

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0832.01 Jennifer Berman x3286

SENATE BILL 15-192

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SENATE SPONSORSHIP

Aguilar,

HOUSE SPONSORSHIP

Joshi,

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Senate Committees  
Health & Human Services

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE PROVISION OF A THERAPEUTIC ALTERNATE DRUG  
102 SELECTION TO PATIENTS RESIDING IN CERTAIN LONG-TERM  
103 CARE FACILITIES.

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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://www.leg.state.co.us/bills summaries>.)*

The bill authorizes a licensed pharmacist to provide therapeutic alternate drug selections, either a therapeutic interchange selection or a therapeutically equivalent selection, as those terms are defined, to a patient if, during the patient's stay at a licensed nursing care facility or a long-term acute care hospital, the selection has been approved:

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

- ! In accordance with written guidelines and procedures for making therapeutic alternate drug selections as developed by the nursing care facility or the long-term acute care hospital; and
- ! By a licensed physician, a licensed physician assistant under the supervision of a licensed physician, or a licensed nurse registered as an advanced practice nurse and authorized to prescribe controlled substances or prescription drugs who has entered into a written agreement to collaborate with a licensed physician.

If a licensed nursing care facility or a long-term acute care hospital has an existing quality assessment and assurance committee of which a licensed pharmacist is a member, the bill authorizes the committee to develop a facility formulary with written guidelines and procedures for making therapeutic interchange and therapeutically equivalent selections from the formulary. If a nursing care facility or a long-term acute care hospital does not have an existing quality assessment and assurance committee of which a licensed pharmacist is a member, the bill authorizes the facility to form such a committee and develop a facility formulary with written guidelines and procedures for making therapeutic interchange and therapeutically equivalent selections from the formulary.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-42.5-102, **amend**  
 3 (31); and **add** (39.7) as follows:

4 **12-42.5-102. Definitions.** As used in this article, unless the  
 5 context otherwise requires or the term is otherwise defined in another part  
 6 of this article:

7 (31) "Practice of pharmacy" means:

8 (a) The interpretation, evaluation, implementation, and dispensing  
 9 of orders; participation in drug and device selection, drug administration,  
 10 drug regimen reviews, and drug or drug-related research; provision of  
 11 patient counseling; and the provision of those acts or services necessary  
 12 to provide pharmaceutical care in all areas of patient care; ~~and~~

13 (b) (I) The preparation, mixing, assembling, packaging, labeling,

1 or delivery of a drug or device;

2 (II) Proper and safe storage of drugs or devices; and

3 (III) The maintenance of proper records for such drugs and  
4 devices; AND

5 (c) THE PROVISION OF A THERAPEUTIC INTERCHANGE SELECTION  
6 OR A THERAPEUTICALLY EQUIVALENT SELECTION TO A PATIENT IF, DURING  
7 THE PATIENT'S STAY AT A NURSING CARE FACILITY OR A LONG-TERM  
8 ACUTE CARE HOSPITAL LICENSED UNDER PART 1 OF ARTICLE 3 OF TITLE 25,  
9 C.R.S., THE SELECTION HAS BEEN APPROVED FOR THE PATIENT:

10 (I) IN ACCORDANCE WITH WRITTEN GUIDELINES AND PROCEDURES  
11 FOR MAKING THERAPEUTIC INTERCHANGE OR THERAPEUTICALLY  
12 EQUIVALENT SELECTIONS, AS DEVELOPED BY A QUALITY ASSESSMENT AND  
13 ASSURANCE COMMITTEE THAT INCLUDES A PHARMACIST LICENSED UNDER  
14 THIS ARTICLE AND IS FORMED BY THE NURSING CARE FACILITY OR THE  
15 LONG-TERM ACUTE CARE HOSPITAL IN ACCORDANCE WITH 42 CFR 483.75  
16 (o); AND

17 (II) BY ONE OF THE FOLLOWING HEALTH CARE PROVIDERS:

18 (A) A PHYSICIAN LICENSED UNDER ARTICLE 36 OF TITLE 12;

19 (B) A PHYSICIAN ASSISTANT LICENSED UNDER SECTION  
20 12-36-107.4, IF THE PHYSICIAN ASSISTANT IS UNDER THE SUPERVISION OF  
21 A LICENSED PHYSICIAN; OR

22 (C) AN ADVANCED PRACTICE NURSE PRESCRIBER LICENSED AS A  
23 PROFESSIONAL NURSE UNDER SECTION 12-38-111, REGISTERED AS AN  
24 ADVANCED PRACTICE NURSE UNDER SECTION 12-38-111.5, AND  
25 AUTHORIZED TO PRESCRIBE CONTROLLED SUBSTANCES OR PRESCRIPTION  
26 DRUGS PURSUANT TO SECTION 12-38-111.6, IF THE ADVANCED PRACTICE  
27 NURSE PRESCRIBER HAS ENTERED INTO A WRITTEN AGREEMENT TO

1 COLLABORATE WITH A LICENSED PHYSICIAN.

2 (39.7) "THERAPEUTIC INTERCHANGE" MEANS THE SUBSTITUTION  
3 OF ONE DRUG FOR ANOTHER DRUG WITH SIMILAR THERAPEUTIC EFFECTS.

4 **SECTION 2.** In Colorado Revised Statutes, **add** part 5 to article  
5 42.5 of title 12 as follows:

6 PART 5

7 THERAPEUTIC INTERCHANGE AND THERAPEUTICALLY  
8 EQUIVALENT SELECTIONS

9 **12-42.5-501. Written guidelines and procedures for making**  
10 **therapeutic interchange and therapeutically equivalent selections.**

11 (1) IF A NURSING CARE FACILITY OR A LONG-TERM ACUTE CARE HOSPITAL  
12 LICENSED UNDER PART 1 OF ARTICLE 3 OF TITLE 25, C.R.S., HAS A  
13 QUALITY ASSESSMENT AND ASSURANCE COMMITTEE THAT INCLUDES A  
14 PHARMACIST LICENSED UNDER THIS ARTICLE AND IS ESTABLISHED IN  
15 ACCORDANCE WITH 42 CFR 483.75 (o), THE QUALITY ASSESSMENT AND  
16 ASSURANCE COMMITTEE MAY ESTABLISH A FACILITY FORMULARY WITH  
17 WRITTEN GUIDELINES AND PROCEDURES FOR MAKING THERAPEUTIC  
18 INTERCHANGE AND THERAPEUTICALLY EQUIVALENT SELECTIONS FROM  
19 THE FORMULARY.

20 (2) IF A NURSING CARE FACILITY OR A LONG-TERM ACUTE CARE  
21 HOSPITAL LICENSED UNDER PART 1 OF ARTICLE 3 OF TITLE 25, C.R.S.,  
22 DOES NOT HAVE A QUALITY ASSESSMENT AND ASSURANCE COMMITTEE  
23 THAT INCLUDES A PHARMACIST LICENSED UNDER THIS ARTICLE AND IS  
24 ESTABLISHED IN ACCORDANCE WITH 42 CFR 483.75 (o), THE FACILITY  
25 MAY FORM SUCH A COMMITTEE TO ESTABLISH A FACILITY FORMULARY  
26 WITH WRITTEN GUIDELINES AND PROCEDURES FOR MAKING THERAPEUTIC  
27 INTERCHANGE AND THERAPEUTICALLY EQUIVALENT SELECTIONS FROM

1 THE FORMULARY.

2 **12-42.5-502. Therapeutic interchange and therapeutically**  
3 **equivalent selections for nursing care facility or long-term acute care**

4 **hospital patients.** (1) A PHARMACY USED BY A NURSING CARE FACILITY  
5 OR A LONG-TERM ACUTE CARE HOSPITAL LICENSED UNDER PART 1 OF  
6 ARTICLE 3 OF TITLE 25, C.R.S., MAY MAKE A THERAPEUTIC INTERCHANGE  
7 OR A THERAPEUTICALLY EQUIVALENT SELECTION FOR A PATIENT IF,  
8 DURING THE PATIENT'S STAY AT THE FACILITY, THE SELECTION HAS BEEN  
9 APPROVED FOR THE PATIENT:

10 (a) IN ACCORDANCE WITH WRITTEN GUIDELINES AND PROCEDURES  
11 FOR MAKING THERAPEUTIC INTERCHANGE OR THERAPEUTICALLY  
12 EQUIVALENT SELECTIONS, AS MAINTAINED IN A CURRENT AND READILY  
13 AVAILABLE MANNER AT THE DISPENSING PRESCRIPTION DRUG OUTLET AND  
14 AS DEVELOPED BY A QUALITY ASSESSMENT AND ASSURANCE COMMITTEE  
15 THAT INCLUDES A PHARMACIST LICENSED UNDER THIS ARTICLE AND IS  
16 FORMED BY THE FACILITY IN ACCORDANCE WITH 42 CFR 483.75 (o); AND

17 (b) BY ONE OF THE FOLLOWING HEALTH CARE PROVIDERS:

18 (I) A PHYSICIAN LICENSED UNDER ARTICLE 36 OF TITLE 12;

19 (II) A PHYSICIAN ASSISTANT LICENSED UNDER SECTION  
20 12-36-107.4, IF THE PHYSICIAN ASSISTANT IS UNDER THE SUPERVISION OF  
21 A LICENSED PHYSICIAN; OR

22 (III) AN ADVANCED PRACTICE NURSE PRESCRIBER LICENSED AS A  
23 PROFESSIONAL NURSE UNDER SECTION 12-38-111, REGISTERED AS AN  
24 ADVANCED PRACTICE NURSE UNDER SECTION 12-38-111.5, AND  
25 AUTHORIZED TO PRESCRIBE CONTROLLED SUBSTANCES OR PRESCRIPTION  
26 DRUGS PURSUANT TO SECTION 12-38-111.6, IF THE ADVANCED PRACTICE  
27 NURSE PRESCRIBER HAS ENTERED INTO A WRITTEN AGREEMENT TO

1 COLLABORATE WITH A LICENSED PHYSICIAN.

2 (2) THE BOARD MAY ADOPT RULES AS NECESSARY TO IMPLEMENT  
3 THIS PART 5.

4 **SECTION 3. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, and safety.