

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 10-0624.01 Jerry Barry

SENATE BILL 10-117

SENATE SPONSORSHIP

Foster,

HOUSE SPONSORSHIP

Primavera,

Senate Committees

Health and Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEDICAID COVERAGE FOR OVER-THE-COUNTER**
102 **MEDICATIONS.**

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 adds over-the-counter medications identified through the drug utilization review process to services provided under medicaid when the medications are prescribed by a licensed practitioner or a qualified licensed pharmacist. The medical services board is required to adopt rules to allow pharmacies to be reimbursed for dispensing the specified

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 10, 2010

medications to medicaid recipients and to identify the standards for qualified pharmacists. Licensed pharmacists are required to consult with the recipient and, when appropriate, refer the recipient to appropriate health care professionals.

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

2 **SECTION 1.** 25.5-5-202 (1), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **25.5-5-202. Basic services for the categorically needy - optional**
5 **services - repeal.** (1) Subject to the provisions of subsection (2) of this
6 section, the following are services for which federal financial
7 participation is available and which Colorado has selected to provide as
8 optional services under the medical assistance program:

9 (a.5) OVER-THE-COUNTER MEDICATIONS, AS SPECIFIED IN SECTION
10 25.5-5-322.

11 **SECTION 2.** Part 3 of article 5 of title 25.5, Colorado Revised
12 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
13 read:

14 **25.5-5-322. Over-the-counter medications - rules.** (1) THE
15 STATE BOARD SHALL ADOPT BY RULE A SYSTEM TO ALLOW PHARMACIES TO
16 BE REIMBURSED FOR PROVIDING CERTAIN OVER-THE-COUNTER
17 MEDICATIONS TO RECIPIENTS IF PRESCRIBED BY A LICENSED PRACTITIONER
18 AUTHORIZED TO PRESCRIBE PRESCRIPTION DRUGS OR, SUBJECT TO THE
19 LIMITATIONS CONTAINED IN SUBSECTION (2) OF THIS SECTION, A LICENSED
20 PHARMACIST. OVER-THE-COUNTER MEDICATIONS SUBJECT TO
21 REIMBURSEMENT PURSUANT TO THIS SECTION SHALL BE IDENTIFIED
22 THROUGH THE DRUG UTILIZATION REVIEW PROCESS ESTABLISHED IN
23 SECTION 25.5-5-506.

1 (2) (a) THE STATE BOARD, IN CONSULTATION WITH THE STATE
2 BOARD OF PHARMACY CREATED PURSUANT TO SECTION 12-22-103, C.R.S.,
3 SHALL ESTABLISH BY RULE STANDARDS FOR WHEN A LICENSED
4 PHARMACIST MAY PRESCRIBE OVER-THE-COUNTER MEDICATIONS AS
5 PROVIDED UNDER THIS SECTION FOR PURPOSES OF RECEIVING
6 REIMBURSEMENT UNDER THE MEDICAL ASSISTANCE PROGRAM.

7 (b) WHEN PRESCRIBING OVER-THE-COUNTER MEDICATIONS UNDER
8 THIS SECTION, A LICENSED PHARMACIST SHALL CONSULT WITH THE
9 RECIPIENT TO DETERMINE NECESSITY, PROVIDE DRUG COUNSELING,
10 REVIEW DRUG THERAPY FOR POTENTIAL ADVERSE INTERACTIONS, AND
11 MAKE REFERRALS AS NEEDED TO OTHER HEALTH CARE PROFESSIONALS.

12 **SECTION 3. 12-22-102 (23.6), Colorado Revised Statutes, is**
13 **amended to read:**

14 **12-22-102. Definitions. As used in this part 1, unless the context**
15 **otherwise requires:**

16 **(23.6) "Pharmaceutical care" means the provision of drug therapy**
17 **and other pharmaceutical patient care services by a pharmacist intended**
18 **to achieve outcomes related to the cure or prevention of a disease,**
19 **elimination or reduction of a patient's symptoms, or arresting or slowing**
20 **of a disease process. In addition to the preparation, dispensing, and**
21 **distribution of medications, "pharmaceutical care" may include**
22 **assessment and evaluation of the patient's medication related needs and**
23 **development and communication of a therapeutic plan with defined**
24 **outcomes in consultation with the patient and the patient's other health**
25 **care professionals to attain the desired outcome. This function includes**
26 **efforts to prevent, detect, and resolve medication related problems for**
27 **individual patients. "Pharmaceutical care" does not include prescriptive**

1 authority, EXCEPT AS AUTHORIZED PURSUANT TO SECTION 25.5-5-322,

2 C.R.S.

3 **SECTION 4. Specified effective date.** This act shall take effect
4 July 1, 2010.

5 **SECTION 5. 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.