

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

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 01-0319.01 Julie Hoerner

**SENATE BILL 01-061**

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**SENATE SPONSORSHIP**

**Hagedorn,** and Hernandez

**HOUSE SPONSORSHIP**

**Witwer,**

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**Senate Committees**

Health, Environment, Children & Families  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE CONFIDENTIALITY OF MEDICAL RECORD**  
102 **INFORMATION.**

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**Bill Summary**

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

Consolidates provisions relating to the confidentiality of medical records. Makes conforming amendments. Requires patient consent, subpoena, or provision of law for medical records to be released to third parties. Adds provisions for the electronic storage and maintenance of medical records.

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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.*

SENATE  
3rd Reading Unamended  
March 27, 2001

SENATE  
Amended 2nd Reading  
March 26, 2001

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

2 **SECTION 1.** Article 1 of title 25, Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW PART to read:

4 **PART 12**

5 **MEDICAL RECORD CONFIDENTIALITY**

6 **25-1-1201. Legislative declaration.** THE GENERAL ASSEMBLY  
7 HEREBY FINDS, DETERMINES, AND DECLARES THAT MAINTAINING THE  
8 CONFIDENTIALITY OF MEDICAL RECORDS IS OF THE UTMOST IMPORTANCE  
9 TO THE STATE AND OF CRITICAL IMPORTANCE TO PATIENT PRIVACY FOR  
10 HIGH QUALITY MEDICAL CARE. MOST PEOPLE IN THE UNITED STATES  
11 CONSIDER CONFIDENTIALITY OF HEALTH INFORMATION IMPORTANT AND  
12 WORRY THAT THE INCREASED COMPUTERIZATION OF HEALTH RECORDS MAY  
13 RESULT IN INAPPROPRIATE DISCLOSURE OF SUCH RECORDS. PATIENTS HAVE  
14 A STRONG INTEREST IN PRESERVING THE PRIVACY OF THEIR PERSONAL  
15 HEALTH INFORMATION, BUT THEY ALSO HAVE AN INTEREST IN MEDICAL  
16 RESEARCH AND OTHER EFFORTS BY HEALTH CARE ORGANIZATIONS TO  
17 IMPROVE THE MEDICAL CARE THEY RECEIVE. HOW BEST TO PRESERVE  
18 CONFIDENTIALITY WITHIN A STATE HEALTH INFORMATION INFRASTRUCTURE  
19 IS AN IMPORTANT DISCUSSION THAT IS AFFECTED BY RECENT REGULATIONS  
20 PROMULGATED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN  
21 SERVICES RELATED TO THE ELECTRONIC STORAGE OF HEALTH  
22 INFORMATION. THE PURPOSE OF THIS PART 12 IS TO INDEX THE PROVISIONS  
23 THAT GOVERN MEDICAL RECORD CONFIDENTIALITY TO FACILITATE  
24 LOCATING THE LAW CONCERNING THE CONFIDENTIALITY OF MEDICAL  
25 RECORDS AND HEALTH INFORMATION. IT IS NOT INTENDED TO EXPAND,  
26 NARROW, OR CLARIFY EXISTING PROVISIONS.

27 **25-1-1202. Index of statutory sections regarding medical record**

1 **confidentiality and health information. (1) STATUTORY PROVISIONS**  
2 CONCERNING POLICIES, PROCEDURES, AND REFERENCES TO THE RELEASE,  
3 SHARING, AND USE OF MEDICAL RECORDS AND HEALTH INFORMATION  
4 INCLUDE THE FOLLOWING:  
5 (a) SECTION 6-18-103, C.R.S., CONCERNING USE OF INFORMATION  
6 BY HEALTH CARE COOPERATIVES;  
7 (b) SECTION 8-43-404, C.R.S., CONCERNING EXAMINATIONS BY A  
8 PHYSICIAN OR CHIROPRACTOR FOR THE PURPOSES OF WORKERS'  
9 COMPENSATION;  
10 (c) SECTION 8-43-501, C.R.S., CONCERNING UTILIZATION REVIEW  
11 RELATED TO WORKERS' COMPENSATION;  
12 (d) SECTION 8-73-108, C.R.S., CONCERNING THE AWARD OF  
13 BENEFITS FOR UNEMPLOYMENT COMPENSATION BENEFITS;  
14 (e) SECTION 10-3-1104.7, C.R.S., CONCERNING THE  
15 CONFIDENTIALITY AND USE OF GENETIC TESTING INFORMATION;  
16 (f) SECTION 10-16-113, C.R.S., CONCERNING THE PROCEDURES  
17 RELATED TO THE DENIAL OF HEALTH BENEFITS BY AN INSURER;  
18 (g) SECTION 10-16-113.5, C.R.S., CONCERNING THE USE OF  
19 INDEPENDENT EXTERNAL REVIEW WHEN HEALTH BENEFITS HAVE BEEN  
20 DENIED;  
21 (h) SECTION 10-16-423, C.R.S., CONCERNING THE  
22 CONFIDENTIALITY OF MEDICAL INFORMATION IN THE CUSTODY OF A HEALTH  
23 MAINTENANCE ORGANIZATION;  
24 (i) SECTION 12-32-108.3, C.R.S., CONCERNING DISCIPLINARY  
25 ACTIONS AGAINST PODIATRISTS;  
26 (j) SECTION 12-33-126, C.R.S., CONCERNING DISCIPLINARY  
27 ACTIONS AGAINST CHIROPRACTORS;

1           (k) SECTION 12-35-118, C.R.S., CONCERNING DISCIPLINARY  
2           ACTIONS AGAINST DENTISTS AND DENTAL HYGIENISTS;

3           (l) SECTION 12-36-118, C.R.S., CONCERNING DISCIPLINARY  
4           ACTIONS AGAINST PHYSICIANS;

5           (m) SECTION 12-36-135 (1), C.R.S., CONCERNING REPORTING  
6           REQUIREMENTS FOR PHYSICIANS PERTAINING TO CERTAIN INJURIES;

7           (n) SECTION 12-36.5-104, C.R.S., CONCERNING PROFESSIONAL  
8           REVIEW COMMITTEES FOR PHYSICIANS;

9           (o) SECTION 12-36.5-104.4, C.R.S., CONCERNING HOSPITAL  
10          PROFESSIONAL REVIEW COMMITTEES;

11          (p) SECTION 12-37.5-104, C.R.S., CONCERNING REPORTING  
12          REQUIREMENTS BY PHYSICIANS RELATED TO ABORTIONS FOR MINORS;

13          (q) SECTION 12-38-116.5, C.R.S., CONCERNING DISCIPLINARY  
14          PROCEEDINGS AGAINST A PRACTICAL NURSE, A PROFESSIONAL NURSE, OR  
15          A PSYCHIATRIC TECHNICIAN;

16          (r) SECTION 12-43-218, C.R.S., CONCERNING THE DISCLOSURE OF  
17          CONFIDENTIAL COMMUNICATIONS BY A MENTAL HEALTH PROFESSIONAL;

18          (s) SECTION 12-43-224 (4), C.R.S., CONCERNING DISCIPLINARY  
19          PROCEEDINGS AGAINST A MENTAL HEALTH PROFESSIONAL;

20          (t) SECTION 13-21-110, C.R.S., CONCERNING CONFIDENTIALITY OF  
21          INFORMATION, DATA, REPORTS, OR RECORDS OF A UTILIZATION REVIEW  
22          COMMITTEE OF A HOSPITAL OR OTHER HEALTH CARE FACILITY;

23          (u) SECTION 13-21-117, C.R.S., CONCERNING CIVIL LIABILITY OF  
24          A MENTAL HEALTH PROFESSIONAL, MENTAL HEALTH HOSPITAL, COMMUNITY  
25          MENTAL HEALTH CENTER, OR CLINIC RELATED TO A DUTY TO WARN OR  
26          PROTECT;

27          (v) SECTIONS 13-22-101 TO 13-22-106, C.R.S., CONCERNING THE

1 AGE OF COMPETENCE FOR CERTAIN MEDICAL PROCEDURES;  
2 (w) SECTION 13-64-502, C.R.S., CONCERNING CIVIL LIABILITY  
3 RELATED TO GENETIC COUNSELING AND SCREENING AND PRENATAL CARE,  
4 OR ARISING FROM OR DURING THE COURSE OF LABOR AND DELIVERY, OR  
5 THE PERIOD OF POSTNATAL CARE IN A HEALTH INSTITUTION;  
6 (x) SECTION 13-80-103.7, C.R.S., CONCERNING A LIMITED WAIVER  
7 OF MEDICAL INFORMATION IN CIVIL ACTIONS RELATED TO SEXUAL ASSAULT  
8 OR SEXUAL OFFENSES AGAINST A CHILD;  
9 (y) SECTION 13-90-107 (1) (d), C.R.S., CONCERNING WHEN A  
10 PHYSICIAN, SURGEON, OR REGISTERED PROFESSIONAL NURSE MAY TESTIFY  
11 RELATED TO THE CARE AND TREATMENT OF A PERSON;  
12 (z) SECTION 14-10-124, C.R.S., CONCERNING THE BEST INTERESTS  
13 OF A CHILD FOR THE PURPOSES OF A SEPARATION OR DISSOLUTION OF  
14 MARRIAGE;  
15 (aa) SECTION 14-10-127, C.R.S., CONCERNING THE ALLOCATION OF  
16 PARENTAL RESPONSIBILITIES WITH RESPECT TO A CHILD;  
17 (bb) SECTION 17-27.1-101 (4), C.R.S., CONCERNING  
18 NONGOVERNMENTAL FACILITIES FOR OFFENDERS AND THE WAIVER OF  
19 CONFIDENTIAL INFORMATION;  
20 (cc) SECTION 18-3-203 (1) (f.5), C.R.S., CONCERNING ASSAULT IN  
21 THE SECOND DEGREE AND THE AVAILABILITY OF MEDICAL TESTING FOR  
22 CERTAIN CIRCUMSTANCES;  
23 (dd) SECTIONS 18-6-101 TO 18-6-104 C.R.S., CONCERNING A  
24 JUSTIFIED MEDICAL TERMINATION OF PREGNANCY;  
25 (ee) SECTION 18-4-412, C.R.S., CONCERNING THEFT OF MEDICAL  
26 RECORDS OR MEDICAL INFORMATION;  
27 (ff) SECTION 18-18-503, C.R.S., CONCERNING COOPERATIVE

1 AGREEMENTS TO CONTROL SUBSTANCE ABUSE;  
2 (gg) SECTION 19-3-304, C.R.S., CONCERNING PERSONS REQUIRED  
3 TO REPORT CHILD ABUSE OR NEGLECT;  
4 (hh) SECTION 19-3-305, C.R.S., CONCERNING POSTMORTEM  
5 INVESTIGATION RELATED TO THE DEATH OF A CHILD;  
6 (ii) SECTION 19-5-306, C.R.S., CONCERNING EVIDENCE OF ABUSE  
7 OR NEGLECT OF A CHILD;  
8 (jj) SECTION 19-5-103 (2), C.R.S., CONCERNING RELINQUISHMENT  
9 OF RIGHTS CONCERNING A CHILD;  
10 (kk) SECTION 19-5-305, C.R.S., CONCERNING ACCESS TO ADOPTION  
11 RECORDS;  
12 (ll) SECTION 22-1-123 (5), C.R.S., CONCERNING THE PROTECTION  
13 OF STUDENT DATA;  
14 (mm) SECTIONS 22-32-109.1 (6) AND 22-32-109.3 (2), C.R.S.,  
15 CONCERNING SPECIFIC POWERS AND DUTIES OF THE STATE BOARD OF  
16 EDUCATION;  
17 (nn) SECTION 22-64-216, C.R.S., CONCERNING CONFIDENTIALITY  
18 OF RECORDS MAINTAINED BY SCHOOL DISTRICT RETIREMENT PLANS;  
19 (oo) SECTION 24-51-213, C.R.S., CONCERNING CONFIDENTIALITY  
20 OF RECORDS MAINTAINED BY THE PUBLIC EMPLOYEES' RETIREMENT  
21 ASSOCIATION;  
22 (pp) SECTION 24-72-204 (3), C.R.S., CONCERNING PUBLIC RECORDS  
23 NOT OPEN TO PUBLIC INSPECTION;  
24 (qq) SECTION 25-1-122, CONCERNING REPORTING OF CERTAIN  
25 DISEASES AND CONDITIONS FOR INVESTIGATION OF EPIDEMIC AND  
26 COMMUNICABLE DISEASES, MORBIDITY AND MORTALITY, CANCER IN  
27 CONNECTION WITH THE STATEWIDE CANCER REGISTRY, ENVIRONMENTAL

1 AND CHRONIC DISEASES, VENEREAL DISEASES, TUBERCULOSIS, AND RABIES  
2 AND MAMMAL BITES BY THE DEPARTMENT OF PUBLIC HEALTH AND  
3 ENVIRONMENT;

4 (rr) SECTION 25-1-124 (2), CONCERNING HEALTH CARE FACILITIES  
5 AND REPORTING REQUIREMENTS;

6 (ss) SECTIONS 25-1-309 AND 25-1-312, CONCERNING THE  
7 TREATMENT OF INTOXICATED PERSONS;

8 (tt) SECTION 25-1-801, CONCERNING PATIENT RECORDS IN THE  
9 CARE OF A HEALTH CARE FACILITY;

10 (uu) SECTION 25-1-802, CONCERNING PATIENT RECORDS IN THE  
11 CARE OF INDIVIDUAL HEALTH CARE PROVIDERS;

12 (vv) SECTIONS 25-1-1105 AND 25-1-1108, CONCERNING THE  
13 TREATMENT OF DRUG ABUSERS;

14 (ww) SECTION 25-2-120, CONCERNING REPORTS OF  
15 ELECTROCONVULSIVE TREATMENT;

16 (xx) SECTION 25-3-109, CONCERNING QUALITY MANAGEMENT  
17 FUNCTIONS OF HEALTH CARE FACILITIES LICENSED BY THE DEPARTMENT OF  
18 PUBLIC HEALTH AND ENVIRONMENT;

19 (yy) SECTION 25-3.5-501, CONCERNING RECORDS MAINTAINED BY  
20 AMBULANCE SERVICES AND EMERGENCY MEDICAL TECHNICIANS;

21 (zz) SECTION 25-3.5-704 (2) (d) AND (2) (f), CONCERNING THE  
22 DESIGNATION OF EMERGENCY MEDICAL FACILITIES AND THE STATEWIDE  
23 TRAUMA SYSTEM;

24 (aaa) SECTION 25-4-402 (4), CONCERNING THE REPORTING OF  
25 VENEREAL DISEASES;

26 (bbb) SECTION 25-4-1003 CONCERNING NEWBORN SCREENING  
27 PROGRAMS AND GENETIC COUNSELING;

1           (ccc) SECTIONS 25-4-1402 TO 25-4-1407 CONCERNING REPORTING  
2           AND INVESTIGATION OF THE HUMAN IMMUNODEFICIENCY VIRUS;  
3           (ddd) SECTION 25-4-1705 CONCERNING IMMUNIZATION  
4           INFORMATION;  
5           (eee) SECTION 25-4-1905 CONCERNING RECORDS COLLECTED  
6           RELATED TO GULF WAR SYNDROME;  
7           (fff) SECTION 25.5-2-104, C.R.S., CONCERNING THE RELEASE OF  
8           MEDICAL INFORMATION TO A POISON CONTROL SERVICE PROVIDER;  
9           (ggg) SECTION 26-3.1-102 (2), C.R.S., CONCERNING REPORTING  
10          REQUIREMENTS RELATED TO AT-RISK ADULTS;  
11          (hhh) SECTION 26-11.5-108, C.R.S., CONCERNING THE LONG-TERM  
12          OMBUDSMAN PROGRAM AND ACCESS TO MEDICAL RECORDS;  
13          (iii) SECTION 27-10-103 (2), C.R.S., CONCERNING VOLUNTARY  
14          APPLICATIONS FOR MENTAL HEALTH SERVICES;  
15          (jjj) SECTIONS 27-10-120 (1.5) AND 27-10-120.5, C.R.S.,  
16          CONCERNING RECORDS RELATED TO MENTAL HEALTH SERVICES FOR MINOR  
17          CHILDREN;  
18          (kkk) SECTION 30-10-606 (6), C.R.S., CONCERNING POSTMORTEM  
19          INVESTIGATIONS AND RECORDS;  
20          (lll) SECTION 35-9-109, C.R.S., CONCERNING CONFIDENTIALITY OF  
21          INFORMATION RELEASED TO THE COMMISSIONER OF AGRICULTURE RELATED  
22          TO HUMAN EXPOSURE TO PESTICIDE APPLICATIONS; AND  
23          (mmm) SECTION 42-2-112, C.R.S., CONCERNING INFORMATION  
24          SUPPLIED TO THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF  
25          RENEWING OR OBTAINING A LICENSE TO OPERATE A MOTOR VEHICLE.  
26          **25-1-1203. Electronic storage of medical records. HEALTH**  
27          **PLANS, HEALTH CARE CLEARINGHOUSES, AND HEALTH CARE PROVIDERS**

1 SHALL DEVELOP POLICIES, PROCEDURES, AND SYSTEMS TO COMPLY WITH  
2 FEDERAL REGULATIONS PROMULGATED BY THE FEDERAL DEPARTMENT OF  
3 HEALTH AND HUMAN SERVICES RELATED TO ELECTRONIC STORAGE AND  
4 MAINTENANCE OF MEDICAL RECORD INFORMATION PURSUANT TO FEDERAL  
5 LAW.

6 **SECTION 2.** 25-4-906 (1), Colorado Revised Statutes, is  
7 amended to read:

8 **25-4-906. Certificate of immunization - forms.** (1) The  
9 department of public health and environment shall provide official  
10 certificates of immunization to the schools, private physicians, and local  
11 health departments. UPON THE COMMENCEMENT OF THE GATHERING OF  
12 EPIDEMIOLOGICAL INFORMATION PURSUANT TO SECTION 25-4-1705 (5) TO  
13 IMPLEMENT THE IMMUNIZATION TRACKING SYSTEM, SUCH FORM SHALL  
14 INCLUDE A NOTICE THAT INFORMS A PARENT OR LEGAL GUARDIAN THAT HE  
15 OR SHE HAS THE OPTION TO EXCLUDE HIS OR HER INFANT’S, CHILD’S, OR  
16 STUDENT’S IMMUNIZATION INFORMATION FROM THE IMMUNIZATION  
17 TRACKING SYSTEM CREATED IN SECTION 25-4-1705 (5). Any immunization  
18 record provided by a licensed physician, registered nurse, or public health  
19 official may be accepted by the school official as certification of  
20 immunization if the information is transferred to the official certificate of  
21 immunization and verified by the school official.

22 **SECTION 3.** The introductory portion to 25-4-1705 (5) and  
23 25-4-1705 (5) (e), Colorado Revised Statutes, are amended, and the said  
24 25-4-1705 is further amended BY THE ADDITION OF THE  
25 FOLLOWING NEW SUBSECTIONS, to read:

26 **25-4-1705. Department of public health and environment -**  
27 **powers and duties.** (5) The board of health, in consultation with the

1 medical services board in the state department of health care policy and  
2 financing, and such other persons, agencies, or organizations that the  
3 board of health deems advisable, shall formulate, adopt, and promulgate  
4 rules and regulations governing the implementation and operation of the  
5 infant immunization program. Such rules shall address the following:

6 (e) (I) The gathering of epidemiological information, including the  
7 establishment of a comprehensive immunization tracking system. Infant  
8 Immunization information may be gathered for such tracking system by  
9 state and local health departments from the following sources:

10 (A) Physicians and licensed health care practitioners;

11 (B) Clinics;

12 (C) Schools;

13 (D) A parent of the AN infant, as defined in section 25-4-1703 (3);

14 (E) A child or student, as defined in sections SECTION 25-4-901  
15 (1.5) and (3);

16 (F) Managed care organizations or health insurers in which a child  
17 or student, as defined in sections SECTION 25-4-901 (1.5) and (3), or an  
18 infant is enrolled as a member or insured, if such managed care  
19 organization or health insurer reimburses or otherwise financially provides  
20 coverage for immunizations;

21 (G) Hospitals; or

22 (H) Persons and entities that have contracted with the state  
23 pursuant to section 25-4-1705 (7).

24 (II) Records in the immunization tracking system established  
25 pursuant to subparagraph (I) of this paragraph (e) shall be strictly  
26 confidential and shall not be released, shared with any agency or  
27 institution, or made public UPON SUBPOENA, SEARCH WARRANT,

1 DISCOVERY PROCEEDINGS, OR OTHERWISE, except under the following  
2 circumstances:

3 (A) Release may be made of medical and epidemiological  
4 information in a manner such that no individual person can be identified.

5 (B) Release may be made of immunization records and  
6 epidemiological information to the extent necessary for the treatment,  
7 control, investigation, and prevention of vaccine preventable diseases;  
8 except that every effort shall be made to limit disclosure of personal  
9 identifying information to the minimal amount necessary to accomplish  
10 the public health purpose.

11 (C) Release may be made of immunization records and  
12 epidemiological information to the parent of the AN infant, the physician  
13 treating the person who is the subject of an immunization record, a school  
14 in which such person is enrolled, or any entity or person described in  
15 sub-subparagraph (E), (F), (G), or (H) of subparagraph (I) of this  
16 paragraph (e).

17 (D) No officer or employee or agent of the state department of  
18 public health and environment or local department of health shall be  
19 examined in any judicial, executive, legislative, or other proceeding as to  
20 the existence or content of any infant's report obtained by such department  
21 without consent of the infant's parent OR GUARDIAN. However, this  
22 provision shall not apply to infants who are under isolation, quarantine,  
23 or other restrictive action taken pursuant to section 25-1-107 (1) (b).

24 (E) THE DEPARTMENT MAY RELEASE RECORDS OF  
25 MEDICAID-ELIGIBLE INFANTS, CHILDREN, AND STUDENTS TO THE  
26 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING FOR THE PURPOSES  
27 OF THE MEDICAID PROGRAM.

1           (III) (A) ANY OFFICER, EMPLOYEE, AGENT OF THE DEPARTMENT, OR  
2           ANY OTHER PERSON WHO VIOLATES THIS SECTION BY RELEASING OR  
3           MAKING PUBLIC CONFIDENTIAL IMMUNIZATION RECORDS OR  
4           EPIDEMIOLOGICAL INFORMATION IN THE IMMUNIZATION TRACKING SYSTEM  
5           OR BY OTHERWISE BREACHING THE CONFIDENTIALITY REQUIREMENTS OF  
6           SUBPARAGRAPH (II) OF THIS PARAGRAPH (e) OR RELEASING SUCH  
7           INFORMATION WITHOUT AUTHORIZATION COMMITS A CLASS 1  
8           MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS  
9           PROVIDED IN SECTION 18-1-106 (1), C.R.S. THE UNAUTHORIZED RELEASE  
10          OF EACH RECORD SHALL CONSTITUTE A SEPARATE OFFENSE PURSUANT TO  
11          THIS SUBPARAGRAPH (III).

12           (B) ANY NATURAL PERSON WHO IN EXCHANGE FOR MONEY OR ANY  
13           OTHER THING OF VALUE VIOLATES THIS SECTION BY WRONGFULLY  
14           RELEASING OR MAKING PUBLIC CONFIDENTIAL IMMUNIZATION RECORDS OR  
15           EPIDEMIOLOGICAL INFORMATION IN THE IMMUNIZATION TRACKING SYSTEM  
16           OR BY OTHERWISE BREACHING THE CONFIDENTIALITY REQUIREMENTS OF  
17           SUBPARAGRAPH (II) OF THIS PARAGRAPH (e) OR RELEASING SUCH  
18           INFORMATION WITHOUT AUTHORIZATION COMMITS A CLASS 1  
19           MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS  
20           PROVIDED IN SECTION 18-1-106 (1), C.R.S.

21           (C) ANY BUSINESS ENTITY WHO, IN EXCHANGE FOR MONEY OR ANY  
22           OTHER THING OF VALUE, VIOLATES THIS SECTION BY WRONGFULLY  
23           RELEASING OR MAKING PUBLIC CONFIDENTIAL IMMUNIZATION RECORDS OR  
24           EPIDEMIOLOGICAL INFORMATION IN THE IMMUNIZATION TRACKING SYSTEM  
25           OR BY OTHERWISE BREACHING THE CONFIDENTIALITY REQUIREMENTS OF  
26           SUBPARAGRAPH (II) OF THIS PARAGRAPH (e) OR RELEASING SUCH  
27           INFORMATION WITHOUT AUTHORIZATION SHALL BE ASSESSED A CIVIL

1 PENALTY OF TEN THOUSAND DOLLARS PER SALE OF INFORMATION PER  
2 SUBJECT OF SUCH INFORMATION.

3 (IV) THE DEPARTMENT SHALL NOT DIRECTLY CONTACT THE PARENT  
4 OR LEGAL GUARDIAN FOR THE PURPOSE OF NOTIFYING THE PARENT OR  
5 LEGAL GUARDIAN OF IMMUNIZATIONS THAT ARE RECOMMENDED OR  
6 REQUIRED BY THE BOARD OF HEALTH, UNLESS SUCH CONTACT IS  
7 NECESSARY TO CONTROL AN OUTBREAK OF OR PREVENT THE SPREAD OF A  
8 VACCINE-PREVENTABLE DISEASE PURSUANT TO SECTION 25-1-107 (1) (a)  
9 OR 25-4-908.

10 (V) A PARENT OR LEGAL GUARDIAN WHO CONSENTS TO THE  
11 IMMUNIZATION OF AN INFANT, CHILD, OR STUDENT PURSUANT TO THIS PART  
12 17 OR PART 9 OF THIS ARTICLE SHALL HAVE THE OPTION TO EXCLUDE SUCH  
13 INFORMATION FROM THE IMMUNIZATION TRACKING SYSTEM. THE PARENT  
14 OR LEGAL GUARDIAN SHALL HAVE THE OPTION TO REMOVE SUCH  
15 INFORMATION FROM THE IMMUNIZATION TRACKING SYSTEM AT ANY TIME.  
16 THE PHYSICIAN, LICENSED HEALTH CARE PRACTITIONER, CLINIC, OR LOCAL  
17 HEALTH DEPARTMENT SHALL INFORM THE PARENT OR LEGAL GUARDIAN OF  
18 THE OPTION TO EXCLUDE SUCH PERSONAL INFORMATION FROM SUCH  
19 SYSTEM AND THE POTENTIAL BENEFITS OF INCLUSION IN SUCH SYSTEM. IN  
20 ADDITION, THE PHYSICIAN, LICENSED HEALTH CARE PRACTITIONER, CLINIC,  
21 OR LOCAL HEALTH DEPARTMENT SHALL INFORM SUCH PARENT OR LEGAL  
22 GUARDIAN OF THE OPTION TO REFUSE AN IMMUNIZATION ON THE GROUNDS  
23 OF MEDICAL, RELIGIOUS, OR PERSONAL BELIEF CONSIDERATIONS PURSUANT  
24 TO SECTION 25-4-903.

25 (9) (a) AS NECESSARY TO VOLUNTARILY IMMUNIZE INFANTS,  
26 CHILDREN, STUDENTS, AND ADULTS OF COLORADO, THE DEPARTMENT MAY  
27 CONTRACT IN ACCORDANCE WITH THE "PROCUREMENT CODE", ARTICLES

1 101 TO 112 OF TITLE 24, C.R.S., WITH A PRIVATE OR NONPROFIT ENTITY TO  
2 ARRANGE FOR THE COST-EFFECTIVE ORDERING, DISTRIBUTING, AND  
3 ACCOUNTING OF VACCINES. PRIOR TO THE EXECUTION OF ANY CONTRACT  
4 WITH SUCH AN ENTITY, THE DEPARTMENT SHALL PROVIDE TO THE BOARD  
5 OF HEALTH FOR PUBLIC REVIEW A REPORT DESCRIBING THE PROPOSED  
6 BUSINESS MODEL OF THE PROSPECTIVE CONTRACTOR. ONCE UNDER  
7 CONTRACT, THE ENTITY SHALL ALSO PROVIDE COMPLETE RECORDS OF  
8 IMMUNIZATIONS TO THE SUBJECT OF SUCH RECORDS AND THE PERSONS OR  
9 ENTITIES LISTED IN SUB-SUBPARAGRAPHS (A) TO (H) OF SUBPARAGRAPH (I)  
10 OF PARAGRAPH (e) OF SUBSECTION (5) OF THIS SECTION.

11 (b) THE DEPARTMENT OR ANY PERSON WHO CONTRACTS WITH THE  
12 DEPARTMENT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9) OR  
13 SUBSECTION (7) OF THIS SECTION SHALL NOT ESTABLISH A UNIVERSAL  
14 PURCHASE SYSTEM FOR THE PROCUREMENT OF VACCINES FOR PRIVATELY  
15 INSURED PERSONS UNDER FEDERAL GOVERNMENT CONTRACTS.

16 (10) PHYSICIANS, LICENSED HEALTH CARE PRACTITIONERS, CLINICS,  
17 SCHOOLS, LICENSED CHILD CARE PROVIDERS, HOSPITALS, MANAGED CARE  
18 ORGANIZATIONS OR HEALTH INSURERS IN WHICH A STUDENT AS DEFINED IN  
19 SECTION 25-4-901 (3) OR AN INFANT IS ENROLLED AS A MEMBER OR  
20 INSURED, PERSONS THAT HAVE CONTRACTED WITH THE DEPARTMENT  
21 PURSUANT TO SUBSECTION (7) OF THIS SECTION, AND PUBLIC HEALTH  
22 OFFICIALS MAY RELEASE ANY IMMUNIZATION RECORDS IN THEIR  
23 POSSESSION, WHETHER OR NOT SUCH RECORDS ARE IN THE IMMUNIZATION  
24 TRACKING SYSTEM, TO THE PERSONS OR ENTITIES SPECIFIED IN  
25 SUB-SUBPARAGRAPHS (A) TO (H) OF SUBPARAGRAPH (I) OF PARAGRAPH (e)  
26 OF SUBSECTION (5) OF THIS SECTION TO PROVIDE AN ACCURATE AND  
27 COMPLETE IMMUNIZATION RECORD FOR THE CHILD IN ORDER TO VERIFY

1 COMPLIANCE WITH STATE IMMUNIZATION LAW.

2 SECTION 4. 26-15-107, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 26-15-107. Colorado health care task force - legislative  
5 declaration - creation - duties - repeal. (3.5) NOTWITHSTANDING ANY  
6 PROVISION TO THE CONTRARY, THE COLORADO HEALTH CARE TASK FORCE,  
7 THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE OFFICE OF  
8 THE GOVERNOR, AND ANY OTHER STATE AGENCY OR DEPARTMENT  
9 AFFECTED BY MEDICAL RECORD OR MEDICAL INFORMATION  
10 CONFIDENTIALITY SHALL COORDINATE EFFORTS, TO THE GREATEST EXTENT  
11 POSSIBLE, TO DEVELOP POLICIES TO ENSURE THE CONFIDENTIALITY OF  
12 MEDICAL AND PATIENT RECORDS.

13 SECTION 5. Safety clause. The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, and safety.