

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

May 3, 2018
Date

Committee on Health, Insurance, & Environment.

After consideration on the merits, the Committee recommends the following:

SB18-022 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 2, strike lines 9 and 10 and substitute
2 "SECOND FILL FOR A SEVEN-DAY SUPPLY. THE LIMITS ON INITIAL
3 PRESCRIBING DO NOT APPLY IF, IN THE JUDGMENT OF THE PODIATRIST, THE
4 PATIENT:".

5 Page 3, before line 1 insert:

6 "(b) PRIOR TO PRESCRIBING THE SECOND FILL OF ANY OPIOID
7 PRESCRIPTION PURSUANT TO THIS SECTION, A PODIATRIST MUST COMPLY
8 WITH THE REQUIREMENTS OF SECTION 12-42.5-404 (3.6). FAILURE TO
9 COMPLY WITH SECTION 12-42.5-404 (3.6) CONSTITUTES UNPROFESSIONAL
10 CONDUCT UNDER SECTION 12-32-107 ONLY IF THE PODIATRIST
11 REPEATEDLY FAILS TO COMPLY.".

12 Reletter succeeding paragraphs accordingly.

13 Page 3, line 3, strike "THIS" and substitute "A VIOLATION OF THIS".

14 Page 3, line 7 after "CARE." add "COMPLIANCE WITH THIS SECTION DOES
15 NOT ALONE ESTABLISH AN ABSOLUTE DEFENSE TO ANY ALLEGED BREACH
16 OF THE STANDARD OF CARE.".

17 Page 4, strike line 3 and substitute "SUPPLY. THE LIMITS ON INITIAL
18 PRESCRIBING DO NOT APPLY IF, IN THE JUDGMENT OF THE DENTIST, THE
19 PATIENT:".

20 Page 4, after line 12 insert:

1 "(b) PRIOR TO PRESCRIBING THE SECOND FILL OF ANY OPIOID
2 PRESCRIPTION PURSUANT TO THIS SECTION, A DENTIST MUST COMPLY WITH
3 THE REQUIREMENTS OF SECTION 12-42.5-404 (3.6). FAILURE TO COMPLY
4 WITH SECTION 12-42.5-404 (3.6) CONSTITUTES GROUNDS FOR DISCIPLINE
5 UNDER SECTION 12-35-129 ONLY IF THE DENTIST REPEATEDLY FAILS TO
6 COMPLY."

7 Reletter succeeding paragraphs accordingly.

8 Page 4, line 15, strike "THIS" and substitute "A VIOLATION OF THIS".

9 Page 4, line 19, after "CARE." add "COMPLIANCE WITH THIS SECTION DOES
10 NOT ALONE ESTABLISH AN ABSOLUTE DEFENSE TO ANY ALLEGED BREACH
11 OF THE STANDARD OF CARE."

12 Page 4, line 24, after "(1)" insert "(a)".

13 Page 5, strike lines 2 and 3 and substitute "SECOND FILL FOR A SEVEN-DAY
14 SUPPLY. THE LIMITS ON INITIAL PRESCRIBING DO NOT APPLY IF, IN THE
15 JUDGMENT OF THE PHYSICIAN OR PHYSICIAN ASSISTANT, THE PATIENT:".

16 Page 5, after line 17 insert:

17 "(b) PRIOR TO PRESCRIBING THE SECOND FILL OF ANY OPIOID
18 PRESCRIPTION PURSUANT TO THIS SECTION, A PHYSICIAN OR PHYSICIAN
19 ASSISTANT MUST COMPLY WITH THE REQUIREMENTS OF SECTION
20 12-42.5-404 (3.6). FAILURE TO COMPLY WITH SECTION 12-42.5-404 (3.6)
21 CONSTITUTES UNPROFESSIONAL CONDUCT UNDER SECTION 12-36-117
22 ONLY IF THE PHYSICIAN OR PHYSICIAN ASSISTANT REPEATEDLY FAILS TO
23 COMPLY."

24 Page 5, line 20, strike "THIS" and substitute "A VIOLATION OF THIS".

25 Page 5, line 24, after "CARE." add "COMPLIANCE WITH THIS SECTION DOES
26 NOT ALONE ESTABLISH AN ABSOLUTE DEFENSE TO ANY ALLEGED BREACH
27 OF THE STANDARD OF CARE."

28 Page 6, strike lines 8 and 9 and substitute "SUPPLY. THE LIMITS ON INITIAL
29 PRESCRIBING DO NOT APPLY IF, IN THE JUDGMENT OF THE ADVANCED
30 PRACTICE NURSE, THE PATIENT:".

31 Page 6, after line 23 insert:

1 "(b) PRIOR TO PRESCRIBING THE SECOND FILL OF ANY OPIOID
2 PRESCRIPTION PURSUANT TO THIS SECTION, AN ADVANCED PRACTICE
3 NURSE MUST COMPLY WITH THE REQUIREMENTS OF SECTION 12-42.5-404
4 (3.6). FAILURE TO COMPLY WITH SECTION 12-42.5-404 (3.6) CONSTITUTES
5 GROUNDS FOR DISCIPLINE UNDER SECTION 12-38-117 ONLY IF THE
6 ADVANCED PRACTICE NURSE REPEATEDLY FAILS TO COMPLY."

7 Reletter succeeding paragraphs accordingly.

8 Page 6, line 27, strike "THIS" and substitute "A VIOLATION OF THIS".

9 Page 7, line 4, after "CARE." add "COMPLIANCE WITH THIS SECTION DOES
10 NOT ALONE ESTABLISH AN ABSOLUTE DEFENSE TO ANY ALLEGED BREACH
11 OF THE STANDARD OF CARE."

12 Page 7, strike lines 14 and 15 and substitute "INCLUDE A SECOND FILL FOR
13 A SEVEN-DAY SUPPLY. THE LIMITS ON INITIAL PRESCRIBING DO NOT APPLY
14 IF, IN THE JUDGMENT OF THE OPTOMETRIST, THE PATIENT:".

15 Page 7, after line 24 insert:

16 "(b) PRIOR TO PRESCRIBING THE SECOND FILL OF ANY OPIOID
17 PRESCRIPTION PURSUANT TO THIS SECTION, AN OPTOMETRIST MUST
18 COMPLY WITH THE REQUIREMENTS OF SECTION 12-42.5-404 (3.6). FAILURE
19 TO COMPLY WITH SECTION 12-42.5-404 (3.6) CONSTITUTES
20 UNPROFESSIONAL CONDUCT UNDER SECTION 12-40-118 ONLY IF THE
21 OPTOMETRIST REPEATEDLY FAILS TO COMPLY."

22 Reletter succeeding paragraphs accordingly.

23 Page 7, line 27, strike "THIS" and substitute "A VIOLATION OF THIS".

24 Page 8, line 4, after "CARE." add "COMPLIANCE WITH THIS SECTION DOES
25 NOT ALONE ESTABLISH AN ABSOLUTE DEFENSE TO ANY ALLEGED BREACH
26 OF THE STANDARD OF CARE."

27 Page 8, line 21, strike "PERSON" and substitute "PATIENT".

28 Page 9, after line 14 insert:

29 "(d) A VIOLATION OF THIS SUBSECTION (3.6) DOES NOT CREATE A
30 PRIVATE RIGHT OF ACTION OR SERVE AS THE BASIS OF A CAUSE OF ACTION.
31 A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE

1 OR CONTRIBUTORY NEGLIGENCE PER SE AND DOES NOT ALONE ESTABLISH
2 A STANDARD OF CARE. COMPLIANCE WITH THIS SECTION DOES NOT ALONE
3 ESTABLISH AN ABSOLUTE DEFENSE TO ANY ALLEGED BREACH OF THE
4 STANDARD OF CARE."

5 Reletter succeeding paragraph accordingly.

6 Page 9, strike lines 23 through 26 and substitute:

7 "(b) NOT DISCOVERABLE IN ANY CRIMINAL OR ADMINISTRATIVE
8 PROCEEDING AGAINST A PRESCRIBING PRACTITIONER; AND

9 (c) NOT ADMISSIBLE IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE
10 PROCEEDING AGAINST A PRESCRIBING PRACTITIONER."

11 Page 10, line 2, after "(1) insert "(a)".

12 Page 10, strike line 7 and substitute "SUPPLY. THE LIMITS ON INITIAL
13 PRESCRIBING DO NOT APPLY IF, IN THE JUDGMENT OF THE VETERINARIAN,
14 THE PATIENT:".

15 Page 10, after line 16 insert:

16 "(b) PRIOR TO PRESCRIBING THE SECOND FILL OF ANY OPIOID
17 PRESCRIPTION PURSUANT TO THIS SECTION, A VETERINARIAN MUST
18 COMPLY WITH THE REQUIREMENTS OF SECTION 12-42.5-404 (3.6). FAILURE
19 TO COMPLY WITH SECTION 12-42.5-404 (3.6) CONSTITUTES GROUNDS FOR
20 DISCIPLINE UNDER SECTION 12-64-111 ONLY IF THE VETERINARIAN
21 REPEATEDLY FAILS TO COMPLY."

22 Page 10, line 19, strike "THIS" and substitute "A VIOLATION OF THIS".

23 Page 10, line 23, after "CARE." add "COMPLIANCE WITH THIS SECTION
24 DOES NOT ALONE ESTABLISH AN ABSOLUTE DEFENSE TO ANY ALLEGED
25 BREACH OF THE STANDARD OF CARE."

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