

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 6, 2008
Date

Committee on Health and Human Services.

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

SB08-138 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 3, line 7, strike the second "AND";

2 after line 26, insert the following:

3 "(h) THE GENERAL ASSEMBLY INTENDS THIS ARTICLE TO SERVE AS
4 THE INITIAL STAGE OF A MULTIPART PROCESS TO INCREASE TRANSPARENCY
5 OF INFORMATION ABOUT HEALTH CARE QUALITY AND COSTS IN
6 COLORADO. FUTURE ACTIONS MAY INCLUDE, BUT ARE NOT LIMITED TO,
7 CREATION OF A MULTISTAKEHOLDER WORK GROUP, COMPRISED OF HEALTH
8 CARE ENTITIES, HEALTH PLANS, BUSINESSES, CONSUMER GROUPS, AND
9 OTHERS AS IDENTIFIED, TO DEVELOP A SYSTEM FOR AGGREGATING COST
10 AND QUALITY INFORMATION ACROSS HEALTH CARE ENTITIES AND
11 CONSUMERS. THE ULTIMATE GOAL IS TO DEVELOP STANDARDIZED
12 QUALITY REPORTING ARRANGEMENTS, CONSISTENT WITH NATIONAL
13 STANDARDS AND SUBJECT TO EVALUATION BY AN INDEPENDENT ENTITY,
14 THAT ARE ACCESSIBLE AND MEANINGFUL TO CONSUMERS AND OTHER
15 STAKEHOLDERS."

16 Page 5, line 5, after "COMPONENT", insert "THAT MAY BE SATISFIED BY
17 INCORPORATING A PRACTICE GUIDELINE OR PERFORMANCE MEASURE
18 PURSUANT TO PARAGRAPH (f) OF THIS SUBSECTION (1)";

19 strike lines 8 and 9 and substitute the following:

1 "(b) STATISTICAL ANALYSES THAT ARE ACCURATE, VALID, AND
2 RELIABLE AND, WHERE REASONABLY POSSIBLE, THAT APPROPRIATELY
3 ADJUST FOR PATIENT POPULATION, CASE MIX,".

4 Page 6, line 3, strike "AND" and substitute "OR";

5 line 17, strike "THEIR" and substitute "A";

6 strike line 18 and substitute the following:

7 "PHYSICIAN BEFORE CHOOSING HIM OR HER.";

8 line 27, strike "THIRTY" and substitute "FORTY-FIVE".

9 Page 7, line 7, strike "PREVENT" and substitute "WITH AN INDEPENDENT
10 THIRD PARTY PREVENTS";

11 line 8, strike "ARTICLE," and substitute "SECTION,";

12 line 11, after the period, add "FOR PURPOSES OF THIS SUBSECTION (1),
13 "INDEPENDENT THIRD PARTY" MEANS A PARTY TO A CONTRACT THAT IS
14 NOT AFFILIATED WITH, ASSOCIATED WITH, OWNED, OR CONTROLLED,
15 DIRECTLY OR INDIRECTLY, BY THE HEALTH CARE ENTITY WITH WHICH IT
16 CONTRACTS.";

17 line 16, strike "FIFTEEN" and substitute "THIRTY";

18 strike lines 18 through 20 and substitute the following:

19 "(3) THE "UNIFORM TRADE SECRETS ACT", ARTICLE 74 OF TITLE
20 7, C.R.S., SHALL NOT BE USED BY A HEALTH CARE ENTITY TO PREVENT IT
21 FROM COMPLYING WITH THIS SECTION.";

22 line 22, strike "FORTY-FIVE" and substitute "AT LEAST FORTY-FIVE";

23 strike lines 26 and 27 and substitute the following:

24 "NOTICE SHALL DESCRIBE THE PROCEDURES BY WHICH THE PHYSICIAN
25 MAY:

1 (a) OBTAIN THE INFORMATION PURSUANT TO SECTION 25-38-105,
2 INCLUDING ALL OF THE DATA UPON WHICH THE DESIGNATION WAS BASED
3 OR DECLINED; AND

4 (b) REQUEST AN APPEAL OF THE DESIGNATION DECISION,
5 INCLUDING THE OPPORTUNITY FOR A FACE-TO-FACE MEETING PURSUANT
6 TO SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS
7 SECTION."

8 Page 8, strike lines 1 through 3;

9 line 13, strike "DISCLOSURE" and substitute "IF REQUESTED BY THE
10 DESIGNATED PHYSICIAN, DISCLOSURE";

11 line 15, strike "IDENTITY," and substitute "NAME, TITLE,";

12 line 17, strike "HEARING";

13 line 20, strike "APPROPRIATENESS" and substitute "APPLICABILITY";

14 line 21, strike "SUCH OPPORTUNITY SHALL BE AFFORDED IN A" and
15 substitute "IF REQUESTED BY THE DESIGNATED PHYSICIAN, SUCH
16 OPPORTUNITY MAY BE AFFORDED BY THE HEALTH CARE ENTITY IN A";

17 line 24, after the period, add "ALL DATA SUBMITTED TO THE ENTITY BY A
18 DESIGNATED PHYSICIAN SHALL BE PRESUMED VALID AND ACCURATE.
19 HOWEVER, THIS PRESUMPTION SHALL NOT BE CONSTRUED TO PERMIT A
20 HEALTH CARE ENTITY TO UNREASONABLY WITHHOLD CONSIDERATION OF
21 CORRECTED OR SUPPLEMENTED DATA PURSUANT TO SECTION 25-38-106
22 (2) (a) (IV).".

23 Page 9, strike lines 19 and 20 substitute the following:

24 "(4) WITH RESPECT TO ANY DESIGNATION PREVIOUSLY DISCLOSED
25 PUBLICLY, THE HEALTH CARE ENTITY SHALL UPDATE ANY CHANGES TO
26 SUCH DESIGNATION WITHIN THIRTY DAYS AFTER".

27 Page 10, after line 2, insert the following:

28 "**25-38-108. Severability.** IF ANY PROVISION OF THIS ARTICLE OR
29 ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE

1 INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF
2 THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID
3 PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS
4 ARTICLE ARE SEVERABLE.";

5 strike lines 12 through 20 and substitute the following:

6 "take effect September 1, 2008.

7 (2) However, if a referendum petition is filed against this act or
8 an item, section, or part of this act during the 90-day period after final
9 adjournment of the general assembly that is allowed for submitting a
10 referendum petition pursuant to article V, section 1 (3) of the state
11 constitution, then the act, item, section, or part, shall not take effect unless
12 approved by the people at a biennial regular general election and shall
13 take effect on the date specified in subsection (1) or on the date of the
14 official declaration of the vote thereon by proclamation of the governor,
15 whichever is later.";

16 line 21, strike "(2)" and substitute "(3)".

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