

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0607.02 Christy Chase x2008

SENATE BILL 19-079

SENATE SPONSORSHIP

Todd and Priola, Cooke, Coram, Court, Fenberg, Ginal, Moreno, Williams A., Winter, Zenzinger, Bridges, Garcia, Lee, Story, Tate

HOUSE SPONSORSHIP

Esgar and Landgraf,

Senate Committees

Business, Labor, & Technology

House Committees

Public Health Care & Human Services

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>.)

Sections 1 to 14 of the bill require podiatrists, physicians, physician assistants, advanced practice nurses, and optometrists, starting July 1, 2021, and dentists and practitioners serving rural communities or in a solo practice, starting July 1, 2023, to prescribe schedule II, III, or IV controlled substances only via a prescription that is electronically transmitted to a pharmacy unless a specified exception applies.

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.

HOUSE
Amended 2nd Reading
March 12, 2019

SENATE
3rd Reading Unamended
February 7, 2019

SENATE
Amended 2nd Reading
February 6, 2019

Prescribers are required to indicate on license renewal questionnaires whether they have complied with the electronic prescribing requirement.

Section 15 specifies that 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.

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

SECTION 1. In Colorado Revised Statutes, 12-32-107.5, **amend** (3)(c) as follows:

12-32-107.5. Prescriptions - requirement to advise patients - limit on opioid prescriptions - repeal. (3) (c) (I) A podiatrist licensed pursuant to this article 32 may prescribe opioids electronically.

(II) THIS SUBSECTION (3)(c) IS REPEALED, EFFECTIVE JULY 1, 2021.

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

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

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

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

1 (III) THE PRESCRIBING PODIATRIST IS DISPENSING THE
2 CONTROLLED SUBSTANCE TO THE PATIENT;

3 (IV) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT
4 ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL
5 COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD AND
6 21 CFR 1311;

7 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION OR DRUG
8 ENFORCEMENT ADMINISTRATION REQUIRES THE PRESCRIPTION FOR THE
9 PARTICULAR CONTROLLED SUBSTANCE TO CONTAIN ONE OR MORE
10 ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC PRESCRIBING;

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

13 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
14 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
15 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

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

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

19 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
20 A RESEARCH PROTOCOL;

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

23 (IX) THE PODIATRIST IS PRESCRIBING A CONTROLLED SUBSTANCE
24 TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE
25 FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR
26 ASSISTED LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF
27 THE DEPARTMENT OF CORRECTIONS; ==

1 (X) THE PODIATRIST REASONABLY DETERMINES THAT THE PATIENT
2 WOULD BE UNABLE TO OBTAIN THE CONTROLLED SUBSTANCE PRESCRIBED
3 ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD
4 ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION; OR

5 (XI) THE PODIATRIST DEMONSTRATES ECONOMIC HARDSHIP IN
6 ACCORDANCE WITH RULES ADOPTED BY THE BOARD PURSUANT TO
7 SUBSECTION (2)(b) OF THIS SECTION.

8 (b) A PODIATRIST PRACTICING IN A RURAL AREA OF THE STATE OR
9 IN A PRACTICE CONSISTING OF ONLY ONE PODIATRIST SHALL COMPLY WITH
10 THIS SUBSECTION (1) ON OR AFTER JULY 1, 2023.

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) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION
16 (1)(a)(XI) OF THIS SECTION AND ESTABLISHING:

17 (I) THE PROCESS FOR A PODIATRIST TO DEMONSTRATE ECONOMIC
18 HARDSHIP, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED TO
19 ALLOW THE BOARD TO MAKE A DETERMINATION;

20 (II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP
21 EXCEPTION IS EFFECTIVE, WHICH PERIOD SHALL NOT EXCEED ONE YEAR;
22 AND

23 (III) A PROCESS FOR A PODIATRIST TO APPLY TO RENEW AN
24 ECONOMIC HARDSHIP EXCEPTION, INCLUDING THE INFORMATION REQUIRED
25 TO BE SUBMITTED THAT DEMONSTRATES THE PODIATRIST'S CONTINUING
26 NEED FOR THE EXCEPTION.

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

- 1 (I) CREATE A PRIVATE RIGHT OF ACTION;
- 2 (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR
- 3 (III) ESTABLISH A STANDARD OF CARE.

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

6 (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY
7 LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT:

8 (a) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES
9 WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE
10 MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
11 CENSUS BUREAU; OR

12 (b) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A
13 RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF
14 MANAGEMENT AND BUDGET.

15 **SECTION 3.** In Colorado Revised Statutes, 12-32-111, **amend**
16 (1.5) as follows:

17 **12-32-111. Renewal of license.** (1.5) The board shall establish
18 a questionnaire to accompany the renewal form. The BOARD MUST DESIGN
19 THE questionnaire ~~shall be designed~~ to determine if the licensee has acted
20 in violation of, or has been disciplined for actions that might be construed
21 as violations of, this ~~article~~ ARTICLE 32 or that may make the licensee
22 unfit to practice podiatry with reasonable care and safety. THE BOARD
23 SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING
24 WHETHER THE PODIATRIST HAS COMPLIED WITH SECTION 12-32-107.7. The
25 failure of an applicant to answer the questionnaire accurately ~~shall~~
26 ~~constitute~~ CONSTITUTES unprofessional conduct pursuant to section
27 12-32-107.

1 **SECTION 4.** In Colorado Revised Statutes, **add** 12-35-114.5 as
2 follows:

3 **12-35-114.5. Electronic prescribing of controlled substances**

4 **- exceptions - rules.** (1) ON OR AFTER JULY 1, 2023, A DENTIST LICENSED
5 UNDER THIS ARTICLE 35 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS
6 DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III,
7 OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY
8 ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

9 (a) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
10 PRESCRIBING IS NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL
11 OR ELECTRICAL FAILURE;

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

14 (c) THE PRESCRIBING DENTIST IS DISPENSING THE CONTROLLED
15 SUBSTANCE TO THE PATIENT;

16 (d) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT
17 ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL
18 COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD AND
19 21 CFR 1311;

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

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

26 (I) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
27 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR

1 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

2 (II) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR

3 (III) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE DENTIST TO

4 ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

5 (g) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER

6 A RESEARCH PROTOCOL;

7 (h) THE DENTIST WRITES TWENTY-FOUR OR FEWER PRESCRIPTIONS

8 FOR CONTROLLED SUBSTANCES PER YEAR;

9 (i) THE DENTIST IS PRESCRIBING A CONTROLLED SUBSTANCE TO BE

10 ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE FACILITY,

11 HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR ASSISTED

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

13 DEPARTMENT OF CORRECTIONS;

14 (j) THE DENTIST REASONABLY DETERMINES THAT THE PATIENT

15 WOULD BE UNABLE TO OBTAIN THE CONTROLLED SUBSTANCE PRESCRIBED

16 ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD

17 ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION; OR

18 (k) THE DENTIST DEMONSTRATES ECONOMIC HARDSHIP IN

19 ACCORDANCE WITH RULES ADOPTED BY THE BOARD PURSUANT TO

20 SUBSECTION (2)(b) OF THIS SECTION.

21 (2) THE BOARD SHALL ADOPT RULES:

22 (a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL

23 OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a) OF THIS

24 SECTION; AND

25 (b) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION

26 (1)(k) OF THIS SECTION AND ESTABLISHING:

27 (I) THE PROCESS FOR A DENTIST TO DEMONSTRATE ECONOMIC

1 HARDSHIP, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED TO
2 ALLOW THE BOARD TO MAKE A DETERMINATION:

3 (II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP
4 EXCEPTION IS EFFECTIVE, WHICH PERIOD SHALL NOT EXCEED ONE YEAR:

5 AND

6 (III) A PROCESS FOR A DENTIST TO APPLY TO RENEW AN ECONOMIC
7 HARDSHIP EXCEPTION, INCLUDING THE INFORMATION REQUIRED TO BE
8 SUBMITTED THAT DEMONSTRATES THE DENTIST'S CONTINUING NEED FOR
9 THE EXCEPTION.

10 (3) ON AND AFTER JULY 1, 2023, THE BOARD SHALL REQUIRE A
11 DENTIST WHO APPLIES FOR LICENSE RENEWAL IN ACCORDANCE WITH
12 SECTION 12-35-121 TO COMPLETE A QUESTIONNAIRE THAT REQUIRES THE
13 DENTIST TO INDICATE WHETHER THE DENTIST HAS COMPLIED WITH THIS
14 SECTION. THE FAILURE OF AN APPLICANT TO ANSWER THE QUESTIONNAIRE
15 ACCURATELY CONSTITUTES GROUNDS FOR DISCIPLINE PURSUANT TO
16 SECTION 12-35-129.

17 (4) (a) THIS SECTION DOES NOT:

18 (I) CREATE A PRIVATE RIGHT OF ACTION;

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

20 (III) ESTABLISH A STANDARD OF CARE.

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

23 **SECTION 5.** In Colorado Revised Statutes, 12-35-129, **amend**
24 (1)(nn) and (1)(oo); and **add** (1)(pp) as follows:

25 **12-35-129. Grounds for disciplinary action.** (1) The board may
26 take disciplinary action against an applicant or licensee in accordance
27 with section 12-35-129.1 for any of the following causes:

1 (nn) Failing to comply with section 12-35-128.5 regarding the
2 placement of interim therapeutic restorations; ~~or~~

3 (oo) Failing to comply with section 12-35-128.8 regarding the
4 application of silver diamine fluoride; OR

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

7 **SECTION 6.** In Colorado Revised Statutes, 12-36-117.6, **amend**
8 (2) as follows:

9 **12-36-117.6. Prescribing opiates - limitations - repeal.**

10 (2) (a) A physician or physician assistant licensed pursuant to this article
11 36 may prescribe opioids electronically.

12 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2021.

13 **SECTION 7.** In Colorado Revised Statutes, **add** 12-36-117.9 as
14 follows:

15 **12-36-117.9. Electronic prescribing of controlled substances**

16 **- exceptions - rules - definition.** (1) (a) EXCEPT AS PROVIDED IN
17 SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, A
18 PHYSICIAN LICENSED UNDER THIS ARTICLE 36 OR A PHYSICIAN ASSISTANT
19 LICENSED UNDER THIS ARTICLE 36 WHO HAS BEEN DELEGATED THE
20 AUTHORITY TO PRESCRIBE MEDICATION SHALL PRESCRIBE A CONTROLLED
21 SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN
22 SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18,
23 ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY
24 UNLESS:

25 (I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
26 PRESCRIBING IS NOT AVAILABLE DUE TO A TEMPORARY TECHNOLOGICAL
27 OR ELECTRICAL FAILURE;

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

3 (III) THE PRESCRIBING PHYSICIAN OR PHYSICIAN ASSISTANT IS
4 DISPENSING THE CONTROLLED SUBSTANCE TO THE PATIENT;

5 (IV) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT
6 ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL
7 COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD AND
8 21 CFR 1311;

9 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION OR DRUG
10 ENFORCEMENT ADMINISTRATION REQUIRES THE PRESCRIPTION FOR THE
11 PARTICULAR CONTROLLED SUBSTANCE TO CONTAIN ONE OR MORE
12 ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC PRESCRIBING;

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

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

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

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

22 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
23 A RESEARCH PROTOCOL;

24 (VIII) THE PHYSICIAN OR PHYSICIAN ASSISTANT WRITES
25 TWENTY-FOUR OR FEWER PRESCRIPTIONS FOR CONTROLLED SUBSTANCES
26 PER YEAR;

27 (IX) THE PHYSICIAN OR PHYSICIAN ASSISTANT IS PRESCRIBING A

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

6 (X) THE PHYSICIAN OR PHYSICIAN ASSISTANT REASONABLY
7 DETERMINES THAT THE PATIENT WOULD BE UNABLE TO OBTAIN THE
8 CONTROLLED SUBSTANCE PRESCRIBED ELECTRONICALLY IN A TIMELY
9 MANNER AND THAT THE DELAY WOULD ADVERSELY AFFECT THE PATIENT'S
10 MEDICAL CONDITION; OR

11 (XI) THE PHYSICIAN OR PHYSICIAN ASSISTANT DEMONSTRATES
12 ECONOMIC HARDSHIP IN ACCORDANCE WITH RULES ADOPTED BY THE
13 BOARD PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.

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, 2023.

18 (2) THE BOARD SHALL ADOPT RULES:

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

22 (b) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION
23 (1)(a)(XI) OF THIS SECTION AND ESTABLISHING:

24 (I) THE PROCESS FOR A PHYSICIAN OR PHYSICIAN ASSISTANT TO
25 DEMONSTRATE ECONOMIC HARDSHIP, INCLUDING THE INFORMATION
26 REQUIRED TO BE SUBMITTED TO ALLOW THE BOARD TO MAKE A
27 DETERMINATION;

1 (II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP
2 EXCEPTION IS EFFECTIVE, WHICH PERIOD SHALL NOT EXCEED ONE YEAR;

3 AND

4 (III) A PROCESS FOR A PHYSICIAN OR PHYSICIAN ASSISTANT TO
5 APPLY TO RENEW AN ECONOMIC HARDSHIP EXCEPTION, INCLUDING THE
6 INFORMATION REQUIRED TO BE SUBMITTED THAT DEMONSTRATES THE
7 PHYSICIAN'S OR PHYSICIAN ASSISTANT'S CONTINUING NEED FOR THE
8 EXCEPTION.

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

10 (I) CREATE A PRIVATE RIGHT OF ACTION;

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

12 (III) ESTABLISH A STANDARD OF CARE.

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

15 (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY
16 LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT:

17 (a) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES
18 WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE
19 MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
20 CENSUS BUREAU; OR

21 (b) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A
22 RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF
23 MANAGEMENT AND BUDGET.

24 **SECTION 8.** In Colorado Revised Statutes, 12-36-123, **amend**
25 (1)(b) as follows:

26 **12-36-123. Procedure - registration - fees.** (1) (b) The board
27 shall design a questionnaire to accompany the renewal form for the

1 purpose of determining whether a licensee has acted in violation of this
2 ~~article~~ ARTICLE 36 or been disciplined for any action that might be
3 considered a violation of this ~~article~~ ARTICLE 36 or might make the
4 licensee unfit to practice medicine with reasonable care and safety. THE
5 BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING
6 WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-36-117.9. If an
7 applicant fails to answer the questionnaire accurately, ~~such~~ THE failure
8 ~~shall constitute~~ CONSTITUTES unprofessional conduct under section
9 12-36-117 (1)(aa).

10 **SECTION 9.** In Colorado Revised Statutes, 12-38-111.6, **amend**
11 (7.5)(c) as follows:

12 **12-38-111.6. Prescriptive authority - advanced practice nurses**
13 **- limits on opioid prescriptions - repeal.** (7.5) (c) (I) An advanced
14 practice nurse with prescriptive authority pursuant to this section may
15 prescribe opioids electronically.

16 (II) THIS SUBSECTION (7.5)(c) IS REPEALED, EFFECTIVE JULY 1,
17 2021.

18 **SECTION 10.** In Colorado Revised Statutes, **add** 12-38-111.7 as
19 follows:

20 **12-38-111.7. 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, 2021, AN
23 ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY PURSUANT
24 TO SECTION 12-38-111.6 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS
25 DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III,
26 OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY
27 ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

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

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

6 (III) THE PRESCRIBING ADVANCED PRACTICE NURSE IS DISPENSING
7 THE CONTROLLED SUBSTANCE TO THE PATIENT;

8 (IV) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT
9 ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL
10 COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD AND
11 21 CFR 1311;

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

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

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

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

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

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

26 (VIII) THE ADVANCED PRACTICE NURSE WRITES TWENTY-FOUR OR
27 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;

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

12 (XI) THE ADVANCED PRACTICE NURSE DEMONSTRATES ECONOMIC
13 HARDSHIP IN ACCORDANCE WITH RULES ADOPTED BY THE BOARD
14 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.

15 (b) AN ADVANCED PRACTICE NURSE PRACTICING IN A RURAL AREA
16 OF THE STATE OR IN A PRACTICE CONSISTING OF ONLY ONE ADVANCED
17 PRACTICE NURSE SHALL COMPLY WITH THIS SUBSECTION (1) ON OR AFTER
18 JULY 1, 2023.

19 (2) THE BOARD SHALL ADOPT RULES:

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

23 (b) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION
24 (1)(a)(XI) OF THIS SECTION AND ESTABLISHING:

25 (I) THE PROCESS FOR AN ADVANCED PRACTICE NURSE TO
26 DEMONSTRATE ECONOMIC HARDSHIP, INCLUDING THE INFORMATION
27 REQUIRED TO BE SUBMITTED TO ALLOW THE BOARD TO MAKE A

1 DETERMINATION:

2 (II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP
3 EXCEPTION IS EFFECTIVE, WHICH PERIOD SHALL NOT EXCEED ONE YEAR;

4 AND

5 (III) A PROCESS FOR AN ADVANCED PRACTICE NURSE TO APPLY TO
6 RENEW AN ECONOMIC HARDSHIP EXCEPTION, INCLUDING THE
7 INFORMATION REQUIRED TO BE SUBMITTED THAT DEMONSTRATES THE
8 ADVANCED PRACTICE NURSE'S CONTINUING NEED FOR THE EXCEPTION.

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

10 (I) CREATE A PRIVATE RIGHT OF ACTION;

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

12 (III) ESTABLISH A STANDARD OF CARE.

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

15 (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY
16 LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT:

17 (a) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES
18 WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE
19 MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
20 CENSUS BUREAU; OR

21 (b) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A
22 RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF
23 MANAGEMENT AND BUDGET.

24 **SECTION 11.** In Colorado Revised Statutes, 12-38-111, **amend**
25 (3) as follows:

26 **12-38-111. Requirements for professional nurse licensure.**

27 (3) The board shall design a questionnaire to be sent to all licensees who

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

16 **SECTION 12.** In Colorado Revised Statutes, 12-40-109.5,
17 **amend** (4)(c) as follows:

18 **12-40-109.5. Use of prescription and nonprescription drugs -**
19 **limits on opioid prescriptions - repeal.** (4) (c) (I) An optometrist
20 licensed pursuant to this article 40 may prescribe opioids electronically.

21 (II) THIS SUBSECTION (4)(c) IS REPEALED, EFFECTIVE JULY 1, 2021.

22 **SECTION 13.** In Colorado Revised Statutes, **add** 12-40-109.9 as
23 follows:

24 **12-40-109.9. 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, 2021, AN
27 OPTOMETRIST LICENSED UNDER THIS ARTICLE 40 SHALL PRESCRIBE A

1 CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), THAT IS
2 INCLUDED IN SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18
3 OF TITLE 18, ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A
4 PHARMACY UNLESS:

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

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

10 (III) THE PRESCRIBING OPTOMETRIST IS DISPENSING THE
11 CONTROLLED SUBSTANCE TO THE PATIENT;

12 (IV) THE PRESCRIPTION INCLUDES ONE OR MORE ELEMENTS THAT
13 ARE NOT SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL
14 COUNCIL FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD AND
15 21 CFR 1311;

16 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION OR DRUG
17 ENFORCEMENT ADMINISTRATION REQUIRES THE PRESCRIPTION FOR THE
18 PARTICULAR CONTROLLED SUBSTANCE TO CONTAIN ONE OR MORE
19 ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC PRESCRIBING;

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

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

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

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

1 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
2 A RESEARCH PROTOCOL;

3 (VIII) THE OPTOMETRIST WRITES TWENTY-FOUR OR FEWER
4 PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;

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

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

14 (XI) THE OPTOMETRIST DEMONSTRATES ECONOMIC HARDSHIP IN
15 ACCORDANCE WITH RULES ADOPTED BY THE BOARD PURSUANT TO
16 SUBSECTION (2)(b) OF THIS SECTION.

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, 2023.

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) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION
25 (1)(a)(XI) OF THIS SECTION AND ESTABLISHING:

26 (I) THE PROCESS FOR AN OPTOMETRIST TO DEMONSTRATE
27 ECONOMIC HARDSHIP, INCLUDING THE INFORMATION REQUIRED TO BE

1 SUBMITTED TO ALLOW THE BOARD TO MAKE A DETERMINATION;
2 (II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP
3 EXCEPTION IS EFFECTIVE, WHICH PERIOD SHALL NOT EXCEED ONE YEAR;
4 AND
5 (III) A PROCESS FOR AN OPTOMETRIST TO APPLY TO RENEW AN
6 ECONOMIC HARDSHIP EXCEPTION, INCLUDING THE INFORMATION REQUIRED
7 TO BE SUBMITTED THAT DEMONSTRATES THE OPTOMETRIST'S CONTINUING
8 NEED FOR THE EXCEPTION.

9 (3) (a) THIS SECTION DOES NOT:
10 (I) CREATE A PRIVATE RIGHT OF ACTION;
11 (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR
12 (III) ESTABLISH A STANDARD OF CARE.

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

15 (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY
16 LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT:

17 (a) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES
18 WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE
19 MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
20 CENSUS BUREAU; OR

21 (b) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A
22 RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF
23 MANAGEMENT AND BUDGET.

24 **SECTION 14.** In Colorado Revised Statutes, 12-40-113, **amend**
25 (1)(b) as follows:

26 **12-40-113. License renewal - requirements - fee - failure to**
27 **pay.** (1) (b) The board shall establish a questionnaire to accompany the

1 renewal form. ~~Said~~ THE BOARD MUST DESIGN THE questionnaire ~~shall be~~
2 ~~designed~~ to determine if the licensee has acted in violation of or has been
3 disciplined for actions that might be considered as violations of this
4 ~~article~~ ARTICLE 40 or that might make the licensee unfit to practice
5 optometry with reasonable care and safety. THE BOARD SHALL INCLUDE
6 ON THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE
7 HAS COMPLIED WITH SECTION 12-40-109.9. Failure of the applicant to
8 answer the questionnaire accurately ~~shall be~~ IS considered unprofessional
9 conduct as specified in section 12-40-118.

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

12 **12-42.5-120. Prescription required - exception - dispensing**
13 **opiate antagonists - definitions.** (1) (a) Except as provided in section
14 18-18-414 ~~C.R.S.~~, and subsections (2) and (3) of this section, an order is
15 required prior to dispensing any prescription drug. Orders shall be readily
16 retrievable within the appropriate statute of limitations.

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

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

3 **12-30-109. Prescribing opioids - limitations - definition -**
4 **repeal.** (2) An opioid prescriber licensed pursuant to article 220 ~~240,~~
5 ~~255, 275, 290,~~ or 315 of this title 12 may prescribe opioids electronically.

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

8 **12-30-109. Prescribing opioids - limitations - definition -**
9 **repeal.** (2) An opioid prescriber licensed pursuant to article ~~220, 240,~~
10 ~~255, 275, 290,~~ or 315 of this title 12 may prescribe opioids electronically.

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

13 **12-30-111. Electronic prescribing of controlled substances -**
14 **exceptions - rules - definitions.** (1) (a) EXCEPT AS PROVIDED IN
15 SUBSECTION (1)(b) OF THIS SECTION, ON AND AFTER JULY 1, 2021, A
16 PRESCRIBER SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS DEFINED IN
17 SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III, OR IV
18 PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY ELECTRONIC
19 PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

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

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

25 (III) THE PRESCRIBER IS DISPENSING THE CONTROLLED SUBSTANCE
26 TO THE PATIENT;

27 (IV) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT

1 SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL
2 FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD AND 21 CFR
3 1311;

4 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION OR DRUG
5 ENFORCEMENT ADMINISTRATION REQUIRES THE PRESCRIPTION FOR THE
6 PARTICULAR CONTROLLED SUBSTANCE TO CONTAIN ELEMENTS THAT
7 CANNOT BE SATISFIED WITH ELECTRONIC PRESCRIBING;

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

10 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
11 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
12 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

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

14 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE PRESCRIBER
15 TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

16 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
17 A RESEARCH PROTOCOL;

18 (VIII) THE PRESCRIBER WRITES TWENTY-FOUR OR FEWER
19 PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;

20 (IX) THE PRESCRIBER IS PRESCRIBING A CONTROLLED SUBSTANCE
21 TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE
22 FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR
23 ASSISTED LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF
24 THE DEPARTMENT OF CORRECTIONS;

25 (X) THE PRESCRIBER REASONABLY DETERMINES THAT THE PATIENT
26 WOULD BE UNABLE TO OBTAIN CONTROLLED SUBSTANCES PRESCRIBED
27 ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD

1 ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION; OR

2 (XI) THE PRESCRIBER DEMONSTRATES ECONOMIC HARDSHIP IN
3 ACCORDANCE WITH RULES ADOPTED BY THE REGULATOR PURSUANT TO
4 SUBSECTION (2)(b) OF THIS SECTION.

5 (b) A PRESCRIBER WHO IS A LICENSED DENTIST OR WHO IS
6 PRACTICING IN A RURAL AREA OF THE STATE OR IN A PRACTICE CONSISTING
7 OF ONLY ONE PRESCRIBER SHALL COMPLY WITH THIS SUBSECTION (1) ON
8 AND AFTER JULY 1, 2023.

9 (2) THE REGULATOR FOR EACH PRESCRIBER SUBJECT TO THIS
10 SECTION SHALL ADOPT RULES:

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

14 (b) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION
15 (1)(a)(XI) OF THIS SECTION AND ESTABLISHING:

16 (I) THE PROCESS FOR A PRESCRIBER TO DEMONSTRATE ECONOMIC
17 HARDSHIP, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED TO
18 ALLOW THE REGULATOR TO MAKE A DETERMINATION;

19 (II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP
20 EXCEPTION IS EFFECTIVE, WHICH PERIOD MUST NOT EXCEED ONE YEAR,
21 AND

22 (III) A PROCESS FOR A PRESCRIBER TO APPLY TO RENEW AN
23 ECONOMIC HARDSHIP EXCEPTION, INCLUDING THE INFORMATION REQUIRED
24 TO BE SUBMITTED THAT DEMONSTRATES THE PRESCRIBER'S CONTINUING
25 NEED FOR THE EXCEPTION.

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

27 (I) CREATE A PRIVATE RIGHT OF ACTION;

1 (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR
2 (III) ESTABLISH A STANDARD OF CARE.
3 (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE
4 NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.
5 (4) AS USED IN THIS SECTION:
6 (a) "PRESCRIBER" MEANS:
7 (I) A DENTIST LICENSED PURSUANT TO ARTICLE 220 OF THIS TITLE
8 12;
9 (II) A PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT
10 TO ARTICLE 240 OF THIS TITLE 12;
11 (III) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE
12 AUTHORITY PURSUANT TO SECTION 12-255-112;
13 (IV) AN OPTOMETRIST LICENSED PURSUANT TO ARTICLE 275 OF
14 THIS TITLE 12; OR
15 (V) A PODIATRIST LICENSED PURSUANT TO ARTICLE 290 OF THIS
16 TITLE 12.
17 (b) "RURAL AREA" MEANS A COUNTY LOCATED IN A
18 NONMETROPOLITAN AREA IN THE STATE THAT EITHER:
19 (I) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES
20 WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE
21 MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
22 CENSUS BUREAU; OR
23 (II) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A
24 RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF
25 MANAGEMENT AND BUDGET.
26 **SECTION 19.** In Colorado Revised Statutes, **amend as relocated**
27 **by House Bill 19-1172** 12-220-119 as follows:

1 **12-220-119. Renewal of dental and dental hygienist licenses -**
2 **fees - questionnaire.** (1) Licenses issued pursuant to this article 220 are
3 subject to the renewal, expiration, reinstatement, and delinquency fee
4 provisions specified in section 12-20-202 (1) and (2). Any person whose
5 license expires is subject to the penalties provided in this article 220 or
6 section 12-20-202 (1).

7 (2) ON AND AFTER JULY 1, 2023, THE BOARD SHALL REQUIRE A
8 DENTIST WHO APPLIES FOR LICENSE RENEWAL TO COMPLETE A
9 QUESTIONNAIRE THAT REQUIRES THE DENTIST TO INDICATE WHETHER THE
10 DENTIST HAS COMPLIED WITH SECTION 12-30-111. THE FAILURE OF AN
11 APPLICANT TO ANSWER THE QUESTIONNAIRE ACCURATELY CONSTITUTES
12 GROUNDS FOR DISCIPLINE PURSUANT TO SECTION 12-220-130.

13 **SECTION 20.** In Colorado Revised Statutes, 12-220-130, **amend**
14 **as relocated by House Bill 19-1172 (1)(nn) and (1)(oo); and add (1)(pp)**
15 **as follows:**

16 **12-220-130. Grounds for disciplinary action - definition.**

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

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

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

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

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

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

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

13 **12-255-110. Requirements for professional nurse licensure.**

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

1 questionnaire.

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

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

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

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

22 (b) A PHARMACIST WHO RECEIVES AN ORDER FOR A CONTROLLED
23 SUBSTANCE THAT IS INCLUDED IN SCHEDULE II, III, OR IV FROM A
24 PODIATRIST, DENTIST, PHYSICIAN, PHYSICIAN ASSISTANT, ADVANCED
25 PRACTICE NURSE, OR OPTOMETRIST, WHICH ORDER IS NOT TRANSMITTED
26 ELECTRONICALLY TO THE PHARMACIST, IS NOT REQUIRED TO VERIFY THE
27 APPLICABILITY OF AN EXCEPTION TO ELECTRONIC PRESCRIBING OF

1 CONTROLLED SUBSTANCES UNDER SECTION 12-30-111 AND MAY DISPENSE
2 THE CONTROLLED SUBSTANCE PURSUANT TO A WRITTEN, ORAL, OR
3 FACSIMILE-TRANSMITTED ORDER THAT IS OTHERWISE VALID AND
4 CONSISTENT WITH THE REQUIREMENTS OF CURRENT LAW.

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

7 **12-290-119. Renewal of license - continuing education -**
8 **professional development program - rules - renewal questionnaire.**

9 (2) The board shall establish a questionnaire to accompany the renewal
10 form. The BOARD SHALL DESIGN THE questionnaire ~~shall be designed~~ to
11 determine if the licensee has acted in violation of, or has been disciplined
12 for actions that might be construed as violations of, this article 290 or that
13 may make the licensee unfit to practice podiatry with reasonable care and
14 safety. THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION
15 REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH SECTION
16 12-30-111. The failure of an applicant to answer the questionnaire
17 accurately ~~shall constitute~~ CONSTITUTES unprofessional conduct pursuant
18 to section 12-290-108.

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

20 (1) Except as otherwise provided in subsection (2) of this section, this act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

1 November 2020 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.

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

5 (a) Sections 18 and 21 through 25 take effect October 1, 2019;

6 (b) Section 16 takes effect July 1, 2021; and

7 (c) Sections 17, 19, and 20 take effect July 1, 2023.