



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

SB 19-201

FISCAL NOTE

Drafting Number:	LLS 19-0976	Date:	March 22, 2019
Prime Sponsors:	Sen. Pettersen Rep. Tipper; McKean	Bill Status:	Senate Judiciary
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Bill Topic: OPEN DISCUSSIONS ABOUT ADVERSE HEALTH CARE INCIDENTS

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue (<i>minimal</i>)	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>)	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill creates a process for communication between a patient and health care provider or health facility after an incident of patient care that resulted in the death or physical injury of a patient. It will minimally impact revenue and workload in the Judicial Department on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

If an adverse health care incident occurs, a health care provider involved with the incident may, either individually or jointly with the facility involved, request that the patient enter into an open discussion concerning the incident. The request must include certain components listed in the bill, including an explanation of the patient's rights to receive medical records, statutes concerning the timing of legal liability, notice that communications are confidential and may not be disclosed as part of any future legal action, and an advisement that certain documents that are otherwise subject to discovery and not prepared specifically for the open discussion are not confidential. With the exception of any offer of compensation, the open discussions between parties must not be in writing.

Open discussions and offers of compensation do not constitute an admission of liability, shall not be disclosed, are not admissible as evidence in court, and are not subject to any means of legal compulsion for release. A health care provider or facility may provide de-identified information about an adverse health care incident to any patient safety centered nonprofit organization.

State Revenue and Expenditures

The process created by the bill may affect revenue and workload in the trial courts in the Judicial Department. Open communications that result in an accepted offer of compensation may avert what would otherwise have resulted in civil litigation. Conversely, an open discussion of the facts

of an incident that does not result in an offer of compensation may increase the possibility of a civil case that would not otherwise have occurred. To the extent that civil filings increase or decrease, court filing fees will also be affected. The net impact on revenue and workload for civil courts is assumed to be minimal. Court fee revenue is subject to TABOR.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to conduct occurring on or after this date.

State and Local Government Contacts

Health Care Policy and Financing
Public Health and Environment
Human Services

Higher Education
Regulatory Agencies
Corrections

Personnel
Judicial
Counties