Second Regular Session Seventy-first General Assembly STATE OF COLORADO

ENGROSSED

This Version Includes All Amendments Adopted on Second Reading in the House of Introduction

LLS NO. 18-0937.01 Christy Chase x2008

HOUSE BILL 18-1279

HOUSE SPONSORSHIP

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House Committees

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Health, Insurance, & Environment

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT CERTAIN PRACTITIONERS
102 PRESCRIBE CONTROLLED SUBSTANCES ELECTRONICALLY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill requires podiatrists, dentists, physicians, physician assistants, advanced practice nurses, and optometrists, starting July 1, 2020, and practitioners serving rural communities or in a solo practice, starting July 1, 2021, to prescribe controlled substances only via a prescription that is electronically transmitted to a pharmacy unless a specified exception applies. Prescribers are required to indicate on license

renewal questionnaires whether they have complied with the electronic prescribing requirement. Pharmacists need not verify the applicability of an exception to electronic prescribing when they receive an order for a controlled substance in writing, orally, or via facsimile transmission and may fill the order if otherwise valid under the law.

1	Be it enacted by the General Assembly of the State of Colorado:
2	SECTION 1. In Colorado Revised Statutes, add 12-32-107.7 as
3	follows:
4	12-32-107.7. Electronic prescribing of controlled substances
5	- exceptions - rules - definition. (1) (a) EXCEPT AS PROVIDED IN
6	SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, A
7	PODIATRIST LICENSED UNDER THIS ARTICLE 32 SHALL PRESCRIBE A
8	CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), THAT IS
9	INCLUDED IN SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18
10	OF TITLE 18, ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A
11	PHARMACY UNLESS:
12	(I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
13	PRESCRIBING IS NOT AVAILABLE DUE TO TECHNOLOGICAL OR ELECTRICAL
14	FAILURE;
15	(II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT
16	IS LOCATED OUTSIDE OF THIS STATE;
17	(III) THE PRESCRIBING PODIATRIST IS DISPENSING THE
18	CONTROLLED SUBSTANCE TO THE PATIENT;
19	(IV) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT
20	SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL
21	FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;
22	(V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES
23	THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO

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1	CONTAIN ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC
2	PRESCRIBING;
3	(VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND
4	ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:
5	(A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
6	DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
7	COMPREHENSIVE MEDICATION MANAGEMENT PLAN;
8	(B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR
9	(C) Under other circumstances that permit the podiatrist
10	TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;
11	(VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
12	A RESEARCH PROTOCOL;
13	(VIII) THE PODIATRIST WRITES TWENTY-FOUR OR FEWER
14	PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;
15	(IX) THE PODIATRIST IS PRESCRIBING A CONTROLLED SUBSTANCE
16	TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE
17	FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR
18	ASSISTED LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF
19	THE DEPARTMENT OF CORRECTIONS; OR
20	(X) THE PODIATRIST REASONABLY DETERMINES THAT THE PATIENT
21	WOULD BE UNABLE TO OBTAIN CONTROLLED SUBSTANCES PRESCRIBED
22	ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD
23	ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION.
24	(b) A PODIATRIST PRACTICING IN A RURAL AREA OF THE STATE OR
25	IN A PRACTICE CONSISTING OF ONLY ONE PODIATRIST SHALL COMPLY WITH
26	THIS SUBSECTION (1) ON OR AFTER JULY 1, 2022.
27	(2) THE BOARD SHALL ADOPT PLUES DEFINING WHAT CONSTITUTES

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1	A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF
2	SUBSECTION $(1)(a)(I)$ OF THIS SECTION.
3	(3) (a) THIS SECTION DOES NOT:
4	(I) CREATE A PRIVATE RIGHT OF ACTION;
5	(II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR
6	(III) ESTABLISH A STANDARD OF CARE.
7	(b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE
8	NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.
9	(4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY
10	THAT IS LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT
11	EITHER HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES WITH
12	FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE MOST
13	RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
14	CENSUS BUREAU OR THAT SATISFIES ALTERNATE CRITERIA FOR THE
15	DESIGNATION OF A RURAL AREA AS MAY BE PROMULGATED BY THE
16	FEDERAL OFFICE OF MANAGEMENT AND BUDGET.
17	SECTION 2. In Colorado Revised Statutes, 12-32-111, amend
18	(1.5) as follows:
19	12-32-111. Renewal of license. (1.5) The board shall establish
20	a questionnaire to accompany the renewal form. The questionnaire shall
21	MUST be designed to determine if the licensee has acted in violation of,
22	or has been disciplined for actions that might be construed as violations
23	of, this article 32 or that may make the licensee unfit to practice podiatry
24	with reasonable care and safety. THE BOARD SHALL INCLUDE ON THE
25	QUESTIONNAIRE A QUESTION REGARDING WHETHER THE PODIATRIST HAS
26	COMPLIED WITH SECTION 12-32-107.7. The failure of an applicant to
27	answer the questionnaire accurately shall constitute CONSTITUTES

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l	unprofessional conduct pursuant to section 12-32-10/.
2	SECTION 3. In Colorado Revised Statutes, add 12-35-114.5 as
3	follows:
4	12-35-114.5. Electronic prescribing of controlled substances
5	- exceptions - rules. (1) On or after July 1, 2022, a dentist licensed
6	UNDER THIS ARTICLE 35 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS
7	DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III
8	OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY
9	ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:
10	(a) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
11	PRESCRIBING IS NOT AVAILABLE DUE TO TECHNOLOGICAL OR ELECTRICAL
12	FAILURE;
13	(b) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT
14	IS LOCATED OUTSIDE OF THIS STATE;
15	(c) The prescribing dentist is dispensing the controlled
16	SUBSTANCE TO THE PATIENT;
17	(d) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT
18	SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL
19	FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;
20	(e) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES THE
21	PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO CONTAIN
22	ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC PRESCRIBING;
23	(f) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND ALLOWS
24	DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:
25	(I) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
26	DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OF
27	COMPREHENSIVE MEDICATION MANAGEMENT PLAN:

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1	(II) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR
2	(III) Under other circumstances that permit the dentist to
3	ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;
4	(g) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
5	A RESEARCH PROTOCOL;
6	(h) THE DENTIST WRITES TWENTY-FOUR OR FEWER PRESCRIPTIONS
7	FOR CONTROLLED SUBSTANCES PER YEAR;
8	(i) THE DENTIST IS PRESCRIBING A CONTROLLED SUBSTANCE TO BE
9	ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING CARE FACILITY
10	HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OR ASSISTED
11	LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF THE
12	DEPARTMENT OF CORRECTIONS; OR
13	(j) THE DENTIST REASONABLY DETERMINES THAT THE PATIENT
14	WOULD BE UNABLE TO OBTAIN CONTROLLED SUBSTANCES PRESCRIBED
15	ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY WOULD
16	ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION.
17	(2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES
18	A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF
19	SUBSECTION (1)(a) OF THIS SECTION.
20	(3) On and after July 1, 2022, the board shall require A
21	DENTIST WHO IS RENEWING HIS OR HER LICENSE IN ACCORDANCE WITH
22	SECTION 12-35-121 TO COMPLETE A QUESTIONNAIRE THAT REQUIRES THE
23	DENTIST TO INDICATE WHETHER HE OR SHE HAS COMPLIED WITH THIS
24	SECTION. THE FAILURE OF AN APPLICANT TO ANSWER THE QUESTIONNAIRE
25	ACCURATELY CONSTITUTES GROUNDS FOR DISCIPLINE PURSUANT TO
26	SECTION 12-35-129.
27	(4) (a) This section does not:

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1	(1) CREATE A PRIVATE RIGHT OF ACTION,
2	(II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR
3	(III) ESTABLISH A STANDARD OF CARE.
4	(b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE
5	NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.
6	SECTION 4. In Colorado Revised Statutes, 12-35-129, amend
7	(1)(mm); and add (1)(00) and (1)(pp) as follows:
8	12-35-129. Grounds for disciplinary action. (1) The board may
9	take disciplinary action against an applicant or licensee in accordance
10	with section 12-35-129.1 for any of the following causes:
11	(mm) Failing to complete and maintain records of completing
12	continuing education as required by section 12-35-139; or
13	(00) FAILING TO COMPLY WITH SECTION 12-35-114.5 AND RULES
14	ADOPTED BY THE BOARD UNDER THAT SECTION REGARDING ELECTRONIC
15	PRESCRIBING OF CONTROLLED SUBSTANCES; OR
16	(pp) FAILING TO ACCURATELY COMPLETE AND SUBMIT THE
17	QUESTIONNAIRE REQUIRED BY SECTION 12-35-114.5 (3).
18	SECTION 5. In Colorado Revised Statutes, add 12-36-117.9 as
19	follows:
20	12-36-117.9. Electronic prescribing of controlled substances
21	- exceptions - rules - definition. (1) (a) EXCEPT AS PROVIDED IN
22	SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, A
23	PHYSICIAN LICENSED UNDER THIS ARTICLE $\overline{\bf 36}$ OR A PHYSICIAN ASSISTANT
24	Licensed under this article $\overline{36}$ who has been delegated the
25	AUTHORITY TO PRESCRIBE MEDICATION SHALL PRESCRIBE A CONTROLLED
26	SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN
2.7	SCHEDULE II III OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18

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1	ONLY BY ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY
2	UNLESS:
3	(I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
4	PRESCRIBING IS NOT AVAILABLE DUE TO TECHNOLOGICAL OR ELECTRICAL
5	FAILURE;
6	(II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT
7	IS LOCATED OUTSIDE OF THIS STATE;
8	(III) THE PRESCRIBING PHYSICIAN OR PHYSICIAN ASSISTANT IS
9	DISPENSING THE CONTROLLED SUBSTANCE TO THE PATIENT;
10	(IV) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT
11	SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL
12	FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;
13	(V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES
14	THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO
15	CONTAIN ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC
16	PRESCRIBING;
17	(VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND
18	ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:
19	(A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
20	DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
21	COMPREHENSIVE MEDICATION MANAGEMENT PLAN;
22	(B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR
23	(C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE PHYSICIAN
24	OR PHYSICIAN ASSISTANT TO ISSUE A PRESCRIPTION THAT IS NOT
25	PATIENT-SPECIFIC;
26	(VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
27	A RESEARCH PROTOCOL;

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1	(VIII) THE PHYSICIAN OR PHYSICIAN ASSISTANT WRITES
2	TWENTY-FOUR OR FEWER PRESCRIPTIONS FOR CONTROLLED SUBSTANCES
3	PER YEAR;
4	(IX) THE PHYSICIAN OR PHYSICIAN ASSISTANT IS PRESCRIBING A
5	CONTROLLED SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A
6	HOSPITAL, NURSING CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS
7	TREATMENT CLINIC, ASSISTED LIVING RESIDENCE, OR LICENSED HOSPICE
8	HOME CARE OR TO A PERSON WHO IS IN THE CUSTODY OF THE DEPARTMENT
9	OF CORRECTIONS; OR
10	(X) THE PHYSICIAN OR PHYSICIAN ASSISTANT REASONABLY
11	DETERMINES THAT THE PATIENT WOULD BE UNABLE TO OBTAIN
12	CONTROLLED SUBSTANCES PRESCRIBED ELECTRONICALLY IN A TIMELY
13	MANNER AND THAT THE DELAY WOULD ADVERSELY AFFECT THE PATIENT'S
14	MEDICAL CONDITION.
15	(b) A PHYSICIAN OR PHYSICIAN ASSISTANT PRACTICING IN A RURAL
16	AREA OF THE STATE OR IN A PRACTICE CONSISTING OF ONLY ONE
17	PHYSICIAN OR PHYSICIAN ASSISTANT SHALL COMPLY WITH THIS
18	SUBSECTION (1) ON OR AFTER JULY 1, 2022.
19	(2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES
20	A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF
21	SUBSECTION $(1)(a)(I)$ OF THIS SECTION.
22	(3) (a) This section does not:
23	(I) CREATE A PRIVATE RIGHT OF ACTION;
24	(II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR
25	(III) ESTABLISH A STANDARD OF CARE.
26	(b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE
7	NECLICENCE DED SE OD CONTRIBUTORY NECLICENCE DED SE

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1	(4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY
2	THAT IS LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT
3	EITHER HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES WITH
4	FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE MOST
5	RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
6	CENSUS BUREAU OR THAT SATISFIES ALTERNATE CRITERIA FOR THE
7	DESIGNATION OF A RURAL AREA AS MAY BE PROMULGATED BY THE
8	FEDERAL OFFICE OF MANAGEMENT AND BUDGET.
9	SECTION 6. In Colorado Revised Statutes, 12-36-123, amend
10	(1)(b) as follows:
11	12-36-123. Procedure - registration - fees. (1) (b) The board
12	shall design a questionnaire to accompany the renewal form for the
13	purpose of determining whether a licensee has acted in violation of this
14	article 36 or been disciplined for any action that might be considered a
15	violation of this article 36 or might make the licensee unfit to practice
16	medicine with reasonable care and safety. THE BOARD SHALL INCLUDE ON
17	THE QUESTIONNAIRE A QUESTION REGARDING WHETHER THE LICENSEE HAS
18	COMPLIED WITH SECTION 12-36-117.9. If an applicant fails to answer the
19	questionnaire accurately, such THE failure shall constitute CONSTITUTES
20	unprofessional conduct under section 12-36-117 (1)(aa).
21	SECTION 7. In Colorado Revised Statutes, add 12-38-111.7 as
22	follows:
23	12-38-111.7. Electronic prescribing of controlled substances
24	- exceptions - rules - definition. (1) (a) EXCEPT AS PROVIDED IN
25	SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, AN
26	ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY PURSUANT
27	TO SECTION 12-38-111.6 SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS

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1	DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III,
2	OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY
3	ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:
4	(I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
5	PRESCRIBING IS NOT AVAILABLE DUE TO TECHNOLOGICAL OR ELECTRICAL
6	FAILURE;
7	(II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT
8	IS LOCATED OUTSIDE OF THIS STATE;
9	(III) THE PRESCRIBING ADVANCED PRACTICE NURSE IS DISPENSING
10	THE CONTROLLED SUBSTANCE TO THE PATIENT;
11	(IV) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT
12	SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL
13	FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;
14	(V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES
15	THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO
16	CONTAIN ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC
17	PRESCRIBING;
18	(VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND
19	ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:
20	(A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
21	DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OR
22	COMPREHENSIVE MEDICATION MANAGEMENT PLAN;
23	(B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR
24	(C) UNDER OTHER CIRCUMSTANCES THAT PERMIT THE ADVANCED
25	PRACTICE NURSE TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;
26	(VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
27	A RESEARCH PROTOCOL;

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1	(VIII) THE ADVANCED PRACTICE NURSE WRITES TWENTY-FOUR OR
2	FEWER PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;
3	(IX) THE ADVANCED PRACTICE NURSE IS PRESCRIBING A
4	CONTROLLED SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A
5	HOSPITAL, NURSING CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS
6	TREATMENT CLINIC, ASSISTED LIVING RESIDENCE, OR LICENSED HOSPICE
7	HOME CARE OR TO A PERSON WHO IS IN THE CUSTODY OF THE DEPARTMENT
8	OF CORRECTIONS; OR
9	(X) THE ADVANCED PRACTICE NURSE REASONABLY DETERMINES
10	THAT THE PATIENT WOULD BE UNABLE TO OBTAIN CONTROLLED
11	SUBSTANCES PRESCRIBED ELECTRONICALLY IN A TIMELY MANNER AND
12	THAT THE DELAY WOULD ADVERSELY AFFECT THE PATIENT'S MEDICAL
13	CONDITION.
14	(b) AN ADVANCED PRACTICE NURSE PRACTICING IN A RURAL AREA
15	OF THE STATE OR IN A PRACTICE CONSISTING OF ONLY ONE ADVANCED
16	PRACTICE NURSE SHALL COMPLY WITH THIS SUBSECTION (1) ON OR AFTER
17	JULY 1, 2022.
18	(2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES
19	A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF
20	SUBSECTION $(1)(a)(I)$ OF THIS SECTION.
21	(3) (a) This section does not:
22	(I) CREATE A PRIVATE RIGHT OF ACTION;
23	(II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR
24	(III) ESTABLISH A STANDARD OF CARE.
25	(b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE
26	NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.
2.7	(4) As used in this section "rural area" means a county

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1	THAT IS LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT
2	EITHER HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES WITH
3	FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE MOST
4	RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
5	CENSUS BUREAU OR THAT SATISFIES ALTERNATE CRITERIA FOR THE
6	DESIGNATION OF A RURAL AREA AS MAY BE PROMULGATED BY THE
7	FEDERAL OFFICE OF MANAGEMENT AND BUDGET.
8	SECTION 8. In Colorado Revised Statutes, 12-38-111, amend
9	(3) as follows:
10	12-38-111. Requirements for professional nurse licensure -
11	renewal questionnaire. (3) The board shall design a questionnaire to be
12	sent to all licensees who apply for license renewal. Each applicant for
13	license renewal shall complete the board-designed questionnaire. The
14	purpose of the questionnaire is to determine whether a licensee has acted
15	in violation of this article 38 or been disciplined for any action that might
16	be considered a violation of this article 38 or might make the licensee
17	unfit to practice nursing with reasonable care and safety. THE BOARD
18	SHALL INCLUDE ON THE QUESTIONNAIRE A QUESTION REGARDING
19	WHETHER THE LICENSEE HAS COMPLIED WITH SECTION 12-38-111.7. If an
20	applicant fails to answer the questionnaire accurately, such THE failure
21	shall constitute CONSTITUTES grounds for discipline under section
22	12-38-117 (1)(v). The board may include the cost of developing and
23	reviewing the questionnaire in the fee paid under paragraph (e) of
24	subsection (1) SUBSECTION (1)(e) of this section. The board may refuse
25	an application for license renewal that does not accompany an accurately
26	completed questionnaire.
27	SECTION 9. In Colorado Revised Statutes, 12-38-117, amend

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1	(1) introductory portion and (1)(e) as follows:
2	12-38-117. Grounds for discipline. (1) "Grounds for discipline"
3	as used in this article 38, means any action by any person who:
4	(e) Has violated any provision of this article 38 OR ANY RULE
5	ADOPTED BY THE BOARD IN ACCORDANCE WITH THIS ARTICLE 38 or has
6	aided or knowingly permitted any person to violate any provision of this
7	article 38 OR ANY RULE ADOPTED BY THE BOARD IN ACCORDANCE WITH
8	THIS ARTICLE 38;
9	SECTION 10. In Colorado Revised Statutes, add 12-40-109.9 as
10	follows:
11	12-40-109.9. Electronic prescribing of controlled substances
12	- exceptions - rules - definition. (1) (a) EXCEPT AS PROVIDED IN
13	SUBSECTION (1)(b) OF THIS SECTION, ON OR AFTER JULY 1, 2021, A
14	LICENSED OPTOMETRIST SHALL PRESCRIBE A CONTROLLED SUBSTANCE, AS
15	DEFINED IN SECTION 18-18-102 (5), THAT IS INCLUDED IN SCHEDULE II, III
16	OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18, ONLY BY
17	ELECTRONIC PRESCRIPTION TRANSMITTED TO A PHARMACY UNLESS:
18	(I) AT THE TIME OF ISSUING THE PRESCRIPTION, ELECTRONIC
19	PRESCRIBING IS NOT AVAILABLE DUE TO TECHNOLOGICAL OR ELECTRICAL
20	FAILURE;
21	(II) THE PRESCRIPTION IS TO BE DISPENSED AT A PHARMACY THAT
22	IS LOCATED OUTSIDE OF THIS STATE;
23	(III) THE PRESCRIBING OPTOMETRIST IS DISPENSING THE
24	CONTROLLED SUBSTANCE TO THE PATIENT;
25	(IV) THE PRESCRIPTION INCLUDES ELEMENTS THAT ARE NOT
26	SUPPORTED BY THE MOST RECENT VERSION OF THE NATIONAL COUNCIL
7	EOD PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARDS

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1	(V) THE FEDERAL FOOD AND DRUG ADMINISTRATION REQUIRES
2	THE PRESCRIPTION FOR THE PARTICULAR CONTROLLED SUBSTANCE TO
3	CONTAIN ELEMENTS THAT CANNOT BE SATISFIED WITH ELECTRONIC
4	PRESCRIBING;
5	(VI) THE PRESCRIPTION IS NOT SPECIFIC TO A PATIENT AND
6	ALLOWS DISPENSING OF THE PRESCRIBED CONTROLLED SUBSTANCE:
7	(A) PURSUANT TO A STANDING ORDER, APPROVED PROTOCOL OF
8	DRUG THERAPY, OR COLLABORATIVE DRUG MANAGEMENT OF
9	COMPREHENSIVE MEDICATION MANAGEMENT PLAN;
10	(B) IN RESPONSE TO A PUBLIC HEALTH EMERGENCY; OR
11	(C) Under other circumstances that permit the
12	OPTOMETRIST TO ISSUE A PRESCRIPTION THAT IS NOT PATIENT-SPECIFIC;
13	(VII) THE PRESCRIPTION IS FOR A CONTROLLED SUBSTANCE UNDER
14	A RESEARCH PROTOCOL;
15	(VIII) THE OPTOMETRIST WRITES TWENTY-FOUR OR FEWER
16	PRESCRIPTIONS FOR CONTROLLED SUBSTANCES PER YEAR;
17	(IX) THE OPTOMETRIST IS PRESCRIBING A CONTROLLED
18	SUBSTANCE TO BE ADMINISTERED TO A PATIENT IN A HOSPITAL, NURSING
19	CARE FACILITY, HOSPICE CARE FACILITY, DIALYSIS TREATMENT CLINIC, OF
20	ASSISTED LIVING RESIDENCE OR TO A PERSON WHO IS IN THE CUSTODY OF
21	THE DEPARTMENT OF CORRECTIONS; OR
22	(X) THE OPTOMETRIST REASONABLY DETERMINES THAT THE
23	PATIENT WOULD BE UNABLE TO OBTAIN CONTROLLED SUBSTANCES
24	PRESCRIBED ELECTRONICALLY IN A TIMELY MANNER AND THAT THE DELAY
25	WOULD ADVERSELY AFFECT THE PATIENT'S MEDICAL CONDITION.
26	(b) AN OPTOMETRIST PRACTICING IN A RURAL AREA OF THE STATE
2.7	OR IN A PRACTICE CONSISTING OF ONLY ONE OPTOMETRIST SHALL COMPLY

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1	WITH THIS SUBSECTION (1) ON OR AFTER JULY 1, 2022.
2	(2) THE BOARD SHALL ADOPT RULES DEFINING WHAT CONSTITUTES
3	A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE FOR PURPOSES OF
4	SUBSECTION $(1)(a)(I)$ OF THIS SECTION.
5	(3) (a) This section does not:
6	(I) CREATE A PRIVATE RIGHT OF ACTION;
7	(II) SERVE AS THE BASIS OF A CAUSE OF ACTION; OR
8	(III) ESTABLISH A STANDARD OF CARE.
9	(b) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE
10	NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.
11	(4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY
12	THAT IS LOCATED IN A NONMETROPOLITAN AREA IN THE STATE THAT
13	EITHER HAS NO MUNICIPALITY WITHIN ITS TERRITORIAL BOUNDARIES WITH
14	FIFTY THOUSAND OR MORE PERMANENT RESIDENTS BASED UPON THE MOST
15	RECENT POPULATION ESTIMATES PUBLISHED BY THE UNITED STATES
16	CENSUS BUREAU OR THAT SATISFIES ALTERNATE CRITERIA FOR THE
17	DESIGNATION OF A RURAL AREA AS MAY BE PROMULGATED BY THE
18	FEDERAL OFFICE OF MANAGEMENT AND BUDGET.
19	SECTION 11. In Colorado Revised Statutes, 12-40-113, amend
20	(1)(b) as follows:
21	12-40-113. License renewal - requirements - fee - failure to
22	pay. (1) (b) The board shall establish a questionnaire to accompany the
23	renewal form. Said THE questionnaire shall MUST be designed to
24	determine if the licensee has acted in violation of or has been disciplined
25	for actions that might be considered as violations of this article 40 or that
26	might make the licensee unfit to practice optometry with reasonable care
27	and safety. THE ROADD SHALL INCLUDE ON THE OUESTIONNAIDE A

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1	QUESTION REGARDING WHETHER THE LICENSEE HAS COMPLIED WITH
2	SECTION 12-40-109.9. Failure of the applicant to answer the questionnaire
3	accurately shall be IS considered unprofessional conduct as specified in
4	section 12-40-118.
5	SECTION 12. In Colorado Revised Statutes, 12-42.5-120,
6	amend (1) as follows:
7	12-42.5-120. Prescription required - exception - dispensing
8	opiate antagonists - definitions. (1) (a) Except as provided in section
9	18-18-414 C.R.S., and subsections (2) and (3) of this section, an order is
10	required prior to dispensing any prescription drug. Orders shall be readily
11	retrievable within the appropriate statute of limitations.
12	(b) A PHARMACIST WHO RECEIVES AN ORDER FOR A CONTROLLED
13	SUBSTANCE FROM A PODIATRIST, DENTIST, PHYSICIAN, PHYSICIAN
14	ASSISTANT, ADVANCED PRACTICE NURSE, OR OPTOMETRIST, WHICH ORDER
15	IS NOT TRANSMITTED ELECTRONICALLY TO THE PHARMACIST, IS NOT
16	REQUIRED TO VERIFY THE APPLICABILITY OF AN EXCEPTION TO
17	ELECTRONIC PRESCRIBING OF CONTROLLED SUBSTANCES UNDER SECTION
18	12-32-107.7, 12-35-114.5, 12-36-117.9, 12-38-111.7, OR 12-40-109.9 AND
19	MAY DISPENSE A CONTROLLED SUBSTANCE PURSUANT TO A WRITTEN,
20	ORAL, OR FACSIMILE-TRANSMITTED ORDER THAT IS OTHERWISE VALID AND
21	CONSISTENT WITH THE REQUIREMENTS OF CURRENT LAW.
22	SECTION 13. In Colorado Revised Statutes, 12-32-107.5, repeal
23	as added by Senate Bill 18-022 (3)(b) as follows:
24	12-32-107.5. Prescriptions - requirement to advise patients -
25	limits on opioid prescriptions - repeal. (3) (b) A podiatrist licensed
26	pursuant to this article 32 may prescribe opioids electronically.
27	SECTION 14. In Colorado Revised Statutes, 12-35-114, repeal

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1	as added by Senate Bill 18-022 (2)(b) as follows:
2	12-35-114. Dentists may prescribe drugs - surgical operations
3	- anesthesia - limits on opioid prescriptions - repeal. (2) (b) A dentist
4	licensed pursuant to this article 35 may prescribe opioids electronically.
5	SECTION 15. In Colorado Revised Statutes, 12-36-117.6, repeal
6	as added by Senate Bill 18-022 (2) as follows:
7	12-36-117.6. Prescribing opiates - limitations - repeal. (2) \triangle
8	physician or physician assistant licensed pursuant to this article 36 may
9	prescribe opioids electronically.
10	SECTION 16. In Colorado Revised Statutes, 12-38-111.6, repeal
11	as added by Senate Bill 18-022 (7.5)(b) as follows:
12	12-38-111.6. Prescriptive authority - advanced practice nurses
13	- limits on opioid prescriptions - repeal. (7.5) (b) An advanced practice
14	nurse with prescriptive authority pursuant to this section may prescribe
15	opioids electronically.
16	SECTION 17. In Colorado Revised Statutes, 12-40-109.5, repeal
17	as added by Senate Bill 18-022 (4)(b) as follows:
18	12-40-109.5. Use of prescription and nonprescription drugs -
19	limits on opioid prescriptions - repeal. (4) (b) An optometrist licensed
20	pursuant to this article 40 may prescribe opioids electronically.
21	SECTION 18. Act subject to petition - effective date.
22	(1) Except as otherwise provided in this section, this act takes effect at
23	12:01 a.m. on the day following the expiration of the ninety-day period
24	after final adjournment of the general assembly (August 8, 2018, if
25	adjournment sine die is on May 9, 2018); except that, if a referendum
26	petition is filed pursuant to section 1 (3) of article V of the state
27	constitution against this act or an item, section, or part of this act within

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1	such period, then the act, item, section, or part will not take effect unless
2	approved by the people at the general election to be held in November
3	2018 and, in such case, will take effect on the date of the official
4	declaration of the vote thereon by the governor.
5	(2) Sections 13, 15, 16, and 17 of this act take effect only if
6	Senate Bill 18-022 becomes law and take effect on July 1, 2021.
7	(3) Section 14 of this act takes effect on July 1, 2022, but only if
8	Senate Bill 18-022 becomes law.

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