

CHAPTER 282

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 09-1073

BY REPRESENTATIVE(S) Massey, Frangas, Kerr J., Riesberg, Green, Labuda, Merrifield, Summers, Ferrandino, Kefalas, Pommer, Priola;
also SENATOR(S) Boyd and Kopp, Morse, Gibbs, Groff, Hodge, Kester, King K., Newell, Penry, Shaffer B., Spence, Tochtrop.

AN ACT

CONCERNING ELECTRONIC PRESCRIPTIONS IN THE MEDICAL ASSISTANCE PROGRAM, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Part 5 of article 5 of title 25.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25.5-5-508. Electronic prescriptions - study - report - repeal. (1) THE STATE DEPARTMENT SHALL CONTRACT WITH A NONPROFIT ORGANIZATION THAT FACILITATES HEALTH INFORMATION EXCHANGE TO IMPROVE THE HEALTH OF ALL COLORADANS TO STUDY THE FEASIBILITY AND ADVISABILITY OF THE USE OF ELECTRONIC PRESCRIPTIONS, REFERRED TO IN THIS SECTION AS "E-PRESCRIPTIONS", IN THE MEDICAL ASSISTANCE PROGRAM CONSISTENT WITH FEDERAL REGULATIONS. ON OR BEFORE JUNE 30, 2010, THE STATE DEPARTMENT SHALL SUBMIT A REPORT ON THE STUDY TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE GENERAL ASSEMBLY, OR ANY SUCCESSOR COMMITTEES. THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

- (a) WHETHER FEDERAL LAW WOULD PERMIT INCENTIVES FOR E-PRESCRIPTIONS;
- (b) WHETHER THE STATE WOULD REALIZE A COST SAVINGS THROUGH THE USE OF E-PRESCRIPTIONS;
- (c) RECOMMENDATIONS FOR PATIENT-PROTECTION MEASURES TO ENSURE THAT ANY E-PRESCRIPTION SYSTEM USED BY THE STATE DOES NOT NEGATIVELY IMPACT A RECIPIENT'S HEALTH OR ACCESS TO PRESCRIPTION DRUGS; AND

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

(d) WHETHER ANY ADDITIONAL LEGISLATION IS NECESSARY FOR THE USE OF E-PRESCRIPTIONS OR THE IMPLEMENTATION OF INCENTIVES FOR E-PRESCRIPTIONS.

(2) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT THE STATE DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER LAW OF THE STATE. THE STATE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING CASH FUND CREATED PURSUANT TO SECTION 25.5-1-109.

(3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO GENERAL FUND MONEYS BE USED FOR THE IMPLEMENTATION OF THIS SECTION. THE REPORT REQUIRED BY SUBSECTION (1) OF THIS SECTION SHALL BE PREPARED ONLY IF, AND TO THE EXTENT THAT, GIFTS, GRANTS, OR DONATIONS ARE RECEIVED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, executive director's office, general administration, for the fiscal year beginning July 1, 2009, the sum of fifty-two thousand five hundred dollars (\$52,500), or so much thereof as may be necessary, for the implementation of this act. Of said sum, twenty-six thousand two hundred fifty dollars (\$26,250) shall be from the department of health care policy and financing cash fund created pursuant to section 25.5-1-109, Colorado Revised Statutes, and twenty-six thousand two hundred fifty dollars (\$26,250) shall be from federal funds.

SECTION 3. Act subject to petition - effective date. 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, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this 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.

Approved: May 20, 2009