

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 01-0788.01 Michele Hanigsberg

SENATE BILL 01-173

SENATE SPONSORSHIP

Epps

HOUSE SPONSORSHIP

(None)

Senate Committees

Health, Environment, Children & Families

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE COLLECTION OF HEALTH CARE PROFESSIONALS'**
102 **CREDENTIALS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Establishes the health care credentials application review committee to establish the Colorado health care professional credentials application, which is a single application form for the collection of credentials data of health care professionals. Requires health care entities and health care plans conducting credentialing to collect the credentials data through the use of the Colorado health care professional credentials application.

Protects the confidentiality of credentials data collected or received

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

by a credentials verification organization, health care entity, or health care plan. Allows nonspecific credentials data to be disclosed.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Title 12, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 36.7**

5 **Health Care Credentials Uniform Application Act**

6 **12-36.7-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND
7 MAY BE CITED AS THE "HEALTH CARE CREDENTIALS UNIFORM
8 APPLICATION ACT".

9 **12-36.7-102. Legislative declaration.** THE GENERAL ASSEMBLY
10 FINDS AND DECLARES THAT THE CURRENT SYSTEM OF REQUIRING HEALTH
11 CARE PROFESSIONALS TO COMPLETE AND FILE MULTIPLE CREDENTIALING
12 APPLICATIONS AND FORMS IS DUPLICATIVE AND COSTLY TO THE HEALTH
13 CARE DELIVERY SYSTEM. THE GENERAL ASSEMBLY FURTHER FINDS AND
14 DECLARES THAT THE COLLECTION OF CREDENTIALS DATA FOR THE PURPOSE
15 OF VERIFYING THE QUALIFICATIONS OF HEALTH CARE PROFESSIONALS IS
16 EXCESSIVELY DUPLICATIVE AND COSTLY. THE PURPOSE OF THE "HEALTH
17 CARE CREDENTIALS UNIFORM APPLICATION ACT" IS TO MAKE
18 CREDENTIALING MORE EFFICIENT, LESS COSTLY, AND LESS DUPLICATIVE BY
19 MAKING IT UNIFORM THROUGH THE USE OF A SINGLE APPLICATION FORM
20 FOR THE COLLECTION OF CREDENTIALS DATA FOR USE BY PRIVATE ENTITIES
21 AND THE GENERAL PUBLIC.

22 **12-36.7-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
23 CONTEXT OTHERWISE REQUIRES:

24 (1) "CREDENTIALING" MEANS THE PROCESS OF ASSESSING AND
25 VALIDATING THE QUALIFICATIONS OF A HEALTH CARE PROFESSIONAL.

1 (2) "CREDENTIALS DATA" MEANS DATA, INFORMATION, OR
2 ANSWERS TO QUESTIONS NECESSARY TO COMPLETE THE CREDENTIALING OR
3 RE-CREDENTIALING OF A HEALTH CARE PROFESSIONAL IN ACCORDANCE
4 WITH THE REQUIREMENTS OF ACCREDITING BODIES THAT ARE COLLECTED
5 AND RETAINED USING THE FORMS AND PROCEDURES OF A HEALTH CARE
6 ENTITY, CREDENTIALS VERIFICATION ORGANIZATION, HEALTH CARE
7 PROFESSIONAL LIABILITY INSURANCE UNDERWRITER, OR HEALTH CARE
8 PLAN.

9 (3) "CREDENTIALS VERIFICATION ORGANIZATION" MEANS ANY
10 ENTITY THAT IS ENGAGED IN THE CREDENTIALING OR RE-CREDENTIALING OF
11 HEALTH CARE PROFESSIONALS.

12 (4) "HEALTH CARE ENTITY" MEANS ANY OF THE FOLLOWING THAT
13 REQUIRE HEALTH CARE PROFESSIONALS TO SUBMIT CREDENTIALS DATA:

14 (a) A HEALTH CARE FACILITY OR OTHER HEALTH CARE
15 ORGANIZATION LICENSED OR CERTIFIED TO PROVIDE MEDICAL OR HEALTH
16 SERVICES IN COLORADO;

17 (b) A HEALTH CARE PROFESSIONAL PARTNERSHIP, CORPORATION,
18 LIMITED LIABILITY COMPANY, PROFESSIONAL SERVICES CORPORATION, OR
19 GROUP PRACTICE;

20 (c) AN INDEPENDENT PRACTICE ASSOCIATION OR
21 PHYSICIAN-HOSPITAL ORGANIZATION;

22 (d) A MEDICAL SOCIETY;

23 (e) A PROFESSIONAL LIABILITY INSURANCE CARRIER;

24 (f) AN INSURANCE COMPANY, HEALTH MAINTENANCE
25 ORGANIZATION, OR OTHER ENTITY THAT CONTRACTS FOR THE PROVISION
26 OF HEALTH BENEFITS.

27 (5) "HEALTH CARE PLAN" MEANS ANY ENTITY LICENSED BY THE

1 DIVISION OF INSURANCE AS A PREPAID HEALTH CARE PLAN OR HEALTH
2 MAINTENANCE ORGANIZATION OR AS AN INSURER WHICH REQUIRES THE
3 SUBMISSION OF CREDENTIALS DATA.

4 (6) "HEALTH CARE PROFESSIONAL" MEANS PHYSICIANS, DENTISTS,
5 CHIROPRACTORS, PODIATRISTS, PSYCHIATRISTS, PSYCHOLOGISTS, NURSE
6 PRACTITIONERS, CERTIFIED NURSE MIDWIVES, REGISTERED NURSE
7 ANESTHETISTS, CLINICAL NURSE SPECIALISTS, OPTOMETRISTS, PHYSICIAN
8 ASSISTANTS, LICENSED CLINICAL SOCIAL WORKERS, CHILD HEALTH
9 ASSOCIATES, MARRIAGE AND FAMILY THERAPISTS, AND OTHER HEALTH
10 CARE PROFESSIONALS SUBJECT TO CREDENTIALING AND WHO ARE
11 PRACTICING IN THE STATE OF COLORADO.

12 (7) "NONSPECIFIC CREDENTIALS DATA" MEANS CREDENTIALS DATA
13 THAT IS AGGREGATED AND REPORTED WITHOUT REFERENCE TO THE
14 IDENTITY OF THE INDIVIDUAL HEALTH CARE PROFESSIONAL TO WHICH IT
15 PERTAINS.

16 (8) "RE-CREDENTIALING" MEANS THE PROCESS BY WHICH A HEALTH
17 CARE ENTITY OR HEALTH CARE PLAN ENSURES THAT A HEALTH CARE
18 PROFESSIONAL WHO IS CURRENTLY CREDENTIALLED BY THE HEALTH CARE
19 ENTITY OR HEALTH CARE PLAN CONTINUES TO MEET THE CREDENTIALING
20 CRITERIA USED BY THE HEALTH CARE ENTITY OR HEALTH CARE PLAN.

21 **12-36.7-104. Confidentiality.** (1) ANY CREDENTIALS DATA
22 COLLECTED OR OBTAINED BY A CREDENTIALS VERIFICATION
23 ORGANIZATION, HEALTH CARE ENTITY, OR HEALTH CARE PLAN SHALL BE
24 CONFIDENTIAL AND MAY NOT BE DISCLOSED WITHOUT THE WRITTEN
25 CONSENT OF THE HEALTH CARE PROFESSIONAL; EXCEPT THAT IN ANY
26 PROCEEDING TO CHALLENGE CREDENTIALING OR RE-CREDENTIALING, OR IN
27 ANY JUDICIAL REVIEW, THE CLAIM OF CONFIDENTIALITY SHALL NOT BE

1 INVOKED TO DENY A HEALTH CARE PROFESSIONAL, HEALTH CARE ENTITY,
2 OR HEALTH CARE PLAN ACCESS TO OR USE OF CREDENTIALS DATA.
3 NOTHING IN THIS SECTION PREVENTS A CREDENTIALS VERIFICATION
4 ORGANIZATION, HEALTH CARE ENTITY, OR HEALTH CARE PLAN FROM
5 DISCLOSING ANY CREDENTIALS DATA TO ITS OFFICERS, DIRECTORS,
6 EMPLOYEES, AGENTS, SUBCONTRACTORS, MEDICAL STAFF MEMBERS, ANY
7 COMMITTEE OF THE CREDENTIALS VERIFICATION ORGANIZATION, HEALTH
8 CARE ENTITY OR HEALTH CARE PLAN INVOLVED IN THE CREDENTIALING
9 PROCESS, THE HEALTH CARE PROFESSIONAL'S PROFESSIONAL LIABILITY
10 INSURANCE CARRIER, OR ACCREDITATION BODIES.

11 (2) THIS SECTION SHALL NOT BE CONSTRUED TO RESTRICT THE
12 DISCLOSURE OF NONSPECIFIC CREDENTIALS DATA.

13 **12-36.7-105. Credentialing authority reserved to health care**
14 **entities and plans.** NOTHING IN THIS ACT SHALL BE CONSTRUED TO
15 RESTRICT IN ANY WAY THE AUTHORITY OF ANY HEALTH CARE ENTITY OR
16 HEALTH CARE PLAN TO APPROVE, SUSPEND, OR DENY AN APPLICATION FOR
17 INSURANCE, STAFF MEMBERSHIP, CLINICAL PRIVILEGES, OR MANAGED CARE
18 NETWORK PARTICIPATION.

19 **12-36.7-106. Collection of credentials data.** BEGINNING
20 SEPTEMBER 1, 2001, HEALTH CARE ENTITIES AND HEALTH CARE PLANS
21 CONDUCTING CREDENTIALING SHALL COLLECT CREDENTIALS DATA
22 THROUGH THE USE OF THE COLORADO HEALTH CARE PROFESSIONAL
23 CREDENTIALS APPLICATION, ESTABLISHED IN SECTION 12-36.7-107.
24 QUESTIONS THAT ARE PROHIBITED BY LAW SHALL NOT BE INCLUDED IN THE
25 REQUEST FOR CREDENTIALING DATA BY THE HEALTH CARE ENTITY OR
26 HEALTH CARE PLAN. REQUESTS FOR ADDITIONAL CREDENTIALS DATA
27 DESIGNATED AS ESSENTIAL TO COMPLETE CREDENTIALING BY A HEALTH

1 CARE ENTITY OR HEALTH CARE PLAN MAY BE REQUESTED THROUGH THE
2 USE OF A UNIQUE FORM IF SUCH FORM DOES NOT REQUIRE A HEALTH CARE
3 PROFESSIONAL TO REPEAT OR DUPLICATE DATA COLLECTED USING THE
4 COLORADO HEALTH CARE PROFESSIONAL CREDENTIALS APPLICATION.

5 **12-36.7-107. Health care credentials application review**
6 **committee - creation - duties.** (1) THERE IS HEREBY ESTABLISHED THE
7 HEALTH CARE CREDENTIALS APPLICATION REVIEW COMMITTEE TO
8 RECOMMEND TO THE COMMISSIONER OF THE DIVISION OF INSURANCE, AND
9 PERIODICALLY REVIEW, A SINGLE APPLICATION FORM FOR THE COLLECTION
10 OF CREDENTIALS DATA OF HEALTH CARE PROFESSIONALS IN THIS STATE,
11 HEREINAFTER REFERRED TO AS THE "REVIEW COMMITTEE". THE FORM
12 SHALL BE KNOWN AS THE "COLORADO HEALTH CARE PROFESSIONAL
13 CREDENTIALS APPLICATION". THE REVIEW COMMITTEE SHALL CONSIST OF
14 THE FOLLOWING FIVE MEMBERS WHO SHALL BE APPOINTED BY THE
15 COMMISSIONER OF THE DIVISION OF INSURANCE:

16 (a) ONE MEMBER WHO SHALL BE A REPRESENTATIVE FROM A
17 STATEWIDE ASSOCIATION OR SOCIETY OF COLORADO PHYSICIANS;

18 (b) ONE MEMBER WHO SHALL BE A REPRESENTATIVE FROM A
19 STATEWIDE ASSOCIATION OR SOCIETY OF COLORADO HOSPITALS;

20 (c) ONE MEMBER WHO SHALL BE A REPRESENTATIVE FROM AN
21 ASSOCIATION OR SOCIETY OF INSURANCE COMPANIES OR HEALTH
22 MAINTENANCE ORGANIZATIONS THAT CONTRACT FOR THE PROVISION OF
23 HEALTH BENEFITS IN COLORADO;

24 (d) ONE MEMBER WHO SHALL BE A REPRESENTATIVE FROM A
25 PROFESSIONAL LIABILITY INSURANCE CARRIER DOMICILED IN COLORADO
26 THAT PROVIDES PROFESSIONAL LIABILITY INSURANCE TO HEALTH CARE
27 PROFESSIONALS IN THE STATE OF COLORADO;

1 (e) ONE MEMBER WHO SHALL BE A REPRESENTATIVE FROM A
2 STATEWIDE ASSOCIATION OR SOCIETY OF COLORADO HEALTH CARE
3 MEDICAL STAFF SERVICE SPECIALISTS.

4 (2) THE REVIEW COMMITTEE SHALL BE STAFFED BY THE ENTITY
5 APPROVED BY THE BOARD OF MEDICAL EXAMINERS TO COLLECT MEDICAL
6 LICENSE REGISTRATION FEES PURSUANT TO SECTION 12-36-123.

7 (3) MEMBERS OF THE REVIEW COMMITTEE SHALL SERVE WITHOUT
8 COMPENSATION.

9 (4) WITHIN THIRTY DAYS AFTER THE TIME OF APPOINTMENT, THE
10 REVIEW COMMITTEE SHALL MAKE A RECOMMENDATION TO THE
11 COMMISSIONER OF THE DIVISION OF INSURANCE REGARDING THE CONTENTS
12 OF THE SINGLE APPLICATION FOR THE COLLECTION OF CREDENTIALS DATA
13 AND THE COMMISSIONER OF THE DIVISION OF INSURANCE SHALL ESTABLISH
14 BY RULE THE COLORADO HEALTH CARE PROFESSIONAL CREDENTIALS
15 APPLICATION.

16 (5) THE REVIEW COMMITTEE SHALL MEET AT LEAST ANNUALLY TO
17 REVIEW AND MAKE ANY NECESSARY RECOMMENDATIONS FOR
18 MODIFICATIONS THEY DEEM NECESSARY TO THE COLORADO HEALTH CARE
19 PROFESSIONAL CREDENTIALS APPLICATION TO THE COMMISSIONER OF THE
20 DIVISION OF INSURANCE.

21 (6) INITIAL APPOINTMENTS TO THE REVIEW COMMITTEE SHALL BE
22 MADE ON OR BEFORE JULY 1, 2001.

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