

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 15-0832.01 Jennifer Berman x3286

SENATE BILL 15-192

SENATE SPONSORSHIP

Aguilar,

HOUSE SPONSORSHIP

Joshi,

Senate Committees
Health & Human Services

House Committees

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.**

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.

SENATE
Amended 2nd Reading
March 17, 2015

- ! 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.

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 DEVELOPED AN ARTICULATED PLAN TO MAINTAIN

1 ONGOING COLLABORATION WITH PHYSICIANS AND OTHER HEALTH CARE
2 PROFESSIONALS. ==

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

5 **SECTION 2.** In Colorado Revised Statutes, **add** part 5 to article
6 42.5 of title 12 as follows:

7 PART 5
8 THERAPEUTIC INTERCHANGE AND THERAPEUTICALLY
9 EQUIVALENT SELECTIONS

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

12 (1) IF A NURSING CARE FACILITY OR A LONG-TERM ACUTE CARE HOSPITAL
13 LICENSED UNDER PART 1 OF ARTICLE 3 OF TITLE 25, C.R.S., HAS A QUALITY
14 ASSESSMENT AND ASSURANCE COMMITTEE THAT INCLUDES A PHARMACIST
15 LICENSED UNDER THIS ARTICLE AND IS ESTABLISHED IN ACCORDANCE WITH
16 42 CFR 483.75 (o), THE QUALITY ASSESSMENT AND ASSURANCE
17 COMMITTEE MAY ESTABLISH A FACILITY FORMULARY WITH WRITTEN
18 GUIDELINES AND PROCEDURES FOR MAKING THERAPEUTIC INTERCHANGE
19 AND THERAPEUTICALLY EQUIVALENT SELECTIONS FROM 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., DOES
22 NOT HAVE A QUALITY ASSESSMENT AND ASSURANCE COMMITTEE THAT
23 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 DEVELOPED AN ARTICULATED PLAN TO MAINTAIN

1 ONGOING COLLABORATION WITH PHYSICIANS AND OTHER HEALTH CARE
2 PROFESSIONALS.

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

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