

## CHAPTER 227

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**HEALTH CARE POLICY AND FINANCING**

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**SENATE BILL 10-117**

BY SENATOR(S) Foster, Boyd, Johnston, Keller, Morse, Newell, Tochtrop, Whitehead, Williams;  
also REPRESENTATIVE(S) Primavera, Apuan, Frangas, Kagan, Kefalas, Kerr J., Labuda, Pace, Schafer S., Soper, Summers,  
Todd, Tyler.

**AN ACT****CONCERNING MEDICAID COVERAGE FOR OVER-THE-COUNTER MEDICATIONS.**

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

**SECTION 1.** 25.5-5-202 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**25.5-5-202. Basic services for the categorically needy - optional services - repeal.** (1) Subject to the provisions of subsection (2) of this section, the following are services for which federal financial participation is available and which Colorado has selected to provide as optional services under the medical assistance program:

(a.5) OVER-THE-COUNTER MEDICATIONS, AS SPECIFIED IN SECTION 25.5-5-322.

**SECTION 2.** Part 3 of article 5 of title 25.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**25.5-5-322. Over-the-counter medications - rules.** (1) (a) SUBJECT TO APPROVAL THROUGH THE STATE BUDGET PROCESS IN PARAGRAPH (b) OF THIS SUBSECTION (1), THE STATE BOARD SHALL ADOPT BY RULE A SYSTEM TO ALLOW PHARMACIES TO BE REIMBURSED FOR PROVIDING CERTAIN OVER-THE-COUNTER MEDICATIONS TO RECIPIENTS IF PRESCRIBED BY A LICENSED PRACTITIONER AUTHORIZED TO PRESCRIBE PRESCRIPTION DRUGS OR, SUBJECT TO THE LIMITATIONS CONTAINED IN SUBSECTION (2) OF THIS SECTION, A LICENSED PHARMACIST. OVER-THE-COUNTER MEDICATIONS SUBJECT TO REIMBURSEMENT PURSUANT TO THIS SECTION SHALL BE IDENTIFIED THROUGH THE DRUG UTILIZATION REVIEW PROCESS ESTABLISHED IN SECTION 25.5-5-506, AND SHALL BE LIMITED TO MEDICATIONS THAT,

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

IF REIMBURSED, SHALL RESULT IN OVERALL COST SAVINGS TO THE STATE.

(b) AFTER THE LIST OF OVER-THE-COUNTER MEDICATIONS IS IDENTIFIED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE STATE DEPARTMENT SHALL REQUEST, THROUGH THE STATE BUDGET PROCESS, THAT THE REIMBURSEMENTS BE IMPLEMENTED. THE STATE DEPARTMENT SHALL REPORT TO THE JOINT BUDGET COMMITTEE ANNUALLY CONCERNING THE AMOUNT OF ANY SAVINGS REALIZED FROM THE REIMBURSEMENTS.

(2) (a) THE STATE BOARD, IN CONSULTATION WITH THE STATE BOARD OF PHARMACY CREATED PURSUANT TO SECTION 12-22-103, C.R.S., SHALL ESTABLISH BY RULE STANDARDS FOR WHEN A LICENSED PHARMACIST MAY PRESCRIBE OVER-THE-COUNTER MEDICATIONS AS PROVIDED UNDER THIS SECTION FOR PURPOSES OF RECEIVING REIMBURSEMENT UNDER THE MEDICAL ASSISTANCE PROGRAM.

(b) WHEN PRESCRIBING OVER-THE-COUNTER MEDICATIONS UNDER THIS SECTION, A LICENSED PHARMACIST SHALL CONSULT WITH THE RECIPIENT TO DETERMINE NECESSITY, PROVIDE DRUG COUNSELING, REVIEW DRUG THERAPY FOR POTENTIAL ADVERSE INTERACTIONS, AND MAKE REFERRALS AS NEEDED TO OTHER HEALTH CARE PROFESSIONALS.

**SECTION 3.** 12-22-102 (23.6), Colorado Revised Statutes, is amended to read:

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

(23.6) "Pharmaceutical care" means the provision of drug therapy and other pharmaceutical patient care services by a pharmacist intended to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process. In addition to the preparation, dispensing, and distribution of medications, "pharmaceutical care" may include assessment and evaluation of the patient's medication related needs and development and communication of a therapeutic plan with defined outcomes in consultation with the patient and the patient's other health care professionals to attain the desired outcome. This function includes efforts to prevent, detect, and resolve medication related problems for individual patients. "Pharmaceutical care" does not include prescriptive authority, EXCEPT THAT A PHARMACIST MAY PRESCRIBE ONLY OVER-THE-COUNTER MEDICATIONS TO A RECIPIENT UNDER THE "COLORADO MEDICAL ASSISTANCE ACT" AS AUTHORIZED PURSUANT TO SECTION 25.5-5-322, C.R.S.

**SECTION 4. Specified effective date.** This act shall take effect July 1, 2010.

**SECTION 5. 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: May 17, 2010