

**Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0937.01 Christy Chase x2008

**HOUSE BILL 18-1279**

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**HOUSE SPONSORSHIP**

**Esgar**, Buckner, Ginal, Kennedy, Liston, McKean, Roberts

**SENATE SPONSORSHIP**

**Priola and Moreno**,

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**House Committees**

Health, Insurance, & Environment

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

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.

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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

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 RULES DEFINING WHAT CONSTITUTES

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

1 unprofessional conduct pursuant to section 12-32-107.

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 OR  
27 COMPREHENSIVE MEDICATION MANAGEMENT PLAN;

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:

- 1 (I) 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)(oo) 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 (oo) 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 36 OR A PHYSICIAN ASSISTANT

24 LICENSED UNDER THIS ARTICLE 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

27 SCHEDULE II, III, OR IV PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 18,

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;



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  
27 NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE PER SE.

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

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;

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.

27 (4) AS USED IN THIS SECTION, "RURAL AREA" MEANS A COUNTY

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**

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  
27 FOR PRESCRIPTION DRUG PROGRAMS SCRIPT STANDARD;

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 OR  
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, OR  
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  
27 OR IN A PRACTICE CONSISTING OF ONLY ONE OPTOMETRIST SHALL COMPLY

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 BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A



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**

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) A  
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

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, 18, and 19 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.