE ADVANCED PRACTICE NURSE REASONABLY DETERMINES  
8 THAT THE PATIENT WOULD BE UNABLE TO OBTAIN CONTROLLED  
9 SUBSTANCES PRESCRIBED ELECTRONICALLY IN A TIMELY MANNER AND  
10 THAT THE DELAY WOULD ADVERSELY AFFECT THE PATIENT'S MEDICAL  
11 CONDITION.

12 (b) AN ADVANCED PRACTICE NURSE PRACTICING IN A RURAL AREA  
13 OF THE STATE OR IN A PRACTICE CONSISTING OF ONLY ONE ADVANCED  
14 PRACTICE NURSE SHALL COMPLY WITH THIS SUBSECTION (1) ON OR AFTER  
15 JULY 1, 2022.

16 (2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES  
17 A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF  
18 SUBSECTION (1)(a)(I) OF THIS SECTION.

19 (3) (a) THIS SECTION DOES NOT:

20 (I) CREATE A PRIVATE RIGHT OF ACTION;

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

22 (III) ESTABLISH A STANDARD OF CARE.

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

25 (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY  
26 THAT IS LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT  
27 EITHER HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES WITH  
28 FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE MOST  
29 RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES  
30 CENSUS BUREAU OR THAT SATISFIES ALTERNATE CRITERIA FOR THE  
31 DESIGNATION OF A RURAL AREA AS MAY BE PROMULGATED BY THE  
32 FEDERAL OFFICE OF MANAGEMENT AND BUDGET.

33 **SECTION 8.** In Colorado Revised Statutes, 12-38-111, **amend**  
34 (3) as follows:

35 **12-38-111. Requirements for professional nurse licensure -**  
36 **renewal questionnaire.** (3) The board shall design a questionnaire to be  
37 sent to all licensees who apply for license renewal. Each applicant for  
38 license renewal shall complete the board-designed questionnaire. The  
39 purpose of the questionnaire is to determine whether a licensee has acted  
40 in violation of this article **38** or been disciplined for any action that might  
41 be considered a violation of this article **38** or might make the licensee



1 unfit to practice nursing with reasonable care and safety. THE BOARD  
2 SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING  
3 WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-38-111.7. If an  
4 applicant fails to answer the questionnaire accurately, ~~such~~ THE failure  
5 ~~shall constitute~~ CONSTITUTES grounds for discipline under section  
6 12-38-117 (1)(v). The board may include the cost of developing and  
7 reviewing the questionnaire in the fee paid under ~~paragraph (e) of~~  
8 ~~subsection (1)~~ SUBSECTION (1)(e) of this section. The board may refuse  
9 an application for license renewal that does not accompany an accurately  
10 completed questionnaire.

11 **SECTION 9.** In Colorado Revised Statutes, 12-38-117, **amend**  
12 (1) introductory portion and (1)(e) as follows:

13 **12-38-117. Grounds for discipline.** (1) "Grounds for discipline",  
14 as used in this article **38**, means any action by any person who:

15 (e) Has violated any provision of this article **38** OR ANY RULE  
16 ADOPTED BY THE BOARD IN ACCORDANCE WITH THIS ARTICLE 38 or has  
17 aided or knowingly permitted any person to violate any provision of this  
18 article **38** OR ANY RULE ADOPTED BY THE BOARD IN ACCORDANCE WITH  
19 THIS ARTICLE 38;

20 **SECTION 10.** In Colorado Revised Statutes, **add** 12-40-109.9 as  
21 follows:

22 **12-40-109.9. Electronic prescribing of controlled substances**  
23 **- exceptions - rules - definition.** (1) (a) EXCEPT AS PROVIDED IN  
24 SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, A  
25 LICENSED OPTOMETRIST SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS  
26 DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III,  
27 OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY  
28 ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

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

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

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

36 (IV) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT  
37 SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL  
38 FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;

39 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES  
40 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO  
41 CONTAIN ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC

1     PRESCRIBING;

2             (VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND

3     ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

4             (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF

5     DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR

6     COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

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

8             (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE

9     OPTOMETRIST TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

10            (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER

11    A RESEARCH PROTOCOL;

12            (VIII) THE OPTOMETRIST WRITES TWENTY-FOUR OR FEWER

13    PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;

14            (IX) THE OPTOMETRIST IS PRESCRIBING A CONTROLLED

15    SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING

16    CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR

17    ASSISTED LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF

18    THE DEPARTMENT OF CORRECTIONS; OR

19            (X) THE OPTOMETRIST REASONABLY DETERMINES THAT THE

20    PATIENT WOULD BE UNABLE TO OBTAIN CONTROLLED SUBSTANCES

21    PRESCRIBED ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY

22    WOULD ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION.

23            (b) AN OPTOMETRIST PRACTICING IN A RURAL AREA OF THE STATE

24    OR IN A PRACTICE CONSISTING OF ONLY ONE OPTOMETRIST SHALL COMPLY

25    WITH THIS SUBSECTION (1) ON OR AFTER JULY 1, 2022.

26            (2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES

27    A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF

28    SUBSECTION (1)(a)(I) OF THIS SECTION.

29            (3) (a) THIS SECTION DOES NOT:

30                (I) CREATE A PRIVATE RIGHT OF ACTION;

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

32                (III) ESTABLISH A STANDARD OF CARE.

33            (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE

34    NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

35            (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY

36    THAT IS LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT

37    EITHER HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES WITH

38    FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE MOST

39    RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES

40    CENSUS BUREAU OR THAT SATISFIES ALTERNATE CRITERIA FOR THE

41    DESIGNATION OF A RURAL AREA AS MAY BE PROMULGATED BY THE

1 FEDERAL OFFICE OF MANAGEMENT AND BUDGET.

2 **SECTION 11.** In Colorado Revised Statutes, 12-40-113, **amend**  
3 (1)(b) as follows:

4 **12-40-113. License renewal - requirements - fee - failure to**  
5 **pay.** (1) (b) The board shall establish a questionnaire to accompany the  
6 renewal form. ~~Said~~ THE questionnaire ~~shall~~ MUST be designed to  
7 determine if the licensee has acted in violation of or has been disciplined  
8 for actions that might be considered as violations of this article **40** or that  
9 might make the licensee unfit to practice optometry with reasonable care  
10 and safety. THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A  
11 QUESTION REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH  
12 SECTION 12-40-109.9. Failure of the applicant to answer the questionnaire  
13 accurately ~~shall be~~ IS considered unprofessional conduct as specified in  
14 section 12-40-118.

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

17 **12-42.5-120. Prescription required - exception - dispensing**  
18 **opiate antagonists - definitions.** (1) (a) Except as provided in section  
19 18-18-414 ~~C.R.S.~~, and subsections (2) and (3) of this section, an order is  
20 required prior to dispensing any prescription drug. Orders shall be readily  
21 retrievable within the appropriate statute of limitations.

22 (b) A PHARMACIST WHO RECEIVES AN ORDER FOR A CONTROLLED  
23 SUBSTANCE FROM A PODIATRIST, DENTIST, PHYSICIAN, PHYSICIAN  
24 ASSISTANT, ADVANCED PRACTICE NURSE, OR OPTOMETRIST, WHICH ORDER  
25 IS NOT TRANSMITTED ELECTRONICALLY TO THE PHARMACIST, IS NOT  
26 REQUIRED TO VERIFY THE APPLICABILITY OF AN EXCEPTION TO  
27 ELECTRONIC PRESCRIBING OF CONTROLLED SUBSTANCES UNDER SECTION  
28 12-32-107.7, 12-35-114.5, 12-36-117.9, 12-38-111.7, OR 12-40-109.9 AND  
29 MAY DISPENSE A CONTROLLED SUBSTANCE PURSUANT TO A WRITTEN,  
30 ORAL, OR FACSIMILE-TRANSMITTED ORDER THAT IS OTHERWISE VALID AND  
31 CONSISTENT WITH THE REQUIREMENTS OF CURRENT LAW.

32 **SECTION 13.** In Colorado Revised Statutes, 12-32-107.5, **repeal**  
33 **as added by Senate Bill 18-022** (3)(b) as follows:

34 **12-32-107.5. Prescriptions - requirement to advise patients -**  
35 **limits on opioid prescriptions - repeal.** (3) (b) ~~A podiatrist licensed~~  
36 ~~pursuant to this article 32 may prescribe opioids electronically.~~

37 **SECTION 14.** In Colorado Revised Statutes, 12-35-114, **repeal**  
38 **as added by Senate Bill 18-022** (2)(b) as follows:

39 **12-35-114. Dentists may prescribe drugs - surgical operations**  
40 **- anesthesia - limits on opioid prescriptions - repeal.** (2) (b) ~~A dentist~~  
41 ~~licensed pursuant to this article 35 may prescribe opioids electronically.~~

1           **SECTION 15.** In Colorado Revised Statutes, 12-36-117.6, **repeal**  
2 **as added by Senate Bill 18-022** (2) as follows:

3           **12-36-117.6. Prescribing opiates - limitations - repeal.** (2) ~~A~~  
4 ~~physician or physician assistant licensed pursuant to this article 36 may~~  
5 ~~prescribe opioids electronically.~~

6           **SECTION 16.** In Colorado Revised Statutes, 12-38-111.6, **repeal**  
7 **as added by Senate Bill 18-022** (7.5)(b) as follows:

8           **12-38-111.6. Prescriptive authority - advanced practice nurses**  
9 **- limits on opioid prescriptions - repeal.** (7.5) (b) ~~An advanced practice~~  
10 ~~nurse with prescriptive authority pursuant to this section may prescribe~~  
11 ~~opioids electronically.~~

12           **SECTION 17.** In Colorado Revised Statutes, 12-40-109.5, **repeal**  
13 **as added by Senate Bill 18-022** (4)(b) as follows:

14           **12-40-109.5. Use of prescription and nonprescription drugs -**  
15 **limits on opioid prescriptions - repeal.** (4) (b) ~~An optometrist licensed~~  
16 ~~pursuant to this article 40 may prescribe opioids electronically.~~

17           **SECTION 18. Act subject to petition - effective date.**

18 (1) Except as otherwise provided in this section, this act takes effect at  
19 12:01 a.m. on the day following the expiration of the ninety-day period  
20 after final adjournment of the general assembly (August 8, 2018, if  
21 adjournment sine die is on May 9, 2018); except that, if a referendum  
22 petition is filed pursuant to section 1 (3) of article V of the state  
23 constitution against this act or an item, section, or part of this act within  
24 such period, then the act, item, section, or part will not take effect unless  
25 approved by the people at the general election to be held in November  
26 2018 and, in such case, will take effect on the date of the official  
27 declaration of the vote thereon by the governor.

28 (2) Sections 13, 15, 18, and 19 of this act take effect only if  
29 Senate Bill 18-022 becomes law and take effect on July 1, 2021.

30 (3) Section 14 of this act takes effect on July 1, 2022, but only if  
31 Senate Bill 18-022 becomes law.

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