

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 22-0086.01 Kristen Forrestal x4217

HOUSE BILL 22-1115

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A BILL FOR AN ACT

101 **CONCERNING THE PRESCRIPTION DRUG MONITORING PROGRAM, AND,**
102 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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:

- Clarifies that every prescriber must query the prescription drug monitoring program (program) prior to filling a prescription for an opioid or benzodiazepine (**section 1** of the bill);
- Requires each prescriber and pharmacist to attest that they

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.

SENATE
3rd Reading Unamended
May 9, 2022

SENATE
Amended 2nd Reading
May 6, 2022

HOUSE
3rd Reading Unamended
May 5, 2022

HOUSE
Amended 2nd Reading
May 4, 2022

have registered and are maintaining a user account with the program and that they are aware of the penalties for noncompliance (**sections 2 through 8**);

- Allows a practitioner or pharmacist who is registered with the program to authorize an unlimited number of designees to access the program on the practitioner's or pharmacist's behalf if the designees meet the eligibility criteria and to register those designees in a group designee user account. The practitioner or pharmacist is required to approve, maintain, and track the identifying information of each authorized designee in the group designee user account (**section 9**).
- Requires the division of professions and occupations (division) to solicit applications from public and private integration organizations and, on or before January 1, 2023, approve qualified integration organizations that practitioners and pharmacists may use to integrate the program with patient electronic medical records (**section 9**); and
- Requires the division to implement a process whereby practitioners and pharmacists may apply for and receive reimbursement from the division for all or a portion of the costs of integrating the program with electronic medical records (**section 9**).

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 12-30-109, **amend**
3 (1)(b) as follows:

4 **12-30-109. Prescriptions - limitations - definition - rules.**

5 (1) (b) Prior to prescribing ~~the second fill of~~ any opioid or
6 benzodiazepine prescription pursuant to this section, a prescriber must
7 comply with ~~the requirements of~~ section 12-280-404 (4). Failure to
8 comply with section 12-280-404 (4) constitutes unprofessional conduct
9 or grounds for discipline, as applicable, under section 12-220-201,
10 12-240-121, 12-255-120, 12-275-120, 12-290-108, or 12-315-112, as
11 applicable to the particular prescriber, only if the prescriber repeatedly

1 fails to comply.

2 **SECTION 2.** In Colorado Revised Statutes, 12-220-408, **amend**
3 **as it will become effective July 1, 2023,** (2) as follows:

4 **12-220-408. Renewal of dental and dental hygienist licenses -**
5 **fees - questionnaire.** (2) (a) On and after July 1, 2023, the board shall
6 require a dentist who applies for license renewal to complete a
7 questionnaire that requires the dentist to indicate whether the dentist has
8 complied with section 12-30-111 AND IS IN COMPLIANCE WITH SECTION
9 12-280-403 (2)(a). The failure of an applicant to answer the questionnaire
10 accurately constitutes grounds for discipline pursuant to section
11 12-220-201.

12 (b) THE BOARD SHALL INCLUDE ON THE QUESTIONNAIRE A
13 QUESTION REGARDING WHETHER:

14 (I) THE DENTIST HAS COMPLIED WITH SECTION 12-30-111; AND

15 (II) THE DENTIST IS IN COMPLIANCE WITH SECTION 12-280-403
16 (2)(a) AND IS AWARE OF THE PENALTIES FOR FAILING TO COMPLY WITH
17 THAT SECTION.

18 (c) ON AND AFTER JULY 1, 2024, AS A CONDITION OF RENEWAL OF
19 A LICENSE, EACH DENTIST SHALL ATTEST THAT THE DENTIST IS IN
20 COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE DENTIST IS
21 AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

22 **SECTION 3.** In Colorado Revised Statutes, 12-240-130, **amend**
23 (2); and **add** (4) as follows:

24 **12-240-130. Renewal, reinstatement, delinquency - fees -**
25 **questionnaire.** (2) (a) The board shall design a questionnaire to
26 accompany the renewal form for the purpose of determining whether a
27 licensee has acted in violation of this article 240 or HAS been disciplined

1 for any action that might be considered a violation of this article 240 or
2 THAT might make the licensee unfit to practice medicine with reasonable
3 care and safety. The board shall include on the questionnaire a question
4 regarding whether:

5 (I) The licensee has complied with section 12-30-111; AND

6 (II) THE LICENSEE IS IN COMPLIANCE WITH SECTION 12-280-403
7 (2)(a) AND IS AWARE OF THE PENALTIES FOR FAILING TO COMPLY WITH
8 THAT SECTION.

9 (b) If an applicant fails to answer the questionnaire accurately, the
10 failure constitutes unprofessional conduct under section 12-240-121
11 (1)(t).

12 (4) ON AND AFTER JULY 1, 2024, AS A CONDITION OF RENEWAL OF
13 A LICENSE, EACH LICENSEE SHALL ATTEST THAT THE LICENSEE IS IN
14 COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE LICENSEE IS
15 AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

16 **SECTION 4.** In Colorado Revised Statutes, 12-255-110, **amend**
17 (3) as follows:

18 **12-255-110. Requirements for professional nurse licensure.**

19 (3) (a) The board shall design a questionnaire to be sent to all licensees
20 who apply for license renewal. Each applicant for license renewal shall
21 complete the board-designed questionnaire. The purpose of the
22 questionnaire is to determine whether a licensee has acted in violation of
23 this part 1 or has been disciplined for any action that might be considered
24 a violation of this part 1 or THAT might make the licensee unfit to practice
25 nursing with reasonable care and safety. The board shall include on the
26 questionnaire a question regarding whether the licensee has complied
27 with section 12-30-111 AND IS IN COMPLIANCE WITH SECTION 12-280-403

1 (2)(a). If an applicant fails to answer the questionnaire accurately, the
2 failure constitutes grounds for discipline under section 12-255-120 (1)(v).
3 The board may include the cost of developing and reviewing the
4 questionnaire in the fee paid under subsection (1)(d) of this section. The
5 board may deny an application for license renewal that does not
6 accompany an accurately completed questionnaire.

7 (b) ON AND AFTER JULY 1, 2024, AS A CONDITION OF RENEWAL OF
8 A LICENSE, EACH LICENSEE SHALL ATTEST THAT THE LICENSEE IS IN
9 COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE LICENSEE IS
10 AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

11 **SECTION 5.** In Colorado Revised Statutes, 12-275-115, **amend**
12 (2) as follows:

13 **12-275-115. License renewal - questionnaire - continuing**
14 **education.** (2) (a) The board shall establish a questionnaire to
15 accompany the renewal form. The board shall design the questionnaire to
16 determine if the licensee has acted in violation of or has been disciplined
17 for actions that might be considered as violations of this article 275 or
18 that might make the licensee unfit to practice optometry with reasonable
19 care and safety. The board shall include on the questionnaire a question
20 regarding whether the licensee has complied with section 12-30-111 AND
21 IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a). Failure of the
22 applicant to answer the questionnaire accurately constitutes
23 unprofessional conduct as specified in section 12-275-120.

24 (b) ON AND AFTER JULY 1, 2024, AS A CONDITION OF RENEWAL OF
25 A LICENSE, EACH LICENSEE SHALL ATTEST THAT THE LICENSEE IS IN
26 COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE LICENSEE IS
27 AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

1 **SECTION 6.** In Colorado Revised Statutes, 12-280-116, **add** (4)
2 as follows:

3 **12-280-116. Expiration and renewal of licenses, certifications,**
4 **or registrations.** (4) ON AND AFTER JULY 1, 2023, AS A CONDITION OF
5 RENEWAL OF A LICENSE, EACH PHARMACIST SHALL ATTEST THAT THE
6 PHARMACIST IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND
7 THAT THE PHARMACIST IS AWARE OF THE PENALTIES FOR NONCOMPLIANCE
8 WITH THAT SECTION.

9 **SECTION 7.** In Colorado Revised Statutes, 12-290-119, **amend**
10 (2) as follows:

11 **12-290-119. Renewal of license - continuing education -**
12 **professional development program - rules - renewal questionnaire.**

13 (2) (a) The board shall establish a questionnaire to accompany the
14 renewal form. The board shall design the questionnaire to determine if the
15 licensee has acted in violation of, or has been disciplined for actions that
16 might be construed as violations of, this article 290 or that may make the
17 licensee unfit to practice podiatry with reasonable care and safety. The
18 board shall include on the questionnaire a question regarding whether the
19 licensee has complied with section 12-30-111 AND IS IN COMPLIANCE
20 WITH SECTION 12-280-403 (2)(a). The failure of an applicant to answer
21 the questionnaire accurately constitutes unprofessional conduct pursuant
22 to section 12-290-108.

23 (b) ON AND AFTER **JULY 1, 2024**, AS A CONDITION OF RENEWAL OF
24 A LICENSE, EACH PODIATRIST SHALL ATTEST THAT THE PODIATRIST IS IN
25 COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND THAT THE PODIATRIST
26 IS AWARE OF THE PENALTIES FOR NONCOMPLIANCE WITH THAT SECTION.

27 **SECTION 8.** In Colorado Revised Statutes, 12-315-110, **add** (4)

1 as follows:

2 **12-315-110. License renewal - waiver - rules - continuing**
3 **education.** (4) ON AND AFTER JULY 1, 2024, AS A CONDITION OF
4 RENEWAL OF A LICENSE, EACH VETERINARIAN SHALL ATTEST THAT THE
5 VETERINARIAN IS IN COMPLIANCE WITH SECTION 12-280-403 (2)(a) AND
6 THAT THE VETERINARIAN IS AWARE OF THE PENALTIES FOR
7 NONCOMPLIANCE WITH THAT SECTION.

8 **SECTION 9.** In Colorado Revised Statutes, 12-280-403, **amend**
9 (2)(b) introductory portion and (2)(b)(III)(B); and **add** (7) as follows:

10 **12-280-403. Prescription drug use monitoring program -**
11 **registration required - applications - rules - appropriation - repeal.**

12 (2) (b) When registering with the program or at any time thereafter, a
13 practitioner may authorize ~~up to three~~ designees to access the program
14 under section 12-280-404 (3)(b) or (3)(d) on behalf of the practitioner,
15 and a pharmacist may authorize ~~up to six~~ designees to access the program
16 under section 12-280-404 (3)(f), if:

17 (III) The practitioner or pharmacist remains responsible for:

18 (B) Any negligent breach of confidentiality of information
19 obtained from the program by the practitioner's or pharmacist's designee
20 WHEN THE DESIGNEE ACCESSED THE PROGRAM ON BEHALF OF THE
21 SUPERVISING PRACTITIONER OR PHARMACIST.

22 [REDACTED]

23 (7) (a) SUBJECT TO AVAILABLE FUNDING, THE DIVISION SHALL
24 SOLICIT APPLICATIONS FROM PUBLIC AND PRIVATE INTEGRATION
25 ORGANIZATIONS AND, ON OR BEFORE JULY 1, 2024, APPROVE:

26 (I) QUALIFIED INTEGRATION ORGANIZATIONS THAT PRACTITIONERS
27 AND PHARMACISTS MAY USE TO INTEGRATE ACCESS OF AND DATA ENTRY

1 INTO THE PROGRAM; AND

2 (II) QUALIFIED INTEGRATION ORGANIZATIONS THAT
3 PRACTITIONERS AND PHARMACISTS MAY USE TO INTEGRATE ACCESS OF
4 AND DATA ENTRY INTO A PATIENT'S ELECTRONIC MEDICAL RECORDS.

5 (b) THE DIVISION SHALL IMPLEMENT A PROCESS WHEREBY
6 PRACTITIONERS AND PHARMACISTS, WHO HAVE NOT INTEGRATED THEIR
7 ELECTRONIC MEDICAL RECORDS AND THE PROGRAM, MAY APPLY FOR AND
8 RECEIVE MONEY FROM A QUALIFIED INTEGRATION ORGANIZATION
9 APPROVED BY THE DIVISION TO HELP DEFRAY ALL OR A PORTION OF THE
10 COSTS TO INTEGRATE THE PROGRAM AND ELECTRONIC MEDICAL RECORDS.

11 (c) THE BOARD MAY PROMULGATE RULES TO IMPLEMENT THIS
12 SUBSECTION (7).

13 (d) (I) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
14 ASSEMBLY SHALL TRANSFER TWO MILLION DOLLARS AND FORTY-FIVE
15 THOUSAND ONE HUNDRED NINETY-EIGHT DOLLARS FOR THE
16 ADMINISTRATIVE COSTS OF THIS SUBSECTION (7) FROM THE GENERAL FUND
17 TO THE PRESCRIPTION DRUG MONITORING FUND CREATED IN SECTION
18 12-280-405. THE DIVISION MAY USE THE MONEY TRANSFERRED TO THE
19 PRESCRIPTION DRUG MONITORING FUND PURSUANT TO THIS SUBSECTION
20 (7) FOR THE PURPOSES OF THIS SUBSECTION (7). ANY MONEY
21 TRANSFERRED PURSUANT TO THIS SUBSECTION (7) NOT EXPENDED PRIOR
22 TO JULY 1, 2023, SHALL REMAIN IN THE FUND FOR THE SAME PURPOSE
23 THROUGH DECEMBER 30, 2024.

24 (II) THIS SUBSECTION (7)(d) IS REPEALED, EFFECTIVE DECEMBER
25 31, 2024.

26 **SECTION 10. Appropriation.** (1) For the 2022-23 state fiscal
27 year, \$2,016,475 is appropriated to the department of regulatory agencies

1 for use by the division of professions and occupations. This appropriation
2 is from the prescription drug monitoring fund created in section
3 12-280-405 (1), C.R.S. Any money appropriated in this section not
4 expended prior to July 1, 2023, is further appropriated to the division
5 through December 30, 2024 for the same purpose. To implement this act,
6 the division may use this appropriation as follows:

7 (a) \$16,475 for personal services; and

8 (b) \$2,000,000 for electronic medical records assistance.

9 **SECTION 11. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2022 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.