

CHAPTER 78

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 03-1063

BY REPRESENTATIVE(S) Johnson R., Borodkin, Briggs, Cloer, Madden, Merrifield, Paccione, Romanoff, Rose, Sanchez, Vigil, and Williams S.;
also SENATOR(S) Entz, Fitz-Gerald, Groff, Grossman, Hanna, Isgar, Keller, Sandoval, Tapia, Tupa, and Windels.

AN ACT

CONCERNING A PATIENT'S OPTION TO CHOOSE TO HAVE THE PURPOSE FOR WHICH A DRUG IS PRESCRIBED PRINTED ON THE PRESCRIPTION LABEL.

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

SECTION 1. 12-22-102 (22.5) (a), Colorado Revised Statutes, is amended to read:

12-22-102. Definitions. As used in this part 1, unless the context otherwise requires:

(22.5) "Order" means:

(a) A prescription order which is any order, other than a chart order, authorizing the dispensing of a single drug or device that is written, mechanically produced, computer generated and signed by the practitioner, transmitted electronically or by facsimile, or PRODUCED by other means of communication by a practitioner and ~~which~~ THAT includes the name or identification of the patient, the date, THE SYMPTOM OR PURPOSE FOR WHICH THE DRUG IS BEING PRESCRIBED, IF INCLUDED BY THE PRACTITIONER AT THE PATIENT'S AUTHORIZATION, and sufficient information for compounding, dispensing, and labeling; or

SECTION 2. 12-22-123 (1) (c), Colorado Revised Statutes, is amended to read:

12-22-123. Labeling. (1) A prescription drug dispensed pursuant to an order must be labeled as follows:

(c) (I) If the prescription is for an anabolic steroid, the purpose for which the

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

anabolic steroid is being prescribed shall appear on the label.

(II) IF THE PRESCRIPTION IS FOR ANY DRUG OTHER THAN AN ANABOLIC STEROID, THE SYMPTOM OR PURPOSE FOR WHICH THE DRUG IS BEING PRESCRIBED SHALL APPEAR ON THE LABEL, IF, AFTER BEING ADVISED BY THE PRACTITIONER, THE PATIENT OR THE PATIENT'S AUTHORIZED REPRESENTATIVE SO REQUESTS. IF THE SYMPTOM OR PURPOSE FOR WHICH A DRUG IS BEING PRESCRIBED IS NOT PROVIDED BY THE PRACTITIONER, THE PHARMACIST MAY FILL THE PRESCRIPTION ORDER WITHOUT CONTACTING THE PRACTITIONER, PATIENT, OR THE PATIENT'S REPRESENTATIVE, UNLESS THE PRESCRIPTION IS FOR AN ANABOLIC STEROID.

SECTION 3. 18-18-102 (23) (a), Colorado Revised Statutes, is amended to read:

18-18-102. Definitions. As used in this article:

(23) "Order" means:

(a) A prescription order which is any order, other than a chart order, authorizing the dispensing of drugs or devices that is written, mechanically produced, computer generated, transmitted electronically or by facsimile, or PRODUCED BY other means of communication by a practitioner and that includes the name or identification of the patient, the date, THE SYMPTOM OR PURPOSE FOR WHICH THE DRUG IS BEING PRESCRIBED, IF INCLUDED BY THE PRACTITIONER AT THE PATIENT'S AUTHORIZATION, and sufficient information for compounding, dispensing, and labeling; or

SECTION 4. Part 1 of article 32 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-32-107.5. Prescriptions - requirement to advise patients. (1) A PODIATRIST LICENSED UNDER THIS ARTICLE MAY ADVISE THE PODIATRIST'S PATIENTS OF THEIR OPTION TO HAVE THE SYMPTOM OR PURPOSE FOR WHICH A PRESCRIPTION IS BEING ISSUED INCLUDED ON THE PRESCRIPTION ORDER.

(2) A PODIATRIST'S FAILURE TO ADVISE A PATIENT UNDER SUBSECTION (1) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY DISCIPLINARY ACTION AGAINST THE PODIATRIST'S PROFESSIONAL LICENSE ISSUED UNDER THIS ARTICLE. FAILURE TO ADVISE A PATIENT PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY CIVIL ACTION AGAINST A PODIATRIST IN A NEGLIGENCE OR TORT ACTION, NOR SHALL SUCH FAILURE BE EVIDENCE IN ANY CIVIL ACTION AGAINST A PODIATRIST.

SECTION 5. 12-35-122, Colorado Revised Statutes, is amended to read:

12-35-122. Dentists may prescribe drugs, etc. (1) A dentist has the right to prescribe such drugs or medicine, perform such surgical operations, administer such general or local anesthetics, and use such appliances as may be necessary to the proper practice of dentistry. A dentist shall not prescribe, distribute, or give to a family member or himself or herself any habit-forming drug, as defined in section 12-22-102 (13), or any controlled substance, as defined in part 2 of article 18 of title 18, C.R.S., or as contained in schedule II of 21 U.S.C. sec. 812, other than in the course of legitimate dental practice and pursuant to the rules promulgated by the

board regarding controlled substance record-keeping.

(2) A DENTIST LICENSED UNDER THIS ARTICLE MAY ADVISE THE DENTIST'S PATIENTS OF THEIR OPTION TO HAVE THE SYMPTOM OR PURPOSE FOR WHICH A PRESCRIPTION IS BEING ISSUED INCLUDED ON THE PRESCRIPTION ORDER.

(3) A DENTIST'S FAILURE TO ADVISE A PATIENT UNDER SUBSECTION (2) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY DISCIPLINARY ACTION AGAINST THE DENTIST'S PROFESSIONAL LICENSE ISSUED UNDER THIS ARTICLE. FAILURE TO ADVISE A PATIENT PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY CIVIL ACTION AGAINST A DENTIST IN A NEGLIGENCE OR TORT ACTION, NOR SHALL SUCH FAILURE BE EVIDENCE IN ANY CIVIL ACTION AGAINST A DENTIST.

SECTION 6. Part 1 of article 36 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-36-117.5. Prescriptions - requirement to advise patients. (1) A PHYSICIAN LICENSED UNDER THIS ARTICLE, OR A PHYSICIAN ASSISTANT LICENSED BY THE BOARD WHO HAS BEEN DELEGATED THE AUTHORITY TO PRESCRIBE MEDICATION, MAY ADVISE THE PHYSICIAN'S OR THE PHYSICIAN ASSISTANT'S PATIENTS OF THEIR OPTION TO HAVE THE SYMPTOM OR PURPOSE FOR WHICH A PRESCRIPTION IS BEING ISSUED INCLUDED ON THE PRESCRIPTION ORDER.

(2) A PHYSICIAN'S OR A PHYSICIAN ASSISTANT'S FAILURE TO ADVISE A PATIENT UNDER SUBSECTION (1) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY DISCIPLINARY ACTION AGAINST THE PHYSICIAN'S OR THE PHYSICIAN ASSISTANT'S PROFESSIONAL LICENSE ISSUED UNDER THIS ARTICLE. FAILURE TO ADVISE A PATIENT PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY CIVIL ACTION AGAINST A PHYSICIAN OR PHYSICIAN'S ASSISTANT IN A NEGLIGENCE OR TORT ACTION, NOR SHALL SUCH FAILURE BE EVIDENCE IN ANY CIVIL ACTION AGAINST A PHYSICIAN OR A PHYSICIAN'S ASSISTANT.

SECTION 7. 12-38-111.6 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-38-111.6. Prescriptive authority - advance practice nurses. (3) (d) (I) AN ADVANCED PRACTICE NURSE WHO HAS BEEN GRANTED AUTHORITY TO PRESCRIBE PRESCRIPTION DRUGS AND CONTROLLED SUBSTANCES UNDER THIS ARTICLE MAY ADVISE THE NURSE'S PATIENTS OF THEIR OPTION TO HAVE THE SYMPTOM OR PURPOSE FOR WHICH A PRESCRIPTION IS BEING ISSUED INCLUDED ON THE PRESCRIPTION ORDER.

(II) A NURSE'S FAILURE TO ADVISE A PATIENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) SHALL NOT BE GROUNDS FOR ANY DISCIPLINARY ACTION AGAINST THE NURSE'S PROFESSIONAL LICENSE ISSUED UNDER THIS ARTICLE. FAILURE TO ADVISE A PATIENT PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) SHALL NOT BE GROUNDS FOR ANY CIVIL ACTION AGAINST A NURSE IN A NEGLIGENCE OR TORT ACTION, NOR SHALL SUCH FAILURE BE EVIDENCE IN ANY CIVIL ACTION AGAINST A NURSE.

SECTION 8. Article 40 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-40-109.7. Prescriptions - requirement to advise patients. (1) AN OPTOMETRIST LICENSED UNDER THIS ARTICLE MAY ADVISE THE OPTOMETRIST'S PATIENTS OF THEIR OPTION TO HAVE THE SYMPTOM OR PURPOSE FOR WHICH A PRESCRIPTION IS BEING ISSUED INCLUDED ON THE PRESCRIPTION ORDER.

(2) AN OPTOMETRIST'S FAILURE TO ADVISE A PATIENT UNDER SUBSECTION (1) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY DISCIPLINARY ACTION AGAINST THE OPTOMETRIST'S PROFESSIONAL LICENSE ISSUED UNDER THIS ARTICLE.

SECTION 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 25, 2003