

SB022_L.005

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

SB18-022 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 12-32-107.5, add
4 (3) as follows:

5 **12-32-107.5. Prescriptions - requirement to advise patients -**
6 **limits on opioid prescriptions - repeal.** (3) (a) A PODIATRIST SHALL NOT
7 PRESCRIBE MORE THAN A SEVEN-DAY SUPPLY OF AN OPIOID TO A PATIENT
8 WHO HAS NOT HAD AN OPIOID PRESCRIPTION IN THE LAST TWELVE MONTHS
9 BY THAT PODIATRIST, AND MAY EXERCISE DISCRETION TO INCLUDE A
10 SECOND FILL FOR A SEVEN-DAY SUPPLY, UNLESS, IN THE JUDGMENT OF THE
11 PODIATRIST, THE PATIENT:

12 (I) HAS CHRONIC PAIN THAT TYPICALLY LASTS LONGER THAN
13 NINETY DAYS OR PAST THE TIME OF NORMAL HEALING, AS DETERMINED BY
14 THE PODIATRIST, OR FOLLOWING TRANSFER OF CARE FROM ANOTHER
15 PODIATRIST WHO PRESCRIBED AN OPIOID TO THE PATIENT;

16 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
17 CANCER-RELATED PAIN; OR

18 (III) IS EXPERIENCING POST-SURGICAL PAIN THAT, BECAUSE OF THE
19 NATURE OF THE PROCEDURE, IS EXPECTED TO LAST MORE THAN FOURTEEN
20 DAYS.

21 (b) A PODIATRIST LICENSED PURSUANT TO THIS ARTICLE 32 MAY
22 PRESCRIBE OPIOIDS ELECTRONICALLY.

23 (c) THIS SUBSECTION (3) DOES NOT CREATE A PRIVATE RIGHT OF
24 ACTION OR SERVE AS THE BASIS OF A CAUSE OF ACTION. A VIOLATION OF
25 THIS SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR
26 CONTRIBUTORY NEGLIGENCE PER SE AND DOES NOT ALONE ESTABLISH A
27 STANDARD OF CARE.

28 (d) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE SEPTEMBER 1,
29 2021.

30 SECTION 2. In Colorado Revised Statutes, amend 12-35-114 as
31 follows:

32 **12-35-114. Dentists may prescribe drugs - surgical operations**
33 **- anesthesia - limits on opioid prescriptions - repeal.** (1) A licensed
34 dentist is authorized to prescribe drugs or medicine; perform surgical
35 operations; administer, pursuant to board rules, local anesthesia, analgesia
36 including nitrous oxide/oxygen inhalation, medication prescribed or
37 administered for the relief of anxiety or apprehension, minimal sedation,
38 moderate sedation, deep sedation, or general anesthesia; and use
39 appliances as necessary to the proper practice of dentistry. A dentist shall

1 not prescribe, distribute, or give to any person, including himself or
2 herself, any habit-forming drug or any controlled substance, as defined in
3 section 18-18-102 (5) ~~C.R.S.~~, or as contained in schedule II of 21 U.S.C.
4 sec. 812, other than in the course of legitimate dental practice and
5 pursuant to the rules promulgated by the board regarding controlled
6 substance record keeping.

7 (2) (a) A DENTIST SHALL NOT PRESCRIBE MORE THAN A SEVEN-DAY
8 SUPPLY OF AN OPIOID TO A PATIENT WHO HAS NOT HAD AN OPIOID
9 PRESCRIPTION IN THE LAST TWELVE MONTHS BY THAT DENTIST, AND MAY
10 EXERCISE DISCRETION TO INCLUDE A SECOND FILL FOR A SEVEN-DAY
11 SUPPLY, UNLESS, IN THE JUDGMENT OF THE DENTIST, THE PATIENT:

12 (I) HAS CHRONIC PAIN THAT TYPICALLY LASTS LONGER THAN
13 NINETY DAYS OR PAST THE TIME OF NORMAL HEALING, AS DETERMINED BY
14 THE DENTIST, OR FOLLOWING TRANSFER OF CARE FROM ANOTHER DENTIST
15 WHO PRESCRIBED AN OPIOID TO THE PATIENT;

16 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
17 CANCER-RELATED PAIN; OR

18 (III) IS EXPERIENCING POST-SURGICAL PAIN THAT, BECAUSE OF THE
19 NATURE OF THE PROCEDURE, IS EXPECTED TO LAST MORE THAN FOURTEEN
20 DAYS.

21 (b) A DENTIST LICENCED PURSUANT TO THIS ARTICLE 35 MAY
22 PRESCRIBE OPIOIDS ELECTRONICALLY.

23 (c) THIS SUBSECTION (2) DOES NOT CREATE A PRIVATE RIGHT OF
24 ACTION OR SERVE AS THE BASIS OF A CAUSE OF ACTION. A VIOLATION OF
25 THIS SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR
26 CONTRIBUTORY NEGLIGENCE PER SE AND DOES NOT ALONE ESTABLISH A
27 STANDARD OF CARE.

28 (d) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,
29 2021.

30 **SECTION 3.** In Colorado Revised Statutes, add 12-36-117.6 as
31 follows:

32 **12-36-117.6. Prescribing opiates - limitations - repeal.** (1) A
33 PHYSICIAN OR PHYSICIAN ASSISTANT SHALL NOT PRESCRIBE MORE THAN
34 A SEVEN-DAY SUPPLY OF AN OPIOID TO A PATIENT WHO HAS NOT HAD AN
35 OPIOID PRESCRIPTION IN THE LAST TWELVE MONTHS BY THAT PHYSICIAN
36 OR PHYSICIAN ASSISTANT, AND MAY EXERCISE DISCRETION TO INCLUDE A
37 SECOND FILL FOR A SEVEN-DAY SUPPLY, UNLESS, IN THE JUDGMENT OF THE
38 PHYSICIAN OR PHYSICIAN ASSISTANT, THE PATIENT:

39 (I) HAS CHRONIC PAIN THAT TYPICALLY LASTS LONGER THAN
40 NINETY DAYS OR PAST THE TIME OF NORMAL HEALING, AS DETERMINED BY
41 THE PHYSICIAN OR PHYSICIAN ASSISTANT, OR FOLLOWING TRANSFER OF
42 CARE FROM ANOTHER PHYSICIAN OR PHYSICIAN ASSISTANT WHO
43 PRESCRIBED AN OPIOID TO THE PATIENT;

1 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
2 CANCER-RELATED PAIN;
3 (III) IS EXPERIENCING POST-SURGICAL PAIN THAT, BECAUSE OF THE
4 NATURE OF THE PROCEDURE, IS EXPECTED TO LAST MORE THAN FOURTEEN
5 DAYS; OR
6 (IV) IS UNDERGOING PALLIATIVE CARE OR HOSPICE CARE FOCUSED
7 ON PROVIDING THE PATIENT WITH RELIEF FROM SYMPTOMS, PAIN, AND
8 STRESS RESULTING FROM A SERIOUS ILLNESS IN ORDER TO IMPROVE
9 QUALITY OF LIFE.
10 (2) A PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT TO
11 THIS ARTICLE 36 MAY PRESCRIBE OPIOIDS ELECTRONICALLY.
12 (3) THIS SECTION DOES NOT CREATE A PRIVATE RIGHT OF ACTION
13 OR SERVE AS THE BASIS OF A CAUSE OF ACTION. A VIOLATION OF THIS
14 SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR CONTRIBUTORY
15 NEGLIGENCE PER SE AND DOES NOT ALONE ESTABLISH A STANDARD OF
16 CARE.
17 (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.
18 **SECTION 4.** In Colorado Revised Statutes, 12-38-111.6, add
19 (7.5) as follows:
20 **12-38-111.6. Prescriptive authority - advanced practice nurses**
21 **- limits on opioid prescriptions - repeal.** (7.5) (a) AN ADVANCED
22 PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY PURSUANT TO THIS
23 SECTION SHALL NOT PRESCRIBE MORE THAN A SEVEN-DAY SUPPLY OF AN
24 OPIOID TO A PATIENT WHO HAS NOT HAD AN OPIOID PRESCRIPTION IN THE
25 LAST TWELVE MONTHS BY THAT ADVANCE PRACTICE NURSE, AND MAY
26 EXERCISE DISCRETION TO INCLUDE A SECOND FILL FOR A SEVEN-DAY
27 SUPPLY, UNLESS, IN THE JUDGMENT OF THE ADVANCE PRACTICE NURSE,
28 THE PATIENT:
29 (I) HAS CHRONIC PAIN THAT TYPICALLY LASTS LONGER THAN
30 NINETY DAYS OR PAST THE TIME OF NORMAL HEALING, AS DETERMINED BY
31 THE ADVANCE PRACTICE NURSE, OR FOLLOWING TRANSFER OF CARE FROM
32 ANOTHER ADVANCE PRACTICE NURSE WHO PRESCRIBED AN OPIOID TO THE
33 PATIENT;
34 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
35 CANCER-RELATED PAIN;
36 (III) IS EXPERIENCING POST-SURGICAL PAIN THAT, BECAUSE OF THE
37 NATURE OF THE PROCEDURE, IS EXPECTED TO LAST MORE THAN FOURTEEN
38 DAYS; OR
39 (IV) IS UNDERGOING PALLIATIVE CARE OR HOSPICE CARE FOCUSED
40 ON PROVIDING THE PATIENT WITH RELIEF FROM SYMPTOMS, PAIN, AND
41 STRESS RESULTING FROM A SERIOUS ILLNESS IN ORDER TO IMPROVE
42 QUALITY OF LIFE.
43 (b) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE

1 AUTHORITY PURSUANT TO THIS SECTION MAY PRESCRIBE OPIOIDS
2 ELECTRONICALLY.

3 (c) THIS SUBSECTION (7.5) DOES NOT CREATE A PRIVATE RIGHT OF
4 ACTION OR SERVE AS THE BASIS OF A CAUSE OF ACTION. A VIOLATION OF
5 THIS SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR
6 CONTRIBUTORY NEGLIGENCE PER SE AND DOES NOT ALONE ESTABLISH A
7 STANDARD OF CARE.

8 (d) THIS SUBSECTION (7.5) IS REPEALED, EFFECTIVE SEPTEMBER 1,
9 2021.

10 **SECTION 5.** In Colorado Revised Statutes, 12-40-109.5, **add** (4)
11 as follows:

12 **12-40-109.5. Use of prescription and nonprescription drugs -**
13 **limits on opioid prescriptions - repeal.** (4) (a) AN OPTOMETRIST SHALL
14 NOT PRESCRIBE MORE THAN A SEVEN-DAY SUPPLY OF AN OPIOID TO A
15 PATIENT WHO HAS NOT HAD AN OPIOID PRESCRIPTION IN THE LAST TWELVE
16 MONTHS BY THAT OPTOMETRIST, AND MAY EXERCISE DISCRETION TO
17 INCLUDE A SECOND FILL FOR A SEVEN-DAY SUPPLY, UNLESS, IN THE
18 JUDGMENT OF THE OPTOMETRIST, THE PATIENT:

19 (I) HAS CHRONIC PAIN THAT TYPICALLY LASTS LONGER THAN
20 NINETY DAYS OR PAST THE TIME OF NORMAL HEALING, AS DETERMINED BY
21 THE OPTOMETRIST, OR FOLLOWING TRANSFER OF CARE FROM ANOTHER
22 OPTOMETRIST WHO PRESCRIBED AN OPIOID TO THE PATIENT;

23 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
24 CANCER-RELATED PAIN; OR

25 (III) IS EXPERIENCING POST-SURGICAL PAIN THAT, BECAUSE OF THE
26 NATURE OF THE PROCEDURE, IS EXPECTED TO LAST MORE THAN FOURTEEN
27 DAYS.

28 (b) AN OPTOMETRIST LICENSED PURSUANT TO THIS ARTICLE 40
29 MAY PRESCRIBE OPIOIDS ELECTRONICALLY.

30 (c) THIS SUBSECTION (4) DOES NOT CREATE A PRIVATE RIGHT OF
31 ACTION OR SERVE AS THE BASIS OF A CAUSE OF ACTION. A VIOLATION OF
32 THIS SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR
33 CONTRIBUTORY NEGLIGENCE PER SE AND DOES NOT ALONE ESTABLISH A
34 STANDARD OF CARE.

35 (d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE SEPTEMBER 1,
36 2021.

37 **SECTION 6.** In Colorado Revised Statutes, 12-42.5-404, **amend**
38 (3)(b); and **add** (3.6) and (8) as follows:

39 **12-42.5-404. Program operation - access - rules - definitions -**
40 **repeal.** (3) The program is available for query only to the following
41 persons or groups of persons:

42 (b) Any practitioner with the statutory authority to prescribe
43 controlled substances, or an individual designated by the practitioner to

1 act on his or her behalf in accordance with section 12-42.5-403 (1.5)(b),
2 to the extent the query relates to a current patient of the practitioner. THE
3 PRACTITIONER OR HIS OR HER DESIGNEE SHALL IDENTIFY HIS OR HER AREA
4 OF HEALTH CARE SPECIALTY OR PRACTICE UPON THE INITIAL QUERY OF THE
5 PROGRAM;

6 (3.6) (a) EACH PRACTITIONER OR HIS OR HER DESIGNEE SHALL
7 QUERY THE PROGRAM PRIOR TO PRESCRIBING THE SECOND FILL FOR AN
8 OPIOID UNLESS THE PERSON RECEIVING THE PRESCRIPTION:

9 (I) IS RECEIVING THE OPIOID IN A HOSPITAL, SKILLED NURSING
10 FACILITY, RESIDENTIAL FACILITY, OR CORRECTIONAL FACILITY;

11 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
12 CANCER-RELATED PAIN;

13 (III) IS UNDERGOING PALLIATIVE CARE OR HOSPICE CARE;

14 (IV) IS EXPERIENCING POST-SURGICAL PAIN THAT, BECAUSE OF THE
15 NATURE OF THE PROCEDURE, IS EXPECTED TO LAST MORE THAN FOURTEEN
16 DAYS;

17 (V) IS RECEIVING TREATMENT DURING A NATURAL DISASTER OR
18 DURING AN INCIDENT WHERE MASS CASUALTIES HAVE TAKEN PLACE; OR

19 (VI) HAS RECEIVED ONLY A SINGLE DOSE TO RELIEVE PAIN FOR A
20 SINGLE TEST OR PROCEDURE.

21 (b) THE PROGRAM MUST USE INDUSTRY STANDARDS TO ALLOW
22 PROVIDERS OR THEIR DESIGNEES DIRECT ACCESS TO DATA FROM WITHIN AN
23 ELECTRONIC HEALTH RECORD TO THE EXTENT THAT THE QUERY RELATES
24 TO A CURRENT PATIENT OF THE PRACTITIONER.

25 (c) A PRACTITIONER OR HIS OR HER DESIGNEE COMPLIES WITH THIS
26 SUBSECTION (3.6) IF HE OR SHE ATTEMPTS TO ACCESS THE PROGRAM PRIOR
27 TO PRESCRIBING THE SECOND FILL FOR AN OPIOID, AND THE PROGRAM IS
28 NOT AVAILABLE OR IS INACCESSIBLE DUE TO TECHNICAL FAILURE.

29 (d) THIS SUBSECTION (3.6) IS REPEALED, EFFECTIVE SEPTEMBER 1,
30 2021.

31 (8) REPORTS GENERATED BY THE PROGRAM AND PROVIDED TO
32 PRESCRIBING PRACTITIONERS FOR PURPOSES OF INFORMATION,
33 EDUCATION, AND INTERVENTION TO PREVENT AND REDUCE OCCURRENCES
34 OF CONTROLLED SUBSTANCE MISUSE, ABUSE, AND DIVERSION ARE:

35 (a) NOT PUBLIC RECORDS UNDER THE "COLORADO OPEN RECORDS
36 ACT," PART 2 OF ARTICLE 72 OF TITLE 24;

37 (b) PRIVILEGED AND CONFIDENTIAL;

38 (c) NOT SUBJECT TO CIVIL SUBPOENA; AND

39 (d) NOT DISCOVERABLE OR ADMISSIBLE IN ANY CIVIL, CRIMINAL,
40 OR ADMINISTRATIVE PROCEEDING AGAINST A PRESCRIBING PRACTITIONER.

41 **SECTION 7.** In Colorado Revised Statutes, add 12-64-127 as
42 follows:

43 **12-64-127. Prescription of opioids - limitations - repeal.** (1) A

1 VETERINARIAN SHALL NOT PRESCRIBE MORE THAN A SEVEN-DAY SUPPLY
2 OF AN OPIOID TO A PATIENT WHO HAS NOT HAD AN OPIOID PRESCRIPTION
3 IN THE LAST TWELVE MONTHS BY THAT VETERINARIAN, AND MAY
4 EXERCISE DISCRETION TO INCLUDE A SECOND FILL FOR A SEVEN-DAY
5 SUPPLY, UNLESS, IN THE JUDGMENT OF THE VETERINARIAN, THE PATIENT:

6 (I) HAS CHRONIC PAIN THAT TYPICALLY LASTS LONGER THAN
7 NINETY DAYS OR PAST THE TIME OF NORMAL HEALING, AS DETERMINED BY
8 THE VETERINARIAN, OR FOLLOWING TRANSFER OF CARE FROM ANOTHER
9 VETERINARIAN WHO PRESCRIBED AN OPIOID TO THE PATIENT;

10 (II) HAS BEEN DIAGNOSED WITH CANCER AND IS EXPERIENCING
11 CANCER-RELATED PAIN; OR

12 (III) IS EXPERIENCING POST-SURGICAL PAIN THAT, BECAUSE OF THE
13 NATURE OF THE PROCEDURE, IS EXPECTED TO LAST MORE THAN FOURTEEN
14 DAYS.

15 (2) A VETERINARIAN LICENCED PURSUANT TO THIS ARTICLE 64
16 MAY PRESCRIBE OPIOIDS ELECTRONICALLY.

17 (3) THIS SECTION DOES NOT CREATE A PRIVATE RIGHT OF ACTION
18 OR SERVE AS THE BASIS OF A CAUSE OF ACTION. A VIOLATION OF THIS
19 SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE OR CONTRIBUTORY
20 NEGLIGENCE PER SE AND DOES NOT ALONE ESTABLISH A STANDARD OF
21 CARE.

22 (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

23 **SECTION 8.** In Colorado Revised Statutes, add 25-1-129 as
24 follows:

25 **25-1-129. Prescription drug monitoring program integration**
26 **methods - health care provider report cards - report - repeal.** (1) ON
27 OR BEFORE DECEMBER 1, 2019, THE DEPARTMENT SHALL REPORT TO THE
28 GENERAL ASSEMBLY THE FINDINGS FROM STUDIES THE DEPARTMENT
29 CONDUCTED PURSUANT TO THE FEDERAL GRANT TITLED THE
30 "PRESCRIPTION DRUG OVERDOSE PREVENTION FOR STATES COOPERATIVE
31 AGREEMENT" THAT THE DEPARTMENT RECEIVED CONCERNING:

32 (a) THE PRESCRIPTION DRUG MONITORING PROGRAM INTEGRATION
33 METHODS; AND

34 (b) HEALTH CARE PROVIDER REPORT CARDS.

35 (2) THE DEPARTMENT SHALL FORWARD THE FINDINGS FROM
36 STUDIES CONDUCTED PURSUANT TO SUBSECTION (1) OF THIS SECTION TO
37 THE CENTER FOR RESEARCH INTO SUBSTANCE USE DISORDER PREVENTION,
38 TREATMENT, AND RECOVERY SUPPORT STRATEGIES AT THE UNIVERSITY OF
39 COLORADO HEALTH SCIENCES CENTER, CREATED IN SECTION 27-80-118
40 (3). THE CENTER SHALL USE THE INFORMATION TO PROVIDE VOLUNTARY
41 TRAINING FOR HEALTH CARE PROVIDERS IN TARGETED AREAS.

42 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020.

43 **SECTION 9. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety."

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