

**NOTE: The governor signed this measure on 6/5/2015.**

# An Act

SENATE BILL 15-192

BY SENATOR(S) Aguilar, Crowder, Heath, Hill, Jahn, Kefalas, Kerr, Martinez Humenik, Merrifield, Newell, Todd;  
also REPRESENTATIVE(S) Joshi, Brown, Ginal, Roupe.

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

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

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

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

(31) "Practice of pharmacy" means:

(a) The interpretation, evaluation, implementation, and dispensing of orders; participation in drug and device selection, drug administration, drug regimen reviews, and drug or drug-related research; provision of patient counseling; and the provision of those acts or services necessary to

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

provide pharmaceutical care in all areas of patient care; and

(b) (I) The preparation, mixing, assembling, packaging, labeling, or delivery of a drug or device;

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

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

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

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

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

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

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

(C) AN ADVANCED PRACTICE NURSE PRESCRIBER LICENSED AS A PROFESSIONAL NURSE UNDER SECTION 12-38-111, REGISTERED AS AN ADVANCED PRACTICE NURSE UNDER SECTION 12-38-111.5, AND AUTHORIZED TO PRESCRIBE CONTROLLED SUBSTANCES OR PRESCRIPTION DRUGS PURSUANT TO SECTION 12-38-111.6, IF THE ADVANCED PRACTICE NURSE PRESCRIBER HAS DEVELOPED AN ARTICULATED PLAN TO MAINTAIN ONGOING COLLABORATION WITH PHYSICIANS AND OTHER HEALTH CARE PROFESSIONALS.

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

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

PART 5  
THERAPEUTIC INTERCHANGE AND THERAPEUTICALLY  
EQUIVALENT SELECTIONS

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

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

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

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

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

(a) IN ACCORDANCE WITH WRITTEN GUIDELINES AND PROCEDURES

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

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

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

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

(III) AN ADVANCED PRACTICE NURSE PRESCRIBER LICENSED AS A PROFESSIONAL NURSE UNDER SECTION 12-38-111, REGISTERED AS AN ADVANCED PRACTICE NURSE UNDER SECTION 12-38-111.5, AND AUTHORIZED TO PRESCRIBE CONTROLLED SUBSTANCES OR PRESCRIPTION DRUGS PURSUANT TO SECTION 12-38-111.6, IF THE ADVANCED PRACTICE NURSE PRESCRIBER HAS DEVELOPED AN ARTICULATED PLAN TO MAINTAIN ONGOING COLLABORATION WITH PHYSICIANS AND OTHER HEALTH CARE PROFESSIONALS.

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

**SECTION 3. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

---

Bill L. Cadman  
PRESIDENT OF  
THE SENATE

---

Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

---

Cindi L. Markwell  
SECRETARY OF  
THE SENATE

---

Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

---

John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO