

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 22, 2017
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB17-207 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 13, strike lines 5 and 6 and substitute:
- 2 **"SECTION 7.** In Colorado Revised Statutes, 27-65-105, **amend**
- 3 (1), (2), and (3); and **add** (6) and (7) as follows:".
- 4 Page 13, line 18, after the period add "IF SUCH A FACILITY IS NOT
- 5 AVAILABLE, THE PERSON MAY BE TAKEN TO AN EMERGENCY MEDICAL
- 6 SERVICES FACILITY.".
- 7 page 14, strike line 1 and substitute "DIRECTOR. IF".
- 8 Page 15, strike lines 19 and 20 and substitute "EXECUTIVE DIRECTOR.".
- 9 Page 16, strike line 25 and substitute "EXECUTIVE DIRECTOR,".
- 10 Page 16, line 26, strike "EVALUATION,".
- 11 Page 17, strike lines 13 through 27.
- 12 Strike page 18.
- 13 Page 19, strike lines 1 and 2 and substitute:
- 14 "(6) AT ANY TIME".

1 Page 19, line 5, after "FACILITY," insert "IF, IN THE OPINION OF A
2 PROFESSIONAL PERSON, OR AN ADVANCED PRACTICE NURSE LICENSED
3 PURSUANT TO ARTICLE 38 OF TITLE 12 AND INCLUDED IN THE ADVANCED
4 PRACTICE REGISTRY PURSUANT TO SECTION 12-38-111.5 WITH A
5 POPULATION FOCUS IN PSYCHIATRY OR MENTAL HEALTH, ACTING WITHIN
6 HIS OR HER SCOPE OF PRACTICE,".

7 Page 19, after line 10 insert:

8 "(7) (a) ON OR BEFORE JULY 1, 2017, AND EACH JULY 1
9 THEREAFTER, EACH EMERGENCY MEDICAL SERVICES FACILITY THAT HAS
10 TREATED A PERSON PURSUANT TO THIS SECTION SHALL PROVIDE AN
11 ANNUAL REPORT TO THE DEPARTMENT THAT INCLUDES ONLY AGGREGATE
12 AND NONIDENTIFYING INFORMATION CONCERNING PERSONS WHO WERE
13 TREATED AT AN EMERGENCY MEDICAL SERVICES FACILITY PURSUANT TO
14 THIS SECTION. THE REPORT MUST COMPLY WITH THE PROVISIONS OF
15 SECTION 24-1-136 (9) AND IS EXEMPT FROM THE PROVISIONS OF SECTION
16 24-1-136 (11)(a)(I). THE REPORT MUST CONTAIN THE FOLLOWING:

- 17 (I) THE NAMES AND COUNTIES OF THE FACILITIES;
18 (II) THE TOTAL NUMBER OF PERSONS TREATED PURSUANT TO THIS
19 SECTION, INCLUDING A SUMMARY OF DEMOGRAPHIC INFORMATION;
20 (III) A SUMMARY REGARDING THE DIFFERENT REASONS FOR WHICH
21 PERSONS WERE TREATED PURSUANT TO THIS SECTION; AND
22 (IV) A SUMMARY OF THE DISPOSITION OF PERSONS TRANSFERRED
23 TO A DESIGNATED FACILITY.

24 (b) (I) ANY INFORMATION AGGREGATED AND PROVIDED TO THE
25 DEPARTMENT PURSUANT TO THIS SUBSECTION (7) IS PRIVILEGED AND
26 CONFIDENTIAL. SUCH INFORMATION MUST NOT BE MADE AVAILABLE TO
27 THE PUBLIC EXCEPT IN AN AGGREGATE FORMAT THAT CANNOT BE USED TO
28 IDENTIFY AN INDIVIDUAL FACILITY. THE INFORMATION IS NOT SUBJECT TO
29 CIVIL SUBPOENA AND IS NOT DISCOVERABLE OR ADMISSIBLE IN ANY CIVIL,
30 CRIMINAL, OR ADMINISTRATIVE PROCEEDING AGAINST AN EMERGENCY
31 MEDICAL SERVICES FACILITY OR HEALTH CARE PROFESSIONAL. THE
32 INFORMATION MUST BE USED ONLY TO ASSESS STATEWIDE BEHAVIORAL
33 HEALTH SERVICES NEEDS AND TO PLAN FOR SUFFICIENT LEVELS OF
34 STATEWIDE BEHAVIORAL HEALTH SERVICES. IN THE COLLECTION OF DATA
35 TO ACCOMPLISH THE REQUIREMENTS OF THIS SUBSECTION (7), THE
36 DEPARTMENT SHALL PROTECT THE CONFIDENTIALITY OF PATIENT
37 RECORDS, IN ACCORDANCE WITH STATE AND FEDERAL LAWS, AND SHALL
38 NOT DISCLOSE ANY PUBLIC IDENTIFYING OR PROPRIETARY INFORMATION
39 OF ANY HOSPITAL, HOSPITAL ADMINISTRATOR, HEALTH CARE
40 PROFESSIONAL, OR EMPLOYEE OF A HEALTH CARE FACILITY.

1 (II) SUBSECTION (7)(b)(I) OF THIS SECTION DOES NOT APPLY TO
2 INFORMATION THAT IS OTHERWISE AVAILABLE FROM A SOURCE OUTSIDE
3 OF THE DATA COLLECTION ACTIVITIES REQUIRED PURSUANT TO
4 SUBSECTION (7)(a) OF THIS SECTION."

5 Page 19, line 19, strike "BEHAVIORAL" and substitute "MENTAL".

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