

CHAPTER 116

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 97-1188

BY REPRESENTATIVES Dean, Faatz, Morrison, Bacon, Clarke, Epps, Keller, Kreutz, Lamborn, Leyba, Mace, Paschall, Tucker, Tupa, Udall, and Veiga;
also SENATORS Wattenberg, Bishop, Chlouber, Hernandez, J. Johnson, Linkhart, Martinez, Pascoe, Phillips, Rupert, and Wham.

AN ACT

CONCERNING THE PROHIBITION OF DISCIPLINING A PHYSICIAN SOLELY FOR THE PRESCRIPTION OF MEDICATIONS TO TREAT INTRACTABLE PAIN.

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

SECTION 1. 12-36-117, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-36-117. Unprofessional conduct. (1.5) (a) A PHYSICIAN SHALL NOT BE SUBJECT TO DISCIPLINARY ACTION BY THE BOARD SOLELY FOR PRESCRIBING CONTROLLED SUBSTANCES FOR THE RELIEF OF INTRACTABLE PAIN.

(b) FOR THE PURPOSES OF THIS SUBSECTION (1.5), "INTRACTABLE PAIN" MEANS A PAIN STATE IN WHICH THE CAUSE OF THE PAIN CANNOT BE REMOVED AND WHICH IN THE GENERALLY ACCEPTED COURSE OF MEDICAL PRACTICE NO RELIEF OR CURE OF THE CAUSE OF THE PAIN IS POSSIBLE OR NONE HAS BEEN FOUND AFTER REASONABLE EFFORTS INCLUDING, BUT NOT LIMITED TO, EVALUATION BY THE ATTENDING PHYSICIAN AND ONE OR MORE PHYSICIANS SPECIALIZING IN THE TREATMENT OF THE AREA, SYSTEM, OR ORGAN OF THE BODY PERCEIVED AS THE SOURCE OF THE PAIN.

SECTION 2. Effective date - applicability. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor. This act shall apply to disciplinary actions originating on or after the effective date of this act.

Approved: April 21, 1997