

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 16-0393.03 Kristen Forrestal x4217

SENATE BILL 16-135

SENATE SPONSORSHIP

Aguilar,

HOUSE SPONSORSHIP

Ginal,

Senate Committees

Health & Human Services
Finance

House Committees

Health, Insurance, & Environment

A BILL FOR AN ACT

101 **CONCERNING A PHARMACIST'S PROVISION OF HEALTH CARE SERVICES**
102 **THAT HAVE BEEN DELEGATED BY ANOTHER HEALTH CARE**
103 **PROVIDER.**

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/billsummaries>.)

The bill allows a health benefit plan to provide coverage for health care services provided by a pharmacist if the pharmacist meets specified requirements. The bill also allows a pharmacist to enter into a collaborative pharmacy practice agreement with one or more physicians if:

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.

HOUSE
3rd Reading Unamended
May 4, 2016

HOUSE
Amended 2nd Reading
May 3, 2016

SENATE
3rd Reading Unamended
March 8, 2016

SENATE
Amended 2nd Reading
March 7, 2016

- ! The pharmacist holds a current license to practice in Colorado;
- ! The pharmacist is engaged in the practice of pharmacy;
- ! The pharmacist has earned a doctorate of pharmacy degree or completed at least 5 years of experience as a licensed pharmacist;
- ! The pharmacist carries adequate malpractice insurance;
- ! The pharmacist agrees to devote a portion of his or her practice to collaborative pharmacy practice; and
- ! There is a mechanism in place to document changes to medical records.

The bill prohibits the employment of a physician or advanced practice nurse for collaborative practice agreements if the physician or advanced practice nurse does not have a separate medical practice.

The bill grants rule-making authority to the state board of pharmacy, the Colorado medical board, and the state board of nursing.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 10-16-143 as
3 follows:

4 **10-16-143. Health care services provided by pharmacists.**

5 (1) ANY HEALTH BENEFIT PLAN, EXCEPT SUPPLEMENTAL POLICIES
6 COVERING A SPECIFIED DISEASE OR OTHER LIMITED BENEFIT, THAT
7 PROVIDES HOSPITAL, SURGICAL, OR MEDICAL EXPENSE INSURANCE MAY
8 PROVIDE COVERAGE FOR HEALTH CARE SERVICES UNDER A SPECIFIC
9 TREATMENT PROTOCOL PROVIDED BY A PHARMACIST IF:

10 (a) THE PHARMACIST MEETS THE REQUIREMENTS IN PART 6 OF
11 ARTICLE 42.5 OF TITLE 12, C.R.S.;

12 (b) THE HEALTH BENEFIT PLAN PROVIDES COVERAGE FOR THE
13 SAME SERVICE PROVIDED BY A LICENSED PHYSICIAN OR AN ADVANCED
14 PRACTICE NURSE; ■■■

15 (c) THE PHARMACIST IS INCLUDED IN THE HEALTH BENEFIT PLAN'S
16 NETWORK OF PARTICIPATING PROVIDERS; AND

1 (d) A REIMBURSEMENT RATE HAS BEEN SUCCESSFULLY
2 NEGOTIATED IN GOOD FAITH BETWEEN THE PHARMACIST AND THE HEALTH
3 PLAN.

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

6 PART 6

7 COLLABORATIVE PHARMACY PRACTICE

8 **12-42.5-601. Definitions.** AS USED IN THIS PART 6:

9 (1) (a) "COLLABORATIVE PHARMACY PRACTICE AGREEMENT"
10 MEANS A WRITTEN AND SIGNED AGREEMENT ENTERED INTO VOLUNTARILY
11 BETWEEN ONE OR MORE PHARMACISTS LICENSED PURSUANT TO THIS
12 ARTICLE AND ONE OR MORE PHYSICIANS OR ADVANCED PRACTICE NURSES
13 LICENSED IN THIS STATE, WHICH STATEMENT GRANTS AUTHORITY TO THE
14 PHARMACIST OR PHARMACISTS TO PROVIDE EVIDENCE-BASED HEALTH
15 CARE SERVICES TO ONE OR MORE PATIENTS PURSUANT TO A SPECIFIC
16 TREATMENT PROTOCOL DELEGATED TO A PHARMACIST OR PHARMACISTS
17 BY THE PHYSICIAN OR ADVANCED PRACTICE NURSE.

18 (b) A "COLLABORATIVE PHARMACY PRACTICE AGREEMENT" MAY
19 ALSO MEAN A STATEWIDE DRUG THERAPY PROTOCOL DEVELOPED BY THE
20 BOARD, THE COLORADO MEDICAL BOARD, AND THE STATE BOARD OF
21 NURSING IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC HEALTH
22 AND ENVIRONMENT FOR PUBLIC HEALTH CARE SERVICES.

23 **12-42.5-602. Collaborative pharmacy practice agreements -**
24 **pharmacist requirements.** (1) A PHARMACIST MAY ENTER INTO A
25 COLLABORATIVE PHARMACY PRACTICE AGREEMENT WITH ONE OR MORE
26 PHYSICIANS IF:

27 (a) THE PHARMACIST HOLDS A CURRENT LICENSE TO PRACTICE IN

1 COLORADO;

2 (b) THE PHARMACIST IS ENGAGED IN THE PRACTICE OF PHARMACY;

3 (c) THE PHARMACIST HAS EARNED A DOCTORATE OF PHARMACY
4 DEGREE OR COMPLETED AT LEAST FIVE YEARS OF EXPERIENCE AS A
5 LICENSED PHARMACIST;

6 (d) THE PHARMACIST CARRIES ADEQUATE PROFESSIONAL LIABILITY
7 INSURANCE AS DETERMINED BY THE BOARD;

8 (e) THE PHARMACIST AGREES TO DEVOTE A PORTION OF HIS OR HER
9 PRACTICE TO COLLABORATIVE PHARMACY PRACTICE; AND

10 (f) THERE IS A PROCESS IN PLACE FOR THE PHYSICIAN OR
11 ADVANCED PRACTICE NURSE AND THE PHARMACIST TO COMMUNICATE
12 AND DOCUMENT CHANGES TO THE PATIENT'S MEDICAL RECORD.

13 (2) UNLESS A STATEWIDE PROTOCOL IS IN PLACE, A PHARMACIST
14 MAY NOT ENTER INTO A COLLABORATIVE PHARMACY PRACTICE
15 AGREEMENT WITH A PHYSICIAN OR ADVANCED PRACTICE NURSE IF THE
16 PHYSICIAN OR ADVANCED PRACTICE NURSE DOES NOT HAVE AN
17 ESTABLISHED RELATIONSHIP WITH THE PATIENT OR PATIENTS WHO WILL BE
18 SERVED BY THE PHARMACIST UNDER THE COLLABORATIVE PHARMACY
19 PRACTICE AGREEMENT.

20 (3) FOR A PHARMACIST TO PROVIDE HEALTHCARE SERVICES UNDER
21 A STATEWIDE PROTOCOL, A PROCESS MUST BE IN PLACE FOR THE
22 PHARMACIST TO COMMUNICATE WITH A PATIENT'S PRIMARY CARE
23 PROVIDER AND DOCUMENT CHANGES TO THE PATIENT'S MEDICAL RECORD.
24 IF THE PATIENT DOES NOT HAVE A PRIMARY CARE PROVIDER, OR IS UNABLE
25 TO PROVIDE CONTACT INFORMATION FOR HIS OR HER PRIMARY CARE
26 PROVIDER, THE PHARMACIST SHALL PROVIDE THE PATIENT WITH A
27 WRITTEN RECORD OF THE DRUGS OR DEVICES FURNISHED AND ADVISE THE

1 PATIENT TO CONSULT AN APPROPRIATE HEALTH CARE PROFESSIONAL OF
2 THE PATIENT'S CHOICE.

3 (4) A COLLABORATIVE PRACTICE AGREEMENT BETWEEN A
4 PHYSICIAN AND A PHARMACIST, AS PERMITTED BY THIS ARTICLE, DOES NOT
5 CHANGE THE EMPLOYMENT STATUS OF ANY PARTY TO THE AGREEMENT,
6 DOES NOT CREATE AN EMPLOYER-EMPLOYEE RELATIONSHIP UNDER ANY
7 CIRCUMSTANCE, AND MAY NOT BE USED TO CONFER UPON OR DENY TO ANY
8 PERSON THE STATUS OF A PUBLIC EMPLOYEE AS DESCRIBED IN THE
9 "COLORADO GOVERNMENTAL IMMUNITY ACT", CREATED IN ARTICLE 10
10 OF TITLE 24, C.R.S.

11 (5) A PHARMACIST OR PHARMACY SHALL NOT EMPLOY A
12 PHYSICIAN OR ADVANCED PRACTICE NURSE FOR THE SOLE PURPOSE OF
13 FORMING A COLLABORATIVE PRACTICE AGREEMENT.

14 **12-42.5-603. Rules.** THE BOARD, IN CONJUNCTION WITH THE
15 COLORADO MEDICAL BOARD CREATED IN SECTION 12-36-103, AND THE
16 STATE BOARD OF NURSING CREATED IN SECTION 12-38-104 SHALL
17 PROMULGATE RULES TO IMPLEMENT THIS SECTION. THE RULES MUST
18 INCLUDE THE HEALTH CARE SERVICES AND ANY STATEWIDE PROTOCOLS
19 THAT ARE AUTHORIZED TO BE PART OF THE COLLABORATIVE PHARMACY
20 PRACTICE AGREEMENTS.

21 **SECTION 3. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2016 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.