

SENATE COMMITTEE OF REFERENCE REPORT

	February 14, 2013
Chairman of Committee	Date

Committee on Health & Human Services.

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

SB13-149 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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

3 "SECTION 1. In Colorado Revised Statutes, 25.5-1-204,  
4 **recreate and reenact, with amendments,** (1), (2), and (3) as follows:

5 **25.5-1-204. Advisory committee to oversee the all-payer health**  
6 **claims database - legislative declaration - creation - members - duties.**

7 (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT AN  
8 ADVISORY COMMITTEE FOR THE ALL-PAYER HEALTH CLAIMS DATABASE  
9 WOULD SUPPORT THE DATABASE IN ITS ESTABLISHED MISSION OF  
10 FACILITATING THE REPORTING OF HEALTH CARE AND HEALTH QUALITY  
11 DATA THAT RESULTS IN TRANSPARENT AND PUBLIC REPORTING OF SAFETY,  
12 QUALITY, COST, AND EFFICIENCY INFORMATION; AND ANALYSIS OF HEALTH  
13 CARE SPENDING AND UTILIZATION PATTERNS FOR PURPOSES THAT IMPROVE  
14 THE POPULATION'S HEALTH, IMPROVE THE CARE EXPERIENCE, AND  
15 CONTROL COSTS.

16 (2) (a) NO LATER THAN AUGUST 1, 2013, THE EXECUTIVE DIRECTOR  
17 SHALL APPOINT AN ADVISORY COMMITTEE TO OVERSEE THE COLORADO  
18 ALL-PAYER HEALTH CLAIMS DATABASE. THE ADVISORY COMMITTEE SHALL  
19 INCLUDE THE FOLLOWING MEMBERS:

20 (I) A MEMBER OF ACADEMIA WITH EXPERIENCE IN HEALTH CARE  
21 DATA AND COST EFFICIENCY RESEARCH;

22 (II) A REPRESENTATIVE OF:

23 (A) A STATEWIDE ASSOCIATION OF HOSPITALS;

1 (B) AN INTEGRATED MULTI-SPECIALTY ORGANIZATION;  
2 (C) PHYSICIANS AND SURGEONS;  
3 (D) AN ORGANIZATION THAT PROCESSES INSURANCE CLAIMS OR  
4 CERTAIN ASPECTS OF EMPLOYEE BENEFIT PLANS FOR A SEPARATE ENTITY;  
5 (E) A NONPROFIT ORGANIZATION WHO DEMONSTRATES EXPERIENCE  
6 WORKING WITH EMPLOYERS TO ENHANCE VALUE AND AFFORDABILITY IN  
7 HEALTH INSURANCE;  
8 (F) DENTAL INSURERS;  
9 (G) PHARMACISTS OR AN AFFILIATE SOCIETY;  
10 (H) PHARMACY BENEFIT MANAGERS;  
11 (I) A STATEWIDE ASSOCIATION OF AMBULATORY SURGICAL  
12 CENTERS;  
13 (III) A REPRESENTATIVE, WHO IS NOT A SUPPLIER OR BROKER OF  
14 HEALTH INSURANCE, OF:  
15 (A) SMALL EMPLOYERS THAT PURCHASE GROUP HEALTH  
16 INSURANCE FOR EMPLOYEES;  
17 (B) LARGE EMPLOYERS THAT PURCHASE HEALTH INSURANCE FOR  
18 EMPLOYEES;  
19 (C) SELF-INSURED EMPLOYERS;  
20 (IV) A REPRESENTATIVE FROM A COMMUNITY MENTAL HEALTH  
21 CENTER WHO HAS EXPERIENCE IN BEHAVIORAL HEALTH DATA COLLECTION;  
22 (V) THREE REPRESENTATIVES WITH A DEMONSTRATED RECORD OF  
23 ADVOCATING HEALTH CARE ISSUES ON BEHALF OF CONSUMERS;  
24 (VI) TWO REPRESENTATIVES OF HEALTH INSURERS, ONE WHO  
25 REPRESENTS NONPROFIT INSURERS AND ONE WHO REPRESENTS FOR-PROFIT  
26 INSURERS;  
27 (B) TWO REPRESENTATIVES OF NONPROFIT ORGANIZATIONS THAT  
28 FACILITATE HEALTH INFORMATION EXCHANGE TO IMPROVE HEALTH CARE  
29 FOR ALL COLORADANS;  
30 (VII) THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE, SERVING  
31 AS AN EX-OFFICIO MEMBER;  
32 (VIII) THE COMMISSIONER OF INSURANCE OR HIS OR HER DESIGNEE,  
33 SERVING AS AN EX-OFFICIO MEMBER;  
34 (IX) A REPRESENTATIVE OF THE DEPARTMENT OF PERSONNEL AND  
35 ADMINISTRATION, SERVING AS AN EX-OFFICIO MEMBER;  
36 (X) THE DIRECTOR OF THE OFFICE OF INFORMATION AND  
37 TECHNOLOGY OR HIS OR HER DESIGNEE, SERVING AS AN EX-OFFICIO  
38 MEMBER; AND  
39 (XI) TWO MEMBERS OF THE GENERAL ASSEMBLY, ONE FROM THE  
40 MAJORITY PARTY AND ONE FROM THE MINORITY PARTY, SERVING AS  
41 EX-OFFICIO MEMBERS.

1 (b) THE ADVISORY COMMITTEE SHALL MAKE RECOMMENDATIONS  
2 TO THE EXECUTIVE DIRECTOR AND THE COLORADO ALL-PAYER HEALTH  
3 CLAIMS DATABASE ADMINISTRATOR RELATED TO THE COLORADO  
4 ALL-PAYER HEALTH CLAIMS DATABASE. THE RECOMMENDATIONS INCLUDE  
5 THE FOLLOWING:

6 (I) PROCEDURES FOR THE COLLECTION, RETENTION, USE, AND  
7 DISCLOSURE OF DATA FROM THE COLORADO ALL-PAYER HEALTH CLAIMS  
8 DATABASE, INCLUDING PROCEDURES AND SAFEGUARDS TO PROTECT THE  
9 PRIVACY, INTEGRITY, CONFIDENTIALITY AND AVAILABILITY OF ANY DATA;

10 (II) GUIDELINES FOR CHARGING FOR CUSTOM REPORTS FROM THE  
11 COLORADO ALL-PAYER HEALTH CLAIMS DATABASE;

12 (III) PROCEDURES TO ENSURE COMPLIANCE WITH THE "HEALTH  
13 INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB.L.  
14 104-191, AS AMENDED, AND IMPLEMENTING FEDERAL REGULATIONS;

15 (IV) PROCEDURES TO ENSURE COMPLIANCE WITH OTHER STATE  
16 AND FEDERAL PRIVACY LAWS; AND

17 (V) PROCEDURES FOR DATA CONFIDENTIALITY AND DATA DISPOSAL  
18 IF THE COLORADO ALL-PAYER HEALTH CLAIMS DATABASE CEASES TO  
19 EXIST.

20 (3) (a) THE ADMINISTRATOR SHALL PREPARE AND FILE ANNUAL  
21 REPORTS TO THE LEGISLATURE BY MARCH 1 OF EACH YEAR. THE ANNUAL  
22 REPORT MUST CONTAIN:

23 (I) THE USES OF THE DATA IN THE ALL-PAYER HEALTH CLAIMS  
24 DATABASE;

25 (II) PUBLIC STUDIES PRODUCED BY THE ADMINISTRATOR;

26 (III) THE COST OF ADMINISTERING THE COLORADO ALL-PAYER  
27 HEALTH CLAIMS DATABASE, THE SOURCES OF THE FUNDING, AND THE  
28 TOTAL REVENUE TAKEN IN BY THE DATABASE;

29 (IV) THE RECIPIENTS OF THE DATA, THE PURPOSES FOR THE DATA  
30 REQUESTS, AND WHETHER A FEE WAS CHARGED FOR THE DATA;

31 (V) A FEE SCHEDULE DISPLAYING THE FEES FOR PROVIDING  
32 CUSTOM DATA REPORTS FROM THE COLORADO ALL-PAYER HEALTH CLAIMS  
33 DATABASE.

34 (b) THE EXECUTIVE DIRECTOR SHALL REQUIRE AN EVALUATION OF  
35 THE COLORADO ALL-PAYER HEALTH CLAIMS DATABASE INITIATIVE EVERY  
36 FIVE YEARS BEGINNING IN 2018, TO ENSURE THAT THE DATABASE  
37 ACCOMPLISHES THE GOALS OF THIS SECTION. THE REPORT MUST CONTAIN  
38 METRICS THAT DOCUMENT AND DEMONSTRATE THE ACHIEVEMENTS OR  
39 CHALLENGES OF THE PROGRAM GOALS.

40 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, **repeal** (3)  
41 (z) (VII) as follows:

1           **2-3-1203. Sunset review of advisory committees.** (3) The  
2 following dates are the dates for which the statutory authorization for the  
3 designated advisory committees is scheduled for repeal:  
4           (z) July 1, 2013:  
5           (VII) ~~The advisory committee to establish an all-payer health~~  
6 ~~claims database created in section 25.5-1-204 (1), C.R.S.;~~  
7           **SECTION 3. Effective date.** This act takes effect July 1, 2013.  
8           **SECTION 4. Safety clause.** The general assembly hereby finds,  
9 determines, and declares that this act is necessary for the immediate  
10 preservation of the public peace, health, and safety."

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