

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0937.01 Christy Chase x2008

HOUSE BILL 18-1279

HOUSE SPONSORSHIP

Esgar, Buckner, Ginal, Kennedy, Liston, McKean, Roberts

SENATE SPONSORSHIP

Priola and Moreno,

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT CERTAIN PRACTITIONERS
102 PRESCRIBE CONTROLLED SUBSTANCES ELECTRONICALLY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires podiatrists, dentists, physicians, physician assistants, advanced practice nurses, and optometrists, starting July 1, 2020, and practitioners serving rural communities or in a solo practice, starting July 1, 2021, to prescribe controlled substances only via a prescription that is electronically transmitted to a pharmacy unless a specified exception applies. Prescribers are required to indicate on license

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

renewal questionnaires whether they have complied with the electronic prescribing requirement. Pharmacists need not verify the applicability of an exception to electronic prescribing when they receive an order for a controlled substance in writing, orally, or via facsimile transmission and may fill the order if otherwise valid under the law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

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

4 **12-32-107.7. Electronic prescribing of controlled substances**

5 **- exceptions - rules - definition.** (1) (a) EXCEPT AS PROVIDED IN
6 SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2020, A
7 PODIATRIST LICENSED UNDER THIS ARTICLE 32 SHALL PRESCRIBE A
8 CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102(5), ONLY BY
9 ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

10 (I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
11 PRESCRIBING IS NOT AVAILABLE DUE TO TECHNOLOGICAL OR ELECTRICAL
12 FAILURE;

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

15 (III) THE PRESCRIBING PODIATRIST IS DISPENSING THE
16 CONTROLLED SUBSTANCE TO THE PATIENT;

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

20 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES
21 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO
22 CONTAIN ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC
23 PRESCRIBING;

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

3 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
4 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
5 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

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

7 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE PODIATRIST
8 TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

9 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
10 A RESEARCH PROTOCOL;

11 (VIII) THE PODIATRIST IS PRESCRIBING A CONTROLLED SUBSTANCE
12 TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE
13 FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR
14 ASSISTED LIVING RESIDENCE; OR

15 (IX) THE PODIATRIST REASONABLY DETERMINES THAT THE
16 PATIENT WOULD BE UNABLE TO OBTAIN CONTROLLED SUBSTANCES
17 PRESCRIBED ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY
18 WOULD ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION.

19 (b) A PODIATRIST PRACTICING IN A RURAL AREA OF THE STATE OR
20 IN A PRACTICE CONSISTING OF ONLY ONE PODIATRIST SHALL COMPLY WITH
21 THIS SUBSECTION (1) ON OR AFTER JULY 1, 2021.

22 (2) THE BOARD SHALL ADOPT RULES:

23 (a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL
24 OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a)(I) OF THIS
25 SECTION; AND

26 (b) SPECIFYING THE NECESSARY DOCUMENTATION OR OTHER
27 REQUIREMENTS FOR A PODIATRIST WHO ASSERTS AN EXCEPTION TO THE

1 REQUIREMENT TO ELECTRONICALLY PRESCRIBE CONTROLLED SUBSTANCES.

2 (3) AS USED IN THIS SECTION, "RURAL AREA OF THE STATE" MEANS:

3 (a) A COUNTY WITH A POPULATION OF LESS THAN THREE
4 THOUSAND;

5 (b) A MUNICIPALITY WITH A POPULATION OF LESS THAN ONE
6 THOUSAND THAT IS LOCATED TEN MILES OR MORE FROM A MUNICIPALITY
7 WITH A POPULATION OF OVER ONE THOUSAND; OR

8 (c) THE UNINCORPORATED PART OF A COUNTY TEN MILES OR MORE
9 FROM A MUNICIPALITY WITH A POPULATION OF ONE THOUSAND OR MORE.

10 **SECTION 2.** In Colorado Revised Statutes, 12-32-111, **amend**
11 (1.5) as follows:

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

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

24 **12-35-114.5. Electronic prescribing of controlled substances**
25 **- exceptions - rules - definition.** (1) (a) EXCEPT AS PROVIDED IN
26 SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2020, A
27 DENTIST LICENSED UNDER THIS ARTICLE 35 SHALL PRESCRIBE A

1 CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102(5), ONLY BY
2 ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

3 (I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
4 PRESCRIBING IS NOT AVAILABLE DUE TO TECHNOLOGICAL OR ELECTRICAL
5 FAILURE;

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

8 (III) THE PRESCRIBING DENTIST IS DISPENSING THE CONTROLLED
9 SUBSTANCE TO THE PATIENT;

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

13 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES
14 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO
15 CONTAIN ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC
16 PRESCRIBING;

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

19 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
20 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
21 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

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

23 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE DENTIST TO
24 ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

25 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
26 A RESEARCH PROTOCOL;

27 (VIII) THE DENTIST IS PRESCRIBING A CONTROLLED SUBSTANCE TO

1 BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE FACILITY,
2 HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR ASSISTED
3 LIVING RESIDENCE; OR

4 (IX) THE DENTIST REASONABLY DETERMINES THAT THE PATIENT
5 WOULD BE UNABLE TO OBTAIN CONTROLLED SUBSTANCES PRESCRIBED
6 ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD
7 ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION.

8 (b) A DENTIST PRACTICING IN A RURAL AREA OF THE STATE OR IN
9 A PRACTICE CONSISTING OF ONLY ONE DENTIST SHALL COMPLY WITH THIS
10 SUBSECTION (1) ON OR AFTER JULY 1, 2021.

11 (2) THE BOARD SHALL ADOPT RULES:

12 (a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL
13 OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a)(I) OF THIS
14 SECTION; AND

15 (b) SPECIFYING THE NECESSARY DOCUMENTATION OR OTHER
16 REQUIREMENTS FOR A DENTIST WHO ASSERTS AN EXCEPTION TO THE
17 REQUIREMENT TO ELECTRONICALLY PRESCRIBE CONTROLLED SUBSTANCES.

18 (3) ON AND AFTER JULY 1, 2020, THE BOARD SHALL REQUIRE A
19 DENTIST WHO IS RENEWING HIS OR HER LICENSE IN ACCORDANCE WITH
20 SECTION 12-35-121 TO COMPLETE A QUESTIONNAIRE THAT REQUIRES THE
21 DENTIST TO INDICATE WHETHER HE OR SHE HAS COMPLIED WITH THE
22 REQUIREMENTS OF THIS SECTION. THE FAILURE OF AN APPLICANT TO
23 ANSWER THE QUESTIONNAIRE ACCURATELY CONSTITUTES GROUNDS FOR
24 DISCIPLINE PURSUANT TO SECTION 12-35-129.1.

25 (4) AS USED IN THIS SECTION, "RURAL AREA OF THE STATE" MEANS:

26 (a) A COUNTY WITH A POPULATION OF LESS THAN THREE
27 THOUSAND;

1 (b) A MUNICIPALITY WITH A POPULATION OF LESS THAN ONE
2 THOUSAND THAT IS LOCATED TEN MILES OR MORE FROM A MUNICIPALITY
3 WITH A POPULATION OF OVER ONE THOUSAND; OR

4 (c) THE UNINCORPORATED PART OF A COUNTY TEN MILES OR MORE
5 FROM A MUNICIPALITY WITH A POPULATION OF ONE THOUSAND OR MORE.

6 **SECTION 4.** In Colorado Revised Statutes, 12-35-129, **amend**
7 (1)(mm); and **add** (1)(oo) and (1)(pp) as follows:

8 **12-35-129. Grounds for disciplinary action.** (1) The board may
9 take disciplinary action against an applicant or licensee in accordance
10 with section 12-35-129.1 for any of the following causes:

11 (mm) Failing to complete and maintain records of completing
12 continuing education as required by section 12-35-139; ~~or~~

13 (oo) FAILING TO COMPLY WITH SECTION 12-35-114.5 AND RULES
14 ADOPTED BY THE BOARD UNDER THAT SECTION REGARDING ELECTRONIC
15 PRESCRIBING OF CONTROLLED SUBSTANCES; OR

16 (pp) FAILING TO ACCURATELY COMPLETE AND SUBMIT THE
17 QUESTIONNAIRE REQUIRED BY SECTION 12-35-114.5 (3).

18 **SECTION 5.** In Colorado Revised Statutes, **add** 12-36-117.9 as
19 follows:

20 **12-36-117.9. Electronic prescribing of controlled substances**
21 **- exceptions - rules - definition.** (1) (a) EXCEPT AS PROVIDED IN
22 SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2020, A
23 PHYSICIAN LICENSED UNDER THIS ARTICLE 36 OR A PHYSICIAN ASSISTANT
24 LICENSED UNDER THIS ARTICLE 36 WHO HAS BEEN DELEGATED THE
25 AUTHORITY TO PRESCRIBE MEDICATION SHALL PRESCRIBE A CONTROLLED
26 SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), ONLY BY ELECTRONIC
27 PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

1 (I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
2 PRESCRIBING IS NOT AVAILABLE DUE TO TECHNOLOGICAL OR ELECTRICAL
3 FAILURE;

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

6 (III) THE PRESCRIBING PHYSICIAN OR PHYSICIAN ASSISTANT IS
7 DISPENSING THE CONTROLLED SUBSTANCE TO THE PATIENT;

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

11 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES
12 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO
13 CONTAIN ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC
14 PRESCRIBING;

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

17 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
18 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
19 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

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

21 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE PHYSICIAN
22 OR PHYSICIAN ASSISTANT TO ISSUE A PRESCRIPTION THAT IS NOT
23 PATIENT-SPECIFIC;

24 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
25 A RESEARCH PROTOCOL;

26 (VIII) THE PHYSICIAN OR PHYSICIAN ASSISTANT IS PRESCRIBING A
27 CONTROLLED SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A

1 HOSPITAL, NURSING CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS
2 TREATMENT CLINIC, OR ASSISTED LIVING RESIDENCE; OR

3 (IX) THE PHYSICIAN OR PHYSICIAN ASSISTANT REASONABLY
4 DETERMINES THAT THE PATIENT WOULD BE UNABLE TO OBTAIN
5 CONTROLLED SUBSTANCES PRESCRIBED ELECTRONICALLY IN A TIMELY
6 MANNER AND THAT THE DELAY WOULD ADVERSELY AFFECT THE PATIENT'S
7 MEDICAL CONDITION.

8 (b) A PHYSICIAN OR PHYSICIAN ASSISTANT PRACTICING IN A RURAL
9 AREA OF THE STATE OR IN A PRACTICE CONSISTING OF ONLY ONE
10 PHYSICIAN OR PHYSICIAN ASSISTANT SHALL COMPLY WITH THIS
11 SUBSECTION (1) ON OR AFTER JULY 1, 2021.

12 (2) THE BOARD SHALL ADOPT RULES:

13 (a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL
14 OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a)(I) OF THIS
15 SECTION; AND

16 (b) SPECIFYING THE NECESSARY DOCUMENTATION OR OTHER
17 REQUIREMENTS FOR A PHYSICIAN OR PHYSICIAN ASSISTANT WHO ASSERTS
18 AN EXCEPTION TO THE REQUIREMENT TO ELECTRONICALLY PRESCRIBE
19 CONTROLLED SUBSTANCES.

20 (3) AS USED IN THIS SECTION, "RURAL AREA OF THE STATE" MEANS:

21 (a) A COUNTY WITH A POPULATION OF LESS THAN THREE
22 THOUSAND;

23 (b) A MUNICIPALITY WITH A POPULATION OF LESS THAN ONE
24 THOUSAND THAT IS LOCATED TEN MILES OR MORE FROM A MUNICIPALITY
25 WITH A POPULATION OF OVER ONE THOUSAND; OR

26 (c) THE UNINCORPORATED PART OF A COUNTY TEN MILES OR MORE
27 FROM A MUNICIPALITY WITH A POPULATION OF ONE THOUSAND OR MORE.

1 **SECTION 6.** In Colorado Revised Statutes, 12-36-117, **amend**
2 (1)(n) as follows:

3 **12-36-117. Unprofessional conduct.** (1) "Unprofessional
4 conduct" as used in this article 36 means:

5 (n) Violating, or attempting to violate, directly or indirectly, or
6 assisting in or abetting the violation of or conspiring to violate any
7 provision or term of this article **36** OR ANY RULE ADOPTED BY THE BOARD
8 IN ACCORDANCE WITH THIS ARTICLE 36;

9 **SECTION 7.** In Colorado Revised Statutes, 12-36-123, **amend**
10 (1)(b) as follows:

11 **12-36-123. Procedure - registration - fees.** (1) (b) The board
12 shall design a questionnaire to accompany the renewal form for the
13 purpose of determining whether a licensee has acted in violation of this
14 article **36** or been disciplined for any action that might be considered a
15 violation of this article **36** or might make the licensee unfit to practice
16 medicine with reasonable care and safety. THE BOARD SHALL INCLUDE ON
17 THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS
18 COMPLIED WITH THE REQUIREMENTS OF SECTION 12-36-117.9. If an
19 applicant fails to answer the questionnaire accurately, ~~such~~ THE failure
20 ~~shall constitute~~ CONSTITUTES unprofessional conduct under section
21 12-36-117 (1)(aa).

22 **SECTION 8.** In Colorado Revised Statutes, **add** 12-38-111.7 as
23 follows:

24 **12-38-111.7. Electronic prescribing of controlled substances**
25 **- exceptions - rules - definition.** (1) (a) EXCEPT AS PROVIDED IN
26 SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2020, AN
27 ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY PURSUANT

1 TO SECTION 12-38-111.6 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS
2 DEFINED IN SECTION 18-18-102 (5), ONLY BY ELECTRONIC PRESCRIPTION
3 TRANSMITTED TO A PHARMACY UNLESS:

4 (I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
5 PRESCRIBING IS NOT AVAILABLE DUE TO TECHNOLOGICAL OR ELECTRICAL
6 FAILURE;

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

9 (III) THE PRESCRIBING ADVANCED PRACTICE NURSE IS DISPENSING
10 THE CONTROLLED SUBSTANCE TO THE PATIENT;

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

14 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES
15 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO
16 CONTAIN ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC
17 PRESCRIBING;

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

20 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
21 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
22 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

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

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

26 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
27 A RESEARCH PROTOCOL;

1 (VIII) 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, OR ASSISTED LIVING RESIDENCE; OR

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

10 (b) AN ADVANCED PRACTICE NURSE PRACTICING IN A RURAL AREA
11 OF THE STATE OR IN A PRACTICE CONSISTING OF ONLY ONE ADVANCED
12 PRACTICE NURSE SHALL COMPLY WITH THIS SUBSECTION (1) ON OR AFTER
13 JULY 1, 2021.

14 (2) THE BOARD SHALL ADOPT RULES:

15 (a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL
16 OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a)(I) OF THIS
17 SECTION; AND

18 (b) SPECIFYING THE NECESSARY DOCUMENTATION OR OTHER
19 REQUIREMENTS FOR AN ADVANCED PRACTICE NURSE WHO ASSERTS AN
20 EXCEPTION TO THE REQUIREMENT TO ELECTRONICALLY PRESCRIBE
21 CONTROLLED SUBSTANCES.

22 (3) AS USED IN THIS SECTION, "RURAL AREA OF THE STATE" MEANS:

23 (a) A COUNTY WITH A POPULATION OF LESS THAN THREE
24 THOUSAND;

25 (b) A MUNICIPALITY WITH A POPULATION OF LESS THAN ONE
26 THOUSAND THAT IS LOCATED TEN MILES OR MORE FROM A MUNICIPALITY
27 WITH A POPULATION OF OVER ONE THOUSAND; OR

1 (c) THE UNINCORPORATED PART OF A COUNTY TEN MILES OR MORE
2 FROM A MUNICIPALITY WITH A POPULATION OF ONE THOUSAND OR MORE.

3 **SECTION 9.** In Colorado Revised Statutes, 12-38-111, **amend**
4 (3) as follows:

5 **12-38-111. Requirements for professional nurse licensure -**
6 **renewal questionnaire.** (3) The board shall design a questionnaire to be
7 sent to all licensees who apply for license renewal. Each applicant for
8 license renewal shall complete the board-designed questionnaire. The
9 purpose of the questionnaire is to determine whether a licensee has acted
10 in violation of this article **38** or been disciplined for any action that might
11 be considered a violation of this article **38** or might make the licensee
12 unfit to practice nursing with reasonable care and safety. THE BOARD
13 SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING
14 WHETHER THE LICENSEE HAS COMPLIED WITH THE REQUIREMENTS OF
15 SECTION 12-38-111.7. If an applicant fails to answer the questionnaire
16 accurately, ~~such~~ THE failure ~~shall constitute~~ CONSTITUTES grounds for
17 discipline under section 12-38-117 (1)(v). The board may include the cost
18 of developing and reviewing the questionnaire in the fee paid under
19 ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(e) of this section. The
20 board may refuse an application for license renewal that does not
21 accompany an accurately completed questionnaire.

22 **SECTION 10.** In Colorado Revised Statutes, 12-38-117, **amend**
23 (1) introductory portion and (1)(e) as follows:

24 **12-38-117. Grounds for discipline.** (1) "Grounds for discipline",
25 as used in this article **38**, means any action by any person who:

26 (e) Has violated any provision of this article **38** OR ANY RULE
27 ADOPTED BY THE BOARD IN ACCORDANCE WITH THIS ARTICLE **38** or has

1 aided or knowingly permitted any person to violate any provision of this
2 article 38 OR ANY RULE ADOPTED BY THE BOARD IN ACCORDANCE WITH
3 THIS ARTICLE 38;

4 **SECTION 11.** In Colorado Revised Statutes, **add** 12-40-109.9 as
5 follows:

6 **12-40-109.9. 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, 2020, A
9 LICENSED OPTOMETRIST SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS
10 DEFINED IN SECTION 18-18-102 (5), ONLY BY ELECTRONIC PRESCRIPTION
11 TRANSMITTED TO A PHARMACY UNLESS:

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

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

17 (III) THE PRESCRIBING OPTOMETRIST IS DISPENSING THE
18 CONTROLLED SUBSTANCE TO THE PATIENT;

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

22 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES
23 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO
24 CONTAIN ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC
25 PRESCRIBING;

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

1 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
2 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
3 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

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

5 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE
6 OPTOMETRIST TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

7 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
8 A RESEARCH PROTOCOL;

9 (VIII) THE OPTOMETRIST IS PRESCRIBING A CONTROLLED
10 SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING
11 CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR
12 ASSISTED LIVING RESIDENCE; OR

13 (IX) THE OPTOMETRIST REASONABLY DETERMINES THAT THE
14 PATIENT WOULD BE UNABLE TO OBTAIN CONTROLLED SUBSTANCES
15 PRESCRIBED ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY
16 WOULD ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION.

17 (b) AN OPTOMETRIST PRACTICING IN A RURAL AREA OF THE STATE
18 OR IN A PRACTICE CONSISTING OF ONLY ONE OPTOMETRIST SHALL COMPLY
19 WITH THIS SUBSECTION (1) ON OR AFTER JULY 1, 2021.

20 (2) THE BOARD SHALL ADOPT RULES:

21 (a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL
22 OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a)(I) OF THIS
23 SECTION; AND

24 (b) SPECIFYING THE NECESSARY DOCUMENTATION OR OTHER
25 REQUIREMENTS FOR AN OPTOMETRIST WHO ASSERTS AN EXCEPTION TO THE
26 REQUIREMENT TO ELECTRONICALLY PRESCRIBE CONTROLLED SUBSTANCES.

27 (3) AS USED IN THIS SECTION, "RURAL AREA OF THE STATE" MEANS:

1 (a) A COUNTY WITH A POPULATION OF LESS THAN THREE
2 THOUSAND;

3 (b) A MUNICIPALITY WITH A POPULATION OF LESS THAN ONE
4 THOUSAND THAT IS LOCATED TEN MILES OR MORE FROM A MUNICIPALITY
5 WITH A POPULATION OF OVER ONE THOUSAND; OR

6 (c) THE UNINCORPORATED PART OF A COUNTY TEN MILES OR MORE
7 FROM A MUNICIPALITY WITH A POPULATION OF ONE THOUSAND OR MORE.

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

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

21 **SECTION 13.** In Colorado Revised Statutes, 12-42.5-120,
22 **amend** (1) as follows:

23 **12-42.5-120. Prescription required - exception - dispensing**
24 **opiate antagonists - definitions.** (1) (a) Except as provided in section
25 18-18-414 ~~C.R.S.~~, and subsections (2) and (3) of this section, an order is
26 required prior to dispensing any prescription drug. Orders shall be readily
27 retrievable within the appropriate statute of limitations.

1 (b) A PHARMACIST WHO RECEIVES AN ORDER FOR A CONTROLLED
2 SUBSTANCE FROM A PODIATRIST, DENTIST, PHYSICIAN, PHYSICIAN
3 ASSISTANT, ADVANCED PRACTICE NURSE, OR OPTOMETRIST, WHICH ORDER
4 IS NOT TRANSMITTED ELECTRONICALLY TO THE PHARMACIST, IS NOT
5 REQUIRED TO VERIFY THE APPLICABILITY OF AN EXCEPTION TO
6 ELECTRONIC PRESCRIBING OF CONTROLLED SUBSTANCES UNDER SECTION
7 12-32-107.7, 12-35-114.5, 12-36-117.9, 12-38-111.7, OR 12-40-109.9 AND
8 MAY DISPENSE A CONTROLLED SUBSTANCE PURSUANT TO A WRITTEN,
9 ORAL, OR FACSIMILE-TRANSMITTED ORDER THAT IS OTHERWISE VALID AND
10 CONSISTENT WITH THE REQUIREMENTS OF CURRENT LAW.

11 **SECTION 14.** In Colorado Revised Statutes, 12-32-107.5, **repeal**
12 **as added by Senate Bill 18-022** (3)(b) as follows:

13 **12-32-107.5. Prescriptions - requirement to advise patients -**
14 **limits on opioid prescriptions - repeal.** (3) (b) ~~A podiatrist licensed~~
15 ~~pursuant to this article 32 may prescribe opioids electronically.~~

16 **SECTION 15.** In Colorado Revised Statutes, 12-35-114, **repeal**
17 **as added by Senate Bill 18-022** (2)(b) as follows:

18 **12-35-114. Dentists may prescribe drugs - surgical operations**
19 **- anesthesia - limits on opioid prescriptions - repeal.** (2) (b) ~~A dentist~~
20 ~~licensed pursuant to this article 35 may prescribe opioids electronically.~~

21 **SECTION 16.** In Colorado Revised Statutes, 12-36-117.6, **repeal**
22 **as added by Senate Bill 18-022** (2) as follows:

23 **12-36-117.6. Prescribing opiates - limitations - repeal.** (2) ~~A~~
24 ~~physician or physician assistant licensed pursuant to this article 36 may~~
25 ~~prescribe opioids electronically.~~

26 **SECTION 17.** In Colorado Revised Statutes, 12-38-111.6, **repeal**
27 **as added by Senate Bill 18-022** (7.5)(b) as follows:

1 **12-38-111.6. Prescriptive authority - advanced practice nurses**
2 **- limits on opioid prescriptions - repeal.** (7.5) (b) ~~An advanced practice~~
3 ~~nurse with prescriptive authority pursuant to this section may prescribe~~
4 ~~opioids electronically.~~

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

7 **12-40-109.5. Use of prescription and nonprescription drugs -**
8 **limits on opioid prescriptions - repeal.** (4) (b) ~~An optometrist licensed~~
9 ~~pursuant to this article 40 may prescribe opioids electronically.~~

10 **SECTION 19. Act subject to petition - effective date.**

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

21 (2) Sections 14, 15, 16, 17, and 18 of this act take effect only if
22 Senate Bill 18-022 becomes law and take effect either upon the effective
23 date of this act or of Senate Bill 18-022, whichever is later.