

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 18-0517.02 Kip Kolkmeier x4510

HOUSE BILL 18-1032

HOUSE SPONSORSHIP

Kennedy and Thurlow,

SENATE SPONSORSHIP

Fields and Tate,

House Committees

Health, Insurance, & Environment

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING ACCESS TO MEDICAL RECORDS FROM THE DEPARTMENT**
102 **OF PUBLIC HEALTH AND ENVIRONMENT'S EMS AGENCY PATIENT**
103 **CARE DATABASE BY HEALTH INFORMATION ORGANIZATION**
104 **NETWORKS.**

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://leg.colorado.gov>.)

The bill requires the department of public health and environment to provide individualized patient information from the department's EMS agency patient care database to health information organization networks

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
2nd Reading Unamended
March 6, 2018

HOUSE
3rd Reading Unamended
February 6, 2018

HOUSE
2nd Reading Unamended
February 5, 2018

for any use allowed under the federal "Health Insurance Portability and Accountability Act of 1996" (HIPAA). By contract with health information organization networks, the department must control access to patient information and limit the use of patient information to only those purposes allowed under HIPAA.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-3.5-103, **amend**
3 the introductory portion; and **add** (8.3) and (8.5) as follows:

4 **25-3.5-103. Definitions.** As used in this ~~article~~ ARTICLE 3.5,
5 unless the context otherwise requires:

6 (8.3) "EMS AGENCY PATIENT CARE DATABASE" MEANS THE
7 DEPARTMENT'S DATABASE CONTAINING RECORDS REQUIRED TO BE
8 SUBMITTED IN ACCORDANCE WITH SECTION 25-3.5-501.

9 (8.5) "HEALTH INFORMATION ORGANIZATION NETWORK" MEANS
10 AN ORGANIZATION THAT OVERSEES AND GOVERNS THE EXCHANGE OF
11 HEALTH-RELATED INFORMATION AMONG ORGANIZATIONS ACCORDING TO
12 NATIONALLY RECOGNIZED STANDARDS.

13 **SECTION 2.** In Colorado Revised Statutes, 25-3.5-501, **add** (3)
14 as follows:

15 **25-3.5-501. Records - ambulance services to report - access to**
16 **patient information.** (3) THE DEPARTMENT SHALL MAKE
17 INDIVIDUALIZED PATIENT INFORMATION FROM ITS EMS AGENCY PATIENT
18 CARE DATABASE AVAILABLE TO HEALTH INFORMATION ORGANIZATION
19 NETWORKS FOR USES ALLOWED UNDER THE FEDERAL "HEALTH INSURANCE
20 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", AS AMENDED, PUB.L.
21 104-191. THE DEPARTMENT SHALL CONTRACT WITH HEALTH INFORMATION
22 ORGANIZATION NETWORKS REGARDING ACCESSING PATIENT INFORMATION
23 AND LIMITING THE USE OF INFORMATION TO PURPOSES ALLOWED UNDER

1 THE "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF
2 1996", AS AMENDED.

3 **SECTION 3.** In Colorado Revised Statutes, 25-3.5-704, **amend**
4 (2)(h)(II); and **add** (2)(h)(I)(F) as follows:

5 **25-3.5-704. Statewide emergency medical and trauma care**
6 **system - development and implementation - duties of department -**
7 **rules adopted by board.** (2) The board shall adopt rules for the
8 statewide emergency medical and trauma care system, including but not
9 limited to the following:

10 (h) (I) **Continuing quality improvement system (CQI).** These
11 rules require the department to oversee a continuing quality improvement
12 system for the statewide emergency medical and trauma care system. The
13 board shall specify the methods and periods for assessing the quality of
14 regional emergency medical and trauma systems and the statewide
15 emergency medical and trauma care system. These rules must include the
16 following requirements:

17 (F) THAT NOTHING IN THIS SUBSECTION (2)(h)(I) PROHIBITS THE
18 DEPARTMENT FROM PROVIDING INFORMATION TO HEALTH INFORMATION
19 ORGANIZATION NETWORKS FROM ITS EMS AGENCY PATIENT CARE
20 DATABASE INCLUDING ACCESS TO INDIVIDUALIZED PATIENT INFORMATION
21 IN ACCORDANCE WITH SECTION 25-3.5-501 (3).

22 (II) ~~Any~~ Data or information related to the identification of
23 individual patient's, provider's, or facility's care outcomes collected as a
24 result of the continuing quality improvement system and ~~any~~ records or
25 reports collected or compiled as a result of the continuing quality
26 improvement system are confidential and are exempt from the open
27 records law in part 2 of article 72 of title 24. ~~C.R.S. Such Data,~~

1 information, records, or reports ~~shall~~ ARE not ~~be~~ subject to subpoena or
2 discovery and ~~shall~~ ARE not ~~be~~ admissible in any civil action, except
3 pursuant to a court order that provides for the protection of sensitive
4 information about interested parties. Nothing in this ~~subparagraph (H)~~
5 ~~shall preclude~~ SUBSECTION (2)(h)(II):

6 (A) PRECLUDES the patient or the patient's representative from
7 obtaining the patient's medical records as provided in section 25-1-801;
8 ~~Nothing in this subparagraph (H)~~

9 (B) Shall be construed to allow access to confidential professional
10 review committee records or reviews conducted under article 36.5 of title
11 12; ~~C.R.S.~~ OR

12 (C) PROHIBITS THE DEPARTMENT FROM PROVIDING INFORMATION
13 TO HEALTH INFORMATION ORGANIZATION NETWORKS FROM ITS EMS
14 AGENCY PATIENT CARE DATABASE INCLUDING INDIVIDUALIZED PATIENT
15 INFORMATION IN ACCORDANCE WITH SECTION 25-3.5-501 (3).

16 **SECTION 4. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2018 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.