

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 8, 2018
Date

Committee on Health & Human Services.

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

SB18-022 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, 12-32-107.5, **add**
4 (3) as follows:

5 **12-32-107.5. Prescriptions - requirement to advise patients -**
6 **limits on opioid prescriptions - repeal.** (3) (a) A PODIATRIST SHALL NOT
7 PRESCRIBE MORE THAN A SEVEN-DAY SUPPLY OF AN OPIOID TO A PATIENT
8 WHO HAS NOT HAD AN OPIOID PRESCRIPTION IN THE LAST TWELVE MONTHS
9 BY THAT PODIATRIST, AND MAY EXERCISE DISCRETION TO INCLUDE A
10 SECOND FILL FOR A SEVEN-DAY SUPPLY, UNLESS, IN THE JUDGMENT OF THE
11 PODIATRIST, THE PATIENT:

12 (I) HAS CHRONIC PAIN THAT TYPICALLY LASTS LONGER THAN
13 NINETY DAYS OR PAST THE TIME OF NORMAL HEALING, AS DETERMINED BY
14 THE PODIATRIST, OR FOLLOWING TRANSFER OF CARE FROM ANOTHER
15 PODIATRIST WHO PRESCRIBED AN OPIOID TO THE PATIENT;

16 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
17 CANCER-RELATED PAIN; OR

18 (III) IS EXPERIENCING POST-SURGICAL PAIN THAT, BECAUSE OF THE
19 NATURE OF THE PROCEDURE, IS EXPECTED TO LAST MORE THAN FOURTEEN
20 DAYS.

21 (b) A PODIATRIST LICENSED PURSUANT TO THIS ARTICLE 32 MAY
22 PRESCRIBE OPIOIDS ELECTRONICALLY.

23 (c) THIS SUBSECTION (3) DOES NOT CREATE A PRIVATE RIGHT OF

1 ACTION OR SERVE AS THE BASIS OF A CAUSE OF ACTION. A VIOLATION OF
2 THIS SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR
3 CONTRIBUTORY NEGLIGENCE PER SE AND DOES NOT ALONE ESTABLISH A
4 STANDARD OF CARE.

5 (d) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE SEPTEMBER 1,
6 2021.

7 **SECTION 2.** In Colorado Revised Statutes, **amend** 12-35-114 as
8 follows:

9 **12-35-114. Dentists may prescribe drugs - surgical operations**
10 **- anesthesia - limits on opioid prescriptions - repeal.** (1) A licensed
11 dentist is authorized to prescribe drugs or medicine; perform surgical
12 operations; administer, pursuant to board rules, local anesthesia, analgesia
13 including nitrous oxide/oxygen inhalation, medication prescribed or
14 administered for the relief of anxiety or apprehension, minimal sedation,
15 moderate sedation, deep sedation, or general anesthesia; and use
16 appliances as necessary to the proper practice of dentistry. A dentist shall
17 not prescribe, distribute, or give to any person, including himself or
18 herself, any habit-forming drug or any controlled substance, as defined in
19 section 18-18-102 (5) ~~C.R.S.~~, or as contained in schedule II of 21 U.S.C.
20 sec. 812, other than in the course of legitimate dental practice and
21 pursuant to the rules promulgated by the board regarding controlled
22 substance record keeping.

23 (2)(a) A DENTIST SHALL NOT PRESCRIBE MORE THAN A SEVEN-DAY
24 SUPPLY OF AN OPIOID TO A PATIENT WHO HAS NOT HAD AN OPIOID
25 PRESCRIPTION IN THE LAST TWELVE MONTHS BY THAT DENTIST, AND MAY
26 EXERCISE DISCRETION TO INCLUDE A SECOND FILL FOR A SEVEN-DAY
27 SUPPLY, UNLESS, IN THE JUDGMENT OF THE DENTIST, THE PATIENT:

28 (I) HAS CHRONIC PAIN THAT TYPICALLY LASTS LONGER THAN
29 NINETY DAYS OR PAST THE TIME OF NORMAL HEALING, AS DETERMINED BY
30 THE DENTIST, OR FOLLOWING TRANSFER OF CARE FROM ANOTHER DENTIST
31 WHO PRESCRIBED AN OPIOID TO THE PATIENT;

32 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
33 CANCER-RELATED PAIN; OR

34 (III) IS EXPERIENCING POST-SURGICAL PAIN THAT, BECAUSE OF THE
35 NATURE OF THE PROCEDURE, IS EXPECTED TO LAST MORE THAN FOURTEEN
36 DAYS.

37 (b) A DENTIST LICENSED PURSUANT TO THIS ARTICLE 35 MAY
38 PRESCRIBE OPIOIDS ELECTRONICALLY.

39 (c) THIS SUBSECTION (2) DOES NOT CREATE A PRIVATE RIGHT OF
40 ACTION OR SERVE AS THE BASIS OF A CAUSE OF ACTION. A VIOLATION OF
41 THIS SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR

1 CONTRIBUTORY NEGLIGENCE PER SE AND DOES NOT ALONE ESTABLISH A
2 STANDARD OF CARE.

3 (d) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,
4 2021.

5 **SECTION 3.** In Colorado Revised Statutes, **add** 12-36-117.6 as
6 follows:

7 **12-36-117.6. Prescribing opiates - limitations - repeal.** (1) A
8 PHYSICIAN OR PHYSICIAN ASSISTANT SHALL NOT PRESCRIBE MORE THAN
9 A SEVEN-DAY SUPPLY OF AN OPIOID TO A PATIENT WHO HAS NOT HAD AN
10 OPIOID PRESCRIPTION IN THE LAST TWELVE MONTHS BY THAT PHYSICIAN
11 OR PHYSICIAN ASSISTANT, AND MAY EXERCISE DISCRETION TO INCLUDE A
12 SECOND FILL FOR A SEVEN-DAY SUPPLY, UNLESS, IN THE JUDGMENT OF THE
13 PHYSICIAN OR PHYSICIAN ASSISTANT, THE PATIENT:

14 (I) HAS CHRONIC PAIN THAT TYPICALLY LASTS LONGER THAN
15 NINETY DAYS OR PAST THE TIME OF NORMAL HEALING, AS DETERMINED BY
16 THE PHYSICIAN OR PHYSICIAN ASSISTANT, OR FOLLOWING TRANSFER OF
17 CARE FROM ANOTHER PHYSICIAN OR PHYSICIAN ASSISTANT WHO
18 PRESCRIBED AN OPIOID TO THE PATIENT;

19 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
20 CANCER-RELATED PAIN;

21 (III) IS EXPERIENCING POST-SURGICAL PAIN THAT, BECAUSE OF THE
22 NATURE OF THE PROCEDURE, IS EXPECTED TO LAST MORE THAN FOURTEEN
23 DAYS; OR

24 (IV) IS UNDERGOING PALLIATIVE CARE OR HOSPICE CARE FOCUSED
25 ON PROVIDING THE PATIENT WITH RELIEF FROM SYMPTOMS, PAIN, AND
26 STRESS RESULTING FROM A SERIOUS ILLNESS IN ORDER TO IMPROVE
27 QUALITY OF LIFE.

28 (2) A PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT TO
29 THIS ARTICLE 36 MAY PRESCRIBE OPIOIDS ELECTRONICALLY.

30 (3) THIS SECTION DOES NOT CREATE A PRIVATE RIGHT OF ACTION
31 OR SERVE AS THE BASIS OF A CAUSE OF ACTION. A VIOLATION OF THIS
32 SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR CONTRIBUTORY
33 NEGLIGENCE PER SE AND DOES NOT ALONE ESTABLISH A STANDARD OF
34 CARE.

35 (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

36 **SECTION 4.** In Colorado Revised Statutes, 12-38-111.6, **add**
37 (7.5) as follows:

38 **12-38-111.6. Prescriptive authority - advanced practice nurses**
39 **- limits on opioid prescriptions - repeal.** (7.5) (a) AN ADVANCED
40 PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY PURSUANT TO THIS
41 SECTION SHALL NOT PRESCRIBE MORE THAN A SEVEN-DAY SUPPLY OF AN

1 OPIOID TO A PATIENT WHO HAS NOT HAD AN OPIOID PRESCRIPTION IN THE
2 LAST TWELVE MONTHS BY THAT ADVANCE PRACTICE NURSE, AND MAY
3 EXERCISE DISCRETION TO INCLUDE A SECOND FILL FOR A SEVEN-DAY
4 SUPPLY, UNLESS, IN THE JUDGMENT OF THE ADVANCE PRACTICE NURSE,
5 THE PATIENT:

6 (I) HAS CHRONIC PAIN THAT TYPICALLY LASTS LONGER THAN
7 NINETY DAYS OR PAST THE TIME OF NORMAL HEALING, AS DETERMINED BY
8 THE ADVANCE PRACTICE NURSE, OR FOLLOWING TRANSFER OF CARE FROM
9 ANOTHER ADVANCE PRACTICE NURSE WHO PRESCRIBED AN OPIOID TO THE
10 PATIENT;

11 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
12 CANCER-RELATED PAIN;

13 (III) IS EXPERIENCING POST-SURGICAL PAIN THAT, BECAUSE OF THE
14 NATURE OF THE PROCEDURE, IS EXPECTED TO LAST MORE THAN FOURTEEN
15 DAYS; OR

16 (IV) IS UNDERGOING PALLIATIVE CARE OR HOSPICE CARE FOCUSED
17 ON PROVIDING THE PATIENT WITH RELIEF FROM SYMPTOMS, PAIN, AND
18 STRESS RESULTING FROM A SERIOUS ILLNESS IN ORDER TO IMPROVE
19 QUALITY OF LIFE.

20 (b) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE
21 AUTHORITY PURSUANT TO THIS SECTION MAY PRESCRIBE OPIOIDS
22 ELECTRONICALLY.

23 (c) THIS SUBSECTION (7.5) DOES NOT CREATE A PRIVATE RIGHT OF
24 ACTION OR SERVE AS THE BASIS OF A CAUSE OF ACTION. A VIOLATION OF
25 THIS SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR
26 CONTRIBUTORY NEGLIGENCE PER SE AND DOES NOT ALONE ESTABLISH A
27 STANDARD OF CARE.

28 (d) THIS SUBSECTION (7.5) IS REPEALED, EFFECTIVE SEPTEMBER 1,
29 2021.

30 **SECTION 5.** In Colorado Revised Statutes, 12-40-109.5, **add** (4)
31 as follows:

32 **12-40-109.5. Use of prescription and nonprescription drugs -**
33 **limits on opioid prescriptions - repeal.** (4) (a) AN OPTOMETRIST SHALL
34 NOT PRESCRIBE MORE THAN A SEVEN-DAY SUPPLY OF AN OPIOID TO A
35 PATIENT WHO HAS NOT HAD AN OPIOID PRESCRIPTION IN THE LAST TWELVE
36 MONTHS BY THAT OPTOMETRIST, AND MAY EXERCISE DISCRETION TO
37 INCLUDE A SECOND FILL FOR A SEVEN-DAY SUPPLY, UNLESS, IN THE
38 JUDGMENT OF THE OPTOMETRIST, THE PATIENT:

39 (I) HAS CHRONIC PAIN THAT TYPICALLY LASTS LONGER THAN
40 NINETY DAYS OR PAST THE TIME OF NORMAL HEALING, AS DETERMINED BY
41 THE OPTOMETRIST, OR FOLLOWING TRANSFER OF CARE FROM ANOTHER

1 OPTOMETRIST WHO PRESCRIBED AN OPIOID TO THE PATIENT;
2 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
3 CANCER-RELATED PAIN; OR
4 (III) IS EXPERIENCING POST-SURGICAL PAIN THAT, BECAUSE OF THE
5 NATURE OF THE PROCEDURE, IS EXPECTED TO LAST MORE THAN FOURTEEN
6 DAYS.
7 (b) AN OPTOMETRIST LICENSED PURSUANT TO THIS ARTICLE 40
8 MAY PRESCRIBE OPIOIDS ELECTRONICALLY.
9 (c) THIS SUBSECTION (4) DOES NOT CREATE A PRIVATE RIGHT OF
10 ACTION OR SERVE AS THE BASIS OF A CAUSE OF ACTION. A VIOLATION OF
11 THIS SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR
12 CONTRIBUTORY NEGLIGENCE PER SE AND DOES NOT ALONE ESTABLISH A
13 STANDARD OF CARE.
14 (d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE SEPTEMBER 1,
15 2021.
16 **SECTION 6.** In Colorado Revised Statutes, 12-42.5-404, **amend**
17 (3)(b); and **add** (3.6) and (8) as follows:
18 **12-42.5-404. Program operation - access - rules - definitions -**
19 **repeal.** (3) The program is available for query only to the following
20 persons or groups of persons:
21 (b) Any practitioner with the statutory authority to prescribe
22 controlled substances, or an individual designated by the practitioner to
23 act on his or her behalf in accordance with section 12-42.5-403 (1.5)(b),
24 to the extent the query relates to a current patient of the practitioner. THE
25 PRACTITIONER OR HIS OR HER DESIGNEE SHALL IDENTIFY HIS OR HER AREA
26 OF HEALTH CARE SPECIALTY OR PRACTICE UPON THE INITIAL QUERY OF THE
27 PROGRAM;
28 (3.6) (a) EACH PRACTITIONER OR HIS OR HER DESIGNEE SHALL
29 QUERY THE PROGRAM PRIOR TO PRESCRIBING THE SECOND FILL FOR AN
30 OPIOID UNLESS THE PERSON RECEIVING THE PRESCRIPTION:
31 (I) IS RECEIVING THE OPIOID IN A HOSPITAL, SKILLED NURSING
32 FACILITY, RESIDENTIAL FACILITY, OR CORRECTIONAL FACILITY;
33 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
34 CANCER-RELATED PAIN;
35 (III) IS UNDERGOING PALLIATIVE CARE OR HOSPICE CARE;
36 (IV) IS EXPERIENCING POST-SURGICAL PAIN THAT, BECAUSE OF THE
37 NATURE OF THE PROCEDURE, IS EXPECTED TO LAST MORE THAN FOURTEEN
38 DAYS;
39 (V) IS RECEIVING TREATMENT DURING A NATURAL DISASTER OR
40 DURING AN INCIDENT WHERE MASS CASUALTIES HAVE TAKEN PLACE; OR
41 (VI) HAS RECEIVED ONLY A SINGLE DOSE TO RELIEVE PAIN FOR A

1 SINGLE TEST OR PROCEDURE.
2 (b) THE PROGRAM MUST USE INDUSTRY STANDARDS TO ALLOW
3 PROVIDERS OR THEIR DESIGNEES DIRECT ACCESS TO DATA FROM WITHIN AN
4 ELECTRONIC HEALTH RECORD TO THE EXTENT THAT THE QUERY RELATES
5 TO A CURRENT PATIENT OF THE PRACTITIONER.
6 (c) A PRACTITIONER OR HIS OR HER DESIGNEE COMPLIES WITH THIS
7 SUBSECTION (3.6) IF HE OR SHE ATTEMPTS TO ACCESS THE PROGRAM PRIOR
8 TO PRESCRIBING THE SECOND FILL FOR AN OPIOID, AND THE PROGRAM IS
9 NOT AVAILABLE OR IS INACCESSIBLE DUE TO TECHNICAL FAILURE.
10 (d) THIS SUBSECTION (3.6) IS REPEALED, EFFECTIVE SEPTEMBER 1,
11 2021.
12 (8) REPORTS GENERATED BY THE PROGRAM AND PROVIDED TO
13 PRESCRIBING PRACTITIONERS FOR PURPOSES OF INFORMATION,
14 EDUCATION, AND INTERVENTION TO PREVENT AND REDUCE OCCURRENCES
15 OF CONTROLLED SUBSTANCE MISUSE, ABUSE, AND DIVERSION ARE:
16 (a) NOT PUBLIC RECORDS UNDER THE "COLORADO OPEN RECORDS
17 ACT," PART 2 OF ARTICLE 72 OF TITLE 24;
18 (b) PRIVILEGED AND CONFIDENTIAL;
19 (c) NOT SUBJECT TO CIVIL SUBPOENA; AND
20 (d) NOT DISCOVERABLE OR ADMISSIBLE IN ANY CIVIL, CRIMINAL,
21 OR ADMINISTRATIVE PROCEEDING AGAINST A PRESCRIBING PRACTITIONER.
22 **SECTION 7.** In Colorado Revised Statutes, **add** 12-64-127 as
23 follows:
24 **12-64-127. Prescription of opioids - limitations - repeal.** (1) A
25 VETERINARIAN SHALL NOT PRESCRIBE MORE THAN A SEVEN-DAY SUPPLY
26 OF AN OPIOID TO A PATIENT WHO HAS NOT HAD AN OPIOID PRESCRIPTION
27 IN THE LAST TWELVE MONTHS BY THAT VETERINARIAN, AND MAY
28 EXERCISE DISCRETION TO INCLUDE A SECOND FILL FOR A SEVEN-DAY
29 SUPPLY, UNLESS, IN THE JUDGMENT OF THE VETERINARIAN, THE PATIENT:
30 (I) HAS CHRONIC PAIN THAT TYPICALLY LASTS LONGER THAN
31 NINETY DAYS OR PAST THE TIME OF NORMAL HEALING, AS DETERMINED BY
32 THE VETERINARIAN, OR FOLLOWING TRANSFER OF CARE FROM ANOTHER
33 VETERINARIAN WHO PRESCRIBED AN OPIOID TO THE PATIENT;
34 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
35 CANCER-RELATED PAIN; OR
36 (III) IS EXPERIENCING POST-SURGICAL PAIN THAT, BECAUSE OF THE
37 NATURE OF THE PROCEDURE, IS EXPECTED TO LAST MORE THAN FOURTEEN
38 DAYS.
39 (2) A VETERINARIAN LICENSED PURSUANT TO THIS ARTICLE 64
40 MAY PRESCRIBE OPIOIDS ELECTRONICALLY.
41 (3) THIS SECTION DOES NOT CREATE A PRIVATE RIGHT OF ACTION

1 OR SERVE AS THE BASIS OF A CAUSE OF ACTION. A VIOLATION OF THIS
2 SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR CONTRIBUTORY
3 NEGLIGENCE PER SE AND DOES NOT ALONE ESTABLISH A STANDARD OF
4 CARE.

5 (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

6 **SECTION 8.** In Colorado Revised Statutes, **add 25-1-129** as
7 follows:

8 **25-1-129. Prescription drug monitoring program integration**
9 **methods - health care provider report cards - report - repeal.** (1) ON
10 OR BEFORE DECEMBER 1, 2019, THE DEPARTMENT SHALL REPORT TO THE
11 GENERAL ASSEMBLY THE FINDINGS FROM STUDIES THE DEPARTMENT
12 CONDUCTED PURSUANT TO THE FEDERAL GRANT TITLED THE
13 "PRESCRIPTION DRUG OVERDOSE PREVENTION FOR STATES COOPERATIVE
14 AGREEMENT" THAT THE DEPARTMENT RECEIVED CONCERNING:

15 (a) THE PRESCRIPTION DRUG MONITORING PROGRAM INTEGRATION
16 METHODS; AND

17 (b) HEALTH CARE PROVIDER REPORT CARDS.

18 (2) THE DEPARTMENT SHALL FORWARD THE FINDINGS FROM
19 STUDIES CONDUCTED PURSUANT TO SUBSECTION (1) OF THIS SECTION TO
20 THE CENTER FOR RESEARCH INTO SUBSTANCE USE DISORDER PREVENTION,
21 TREATMENT, AND RECOVERY SUPPORT STRATEGIES AT THE UNIVERSITY OF
22 COLORADO HEALTH SCIENCES CENTER, CREATED IN SECTION 27-80-118
23 (3). THE CENTER SHALL USE THE INFORMATION TO PROVIDE VOLUNTARY
24 TRAINING FOR HEALTH CARE PROVIDERS IN TARGETED AREAS.

25 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020.

26 **SECTION 9. Safety clause.** The general assembly hereby finds,
27 determines, and declares that this act is necessary for the immediate
28 preservation of the public peace, health, and safety."

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