

1 (c) The provision of a therapeutic interchange selection or a
2 therapeutically equivalent selection to a patient if, during the patient's stay
3 at a nursing care facility or a long-term acute care hospital licensed under
4 part 1 of article 3 of title 25, the selection has been approved for the
5 patient:

6 (II) By one of the following health care providers:

7 (C) An advanced practice nurse prescriber licensed as a
8 professional nurse under section 12-255-110, registered as an advanced
9 practice nurse under section 12-255-111, and authorized to prescribe
10 controlled substances or prescription drugs pursuant to section
11 12-255-112, if the advanced practice nurse prescriber has developed an
12 articulated plan to maintain ongoing collaboration with physicians and
13 other health care professionals; AND

14 (d) THE DISPENSING OF CHRONIC MAINTENANCE DRUGS PURSUANT
15 TO SECTION 12-280-125.5 AND BOARD RULES ADOPTED IN ACCORDANCE
16 WITH THAT SECTION.

17 **SECTION 5.** In Colorado Revised Statutes, 12-280-123, **amend**
18 **as relocated by House Bill 19-1172** (1) as follows:

19 **12-280-123. Prescription required - exception - dispensing**
20 **opiate antagonists.** (1) Except as provided in ~~section~~ SECTIONS
21 18-18-414 AND 12-280-125.5 and subsections (2) and (3) of this section,
22 an order is required prior to dispensing any prescription drug. Orders shall
23 be readily retrievable within the appropriate statute of limitations.

24 **SECTION 6.** In Colorado Revised Statutes, **add to article 280**
25 **as relocated by House Bill 19-1172** 12-280-125.5 as follows:

26 **12-280-125.5. Pharmacists' authority to dispense chronic**
27 **maintenance drugs - rules - liability.** (1) IN ACCORDANCE WITH BOARD
28 RULES ADOPTED UNDER SUBSECTION (2) OF THIS SECTION, ON AND AFTER
29 JANUARY 1, 2020, A PHARMACIST MAY DISPENSE AN EMERGENCY SUPPLY
30 OF A CHRONIC MAINTENANCE DRUG TO A PATIENT WITHOUT A CURRENT,
31 VALID PRESCRIPTION IF:

32 (a) THE PHARMACIST MAKES EVERY REASONABLE ATTEMPT BUT IS
33 UNABLE TO OBTAIN AUTHORIZATION TO REFILL THE PRESCRIPTION FROM
34 THE PRESCRIBING HEALTH CARE PROVIDER OR ANOTHER HEALTH CARE
35 PROVIDER RESPONSIBLE FOR THE PATIENT'S CARE;

36 (b) (I) THE PHARMACIST HAS A RECORD OF A PRESCRIPTION AT THE
37 PHARMACY OR HAS BEEN PRESENTED PROOF OF A RECENT PRESCRIPTION
38 FOR THE CHRONIC MAINTENANCE DRUG IN THE NAME OF THE PATIENT WHO
39 IS REQUESTING THE EMERGENCY SUPPLY; OR

40 (II) IN THE PHARMACIST'S PROFESSIONAL JUDGMENT, THE REFUSAL
41 TO DISPENSE AN EMERGENCY SUPPLY OF THE CHRONIC MAINTENANCE

1 DRUG WILL ENDANGER THE PATIENT'S HEALTH OR DISRUPT ESSENTIAL
2 DRUG THERAPY FOR A CHRONIC CONDITION OF THE PATIENT;

3 (c) THE AMOUNT OF THE CHRONIC MAINTENANCE DRUG DISPENSED
4 DOES NOT EXCEED THE AMOUNT OF THE MOST RECENT PRESCRIPTION OR
5 THE STANDARD QUANTITY OR UNIT OF USE PACKAGE OF THE DRUG;

6 (d) THE PHARMACIST HAS NOT DISPENSED AN EMERGENCY SUPPLY
7 OF THE CHRONIC MAINTENANCE DRUG TO THE SAME PATIENT IN THE
8 PREVIOUS TWELVE-MONTH PERIOD; AND

9 (e) THE PRESCRIBER OF THE DRUG HAS NOT INDICATED THAT NO
10 EMERGENCY REFILLS ARE AUTHORIZED.

11 (2) THE BOARD SHALL ADOPT RULES, IN CONSULTATION WITH THE
12 COLORADO MEDICAL BOARD CREATED IN SECTION 12-240-105 AND THE
13 STATE BOARD OF NURSING CREATED IN SECTION 12-255-105, TO
14 ESTABLISH STANDARD PROCEDURES FOR PHARMACISTS TO FOLLOW IN
15 DISPENSING CHRONIC MAINTENANCE DRUGS PURSUANT TO THIS SECTION.
16 THE RULES ADOPTED UNDER THIS SUBSECTION (2) MUST INCLUDE
17 DOCUMENTATION REQUIREMENTS FOR A PHARMACIST TO COMPLETE WHEN
18 DISPENSING A CHRONIC MAINTENANCE DRUG WITHOUT A CURRENT
19 PRESCRIPTION.

20 (3) A PHARMACIST, THE PHARMACIST'S EMPLOYER, AND THE
21 ORIGINAL PRESCRIBER OF THE DRUG ARE NOT CIVILLY LIABLE FOR AN ACT
22 OR OMISSION IN CONNECTION WITH THE DISPENSING OF A CHRONIC
23 MAINTENANCE DRUG PURSUANT TO THIS SECTION UNLESS THE ACT OR
24 OMISSION CONSTITUTES NEGLIGENCE, RECKLESSNESS, OR WILLFUL OR
25 WANTON MISCONDUCT.

26 **SECTION 7. Effective date.** This act takes effect upon passage;
27 except that sections 4, 5, and 6 of this act take effect only if House Bill
28 19-1172 becomes law, in which case sections 4, 5, and 6 take effect on
29 October 1, 2019."

30 Renumber succeeding section accordingly.

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