


*Colorado Legislative Council Staff Fiscal Note***NO FISCAL IMPACT**

Drafting Number: LLS 12-0357**Date:** February 20, 2012**Prime Sponsor(s):** Rep. Gardner B.
Sen. Tochtrop**Bill Status:** House Judiciary**Fiscal Analyst:** Josh Abram (303-866-3561)

TITLE: CONCERNING THE COMMITTEE ON ANTICOMPETITIVE CONDUCT, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE DEPARTMENT OF REGULATORY AGENCIES' SUNSET REVIEW RECOMMENDATIONS BY ALLOWING THE COMMITTEE'S STATUTORY AUTHORIZATION TO TERMINATE.

Summary of Legislation

This bill implements one recommendation of the Department of Regulatory Agencies (DORA) in its 2011 sunset review of professional review committees. The bill repeals the committee on Anticompetitive Conduct (CAC), a subcommittee of the Colorado Medical Board in the DORA. The bill takes effect upon signature of the Governor, or on becoming law without his signature.

Background

Professional peer reviews of physicians to evaluate competency and safe practices are typically conducted by the medical staff of hospitals and ambulatory surgical centers. The process is typically dictated by staff bylaws, which are specific to each facility, and which all members of the medical staff agree to follow when they join the staff. Following a professional peer review, if a physician alleges that the actions of the review process were based on unreasonable anticompetitive conduct, the physician may file a complaint with the CAC.

Current law limits the jurisdiction and the types of remedies the CAC can award. It may accept cases that allege anticompetitive conduct, but is limited to upholding, setting aside, or modifying the actions of the medical facility's governing board. The CAC cannot award monetary damages. The CAC has met 11 times in 22 years.

Assessment

The DORA devotes no resources to the CAC, and all expenses are paid by petitioning parties. The sunset of the CAC will not place any requirements on the DORA, and will not impact state revenue or expenditures in any state or local agency. For these reasons, the bill is assessed as having no fiscal impact.

Departments Contacted

Judicial

Law

Regulatory Agencies