

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0086.01 Kristen Forrestal x4217

HOUSE BILL 22-1115

HOUSE SPONSORSHIP

Kipp and Soper,

SENATE SPONSORSHIP

Pettersen and Jaquez Lewis,

House Committees

Health & Insurance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PRESCRIPTION DRUG MONITORING PROGRAM.**

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:

- Clarifies that every prescriber must query the prescription drug monitoring program (program) prior to filling a prescription for an opioid or benzodiazepine (**section 1** of the bill);
- Requires each prescriber and pharmacist to attest that they have registered and are maintaining a user account with the program and that they are aware of the penalties for

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.

- noncompliance (**sections 2 through 8**);
- Allows a practitioner or pharmacist who is registered with the program to authorize an unlimited number of designees to access the program on the practitioner's or pharmacist's behalf if the designees meet the eligibility criteria and to register those designees in a group designee user account. The practitioner or pharmacist is required to approve, maintain, and track the identifying information of each authorized designee in the group designee user account (**section 9**).
- Requires the division of professions and occupations (division) to solicit applications from public and private integration organizations and, on or before January 1, 2023, approve qualified integration organizations that practitioners and pharmacists may use to integrate the program with patient electronic medical records (**section 9**); and
- Requires the division to implement a process whereby practitioners and pharmacists may apply for and receive reimbursement from the division for all or a portion of the costs of integrating the program with electronic medical records (**section 9**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-30-109, **amend**
 3 (1)(b) as follows:

4 **12-30-109. Prescriptions - limitations - definition - rules.**

5 (1) (b) Prior to prescribing ~~the second fill~~ of any opioid or
 6 benzodiazepine prescription pursuant to this section, a prescriber must
 7 comply with ~~the requirements~~ of section 12-280-404 (4). Failure to
 8 comply with section 12-280-404 (4) constitutes unprofessional conduct
 9 or grounds for discipline, as applicable, under section 12-220-201,
 10 12-240-121, 12-255-120, 12-275-120, 12-290-108, or 12-315-112, as
 11 applicable to the particular prescriber, only if the prescriber repeatedly
 12 fails to comply.

13 **SECTION 2.** In Colorado Revised Statutes, 12-220-408, **amend**

1 as it will become effective July 1, 2023, (2) as follows:

2 **12-220-408. Renewal of dental and dental hygienist licenses -**
3 **fees - questionnaire.** (2) (a) On and after July 1, 2023, the board shall
4 require a dentist who applies for license renewal to complete a
5 questionnaire that requires the dentist to indicate whether the dentist has
6 complied with section 12-30-111 AND IS IN COMPLIANCE WITH SECTION
7 12-280-403 (2)(a). The failure of an applicant to answer the questionnaire
8 accurately constitutes grounds for discipline pursuant to section
9 12-220-201.

10 (b) THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A
11 QUESTION REGARDING WHETHER:

12 (I) THE DENTIST HAS COMPLIED WITH SECTION 12-30-111; AND

13 (II) THE DENTIST IS IN COMPLIANCE WITH SECTION 12-280-403
14 (2)(a) AND IS AWARE OF THE PENALTIES FOR FAILING TO COMPLY WITH
15 THAT SECTION.

16 (c) ON AND AFTER JULY 1, 2024, AS A CONDITION OF RENEWAL OF
17 A LICENSE, EACH DENTIST SHALL ATTEST THAT THE DENTIST IS IN
18 COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE DENTIST IS
19 AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

20 **SECTION 3.** In Colorado Revised Statutes, 12-240-130, **amend**
21 (2); and **add** (4) as follows:

22 **12-240-130. Renewal, reinstatement, delinquency - fees -**
23 **questionnaire.** (2) (a) The board shall design a questionnaire to
24 accompany the renewal form for the purpose of determining whether a
25 licensee has acted in violation of this article 240 or HAS been disciplined
26 for any action that might be considered a violation of this article 240 or
27 THAT might make the licensee unfit to practice medicine with reasonable

1 care and safety. The board shall include on the questionnaire a question
2 regarding whether:

3 (I) The licensee has complied with section 12-30-111; AND

4 (II) THE LICENSEE IS IN COMPLIANCE WITH SECTION 12-280-403
5 (2)(a) AND IS AWARE OF THE PENALTIES FOR FAILING TO COMPLY WITH
6 THAT SECTION.

7 (b) If an applicant fails to answer the questionnaire accurately, the
8 failure constitutes unprofessional conduct under section 12-240-121
9 (1)(t).

10 (4) ON AND AFTER JULY 1, 2024, AS A CONDITION OF RENEWAL OF
11 A LICENSE, EACH LICENSEE SHALL ATTEST THAT THE LICENSEE IS IN
12 COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE LICENSEE IS
13 AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

14 **SECTION 4.** In Colorado Revised Statutes, 12-255-110, **amend**
15 (3) as follows:

16 **12-255-110. Requirements for professional nurse licensure.**

17 (3) (a) The board shall design a questionnaire to be sent to all licensees
18 who apply for license renewal. Each applicant for license renewal shall
19 complete the board-designed questionnaire. The purpose of the
20 questionnaire is to determine whether a licensee has acted in violation of
21 this part 1 or has been disciplined for any action that might be considered
22 a violation of this part 1 or THAT might make the licensee unfit to practice
23 nursing with reasonable care and safety. The board shall include on the
24 questionnaire a question regarding whether the licensee has complied
25 with section 12-30-111 AND IS IN COMPLIANCE WITH SECTION 12-280-403
26 (2)(a). If an applicant fails to answer the questionnaire accurately, the
27 failure constitutes grounds for discipline under section 12-255-120 (1)(v).

1 The board may include the cost of developing and reviewing the
2 questionnaire in the fee paid under subsection (1)(d) of this section. The
3 board may deny an application for license renewal that does not
4 accompany an accurately completed questionnaire.

5 (b) ON AND AFTER JULY 1, 2024, AS A CONDITION OF RENEWAL OF
6 A LICENSE, EACH LICENSEE SHALL ATTEST THAT THE LICENSEE IS IN
7 COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE LICENSEE IS
8 AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

9 **SECTION 5.** In Colorado Revised Statutes, 12-275-115, **amend**
10 (2) as follows:

11 **12-275-115. License renewal - questionnaire - continuing**
12 **education.** (2) (a) The board shall establish a questionnaire to
13 accompany the renewal form. The board shall design the questionnaire to
14 determine if the licensee has acted in violation of or has been disciplined
15 for actions that might be considered as violations of this article 275 or
16 that might make the licensee unfit to practice optometry with reasonable
17 care and safety. The board shall include on the questionnaire a question
18 regarding whether the licensee has complied with section 12-30-111 AND
19 IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a). Failure of the
20 applicant to answer the questionnaire accurately constitutes
21 unprofessional conduct as specified in section 12-275-120.

22 (b) ON AND AFTER JULY 1, 2024, AS A CONDITION OF RENEWAL OF
23 A LICENSE, EACH LICENSEE SHALL ATTEST THAT THE LICENSEE IS IN
24 COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE LICENSEE IS
25 AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

26 **SECTION 6.** In Colorado Revised Statutes, 12-280-116, **add** (4)
27 as follows:

1 **12-280-116. Expiration and renewal of licenses, certifications,**
2 **or registrations.** (4) ON AND AFTER JULY 1, 2023, AS A CONDITION OF
3 RENEWAL OF A LICENSE, EACH PHARMACIST SHALL ATTEST THAT THE
4 PHARMACIST IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND
5 THAT THE PHARMACIST IS AWARE OF THE PENALTIES FOR NONCOMPLIANCE
6 WITH THAT SECTION.

7 **SECTION 7.** In Colorado Revised Statutes, 12-290-119, **amend**
8 (2) as follows:

9 **12-290-119. Renewal of license - continuing education -**
10 **professional development program - rules - renewal questionnaire.**

11 (2) (a) The board shall establish a questionnaire to accompany the
12 renewal form. The board shall design the questionnaire to determine if the
13 licensee has acted in violation of, or has been disciplined for actions that
14 might be construed as violations of, this article 290 or that may make the
15 licensee unfit to practice podiatry with reasonable care and safety. The
16 board shall include on the questionnaire a question regarding whether the
17 licensee has complied with section 12-30-111 AND IS IN COMPLIANCE
18 WITH SECTION 12-280-403 (2)(a). The failure of an applicant to answer
19 the questionnaire accurately constitutes unprofessional conduct pursuant
20 to section 12-290-108.

21 (b) ON AND AFTER **JULY 1, 2024**, AS A CONDITION OF RENEWAL OF
22 A LICENSE, EACH PODIATRIST SHALL ATTEST THAT THE PODIATRIST IS IN
23 COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE PODIATRIST
24 IS AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

25 **SECTION 8.** In Colorado Revised Statutes, 12-315-110, **add** (4)
26 as follows:

27 **12-315-110. License renewal - waiver - rules - continuing**

1 **education.** (4) ON AND AFTER JULY 1, 2024, AS A CONDITION OF
2 RENEWAL OF A LICENSE, EACH VETERINARIAN SHALL ATTEST THAT THE
3 VETERINARIAN IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND
4 THAT THE VETERINARIAN IS AWARE OF THE PENALTIES FOR
5 NONCOMPLIANCE WITH THAT SECTION.

6 **SECTION 9.** In Colorado Revised Statutes, 12-280-403, **amend**
7 (2)(b) introductory portion and (2)(d); and **add** (7) as follows:

8 **12-280-403. Prescription drug use monitoring program -**
9 **registration required - applications - rules - appropriation - repeal.**

10 (2) (b) When registering with the program or at any time thereafter, a
11 practitioner may authorize ~~up to three~~ designees to access the program
12 under section 12-280-404 (3)(b) or (3)(d) on behalf of the practitioner,
13 and a pharmacist may authorize ~~up to six~~ designees to access the program
14 under section 12-280-404 (3)(f), if:

15 (d) (I) A PRACTITIONER OR PHARMACIST WHO REGISTERS AND
16 MAINTAINS A USER ACCOUNT PURSUANT TO SUBSECTION (2)(a) OF THIS
17 SECTION AND WHO AUTHORIZES DESIGNEES PURSUANT TO SUBSECTION
18 (2)(b) OF THIS SECTION MAY REGISTER AND MAINTAIN A GROUP DESIGNEE
19 USER ACCOUNT FOR THE AUTHORIZED DESIGNEES OF THE PRACTITIONER OR
20 PHARMACIST. IF A PRACTITIONER OR PHARMACIST REGISTERS A GROUP
21 DESIGNEE USER ACCOUNT, THE PRACTITIONER OR PHARMACIST MUST
22 APPROVE, MAINTAIN, AND TRACK THE IDENTIFYING INFORMATION OF EACH
23 AUTHORIZED DESIGNEE WHO HAS ACCESS TO THE PROGRAM UNDER THE
24 REGISTERED GROUP DESIGNEE USER ACCOUNT.

25 (II) ~~Any~~ IF A PRACTITIONER OR PHARMACIST DOES NOT REGISTER
26 AND MAINTAIN A GROUP DESIGNEE USER ACCOUNT, EACH individual
27 authorized as a designee of a THE practitioner or pharmacist pursuant to

1 subsection (2)(b) of this section shall register as a designee of a
2 practitioner or pharmacist with the program for program data access in
3 accordance with section 12-280-404 (3)(b), (3)(d), or (3)(f), as applicable,
4 and board rules.

5 (7) (a) SUBJECT TO AVAILABLE FUNDING, THE DIVISION SHALL
6 SOLICIT APPLICATIONS FROM PUBLIC AND PRIVATE INTEGRATION
7 ORGANIZATIONS AND, ON OR BEFORE JULY 1, 2024, APPROVE:

8 (I) QUALIFIED INTEGRATION ORGANIZATIONS THAT PRACTITIONERS
9 AND PHARMACISTS MAY USE TO INTEGRATE ACCESS OF AND DATA ENTRY
10 INTO THE PROGRAM; AND

11 (II) QUALIFIED INTEGRATION ORGANIZATIONS THAT
12 PRACTITIONERS AND PHARMACISTS MAY USE TO INTEGRATE ACCESS OF
13 AND DATA ENTRY INTO A PATIENT'S ELECTRONIC MEDICAL RECORDS.

14 (b) THE DIVISION SHALL IMPLEMENT A PROCESS WHEREBY
15 PRACTITIONERS AND PHARMACISTS, WHO HAVE NOT INTEGRATED THEIR
16 ELECTRONIC MEDICAL RECORDS AND THE PROGRAM, MAY APPLY FOR AND
17 RECEIVE MONEY FROM A QUALIFIED INTEGRATION ORGANIZATION
18 APPROVED BY THE DIVISION TO HELP DEFRAID ALL OR A PORTION OF THE
19 COSTS TO INTEGRATE THE PROGRAM AND ELECTRONIC MEDICAL RECORDS.

20 (c) THE DIRECTOR MAY PROMULGATE RULES TO IMPLEMENT THIS
21 SUBSECTION (7).

22 (d) (I) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
23 ASSEMBLY SHALL APPROPRIATE TWO MILLION TWO HUNDRED
24 TWENTY-FIVE THOUSAND DOLLARS FROM THE GENERAL FUND TO THE
25 DEPARTMENT FOR APPROPRIATION TO THE DIVISION FOR THE PURPOSES OF
26 THIS SUBSECTION (7).

27 (II) THIS SUBSECTION (7)(d) IS REPEALED, EFFECTIVE DECEMBER

1 31, 2024.

2 **SECTION 10. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly; except
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V
6 of the state constitution against this act or an item, section, or part of this
7 act within such period, then the act, item, section, or part will not take
8 effect unless approved by the people at the general election to be held in
9 November 2022 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.