

HB1279_L.008

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health, Insurance, & Environment.

HB18-1279 be amended as follows:

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

3 "SECTION 1. In Colorado Revised Statutes, add 12-32-107.7 as
4 follows:

5 **12-32-107.7. Electronic prescribing of controlled substances**
6 **- exceptions - rules - definition.** (1) (a) EXCEPT AS PROVIDED IN
7 SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, A
8 PODIATRIST LICENSED UNDER THIS ARTICLE 32 SHALL PRESCRIBE A
9 CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), THAT IS
10 INCLUDED IN SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18
11 OF TITLE 18, ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A
12 PHARMACY UNLESS:

13 (I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
14 PRESCRIBING IS NOT AVAILABLE DUE TO TECHNOLOGICAL OR ELECTRICAL
15 FAILURE;

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

18 (III) THE PRESCRIBING PODIATRIST IS DISPENSING THE
19 CONTROLLED SUBSTANCE TO THE PATIENT;

20 (IV) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT
21 SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL
22 FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;

23 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES
24 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO
25 CONTAIN ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC
26 PRESCRIBING;

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

29 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
30 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
31 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

32 (B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR

33 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE PODIATRIST
34 TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;

35 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
36 A RESEARCH PROTOCOL;

37 (VIII) THE PODIATRIST WRITES TWENTY-FOUR OR FEWER
38 PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;

39 (IX) THE PODIATRIST IS PRESCRIBING A CONTROLLED SUBSTANCE
40 TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE

1 FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR
2 ASSISTED LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF
3 THE DEPARTMENT OF CORRECTIONS; OR

4 (X) THE PODIATRIST REASONABLY DETERMINES THAT THE PATIENT
5 WOULD BE UNABLE TO OBTAIN CONTROLLED SUBSTANCES PRESCRIBED
6 ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD
7 ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION.

8 (b) A PODIATRIST PRACTICING IN A RURAL AREA OF THE STATE OR
9 IN A PRACTICE CONSISTING OF ONLY ONE PODIATRIST SHALL COMPLY WITH
10 THIS SUBSECTION (1) ON OR AFTER JULY 1, 2022.

11 (2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES
12 A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF
13 SUBSECTION (1)(a)(I) OF THIS SECTION.

14 (3) (a) THIS SECTION DOES NOT:

15 (I) CREATE A PRIVATE RIGHT OF ACTION;

16 (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR

17 (III) ESTABLISH A STANDARD OF CARE.

18 (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE
19 NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

20 (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY
21 THAT IS LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT
22 EITHER HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES WITH
23 FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE MOST
24 RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
25 CENSUS BUREAU OR THAT SATISFIES ALTERNATE CRITERIA FOR THE
26 DESIGNATION OF A RURAL AREA AS MAY BE PROMULGATED BY THE
27 FEDERAL OFFICE OF MANAGEMENT AND BUDGET.

28 **SECTION 2.** In Colorado Revised Statutes, 12-32-111, **amend**
29 (1.5) as follows:

30 **12-32-111. Renewal of license.** (1.5) The board shall establish
31 a questionnaire to accompany the renewal form. The questionnaire ~~shall~~
32 **MUST** be designed to determine if the licensee has acted in violation of,
33 or has been disciplined for actions that might be construed as violations
34 of, this article ~~32~~ or that may make the licensee unfit to practice podiatry
35 with reasonable care and safety. THE BOARD SHALL INCLUDE ON THE
36 QUESTIONNAIRE A QUESTION REGARDING WHETHER THE PODIATRIST HAS
37 COMPLIED WITH SECTION 12-32-107.7. The failure of an applicant to
38 answer the questionnaire accurately ~~shall constitute~~ **CONSTITUTES**
39 unprofessional conduct pursuant to section 12-32-107.

40 **SECTION 3.** In Colorado Revised Statutes, **add** 12-35-114.5 as
41 follows:

42 **12-35-114.5. Electronic prescribing of controlled substances**
43 **- exceptions - rules.** (1) ON OR AFTER JULY 1, 2022, A DENTIST LICENSED

1 UNDER THIS ARTICLE 35 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS
2 DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III,
3 OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY
4 ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:
5 (a) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
6 PRESCRIBING IS NOT AVAILABLE DUE TO TECHNOLOGICAL OR ELECTRICAL
7 FAILURE;
8 (b) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT
9 IS LOCATED OUTSIDE OF THIS STATE;
10 (c) THE PRESCRIBING DENTIST IS DISPENSING THE CONTROLLED
11 SUBSTANCE TO THE PATIENT;
12 (d) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT
13 SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL
14 FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;
15 (e) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES THE
16 PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO CONTAIN
17 ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC PRESCRIBING;
18 (f) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND ALLOWS
19 DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:
20 (I) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
21 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
22 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;
23 (II) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR
24 (III) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE DENTIST TO
25 ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;
26 (g) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
27 A RESEARCH PROTOCOL;
28 (h) THE DENTIST WRITES TWENTY-FOUR OR FEWER PRESCRIPTIONS
29 FOR CONTROLLED SUBSTANCES PER YEAR;
30 (i) THE DENTIST IS PRESCRIBING A CONTROLLED SUBSTANCE TO BE
31 ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE FACILITY,
32 HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR ASSISTED
33 LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF THE
34 DEPARTMENT OF CORRECTIONS; OR
35 (j) THE DENTIST REASONABLY DETERMINES THAT THE PATIENT
36 WOULD BE UNABLE TO OBTAIN CONTROLLED SUBSTANCES PRESCRIBED
37 ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD
38 ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION.
39 (2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES
40 A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF
41 SUBSECTION (1)(a) OF THIS SECTION.
42 (3) ON AND AFTER JULY 1, 2022, THE BOARD SHALL REQUIRE A
43 DENTIST WHO IS RENEWING HIS OR HER LICENSE IN ACCORDANCE WITH

1 SECTION 12-35-121 TO COMPLETE A QUESTIONNAIRE THAT REQUIRES THE
2 DENTIST TO INDICATE WHETHER HE OR SHE HAS COMPLIED WITH THIS
3 SECTION. THE FAILURE OF AN APPLICANT TO ANSWER THE QUESTIONNAIRE
4 ACCURATELY CONSTITUTES GROUNDS FOR DISCIPLINE PURSUANT TO
5 SECTION 12-35-129.

6 (4) (a) THIS SECTION DOES NOT:

7 (I) CREATE A PRIVATE RIGHT OF ACTION;

8 (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR

9 (III) ESTABLISH A STANDARD OF CARE.

10 (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE
11 NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

12 **SECTION 4.** In Colorado Revised Statutes, 12-35-129, **amend**
13 (1)(mm); and **add** (1)(oo) and (1)(pp) as follows:

14 **12-35-129. Grounds for disciplinary action.** (1) The board may
15 take disciplinary action against an applicant or licensee in accordance
16 with section 12-35-129.1 for any of the following causes:

17 (mm) Failing to complete and maintain records of completing
18 continuing education as required by section 12-35-139; or

19 (oo) FAILING TO COMPLY WITH SECTION 12-35-114.5 AND RULES
20 ADOPTED BY THE BOARD UNDER THAT SECTION REGARDING ELECTRONIC
21 PRESCRIBING OF CONTROLLED SUBSTANCES; OR

22 (pp) FAILING TO ACCURATELY COMPLETE AND SUBMIT THE
23 QUESTIONNAIRE REQUIRED BY SECTION 12-35-114.5 (3).

24 **SECTION 5.** In Colorado Revised Statutes, **add** 12-36-117.9 as
25 follows:

26 **12-36-117.9. Electronic prescribing of controlled substances**
27 **- exceptions - rules - definition.** (1) (a) EXCEPT AS PROVIDED IN
28 SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, A
29 PHYSICIAN LICENSED UNDER THIS ARTICLE 36 OR A PHYSICIAN ASSISTANT
30 LICENSED UNDER THIS ARTICLE 36 WHO HAS BEEN DELEGATED THE
31 AUTHORITY TO PRESCRIBE MEDICATION SHALL PRESCRIBE A CONTROLLED
32 SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN
33 SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18,
34 ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY
35 UNLESS:

36 (I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
37 PRESCRIBING IS NOT AVAILABLE DUE TO TECHNOLOGICAL OR ELECTRICAL
38 FAILURE;

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

41 (III) THE PRESCRIBING PHYSICIAN OR PHYSICIAN ASSISTANT IS
42 DISPENSING THE CONTROLLED SUBSTANCE TO THE PATIENT;

43 (IV) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT

1 SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL
2 FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;

3 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES
4 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO
5 CONTAIN ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC
6 PRESCRIBING;

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

9 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
10 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
11 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

12 (B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR
13 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE PHYSICIAN
14 OR PHYSICIAN ASSISTANT TO ISSUE A PRESCRIPTION THAT IS NOT
15 PATIENT-SPECIFIC;

16 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
17 A RESEARCH PROTOCOL;

18 (VIII) THE PHYSICIAN OR PHYSICIAN ASSISTANT WRITES
19 TWENTY-FOUR OR FEWER PRESCRIPTIONS FOR CONTROLLED SUBSTANCES
20 PER YEAR;

21 (IX) THE PHYSICIAN OR PHYSICIAN ASSISTANT IS PRESCRIBING A
22 CONTROLLED SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A
23 HOSPITAL, NURSING CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS
24 TREATMENT CLINIC, ASSISTED LIVING RESIDENCE, OR LICENSED HOSPICE
25 HOME CARE OR TO A PERSON WHO IS IN THE CUSTODY OF THE DEPARTMENT
26 OF CORRECTIONS; OR

27 (X) THE PHYSICIAN OR PHYSICIAN ASSISTANT REASONABLY
28 DETERMINES THAT THE PATIENT WOULD BE UNABLE TO OBTAIN
29 CONTROLLED SUBSTANCES PRESCRIBED ELECTRONICALLY IN A TIMELY
30 MANNER AND THAT THE DELAY WOULD ADVERSELY AFFECT THE PATIENT'S
31 MEDICAL CONDITION.

32 (b) A PHYSICIAN OR PHYSICIAN ASSISTANT PRACTICING IN A RURAL
33 AREA OF THE STATE OR IN A PRACTICE CONSISTING OF ONLY ONE
34 PHYSICIAN OR PHYSICIAN ASSISTANT SHALL COMPLY WITH THIS
35 SUBSECTION (1) ON OR AFTER JULY 1, 2022.

36 (2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES
37 A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF
38 SUBSECTION (1)(a)(I) OF THIS SECTION.

39 (3) (a) THIS SECTION DOES NOT:

40 (I) CREATE A PRIVATE RIGHT OF ACTION;

41 (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR

42 (III) ESTABLISH A STANDARD OF CARE.

43 (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE

1 NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

2 (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY
3 THAT IS LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT
4 EITHER HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES WITH
5 FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE MOST
6 RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
7 CENSUS BUREAU OR THAT SATISFIES ALTERNATE CRITERIA FOR THE
8 DESIGNATION OF A RURAL AREA AS MAY BE PROMULGATED BY THE
9 FEDERAL OFFICE OF MANAGEMENT AND BUDGET.

10 **SECTION 6.** In Colorado Revised Statutes, 12-36-117, **amend**
11 (1)(n) as follows:

12 **12-36-117. Unprofessional conduct.** (1) "Unprofessional
13 conduct" as used in this article 36 means:

14 (n) Violating, or attempting to violate, directly or indirectly, or
15 assisting in or abetting the violation of or conspiring to violate any
16 provision or term of this article 36 OR ANY RULE ADOPTED BY THE BOARD
17 IN ACCORDANCE WITH THIS ARTICLE 36;

18 **SECTION 7.** In Colorado Revised Statutes, 12-36-123, **amend**
19 (1)(b) as follows:

20 **12-36-123. Procedure - registration - fees.** (1) (b) The board
21 shall design a questionnaire to accompany the renewal form for the
22 purpose of determining whether a licensee has acted in violation of this
23 article 36 or been disciplined for any action that might be considered a
24 violation of this article 36 or might make the licensee unfit to practice
25 medicine with reasonable care and safety. THE BOARD SHALL INCLUDE ON
26 THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS
27 COMPLIED WITH SECTION 12-36-117.9. If an applicant fails to answer the
28 questionnaire accurately, ~~such~~ THE failure ~~shall constitute~~ CONSTITUTES
29 unprofessional conduct under section 12-36-117 (1)(aa).

30 **SECTION 8.** In Colorado Revised Statutes, **add** 12-38-111.7 as
31 follows:

32 **12-38-111.7. Electronic prescribing of controlled substances**
33 **- exceptions - rules - definition.** (1) (a) EXCEPT AS PROVIDED IN
34 SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, AN
35 ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY PURSUANT
36 TO SECTION 12-38-111.6 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS
37 DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III,
38 OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY
39 ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:

40 (I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
41 PRESCRIBING IS NOT AVAILABLE DUE TO TECHNOLOGICAL OR ELECTRICAL
42 FAILURE;

43 (II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT

1 IS LOCATED OUTSIDE OF THIS STATE;
2 (III) THE PRESCRIBING ADVANCED PRACTICE NURSE IS DISPENSING
3 THE CONTROLLED SUBSTANCE TO THE PATIENT;
4 (IV) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT
5 SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL
6 FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;
7 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES
8 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO
9 CONTAIN ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC
10 PRESCRIBING;
11 (VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND
12 ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:
13 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
14 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
15 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;
16 (B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR
17 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE ADVANCED
18 PRACTICE NURSE TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;
19 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
20 A RESEARCH PROTOCOL;
21 (VIII) THE ADVANCED PRACTICE NURSE WRITES TWENTY-FOUR OR
22 FEWER PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;
23 (IX) THE ADVANCED PRACTICE NURSE IS PRESCRIBING A
24 CONTROLLED SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A
25 HOSPITAL, NURSING CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS
26 TREATMENT CLINIC, ASSISTED LIVING RESIDENCE, OR LICENSED HOSPICE
27 HOME CARE OR TO A PERSON WHO IS IN THE CUSTODY OF THE DEPARTMENT
28 OF CORRECTIONS; OR
29 (X) THE ADVANCED PRACTICE NURSE REASONABLY DETERMINES
30 THAT THE PATIENT WOULD BE UNABLE TO OBTAIN CONTROLLED
31 SUBSTANCES PRESCRIBED ELECTRONICALLY IN A TIMELY MANNER AND
32 THAT THE DELAY WOULD ADVERSELY AFFECT THE PATIENT'S MEDICAL
33 CONDITION.
34 (b) AN ADVANCED PRACTICE NURSE PRACTICING IN A RURAL AREA
35 OF THE STATE OR IN A PRACTICE CONSISTING OF ONLY ONE ADVANCED
36 PRACTICE NURSE SHALL COMPLY WITH THIS SUBSECTION (1) ON OR AFTER
37 JULY 1, 2022.
38 (2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES
39 A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF
40 SUBSECTION (1)(a)(I) OF THIS SECTION.
41 (3) (a) THIS SECTION DOES NOT:
42 (I) CREATE A PRIVATE RIGHT OF ACTION;
43 (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR

1 (III) ESTABLISH A STANDARD OF CARE.

2 (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE
3 NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

4 (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY
5 THAT IS LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT
6 EITHER HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES WITH
7 FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE MOST
8 RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
9 CENSUS BUREAU OR THAT SATISFIES ALTERNATE CRITERIA FOR THE
10 DESIGNATION OF A RURAL AREA AS MAY BE PROMULGATED BY THE
11 FEDERAL OFFICE OF MANAGEMENT AND BUDGET.

12 **SECTION 9.** In Colorado Revised Statutes, 12-38-111, **amend**
13 (3) as follows:

14 **12-38-111. Requirements for professional nurse licensure -**
15 **renewal questionnaire.** (3) The board shall design a questionnaire to be
16 sent to all licensees who apply for license renewal. Each applicant for
17 license renewal shall complete the board-designed questionnaire. The
18 purpose of the questionnaire is to determine whether a licensee has acted
19 in violation of this article 38 or been disciplined for any action that might
20 be considered a violation of this article 38 or might make the licensee
21 unfit to practice nursing with reasonable care and safety. THE BOARD
22 SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING
23 WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-38-111.7. If an
24 applicant fails to answer the questionnaire accurately, ~~such~~ THE failure
25 ~~shall constitute~~ CONSTITUTES grounds for discipline under section
26 12-38-117 (1)(v). The board may include the cost of developing and
27 reviewing the questionnaire in the fee paid under ~~paragraph (e) of~~
28 ~~subsection (1)~~ SUBSECTION (1)(e) of this section. The board may refuse
29 an application for license renewal that does not accompany an accurately
30 completed questionnaire.

31 **SECTION 10.** In Colorado Revised Statutes, 12-38-117, **amend**
32 (1) introductory portion and (1)(e) as follows:

33 **12-38-117. Grounds for discipline.** (1) "Grounds for discipline",
34 as used in this article 38, means any action by any person who:

35 (e) Has violated any provision of this article 38 OR ANY RULE
36 ADOPTED BY THE BOARD IN ACCORDANCE WITH THIS ARTICLE 38 or has
37 aided or knowingly permitted any person to violate any provision of this
38 article 38 OR ANY RULE ADOPTED BY THE BOARD IN ACCORDANCE WITH
39 THIS ARTICLE 38;

40 **SECTION 11.** In Colorado Revised Statutes, **add** 12-40-109.9 as
41 follows:

42 **12-40-109.9. Electronic prescribing of controlled substances**
43 **- exceptions - rules - definition.** (1) (a) EXCEPT AS PROVIDED IN

1 SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, A
2 LICENSED OPTOMETRIST SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS
3 DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III,
4 OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY
5 ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:
6 (I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
7 PRESCRIBING IS NOT AVAILABLE DUE TO TECHNOLOGICAL OR ELECTRICAL
8 FAILURE;
9 (II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT
10 IS LOCATED OUTSIDE OF THIS STATE;
11 (III) THE PRESCRIBING OPTOMETRIST IS DISPENSING THE
12 CONTROLLED SUBSTANCE TO THE PATIENT;
13 (IV) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT
14 SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL
15 FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;
16 (V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES
17 THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO
18 CONTAIN ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC
19 PRESCRIBING;
20 (VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND
21 ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:
22 (A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
23 DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
24 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;
25 (B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR
26 (C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE
27 OPTOMETRIST TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;
28 (VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
29 A RESEARCH PROTOCOL;
30 (VIII) THE OPTOMETRIST WRITES TWENTY-FOUR OR FEWER
31 PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;
32 (IX) THE OPTOMETRIST IS PRESCRIBING A CONTROLLED
33 SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING
34 CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR
35 ASSISTED LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF
36 THE DEPARTMENT OF CORRECTIONS; OR
37 (X) THE OPTOMETRIST REASONABLY DETERMINES THAT THE
38 PATIENT WOULD BE UNABLE TO OBTAIN CONTROLLED SUBSTANCES
39 PRESCRIBED ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY
40 WOULD ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION.
41 (b) AN OPTOMETRIST PRACTICING IN A RURAL AREA OF THE STATE
42 OR IN A PRACTICE CONSISTING OF ONLY ONE OPTOMETRIST SHALL COMPLY
43 WITH THIS SUBSECTION (1) ON OR AFTER JULY 1, 2022.

1 (2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES
2 A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF
3 SUBSECTION (1)(a)(I) OF THIS SECTION.

4 (3) (a) THIS SECTION DOES NOT:
5 (I) CREATE A PRIVATE RIGHT OF ACTION;
6 (II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR
7 (III) ESTABLISH A STANDARD OF CARE.

8 (b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE
9 NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

10 (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY
11 THAT IS LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT
12 EITHER HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES WITH
13 FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE MOST
14 RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
15 CENSUS BUREAU OR THAT SATISFIES ALTERNATE CRITERIA FOR THE
16 DESIGNATION OF A RURAL AREA AS MAY BE PROMULGATED BY THE
17 FEDERAL OFFICE OF MANAGEMENT AND BUDGET.

18 **SECTION 12.** In Colorado Revised Statutes, 12-40-113, **amend**
19 (1)(b) as follows:

20 **12-40-113. License renewal - requirements - fee - failure to**
21 **pay.** (1) (b) The board shall establish a questionnaire to accompany the
22 renewal form. ~~Said~~ THE questionnaire ~~shall~~ MUST be designed to
23 determine if the licensee has acted in violation of or has been disciplined
24 for actions that might be considered as violations of this article **40** or that
25 might make the licensee unfit to practice optometry with reasonable care
26 and safety. THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A
27 QUESTION REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH
28 SECTION 12-40-109.9. Failure of the applicant to answer the questionnaire
29 accurately ~~shall be~~ IS considered unprofessional conduct as specified in
30 section 12-40-118.

31 **SECTION 13.** In Colorado Revised Statutes, 12-42.5-120,
32 **amend** (1) as follows:

33 **12-42.5-120. Prescription required - exception - dispensing**
34 **opiate antagonists - definitions.** (1) (a) Except as provided in section
35 18-18-414 ~~C.R.S.~~, and subsections (2) and (3) of this section, an order is
36 required prior to dispensing any prescription drug. Orders shall be readily
37 retrievable within the appropriate statute of limitations.

38 (b) A PHARMACIST WHO RECEIVES AN ORDER FOR A CONTROLLED
39 SUBSTANCE FROM A PODIATRIST, DENTIST, PHYSICIAN, PHYSICIAN
40 ASSISTANT, ADVANCED PRACTICE NURSE, OR OPTOMETRIST, WHICH ORDER
41 IS NOT TRANSMITTED ELECTRONICALLY TO THE PHARMACIST, IS NOT
42 REQUIRED TO VERIFY THE APPLICABILITY OF AN EXCEPTION TO
43 ELECTRONIC PRESCRIBING OF CONTROLLED SUBSTANCES UNDER SECTION

1 12-32-107.7, 12-35-114.5, 12-36-117.9, 12-38-111.7, OR 12-40-109.9 AND
2 MAY DISPENSE A CONTROLLED SUBSTANCE PURSUANT TO A WRITTEN,
3 ORAL, OR FACSIMILE-TRANSMITTED ORDER THAT IS OTHERWISE VALID AND
4 CONSISTENT WITH THE REQUIREMENTS OF CURRENT LAW.

5 **SECTION 14.** In Colorado Revised Statutes, 12-32-107.5, **repeal**
6 **as added by Senate Bill 18-022 (3)(b) as follows:**

7 **12-32-107.5. Prescriptions - requirement to advise patients -**
8 **limits on opioid prescriptions - repeal.** (3) (b) ~~A podiatrist licensed~~
9 ~~pursuant to this article 32 may prescribe opioids electronically.~~

10 **SECTION 15.** In Colorado Revised Statutes, 12-35-114, **repeal**
11 **as added by Senate Bill 18-022 (2)(b) as follows:**

12 **12-35-114. Dentists may prescribe drugs - surgical operations**
13 **- anesthesia - limits on opioid prescriptions - repeal.** (2) (b) ~~A dentist~~
14 ~~licensed pursuant to this article 35 may prescribe opioids electronically.~~

15 **SECTION 16.** In Colorado Revised Statutes, 12-36-117.6, **repeal**
16 **as added by Senate Bill 18-022 (2) as follows:**

17 **12-36-117.6. Prescribing opiates - limitations - repeal.** (2) ~~A~~
18 ~~physician or physician assistant licensed pursuant to this article 36 may~~
19 ~~prescribe opioids electronically.~~

20 **SECTION 17.** In Colorado Revised Statutes, 12-38-111.6, **repeal**
21 **as added by Senate Bill 18-022 (7.5)(b) as follows:**

22 **12-38-111.6. Prescriptive authority - advanced practice nurses**
23 **- limits on opioid prescriptions - repeal.** (7.5) (b) ~~An advanced practice~~
24 ~~nurse with prescriptive authority pursuant to this section may prescribe~~
25 ~~opioids electronically.~~

26 **SECTION 18.** In Colorado Revised Statutes, 12-40-109.5, **repeal**
27 **as added by Senate Bill 18-022 (4)(b) as follows:**

28 **12-40-109.5. Use of prescription and nonprescription drugs -**
29 **limits on opioid prescriptions - repeal.** (4) (b) ~~An optometrist licensed~~
30 ~~pursuant to this article 40 may prescribe opioids electronically.~~

31 **SECTION 19. Act subject to petition - effective date.**

32 (1) Except as otherwise provided in this section, this act takes effect at
33 12:01 a.m. on the day following the expiration of the ninety-day period
34 after final adjournment of the general assembly (August 8, 2018, if
35 adjournment sine die is on May 9, 2018); except that, if a referendum
36 petition is filed pursuant to section 1 (3) of article V of the state
37 constitution against this act or an item, section, or part of this act within
38 such period, then the act, item, section, or part will not take effect unless
39 approved by the people at the general election to be held in November
40 2018 and, in such case, will take effect on the date of the official
41 declaration of the vote thereon by the governor.

42 (2) Sections 14, 16, 17, and 18 of this act take effect only if
43 Senate Bill 18-022 becomes law and take effect on July 1, 2021.

1 (3) Section 15 of this act takes effect on July 1, 2022, but only if
2 Senate Bill 18-022 becomes law.

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