

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0291.01 Jane Ritter x4342

HOUSE BILL 14-1173

HOUSE SPONSORSHIP

Ginal and McCann, Schafer, Tyler, Young, Conti, Landgraf, Primavera, Singer

SENATE SPONSORSHIP

Newell,

House Committees

Public Health Care & Human Services
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CONTINUATION OF THE CONTROLLED SUBSTANCES ABUSE**
102 **ACT, AND, IN CONNECTION THEREWITH, THE TREATMENT OF**
103 **CONTROLLED SUBSTANCES ABUSE.**

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>.)

Sunset Process - House Public Health Care and Human Services Committee. The bill extends the "Colorado Licensing of Controlled Substances Act" (act) until 2025. The department of human services (department) is granted authority to impose a wider range of

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.*

disciplinary actions for violations of the act. The bill grants the medical director, or his or her designee, at substance abuse treatment facilities, with patient permission, access to the state prescription drug monitoring program. The office of behavioral health in the department is directed to create a secure online substance abuse treatment registry to allow substance abuse treatment facilities to verify patient eligibility and register patients. The additional license fee of \$75 for a controlled substance addiction treatment program is removed.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (45) (e); and **add** (50.5) (h) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for termination, continuation, or reestablishment.**

6 (45) The following agencies, functions, or both, terminate on July 1,
7 2014:

8 (e) ~~The record-keeping and licensing functions of the department~~
9 ~~of human services relating to addiction programs under which controlled~~
10 ~~substances are compounded, administered, or dispensed in accordance~~
11 ~~with part 2 of article 80 of title 27, C.R.S.~~

12 (50.5) The following agencies, functions, or both, terminate on
13 September 1, 2019:

14 (h) THE RECORD-KEEPING AND LICENSING FUNCTIONS OF THE
15 DEPARTMENT OF HUMAN SERVICES RELATING TO ADDICTION PROGRAMS
16 UNDER WHICH CONTROLLED SUBSTANCES ARE COMPOUNDED,
17 ADMINISTERED, OR DISPENSED IN ACCORDANCE WITH PART 2 OF ARTICLE
18 80 OF TITLE 27, C.R.S.

19 **SECTION 2.** In Colorado Revised Statutes, 27-80-204, **amend**
20 (1) (b) (I) as follows:

21 **27-80-204. License required - controlled substances - repeal.**

1 (1) (b) (I) This subsection (1) is repealed, effective ~~July 1, 2014~~
2 SEPTEMBER 1, 2019.

3 **SECTION 3.** In Colorado Revised Statutes, 27-80-208, **amend**
4 (1) introductory portion; and **add** (2.5) as follows:

5 **27-80-208. Denial, revocation, or suspension of license - other**
6 **disciplinary actions.** (1) The department may deny, suspend, or revoke
7 a license issued under this part 2 pursuant to article 4 of title 24, C.R.S.,
8 OR TAKE OTHER DISCIPLINARY ACTION AS SET FORTH IN SUBSECTION (2.5)
9 OF THIS SECTION, AT THE DEPARTMENT'S DISCRETION, upon a finding that
10 the licensee:

11 (2.5) IF THE DEPARTMENT DETERMINES THAT A LICENSEE HAS
12 COMMITTED AN ACT THAT WOULD AUTHORIZE THE DEPARTMENT TO DENY,
13 REVOKE, OR SUSPEND A LICENSE, THE DEPARTMENT MAY, AT ITS
14 DISCRETION, IMPOSE OTHER DISCIPLINARY ACTIONS THAT MAY INCLUDE,
15 BUT NEED NOT BE LIMITED TO A FINE NOT TO EXCEED FIVE HUNDRED
16 DOLLARS, PROBATION, OR STIPULATION.

17 **SECTION 4.** In Colorado Revised Statutes, 12-42.5-404, **add** (3)
18 (c.5) as follows:

19 **12-42.5-404. Program operation - access - rules.** (3) The
20 program is available for query only to the following persons or groups of
21 persons:

22 (c.5) THE MEDICAL DIRECTOR, OR HIS OR HER DESIGNEE, AT A
23 FACILITY THAT TREATS ADDICTION WITH CONTROLLED SUBSTANCES, IF AN
24 INDIVIDUAL IN TREATMENT AT THE FACILITY GIVES PERMISSION TO THE
25 FACILITY TO ACCESS HIS OR HER PROGRAM RECORDS;

26 **SECTION 5.** In Colorado Revised Statutes, **add** 27-80-214 as
27 follows:

1 **27-80-214. Online controlled substance abuse treatment**
2 **program registry.** ON OR BEFORE JANUARY 1, 2015, THE OFFICE OF
3 BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES SHALL
4 DEVELOP A SECURE ONLINE CONTROLLED SUBSTANCE ABUSE TREATMENT
5 PROGRAM REGISTRY TO REGISTER INDIVIDUALS IN CONTROLLED
6 SUBSTANCE ABUSE TREATMENT PROGRAMS AND VERIFY ELIGIBILITY FOR
7 ENROLLMENT IN A CONTROLLED SUBSTANCE ABUSE TREATMENT
8 PROGRAM. THE REGISTRY MUST BE ACCESSIBLE TO LICENSED
9 CONTROLLED SUBSTANCE ABUSE TREATMENT FACILITIES TO INPUT
10 PATIENT DATA AND CHECK ELIGIBILITY FOR TREATMENT AND MUST BE
11 CONFIDENTIAL AND PRIVILEGED. THE COSTS OF DEVELOPING THE SECURE
12 ONLINE SUBSTANCE ABUSE TREATMENT PROGRAM REGISTRY MAY BE PAID
13 FOR THROUGH AN APPROPRIATION FROM THE GENERAL FUND OR THROUGH
14 GIFTS, GRANTS, OR DONATIONS.

15 **SECTION 6.** In Colorado Revised Statutes, 27-80-205, **add** (3)
16 (a.5) and **repeal** (3) (a) (I) as follows:

17 **27-80-205. Issuance of license - fees.** (3) (a) The initial and
18 annual license fees are as follows:

19 (I) ~~Addiction program~~ ~~_____~~ ~~\$ 75.00~~

20 (a.5) THE DEPARTMENT MAY ADMINISTRATIVELY SET INITIAL AND
21 ANNUAL LICENSE FEES FOR ADDICTION PROGRAMS TO APPROXIMATE THE
22 DIRECT AND INDIRECT COSTS OF THE PROGRAM.

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