

SB022_L.019

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health, Insurance, & Environment.

SB18-022 be amended as follows:

- 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:
- 21 "(b) PRIOR TO PRESCRIBING THE SECOND FILL OF ANY OPIOID
22 PRESCRIPTION PURSUANT TO THIS SECTION, A DENTIST MUST COMPLY WITH
23 THE REQUIREMENTS OF SECTION 12-42.5-404 (3.6). FAILURE TO COMPLY
24 WITH SECTION 12-42.5-404 (3.6) CONSTITUTES GROUNDS FOR DISCIPLINE
25 UNDER SECTION 12-35-129 ONLY IF THE DENTIST REPEATEDLY FAILS TO
26 COMPLY.".
- 27 Reletter succeeding paragraphs accordingly.
- 28 Page 4, line 15, strike "THIS" and substitute "A VIOLATION OF THIS".
- 29 Page 4, line 19, after "CARE." add "COMPLIANCE WITH THIS SECTION DOES
30 NOT ALONE ESTABLISH AN ABSOLUTE DEFENSE TO ANY ALLEGED BREACH

- 1 OF THE STANDARD OF CARE."
- 2 Page 4, line 24, after "(1)" insert "(a)".
- 3 Page 5, strike lines 2 and 3 and substitute "SECOND FILL FOR A SEVEN-DAY
4 SUPPLY. THE LIMITS ON INITIAL PRESCRIBING DO NOT APPLY IF, IN THE
5 JUDGMENT OF THE PHYSICIAN OR PHYSICIAN ASSISTANT, THE PATIENT:".
- 6 Page 5, after line 17 insert:
- 7 "(b) PRIOR TO PRESCRIBING THE SECOND FILL OF ANY OPIOID
8 PRESCRIPTION PURSUANT TO THIS SECTION, A PHYSICIAN OR PHYSICIAN
9 ASSISTANT MUST COMPLY WITH THE REQUIREMENTS OF SECTION
10 12-42.5-404 (3.6). FAILURE TO COMPLY WITH SECTION 12-42.5-404 (3.6)
11 CONSTITUTES UNPROFESSIONAL CONDUCT UNDER SECTION 12-36-117
12 ONLY IF THE PHYSICIAN OR PHYSICIAN ASSISTANT REPEATEDLY FAILS TO
13 COMPLY."
- 14 Page 5, line 20, strike "THIS" and substitute "A VIOLATION OF THIS".
- 15 Page 5, line 24, after "CARE. add "COMPLIANCE WITH THIS SECTION DOES
16 NOT ALONE ESTABLISH AN ABSOLUTE DEFENSE TO ANY ALLEGED BREACH
17 OF THE STANDARD OF CARE."
- 18 Page 6, strike lines 8 and 9 and substitute "SUPPLY. THE LIMITS ON INITIAL
19 PRESCRIBING DO NOT APPLY IF, IN THE JUDGMENT OF THE ADVANCED
20 PRACTICE NURSE, THE PATIENT:".
- 21 Page 6, after line 23 insert:
- 22 "(b) PRIOR TO PRESCRIBING THE SECOND FILL OF ANY OPIOID
23 PRESCRIPTION PURSUANT TO THIS SECTION, AN ADVANCED PRACTICE
24 NURSE MUST COMPLY WITH THE REQUIREMENTS OF SECTION 12-42.5-404
25 (3.6). FAILURE TO COMPLY WITH SECTION 12-42.5-404 (3.6) CONSTITUTES
26 GROUNDS FOR DISCIPLINE UNDER SECTION 12-38-117 ONLY IF THE
27 ADVANCED PRACTICE NURSE REPEATEDLY FAILS TO COMPLY."
- 28 Reletter succeeding paragraphs accordingly.
- 29 Page 6, line 27, strike "THIS" and substitute "A VIOLATION OF THIS".
- 30 Page 7, line 4, after "CARE." add "COMPLIANCE WITH THIS SECTION DOES
31 NOT ALONE ESTABLISH AN ABSOLUTE DEFENSE TO ANY ALLEGED BREACH

1 OF THE STANDARD OF CARE."

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

5 Page 7, after line 24 insert:

6 "(b) PRIOR TO PRESCRIBING THE SECOND FILL OF ANY OPIOID
7 PRESCRIPTION PURSUANT TO THIS SECTION, AN OPTOMETRIST MUST
8 COMPLY WITH THE REQUIREMENTS OF SECTION 12-42.5-404 (3.6). FAILURE
9 TO COMPLY WITH SECTION 12-42.5-404 (3.6) CONSTITUTES
10 UNPROFESSIONAL CONDUCT UNDER SECTION 12-40-118 ONLY IF THE
11 OPTOMETRIST REPEATEDLY FAILS TO COMPLY."

12 Reletter succeeding paragraphs accordingly.

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

14 Page 8, line 4, 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 9, after line 14 insert:

18 "(d) A VIOLATION OF THIS SUBSECTION (3.6) DOES NOT CREATE A
19 PRIVATE RIGHT OF ACTION OR SERVE AS THE BASIS OF A CAUSE OF ACTION.
20 A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE NEGLIGENCE PER SE
21 OR CONTRIBUTORY NEGLIGENCE PER SE AND DOES NOT ALONE ESTABLISH
22 A STANDARD OF CARE. COMPLIANCE WITH THIS SECTION DOES NOT ALONE
23 ESTABLISH AN ABSOLUTE DEFENSE TO ANY ALLEGED BREACH OF THE
24 STANDARD OF CARE."

25 Reletter succeeding paragraph accordingly.

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

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

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

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

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

4 Page 10, after line 16 insert:

5 "(b) PRIOR TO PRESCRIBING THE SECOND FILL OF ANY OPIOID
6 PRESCRIPTION PURSUANT TO THIS SECTION, A VETERINARIAN MUST
7 COMPLY WITH THE REQUIREMENTS OF SECTION 12-42.5-404 (3.6). FAILURE
8 TO COMPLY WITH SECTION 12-42.5-404 (3.6) CONSTITUTES GROUNDS FOR
9 DISCIPLINE UNDER SECTION 12-64-111 ONLY IF THE VETERINARIAN
10 REPEATEDLY FAILS TO COMPLY.".

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

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

** ** ** ** **