



**John W. Suthers**  
Attorney General

**Cynthia H. Coffman**  
Chief Deputy Attorney General

**Daniel D. Domenico**  
Solicitor General

**STATE OF COLORADO**  
**DEPARTMENT OF LAW**  
**Business and Licensing Section**

**Ralph L. Carr**  
**Colorado Judicial Center**  
1300 Broadway, 8th Floor  
Denver, Colorado 80203  
Phone (720) 508-6000

October 6, 2014

The Honorable Scott Gessler  
Secretary of State  
Colorado Department of State  
1700 Broadway, Suite 200  
Denver, CO 80290

RE: CORRECTION LETTER: Colorado State Board of Pharmacy; Non-Substantive Correction to 3 CCR 719-1: Pharmacy Board Rule 23.00.70(b) and (c); ORIGINAL SOS TRACKING NUMBER 2014-00586, **CORRECTION TRACKING NUMBER 2014-01007**

Dear Mr. Gessler:

I am general counsel for the Colorado State Board of Pharmacy. It has come to the attention of the Board's Program Director Chris Gassen and myself that the version of the Board's rules adopted on August 21, 2014 now posted on the S.O.S website contains typographical errors under Board Rule 23.00.70 b and c. This section of the Board's rules has been amended to implement new legislation which became effective July 1, 2014 at §12-42.5-403(1.5)(b), (c) and (d), C.R.S., authorizing both prescribing practitioners and pharmacists to designate up to three individuals to access the Colorado Prescription Drug Monitoring Program's website on their behalf, and setting out the parameters for such access.

There are two types of non-substantive typographical errors as shown in the track-changes below. The first error appears in the citation to §12-42.5-403(1.5)(b), (c) and (d), with the referenced subsections being erroneously capitalized. The second error is the erroneous substitution of the word "pharmacist" with the word "practitioner" in two places in paragraph 23.00.70 c. When reading both paragraphs 23.00.70 b and c together, it is clear from the context that paragraph b was intended to reference prescribing practitioners, whereas paragraph c was intended to reference pharmacists, or else the paragraph c becomes a partially nonsensical repetition of paragraph b. These non-substantive changes are therefore typographical errors correctable under §24-4-103(11)(d)(II), C.R.S. We are not certain at which point these errors occurred, but having been present during the

rules hearing to advise the Board I can attest that the clear intent was as I have described it here.

23.00.70 PDMP Access

The PDMP shall be available for query only to the following persons or groups of persons:

- ...b. Any licensed practitioner, or up to three (3) trained individuals designated by the practitioner by way of registered PDMP sub-accounts of the prescriber to act on the prescriber's behalf in accordance with 12-42.5-403(1.5)~~(B), (C) AND (D)~~(b), (c) and (d), C.R.S., with the statutory authority to prescribe controlled substances to the extent the query relates to a current patient of the practitioner to whom the practitioner is prescribing or considering prescribing a controlled substance;
- c. Licensed pharmacists, or up to three (3) trained individuals designated by the ~~practitioner~~pharmacist by way of registered PDMP sub-accounts of the ~~prescriber~~pharmacist to act on the ~~prescriber's~~pharmacist's behalf in accordance with 12-42.5-403(1.5)~~(B), (C) AND (D)~~(b), (c) and (d), C.R.S., or a pharmacist licensed in another state, with statutory authority to dispense controlled substances to the extent the information requested relates specifically to a current patient to whom the pharmacist is dispensing or considering dispensing a controlled substance or to whom the pharmacist is providing clinical patient care services;

I just noted that the word "AND" is still capitalized in both paragraphs b and c in the corrected version submitted. This is another inadvertent error and if it is possible to correct it at your end, please feel free to do so.

Please call me at (720) 508-6393 if you require further information. Thank you for your assistance and attention to this correction request.

Sincerely,

FOR THE ATTORNEY GENERAL

*/S/ Joanna Lee Kaye*

---

JOANNA LEE KAYE  
Assistant Attorney General  
Business & Licensing Section

(720) 508-6393

Email: [jo.kaye@state.co.us](mailto:jo.kaye@state.co.us)

cc: Chris Gassen, Pharmacy Board Program Director  
Maria Soto, Program Assistant  
Department of Regulatory Agencies