

SB012\_L.001

## SENATE COMMITTEE OF REFERENCE REPORT

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 Chairman of Committee

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 Date
Committee on Health and Human Services.

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

SB09-012 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute the following:

3 "SECTION 1. 25-3-109 (1), (2), (3), (5), (5.5) (a), and (12),  
4 Colorado Revised Statutes, are amended to read:

5 **25-3-109. Quality management functions - confidentiality and**  
6 **immunity.** (1) The general assembly hereby finds and declares that the  
7 implementation of quality management functions to evaluate and improve  
8 patient and resident care is essential to the operation of health care  
9 facilities licensed or certified by the department of public health and  
10 environment pursuant to section 25-1.5-103 (1) (a) OR DESIGNATED BY  
11 THE DEPARTMENT AS TRAUMA CARE FACILITIES PURSUANT TO SECTION  
12 25-3.5-704 (2) (d). For this purpose, it is necessary that the collection of  
13 information and data by ~~such~~ licensed or certified health care facilities  
14 AND DESIGNATED TRAUMA CARE FACILITIES be reasonably unfettered so  
15 a complete and thorough evaluation and improvement of the quality of  
16 patient and resident care can be accomplished. To this end, quality  
17 management information relating to the evaluation or improvement of the  
18 quality of health care services shall be confidential, subject to the  
19 provisions of subsection (4) of this section, and persons performing such  
20 functions shall be granted qualified immunity. It is the intent of the  
21 general assembly that nothing in this section revise, amend, or alter article  
22 36 or part 1 of article 36.5 of title 12, C.R.S.

23 (2) For purposes of this section: a



1 (a) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH  
2 AND ENVIRONMENT.

3 (b) "DESIGNATED TRAUMA CARE FACILITY" MEANS A FACILITY  
4 DESIGNATED AS A SPECIFIC LEVEL TRAUMA FACILITY PURSUANT TO  
5 SECTION 25-3.5-704 (2) (d).

6 (c) "Quality management program" means a program ~~which~~ THAT  
7 includes quality assurance and risk management activities, the peer  
8 review of licensed health care professionals not otherwise provided for  
9 in part 1 of article 36.5 of title 12, C.R.S., and other quality management  
10 functions ~~which are~~ described by a facility OR DESIGNATED TRAUMA CARE  
11 FACILITY in a quality management program approved by the department.  
12 ~~of public health and environment.~~ A QUALITY MANAGEMENT PROGRAM  
13 OF A DESIGNATED TRAUMA FACILITY INCLUDES PREHOSPITAL CARE  
14 PROVIDED BY SERVICE AGENCIES, AS DEFINED IN SECTION 25-3.5-103,  
15 PRECEDING A PATIENT'S ENTRY INTO THE DESIGNATED TRAUMA CARE  
16 FACILITY. Nothing in this section shall revise, amend, or alter article 36  
17 or part 1 of article 36.5 of title 12, C.R.S.

18 (3) Except as otherwise provided in this section, any records,  
19 reports, or other information of a licensed or certified health care facility  
20 OR DESIGNATED TRAUMA CARE FACILITY that are part of a quality  
21 management program designed to identify, evaluate, and reduce the risk  
22 of patient or resident injury associated with care or to improve the quality  
23 of patient care shall be confidential information; except that such  
24 information shall be subject to the provisions of subsection (4) of this  
25 section.

26 (5) Nothing in this section shall affect the voluntary release of any  
27 quality management record or information by a health care facility OR  
28 DESIGNATED TRAUMA CARE FACILITY; except that no patient-identifying  
29 information shall be released without the patient's consent.

30 (5.5) (a) The confidentiality of information provided for in this  
31 section shall in no way be impaired or otherwise adversely affected solely  
32 by reason of the submission of the information to a nongovernmental  
33 entity to conduct studies that evaluate, develop, and analyze information  
34 about health care operations, practices, or any other function of health  
35 care facilities OR DESIGNATED TRAUMA CARE FACILITIES. The records,  
36 reports, and other information collected or developed by a



1 nongovernmental entity shall remain protected as provided in subsections  
2 (3) and (4) of this section. In order to adequately protect the  
3 confidentiality of such information, no findings, conclusions, or  
4 recommendations contained in such studies conducted by any such  
5 nongovernmental entity shall be deemed to establish a standard of care for  
6 health care facilities OR DESIGNATED TRAUMA CARE FACILITIES.

7 (12) (a) Nothing in this section shall affect a person's access to his  
8 OR HER medical record as provided in section 25-1-801, nor shall it affect  
9 the right of any family member or any other person to obtain medical  
10 record information upon the consent of the patient or his OR HER  
11 authorized representative.

12 (b) FOR PURPOSES OF A QUALITY MANAGEMENT PROGRAM OF A  
13 DESIGNATED TRAUMA CARE FACILITY, THE DESIGNATED TRAUMA CARE  
14 FACILITY SHALL ENSURE THAT THE MEDICAL RECORDS OF THE PERSON  
15 WHO RECEIVED CARE OR TREATMENT FROM THE DESIGNATED TRAUMA  
16 CARE FACILITY ACCURATELY DOCUMENT THE CARE THAT WAS PROVIDED  
17 TO THE PERSON AND SHALL ATTACH AN ADDENDUM TO THE MEDICAL  
18 RECORDS AS NECESSARY TO ENSURE SUCH ACCURATE DOCUMENTATION.

19 **SECTION 2. Safety clause.** The general assembly hereby finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, and safety."

22 Page 1, strike line 101 and substitute the following:

23 "CONCERNING PROFESSIONAL REVIEW OF FACILITIES DESIGNATED BY  
24 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AS TRAUMA  
25 CARE FACILITIES."

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