



## COLORADO

### State-Specific Controlled Substance Requirements

Updated 5/31/23

<b>Biennial Inventory (DEA):</b>	<p>A physical inventory of all controlled substances on hand must be taken at least every <u>two years</u>. The biennial inventory may be taken on any date, which is within two years of the previous biennial or initial inventory. [<a href="#">21 CFR 1304.11</a>]</p> <p>NOTE:</p> <ul style="list-style-type: none"> <li>• Separate biennial inventories must be completed for schedule II and schedule III-V controlled substances.</li> <li>• Biennials may be conducted more frequently than every two years. As a recommendation, conduct your DEA biennial inventory at the same time you conduct your state biennial inventory.</li> <li>• Biennial inventories must be conducted by the DEA registrant, or their designee who has been granted Power of Attorney, along with an authorized witness.</li> </ul> <p>Biennial inventories must indicate whether they are conducted at the start or close of business.</p>
<b>Biennial Inventory (CO):</b>	<p>After the initial inventory is taken, the prescription drug outlet shall take new inventory of all stocks of controlled substances on hand at least every <u>two years</u>. <a href="#">3 Colo. Code Regs. § 719-1- 11.03.00</a></p>
<b>CE:</b>	<p><b>Veterinarians:</b> 32 hours, every 2 year period.</p> <p>Veterinarians must complete CE related to all four of the following topics:</p> <ol style="list-style-type: none"> <li>1. Best practices for opioid prescribing, according to the most recent version of the <a href="#">Division's Guidelines for Prescribing and Dispensing Opioids</a>;</li> <li>2. Recognition of substance use disorders;</li> <li>3. Referral of patients with substance use disorders for treatment; AND</li> <li>4. Use of the Electronic Prescription Drug Monitoring Program.</li> </ol> <p><b>Veterinarian Tech:</b> Not required by state; however, if certified by CACVT, 16 hours required; General medicine topics: 8 hours minimum if approved by national, state, or local associations; Management topics: 8 hours allowed; Online or home study: 8 hours allowed; Formal meetings: 4 CACVT chapter meetings=1 hour of CE; Other: College courses allowed.</p> <p><b>Due to Colorado legislation that was passed in 2019, the State Board of Veterinary Medicine now requires a minimum of 1 hour of CE on substance use prevention topics prior to license renewal.</b></p>
<b>CO PDMP Reporting:</b>	<p>In Colorado veterinarians are <u>mandated</u> to use the state PDMP: <a href="https://dpo.colorado.gov/PDMP">https://dpo.colorado.gov/PDMP</a></p> <p>Veterinarians with authority to prescribe controlled substances may access PDMP information to the extent that the query relates to a current patient or client and if the veterinarian has a reasonable basis to suspect the client has committed drug abuse or mistreated an animal. <a href="https://www.pdmpassist.org/pdf/TAG_Veterinary_Best_Practices_20200710.pdf">https://www.pdmpassist.org/pdf/TAG_Veterinary_Best_Practices_20200710.pdf</a></p> <p>Colorado has a statute permitting practitioners (including veterinarians) to access the PDMP records for a human patient as both a patient and an animal owner.</p>



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<p><b>Compounding:</b></p>	<p><u>Compounding</u> is <u>any manipulation</u> of a drug beyond that stipulated on the drug label. Veterinary drugs should only be compounded based on a licensed veterinarian's prescription, and to meet the medical needs of a specific patient. Manipulation might include mixing, diluting, concentrating, flavoring, or changing a drug's dosage form. Examples of compounding include:</p> <ul style="list-style-type: none"> <li>• Mixing two injectable drugs in the same syringe</li> <li>• Creating an oral suspension from crushed tablets or an injectable solution</li> <li>• Adding flavoring to a commercially available drug</li> <li>• Creating a transdermal gel for a drug typically taken through other routes</li> <li>• Mixing two solutions for instilling into the ear</li> </ul> <p><u>Co Compounding:</u> House Bill 16-1324 allowed a veterinarian to maintain an office stock of compounded drugs, which are drugs that are combined, mixed, or otherwise altered to create a specific drug or formulation, for later distribution or administration to animal patients. The bill defines 'food animal' and sets forth the limited circumstances under which a veterinarian may administer or dispense a compounded drug obtained from a prescription drug outlet for a food animal. The bill further clarifies that references to 'patient' set forth in House Bill 16-1324 refer to an 'animal patient'. <a href="#">HB17-1274</a></p>
<p><b>CO Veterinary Medical Professional License:</b></p>	<p>Renewals are every <b>2 years on October 31<sup>st</sup> in even years.</b></p> <p>According to the CO State Board of Veterinary Medicine, a veterinary License to practice in Colorado from the Department of Regulatory Agencies (DORA) gives licensees a 60-day grace period to renew their licenses (which includes an attestation about CE completion). This grace period expires December 31, 2020. There is a late fee that is assessed for any licensees who renew after the October 31 deadline.</p>
<p><b>Dispensing:</b></p>	<p>(1) As used in this section, "medical treatment" includes dispensing or administering a narcotic drug for pain, including intractable pain.</p> <p>(2) Except as provided in section 18-18-414, a person may dispense a controlled substance only as provided in this section.</p> <p>(3) (a) Except as provided in paragraph (b) of this subsection (3), a person shall not dispense a substance included in schedule II to an ultimate user of the substance without:</p> <ul style="list-style-type: none"> <li>(I) The written prescription of a practitioner; or</li> <li>(II) An electronic prescription drug order for a schedule II substance that is created and transmitted in accordance with 21 CFR 1311.</li> </ul> <p>(b) A practitioner, other than a pharmacy, may dispense a schedule II substance directly to the ultimate user without a written prescription.</p> <p>(4) (a) Except as provided in paragraph (b) of this subsection (4), a person shall not dispense a substance included in schedule III, IV, or V to an ultimate user of the substance without:</p> <ul style="list-style-type: none"> <li>(I) A written or oral prescription order of a practitioner; or</li> <li>(II) An electronic prescription drug order for a schedule III, IV, or V substance that is created and transmitted in accordance with 21 CFR 1311.</li> </ul> <p>(b) A practitioner, other than a pharmacy, may dispense a schedule III, IV, or V substance directly to the ultimate user without a written prescription.</p>



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	<p>(c) A prescription order for a schedule III, IV, or V substance must not be filled or refilled more than six months after the date of the order or be refilled more than five times.</p> <p>(5) A practitioner may dispense or deliver a controlled substance to or for an individual or animal only for medical treatment or authorized research in the ordinary course of that practitioner's profession.</p> <p><a href="#">§ 18-18-308</a></p>
<p><b>Diversion Reporting:</b></p>	<p>All state-licensed health facilities are required to report suspected or confirmed drug diversion occurrences to the Colorado Department of Public Health and Environment (CDPHE). To learn more about filing an occurrence report with CDPHE, view the Health Facilities Occurrence Report manual or contact the Occurrence Intake Coordinator at 303-692-2826 or <a href="mailto:cdphe.hfoccur@state.co.us">cdphe.hfoccur@state.co.us</a>.</p> <p><a href="#">Colorado Revised Statute § 25-1-124</a> requires each licensed healthcare facility to report "any occurrence in which drugs intended for use by patients or residents are diverted to use by other person." To reference the entire statute visit the manual mentioned above.</p>
<p><b>Euthanasia:</b></p>	<p>Licensed veterinarians and properly trained non-veterinarians under the direction and supervision of a licensed veterinarian may perform euthanasia (<a href="#">4 CCR 727-1:VI</a>) . (<a href="#">AVMA Guidelines for the Euthanasia of Animals: 2020 Edition</a>).</p>
<p><b>Ownership:</b></p>	<p>Non-veterinary ownership is allowed, but a licensed veterinarian is required to be on the premises permit as the responsible licensee responsible for the clinic.</p>
<p><b>Power of Attorney Notarization:</b></p>	<p>In Colorado, the law does require that a Power of Attorney be notarized, but no witnesses are necessary.</p> <p>A power of attorney must be signed by the principal or in the principal's conscious presence by another individual directed by the principal to sign the principal's name on the power of attorney. A signature on a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public or other individual authorized by law to take acknowledgments.</p> <p><a href="#">Colo. Rev. Stat. § 15-14-705</a></p>
<p><b>Prescribing:</b></p>	<p><a href="#">SB 19-079</a> Sections 16 and 17 (see page 19 of the bill) allows veterinarians to prescribe electronically but does not require them to prescribe electronically. <a href="#">SB 19-079</a> does this by amending <a href="#">Title 12, Article 30, Section 109</a> to allow opioid prescribers licensed in <a href="#">Article 315 (the Veterinary Practice Act)</a> to prescribe electronically.</p> <p><b>E-prescribing: veterinarians are exempt</b> from the mandated e-prescribing for all controlled substances in Schedule II-IV to be electronically prescribed.</p> <p>Veterinarians may only prescribe medication when they have a valid VCPR with the patient.</p> <p>Under federal and state law, veterinarians may not sell, distribute, dispense or participate in or arrange for the sale of prescription medicines in any fashion except through a VCPR or in compliance with Rule V.</p> <p><a href="https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=5368&amp;fileName=4%20CCR%20727-1">https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=5368&amp;fileName=4%20CCR%20727-1</a></p>
<p><b>Premises Permit:</b></p>	<p>"<b>Veterinary premises</b>" or "<b>premises</b>" means a veterinary office, hospital, clinic, or temporary location in which veterinary medicine is being practiced by or under the direction and supervision of a licensed veterinarian. (<a href="#">C. R. S. A. § 12-64-103(17)</a>).</p>



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	<p><b>No veterinary premises permits exist at the state-level Colorado.</b> Various kennel permits exist at the local ordinance level based on the facility location.</p>
<p><b>Permits - Assumed Name:</b></p>	<p>Filed at the state level (Statement of Trade Name)  <a href="https://s.state.co.us/pubs/business/fileAForm.html">s.state.co.us/pubs/business/fileAForm.html</a></p> <ul style="list-style-type: none"> <li>▪ Fee: \$20 for registration</li> <li>▪ A trade name for a reporting entity is effective as long as the entity remains in Good Standing or in Non-compliant status with the Secretary of State. When status becomes Delinquent or Dissolved, the trade name remains effective for one year from date of Delinquency or Dissolution. If this is cured before trade name expires, it will continue to be effective as long as entity remains in Good Standing. If entity remains Delinquent or Dissolved, the trade name can remain effective by filing annual renewal.</li> <li>▪ A trade name for an individual, non-reporting entity must be renewed once a year within 3 months of expiration date (expires first day following anniversary month of original filing).</li> <li>▪ Trade names are not transferable and are not required to be unique. Statement of Trade Name can be filed at any time for same name.</li> <li>▪ Information page accessed at: <a href="https://www.sos.state.co.us/pubs/business/FAQs/tradeNames.html">https://www.sos.state.co.us/pubs/business/FAQs/tradeNames.html</a></li> </ul>
<p><b>Recordkeeping:</b></p>	<p>While DEA requires records to be kept for two years, Colorado law requires that you keep all patient records for a minimum of <u>three years</u> from the last date of treatment, therefore you must adhere to the three-year requirement if controlled substances are part of the patient records.</p>
<p><b>State Scheduled CS's:</b></p>	<p>Ephedrine is a schedule II in Colorado and must be reported to the CO PMP</p>
<p><b>State CS License:</b></p>	<p>Colorado <b>does not</b> require DEA registrant practitioners to obtain a second state controlled substance license, just a DEA registration and an active Veterinary Medical Professional License to practice in Colorado from DORA.</p>
<p><b>Supervision:</b></p>	<p>Only a licensed veterinarian in Colorado may diagnose, prescribe, perform surgery, or initiate treatment.</p> <ol style="list-style-type: none"> <li>a. These duties cannot be delegated to veterinary personnel other than a veterinary student.</li> <li>b. These duties may be delegated to a veterinary student in compliance with section <a href="#">Colo Rev. Stat 12-315-116, C.R.S.</a></li> </ol> <p>"<u>Direct supervision</u>" means the supervising licensed veterinarian is readily available on the premises where the patient is being treated (<a href="#">C. R. S. A. § 12-64-103(5)</a>).</p> <p>"<u>Direction and supervision</u>" as applied in section 12-64-104(1)(j), C.R.S., is "direct supervision" as defined in section 12-64-103(5), C.R.S. However, it may also include "indirect supervision" under limited circumstances (4 CCR 727-1:VI;2).</p> <p>"<u>Immediate supervision</u>" means the supervising licensed veterinarian and any person being supervised are in direct contact with the patient (C. R. S. A. § 12-64-103(6.5)).</p> <p>"<u>indirect supervision</u>" under limited circumstances. means the licensed veterinarian may direct or supervise the authorized delegated treatment or collecting of diagnostic information of a patient at a "veterinary premises" or "premises" without being on the premises and shall not be construed to allow the establishment of a veterinary-client</p>



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	<p>patient relationship (VCPR) solely by telephonic or other electronic means under the following criteria:          The licensed veterinarian is a practicing member of the veterinary staff on the premises with responsibilities for the patient for which the "indirect supervision" of veterinary personnel is being given;</p> <ol style="list-style-type: none"> <li>1. The licensed veterinarian is a practicing member of the veterinary staff on the premises with responsibilities for the patient for which the "indirect supervision" of veterinary personnel is being given;</li> <li>2. A veterinarian-client-patient relationship (VCPR), as defined in section 12-64-103(15.5), C.R.S., has been previously established;</li> <li>3. The licensed veterinarian must be readily available for consultation by telephone or other form of immediate communication;</li> <li>4. Orders for treatment, either written or verbal, to persons who are providing veterinary medical care under "indirect supervision" must be entered into the patient's medical record; and</li> <li>5. <b>A suitable written protocol for "indirect supervision" must be established by the licensed veterinarian designated as responsible</b> pursuant to section 12-64-123, C.R.S., for each "veterinary premise". (<a href="#">4 CCR 727-1:1</a>).</li> </ol>
<p><b>Telemedicine:</b></p>	<p>Providers who evaluate, treat or prescribe through telehealth technologies are practicing veterinary medicine.</p> <p>The practice of veterinary medicine occurs where the patient is located at the time telehealth technologies are used. Therefore, a provider must be licensed to practice veterinary medicine in Colorado.</p>
<p><b>VCPR:</b></p>	<p>VCPR must be established by an in-person examination and only applies to one veterinarian. Colorado defines telemedicine as taking place where the animal is (i.e., a vet must be licensed in CO and have VCPR to treat an animal in CO).</p> <p><u>Veterinarian-client-patient relationship</u> means that that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept.</p> <p>To establish such a relationship, the veterinarian should have sufficient knowledge of the patient to understand its current health and render at least a preliminary diagnosis. <b>This would require that the veterinarian is personally acquainted with the patient either through office or home visits</b> (4 CCR 727-1:VI; Rule III; A,7).</p> <p><b>Where an existing VCPR relationship is not present, a provider must take appropriate steps to establish a VCPR consistent with the VCPR definition. <u>Prescribing medications, in-person or via telehealth technologies, is at the professional discretion of the Provider</u></b> (Board of Vet Medicine Policy).</p> <p><u>"Veterinarian-client-patient relationship"</u> means that relationship established when:</p> <ol style="list-style-type: none"> <li>a) The veterinarian has assumed the responsibility for making medical judgments regarding the health of an animal and the need for medical treatment, and the owner or other caretaker has agreed to follow the instruction of the veterinarian;</li> <li>b) There is sufficient knowledge of an animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal, which means that the veterinarian has recently seen and is personally</li> </ol>



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	<p>acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept; and</p> <p>c) The practicing veterinarian is readily available, or has arranged for emergency coverage, for follow-up evaluation in the event of adverse reactions or failure of the treatment regimen (<a href="#">C. R. S. A. § 12-64-103(15.5)</a>); <a href="#">Colo. Rev. Stat. Ann. § 12-315-104 (West)</a>.</p>
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### Information and Resources

#### **FEDERAL:**

Drug Enforcement Administration, Denver Division  
12154 East Easter Avenue, Centennial  
Denver, CO 80112  
Phone: (720) 895-4040

#### **DEA Local Offices:**

- Colorado Springs - (719) 262-3000
- Durango - (970) 385-5147
- Glenwood Springs - (970) 945-0744
- Grand Junction - (970) 683-3220

Federal Law: [www.dea.gov](http://www.dea.gov)

Controlled Substances Act: [21 USC 801 – 904](#)

Code of Federal Regulations: [21 CFR Part 1300 – 1399](#)

NDC drug: [www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829](http://www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829)

Diversion Control Division: <https://www.dea.gov/schedules/>

#### **STATE:**

Colorado Board of Veterinary Licensing: <https://www.colorado.gov/pacific/dora/Veterinary>

Colorado Veterinary Medical Association: <http://colovma.org/>

Colorado Board of Pharmacy website: <https://www.colorado.gov/pacific/dora/Pharmacy>