

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0736.01 Richard Sweetman x4333

HOUSE BILL 16-1358

HOUSE SPONSORSHIP

Singer and Conti,

SENATE SPONSORSHIP

Lundberg and Jahn,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROTECTING THE PRIVACY OF PERSONS WHO SEEK
102 TREATMENT FOR SUBSTANCE USE DISORDERS.

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>.)

Under current law, each approved public and private treatment facility must file with the unit in the department of human services that administers behavioral health programs and services (unit), on request, data, statistics, schedules, and information the unit reasonably requires. The bill states that the unit is not authorized to collect information or records that disclose an individual patient's name, social security number,

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.

or other personal identifying information. Additionally, on or before December 1, 2016, the unit shall take sufficient actions to ensure that none of the data, statistics, schedules, or information that it has collected and retained include any information or records that disclose an individual patient's name, social security number, or other personal identifying information.

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

2 **SECTION 1.** In Colorado Revised Statutes, 27-81-106, **amend**
3 (4) as follows:

4 **27-81-106. Standards for public and private treatment**
5 **facilities - fees - enforcement procedures - penalties - repeal.**

6 (4) (a) Each approved public and private treatment facility shall file with
7 the unit, on request, data, statistics, schedules, and information the unit
8 reasonably requires. An approved public or private treatment facility that
9 fails without good cause to furnish any data, statistics, schedules, or
10 information, as requested, or files fraudulent returns thereof shall be
11 removed from the list of approved treatment facilities.

12 (b) (I) NOTHING IN THIS SECTION AUTHORIZES THE UNIT TO
13 COLLECT INFORMATION OR RECORDS THAT DISCLOSE AN INDIVIDUAL
14 PATIENT'S NAME, SOCIAL SECURITY NUMBER, OR OTHER PERSONAL
15 IDENTIFYING INFORMATION.

16 (II) (A) ON OR BEFORE DECEMBER 1, 2016, THE UNIT SHALL TAKE
17 SUFFICIENT ACTIONS TO ENSURE THAT NONE OF THE DATA, STATISTICS,
18 SCHEDULES, OR INFORMATION THAT IT HAS COLLECTED AND RETAINED
19 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) INCLUDE ANY
20 INFORMATION OR RECORDS THAT DISCLOSE AN INDIVIDUAL PATIENT'S
21 NAME, SOCIAL SECURITY NUMBER, OR OTHER PERSONAL IDENTIFYING
22 INFORMATION.

1 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE DECEMBER
2 2, 2016.

3 SECTION 2. In Colorado Revised Statutes, 27-82-103, **amend**
4 (4) as follows:

5 27-82-103. **Standards for public and private treatment**
6 **facilities - fees - enforcement procedures - penalties - repeal.**

7 (4) (a) Each approved public and private treatment facility shall file with
8 the unit, on request, data, statistics, schedules, and information the unit
9 reasonably requires. An approved public or private treatment facility that
10 fails without good cause to furnish any data, statistics, schedules, or
11 information, as requested, or files fraudulent returns thereof shall be
12 removed from the list of approved treatment facilities.

13 (b) (I) NOTHING IN THIS SECTION AUTHORIZES THE UNIT TO
14 COLLECT INFORMATION OR RECORDS THAT DISCLOSE AN INDIVIDUAL
15 PATIENT'S NAME, SOCIAL SECURITY NUMBER, OR OTHER PERSONAL
16 IDENTIFYING INFORMATION.

17 (II) (A) ON OR BEFORE DECEMBER 1, 2016, THE UNIT SHALL TAKE
18 SUFFICIENT ACTIONS TO ENSURE THAT NONE OF THE DATA, STATISTICS,
19 SCHEDULES, OR INFORMATION THAT IT HAS COLLECTED AND RETAINED
20 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) INCLUDE ANY
21 INFORMATION OR RECORDS THAT DISCLOSE AN INDIVIDUAL PATIENT'S
22 NAME, SOCIAL SECURITY NUMBER, OR OTHER PERSONAL IDENTIFYING
23 INFORMATION.

24 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE DECEMBER
25 2, 2016.

26 SECTION 3. **Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2016 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.