

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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
Appropriations

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, 27-81-104, **add** (2)
3 as follows:

4 **27-81-104. Duties of the unit - review - patient privacy -**
5 **repeal.** (2) IN ADDITION TO THE DUTIES DESCRIBED IN SUBSECTION (1) OF
6 THIS SECTION, THE UNIT HAS THE FOLLOWING DUTIES RELATING TO THE
7 PROTECTION OF PATIENTS' PERSONAL IDENTIFYING INFORMATION:

8 (a) (I) ON OR BEFORE DECEMBER 1, 2016, THE UNIT SHALL
9 COMPLETE A REVIEW OF ITS POLICIES AND PROCEDURES, OTHER STATES'
10 POLICIES AND PROCEDURES, AND FEDERAL REQUIREMENTS RELATING TO
11 THE COLLECTION AND PROTECTION OF DATA CONTAINING PATIENTS'
12 PERSONAL IDENTIFYING INFORMATION. THE UNIT SHALL USE THE REVIEW
13 TO IDENTIFY ANY CHANGES THAT ARE NECESSARY OR THAT WOULD
14 IMPROVE THE UNIT'S OWN POLICIES AND PROCEDURES, AND THE UNIT
15 SHALL IMPLEMENT SUCH CHANGES AS SOON AS PRACTICABLE UPON THE
16 COMPLETION OF THE REVIEW.

17 (II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE DECEMBER 1,
18 2018.

19 (b) ON AND AFTER DECEMBER 1, 2016, EXCEPT AS REQUIRED BY
20 SECTION 27-80-210, OR FOR THE PURPOSE OF MONITORING THE PROBATION
21 OF A PERSON CONVICTED OF A DUI OFFENSE UNDER SECTION 42-2-126 OR
22 42-4-1301, C.R.S., OR AS MAY BE REQUIRED BY FEDERAL LAW OR ANY

1 STATE OR FEDERAL PUBLIC-FUNDED SERVICES, THE UNIT SHALL NOT
2 COLLECT ANY PERSONAL IDENTIFYING INFORMATION FROM A PATIENT
3 WHOSE CARE IS PAID FOR ENTIRELY BY PERSONAL FUNDS OR BY A PRIVATE
4 HEALTH INSURER.

5 (c) IN ITS ANNUAL PRESENTATION TO THE JOINT COMMITTEE OF
6 REFERENCE ASSIGNED TO THE DEPARTMENT PURSUANT TO SECTION
7 2-7-203, C.R.S., THE DEPARTMENT SHALL INCLUDE, IN ADDITION TO THE
8 INFORMATION DESCRIBED IN SECTION 2-7-203 (2) (a), C.R.S.,
9 INFORMATION INDICATING HOW THE UNIT HAS COMPLIED WITH THE
10 PROVISIONS OF THIS SUBSECTION (2).

11

12 **SECTION 2. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2016 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.