



Colorado Legislative Council Staff
NO FISCAL IMPACT

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Prime Sponsor(s): Sen. Johnson

Bill Status: Senate Business, Labor, and Technology

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TITLE: CONCERNING PROFESSIONAL REVIEW OF HEALTH CARE PROVIDERS.

Summary of Assessment

This bill modifies procedures and responsibilities of parties involved in the review of health care providers. The bill addresses the handling of information gathered for and used during the review process and establishes the confidentiality of the records used in the professional review of health care providers.

"Records" include all forms of communication and informational data maintained by a reviewing entity. Records are considered confidential and privileged and are not subject to subpoena or discovery. The bill provides that they are not admissible in any civil suit or other legal or administrative proceeding except those before the Board of Medical Examiners or the Department of Public Health and Environment. Records may be handled in the following manners so long as confidentiality and privilege is maintained:

- for the purposes of addressing the evidence, physicians under investigation are granted the right to have copies of relevant documents and other evidence prior to their hearing;
- professional review committees and governing boards may share information; and
- health care accreditation or certification services may access privileged and confidential information relevant to their activities.

The confidential and privileged status also extends to records kept by hospital quality management committees and patient safety committees. The bill extends the same types of information control to hospital committees by replacing language in Section 25-3-109, C.R.S., concerning quality management and patient safety.

The bill also defines several actions that require a report be filed with the Board of Medical Examiners. The reviewing entity imposing the action must file with the board within 48 hours. The physician or physician assistant that is the object of the action must also file an independent report within a specified time frame.

This bill will not significantly affect state and local expenditures or revenues and is assessed as having no fiscal impact. Unless a referendum petition is filed, the bill will take effect August 9, 2006, assuming the General Assembly adjourns on May 10, 2006, as scheduled

Departments Contacted

Regulatory Agencies

Department of Public Health and Environment