

SB079\_L.004

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public Health Care & Human Services.SB19-079 be amended as follows:

1 Amend reengrossed bill, page 21, strike lines 23 through 27.

2 Strike page 22 and substitute:

3 "SECTION 16. In Colorado Revised Statutes, 12-30-109, amend  
4 as relocated by House Bill 19-1172 (2) as follows:

5 12-30-109. Prescribing opioids - limitations - definition -  
6 repeal. (2) An opioid prescriber licensed pursuant to article 220 ~~240~~;  
7 ~~255, 275, 290~~, or 315 of this title 12 may prescribe opioids electronically.

8 SECTION 17. In Colorado Revised Statutes, 12-30-109, amend  
9 as relocated by House Bill 19-1172 (2) as follows:

10 12-30-109. Prescribing opioids - limitations - definition -  
11 repeal. (2) An opioid prescriber licensed pursuant to article ~~220, 240~~;  
12 ~~255, 275, 290~~, or 315 of this title 12 may prescribe opioids electronically.

13 SECTION 18. In Colorado Revised Statutes, add to article 30  
14 of title 12 as relocated by House Bill 19-1172 12-30-110 as follows:

15 12-30-111. Electronic prescribing of controlled substances -  
16 exceptions - rules - definitions. (1) (a) EXCEPT AS PROVIDED IN  
17 SUBSECTION (1)(b) OF THIS SECTION, ON AND AFTER JULY 1, 2021, A  
18 PRESCRIBER SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS DEFINED IN  
19 SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III, OR IV  
20 PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY ELECTRONIC  
21 PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

22 (I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC  
23 PRESCRIBING IS NOT AVAILABLE DUE TO TECHNOLOGICAL OR ELECTRICAL  
24 FAILURE;

25 (II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT  
26 IS LOCATED OUTSIDE OF THIS STATE;

27 (III) THE PRESCRIBER IS DISPENSING THE CONTROLLED SUBSTANCE  
28 TO THE PATIENT;

29 (IV) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT  
30 SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL  
31 FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD AND 21 CFR  
32 1311;

33 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION OR DRUG  
34 ENFORCEMENT ADMINISTRATION REQUIRES THE PRESCRIPTION FOR THE  
35 PARTICULAR CONTROLLED SUBSTANCE TO CONTAIN ELEMENTS THAT  
36 CANNOT BE SATISFIED WITH ELECTRONIC PRESCRIBING;

37 (VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND  
38 ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:

1 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF  
2 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR  
3 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;  
4 (B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR  
5 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE PRESCRIBER  
6 TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;  
7 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER  
8 A RESEARCH PROTOCOL;  
9 (VIII) THE PRESCRIBER WRITES TWENTY-FOUR OR FEWER  
10 PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;  
11 (IX) THE PRESCRIBER IS PRESCRIBING A CONTROLLED SUBSTANCE  
12 TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE  
13 FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR  
14 ASSISTED LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF  
15 THE DEPARTMENT OF CORRECTIONS;  
16 (X) THE PRESCRIBER REASONABLY DETERMINES THAT THE PATIENT  
17 WOULD BE UNABLE TO OBTAIN CONTROLLED SUBSTANCES PRESCRIBED  
18 ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD  
19 ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION; OR  
20 (XI) THE PRESCRIBER DEMONSTRATES ECONOMIC HARDSHIP IN  
21 ACCORDANCE WITH RULES ADOPTED BY THE REGULATOR PURSUANT TO  
22 SUBSECTION (2)(b) OF THIS SECTION.  
23 (b) A PRESCRIBER WHO IS A LICENSED DENTIST OR WHO IS  
24 PRACTICING IN A RURAL AREA OF THE STATE OR IN A PRACTICE CONSISTING  
25 OF ONLY ONE PRESCRIBER SHALL COMPLY WITH THIS SUBSECTION (1) ON  
26 AND AFTER JULY 1, 2023.  
27 (2) THE REGULATOR FOR EACH PRESCRIBER SUBJECT TO THIS  
28 SECTION SHALL ADOPT RULES:  
29 (a) DEFINING WHAT CONSTITUTES A TEMPORARY TECHNOLOGICAL  
30 OR ELECTRICAL FAILURE FOR PURPOSES OF SUBSECTION (1)(a)(I) OF THIS  
31 SECTION; AND  
32 (b) DEFINING ECONOMIC HARDSHIP FOR PURPOSES OF SUBSECTION  
33 (1)(a)(XI) OF THIS SECTION AND ESTABLISHING:  
34 (I) THE PROCESS FOR A PRESCRIBER TO DEMONSTRATE ECONOMIC  
35 HARDSHIP, INCLUDING THE INFORMATION REQUIRED TO BE SUBMITTED TO  
36 ALLOW THE REGULATOR TO MAKE A DETERMINATION;  
37 (II) THE PERIOD DURING WHICH THE ECONOMIC HARDSHIP  
38 EXCEPTION IS EFFECTIVE, WHICH PERIOD MUST NOT EXCEED ONE YEAR,  
39 AND  
40 (III) A PROCESS FOR A PRESCRIBER TO APPLY TO RENEW AN  
41 ECONOMIC HARDSHIP EXCEPTION, INCLUDING THE INFORMATION REQUIRED  
42 TO BE SUBMITTED THAT DEMONSTRATES THE PRESCRIBER'S CONTINUING  
43 NEED FOR THE EXCEPTION.

- 1 (3) (a) THIS SECTION DOES NOT:  
2 (I) CREATE A PRIVATE RIGHT OF ACTION;  
3 (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR  
4 (III) ESTABLISH A STANDARD OF CARE.  
5 (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE  
6 NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.  
7 (4) AS USED IN THIS SECTION:  
8 (a) "PRESCRIBER" MEANS:  
9 (I) A DENTIST LICENSED PURSUANT TO ARTICLE 220 OF THIS TITLE  
10 12;  
11 (II) A PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT  
12 TO ARTICLE 240 OF THIS TITLE 12;  
13 (III) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE  
14 AUTHORITY PURSUANT TO SECTION 12-255-112;  
15 (IV) AN OPTOMETRIST LICENSED PURSUANT TO ARTICLE 275 OF  
16 THIS TITLE 12; OR  
17 (V) A PODIATRIST LICENSED PURSUANT TO ARTICLE 290 OF THIS  
18 TITLE 12.  
19 (b) "RURAL AREA" MEANS A COUNTY LOCATED IN A  
20 NONMETROPOLITAN AREA IN THE STATE THAT EITHER:  
21 (I) HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES  
22 WITH FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE  
23 MOST RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES  
24 CENSUS BUREAU; OR  
25 (II) SATISFIES ALTERNATE CRITERIA FOR THE DESIGNATION OF A  
26 RURAL AREA AS MAY BE PROMULGATED BY THE FEDERAL OFFICE OF  
27 MANAGEMENT AND BUDGET.

28 **SECTION 19.** In Colorado Revised Statutes, **amend as relocated**  
29 **by House Bill 19-1172** 12-220-119 as follows:

30 **12-220-119. Renewal of dental and dental hygienist licenses -**  
31 **fees - questionnaire.** (1) Licenses issued pursuant to this article 220 are  
32 subject to the renewal, expiration, reinstatement, and delinquency fee  
33 provisions specified in section 12-20-202 (1) and (2). Any person whose  
34 license expires is subject to the penalties provided in this article 220 or  
35 section 12-20-202 (1).

36 (2) ON AND AFTER JULY 1, 2023, THE BOARD SHALL REQUIRE A  
37 DENTIST WHO APPLIES FOR LICENSE RENEWAL TO COMPLETE A  
38 QUESTIONNAIRE THAT REQUIRES THE DENTIST TO INDICATE WHETHER THE  
39 DENTIST HAS COMPLIED WITH SECTION 12-30-111. THE FAILURE OF AN  
40 APPLICANT TO ANSWER THE QUESTIONNAIRE ACCURATELY CONSTITUTES  
41 GROUNDS FOR DISCIPLINE PURSUANT TO SECTION 12-220-130.

42 **SECTION 20.** In Colorado Revised Statutes, 12-220-130, **amend**  
43 **as relocated by House Bill 19-1172** (1)(nn) and (1)(oo); and **add** (1)(pp)

1 as follows:

2 **12-220-130. Grounds for disciplinary action - definition.**

3 (1) The board may take disciplinary action against an applicant or  
4 licensee in accordance with sections 12-20-404 and 12-220-131 for any  
5 of the following causes:

6 (nn) Failing to comply with section 12-220-128 regarding the  
7 placement of interim therapeutic restorations; or

8 (oo) Failing to comply with section 12-220-129 regarding the  
9 application of silver diamine fluoride; OR

10 (pp) FAILING TO ACCURATELY COMPLETE AND SUBMIT THE  
11 QUESTIONNAIRE REQUIRED BY SECTION 12-220-119 (2).

12 **SECTION 21.** In Colorado Revised Statutes, 12-240-130, **amend**  
13 **as relocated by House Bill 19-1172 (2)** as follows:

14 **12-240-130. Procedure - registration - fees.** (2) The board shall  
15 design a questionnaire to accompany the renewal form for the purpose of  
16 determining whether a licensee has acted in violation of this article 240  
17 or been disciplined for any action that might be considered a violation of  
18 this article 240 or might make the licensee unfit to practice medicine with  
19 reasonable care and safety. THE BOARD SHALL INCLUDE ON THE  
20 QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS  
21 COMPLIED WITH SECTION 12-30-111. If an applicant fails to answer the  
22 questionnaire accurately, the failure ~~shall constitute~~ CONSTITUTES  
23 unprofessional conduct under section 12-240-121 (1)(t).

24 **SECTION 22.** In Colorado Revised Statutes, 12-255-110, **amend**  
25 **as relocated by House Bill 19-1172 (3)** as follows:

26 **12-255-110. Requirements for professional nurse licensure.**

27 (3) The board shall design a questionnaire to be sent to all licensees who  
28 apply for license renewal. Each applicant for license renewal shall  
29 complete the board-designed questionnaire. The purpose of the  
30 questionnaire is to determine whether a licensee has acted in violation of  
31 this article 255 or been disciplined for any action that might be considered  
32 a violation of this article 255 or might make the licensee unfit to practice  
33 nursing with reasonable care and safety. THE BOARD SHALL INCLUDE ON  
34 THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS  
35 COMPLIED WITH SECTION 12-30-111. If an applicant fails to answer the  
36 questionnaire accurately, the failure ~~shall constitute~~ CONSTITUTES grounds  
37 for discipline under section 12-255-120 (1)(v). The board may include the  
38 cost of developing and reviewing the questionnaire in the fee paid under  
39 subsection (1)(d) of this section. The board may refuse an application for  
40 license renewal that does not accompany an accurately completed  
41 questionnaire.

42 **SECTION 23.** In Colorado Revised Statutes, 12-275-115, **amend**  
43 **as relocated by House Bill 19-1172 (2)** as follows:

1           **12-275-115. License renewal - questionnaire - continuing**  
2 **education.** (2) The board shall establish a questionnaire to accompany  
3 the renewal form. The BOARD SHALL DESIGN THE questionnaire ~~shall be~~  
4 ~~designed~~ to determine if the licensee has acted in violation of or has been  
5 disciplined for actions that might be considered as violations of this  
6 article 275 or that might make the licensee unfit to practice optometry  
7 with reasonable care and safety. THE BOARD SHALL INCLUDE ON THE  
8 QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS  
9 COMPLIED WITH SECTION 12-30-111. Failure of the applicant to answer the  
10 questionnaire accurately ~~shall be considered~~ CONSTITUTES unprofessional  
11 conduct as specified in section 12-275-120.

12           **SECTION 24.** In Colorado Revised Statutes, 12-280-123, **amend**  
13 **as relocated by House Bill 19-1172** (1) as follows:

14           **12-280-123. Prescription required - exception - dispensing**  
15 **opiate antagonists.** (1) (a) Except as provided in section 18-18-414 and  
16 subsections (2) and (3) of this section, an order is required prior to  
17 dispensing any prescription drug. Orders shall be readily retrievable  
18 within the appropriate statute of limitations.

19           (b) A PHARMACIST WHO RECEIVES AN ORDER FOR A CONTROLLED  
20 SUBSTANCE THAT IS INCLUDED IN SCHEDULE II, III, OR IV FROM A  
21 PODIATRIST, DENTIST, PHYSICIAN, PHYSICIAN ASSISTANT, ADVANCED  
22 PRACTICE NURSE, OR OPTOMETRIST, WHICH ORDER IS NOT TRANSMITTED  
23 ELECTRONICALLY TO THE PHARMACIST, IS NOT REQUIRED TO VERIFY THE  
24 APPLICABILITY OF AN EXCEPTION TO ELECTRONIC PRESCRIBING OF  
25 CONTROLLED SUBSTANCES UNDER SECTION 12-30-111 AND MAY DISPENSE  
26 THE CONTROLLED SUBSTANCE PURSUANT TO A WRITTEN, ORAL, OR  
27 FACSIMILE-TRANSMITTED ORDER THAT IS OTHERWISE VALID AND  
28 CONSISTENT WITH THE REQUIREMENTS OF CURRENT LAW.

29           **SECTION 25.** In Colorado Revised Statutes, 12-290-119, **amend**  
30 **as relocated by House Bill 19-1172** (2) as follows:

31           **12-290-119. Renewal of license - continuing education -**  
32 **professional development program - rules - renewal questionnaire.**  
33 (2) The board shall establish a questionnaire to accompany the renewal  
34 form. The BOARD SHALL DESIGN THE questionnaire ~~shall be designed~~  
35 to determine if the licensee has acted in violation of, or has been disciplined  
36 for actions that might be construed as violations of, this article 290 or that  
37 may make the licensee unfit to practice podiatry with reasonable care and  
38 safety. THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION  
39 REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH SECTION  
40 12-30-111. The failure of an applicant to answer the questionnaire  
41 accurately ~~shall constitute~~ CONSTITUTES unprofessional conduct pursuant  
42 to section 12-290-108.

43           **SECTION 26. Act subject to petition - effective date.**

1 (1) Except as otherwise provided in subsection (2) of this section, this act  
2 takes effect at 12:01 a.m. on the day following the expiration of the  
3 ninety-day period after final adjournment of the general assembly (August  
4 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
5 referendum petition is filed pursuant to section 1 (3) of article V of the  
6 state constitution against this act or an item, section, or part of this act  
7 within such period, then the act, item, section, or part will not take effect  
8 unless approved by the people at the general election to be held in  
9 November 2020 and, in such case, will take effect on the date of the  
10 official declaration of the vote thereon by the governor.

11 (2) Sections 16 through 25 of this act take effect only if House  
12 Bill 19-1172 becomes law, in which case:

- 13 (a) Sections 18 and 21 through 25 take effect October 1, 2019;  
14 (b) Section 16 takes effect July 1, 2021; and  
15 (c) Sections 17, 19, and 20 take effect July 1, 2023."

16 Strike "STANDARD" and substitute "STANDARD AND 21 CFR 1311" on:  
17 **Page 3**, line 5; **page 6**, line 17; **page 10**, line 5; **page 14**, line 7; and **page**  
18 **18**, line 10.

19 After "ADMINISTRATION" insert "OR DRUG ENFORCEMENT  
20 ADMINISTRATION" on: **Page 3**, line 6; **page 6**, line 18; **page 10**, line 6;  
21 **page 14**, line 8; and **page 18**, line 11.

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