

## CHAPTER 63

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**HEALTH AND ENVIRONMENT**


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**HOUSE BILL 18-1032**

BY REPRESENTATIVE(S) Kennedy and Thurlow, Becker K., Buckner, Esgar, Ginal, Gray, Jackson, Kraft-Tharp, Michaelson Jenet, Rosenthal, Singer;  
also SENATOR(S) Fields and Tate, Aguilar, Court, Crowder, Garcia, Jones, Kefalas, Martinez Humenik, Merrifield, Priola, Todd, Zenzinger.

**AN ACT**

**CONCERNING ACCESS TO MEDICAL RECORDS FROM THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT'S EMS AGENCY PATIENT CARE DATABASE BY HEALTH INFORMATION ORGANIZATION NETWORKS.**

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

**SECTION 1.** In Colorado Revised Statutes, 25-3.5-103, **amend** the introductory portion; and **add** (8.3) and (8.5) as follows:

**25-3.5-103. Definitions.** As used in this ~~article~~ ARTICLE 3.5, unless the context otherwise requires:

(8.3) "EMS AGENCY PATIENT CARE DATABASE" MEANS THE DEPARTMENT'S DATABASE CONTAINING RECORDS REQUIRED TO BE SUBMITTED IN ACCORDANCE WITH SECTION 25-3.5-501.

(8.5) "HEALTH INFORMATION ORGANIZATION NETWORK" MEANS AN ORGANIZATION THAT OVERSEES AND GOVERNS THE EXCHANGE OF HEALTH-RELATED INFORMATION AMONG ORGANIZATIONS ACCORDING TO NATIONALLY RECOGNIZED STANDARDS.

**SECTION 2.** In Colorado Revised Statutes, 25-3.5-501, **add** (3) as follows:

**25-3.5-501. Records - ambulance services to report - access to patient information.** (3) THE DEPARTMENT SHALL MAKE INDIVIDUALIZED PATIENT INFORMATION FROM ITS EMS AGENCY PATIENT CARE DATABASE AVAILABLE TO HEALTH INFORMATION ORGANIZATION NETWORKS FOR USES ALLOWED UNDER THE

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", AS AMENDED, PUB.L. 104-191. THE DEPARTMENT SHALL CONTRACT WITH HEALTH INFORMATION ORGANIZATION NETWORKS REGARDING ACCESSING PATIENT INFORMATION AND LIMITING THE USE OF INFORMATION TO PURPOSES ALLOWED UNDER THE "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", AS AMENDED.

**SECTION 3.** In Colorado Revised Statutes, 25-3.5-704, **amend** (2)(h)(II); and **add** (2)(h)(I)(F) as follows:

**25-3.5-704. Statewide emergency medical and trauma care system - development and implementation - duties of department - rules adopted by board.** (2) The board shall adopt rules for the statewide emergency medical and trauma care system, including but not limited to the following:

(h) (I) **Continuing quality improvement system (CQI).** These rules require the department to oversee a continuing quality improvement system for the statewide emergency medical and trauma care system. The board shall specify the methods and periods for assessing the quality of regional emergency medical and trauma systems and the statewide emergency medical and trauma care system. These rules must include the following requirements:

(F) THAT NOTHING IN THIS SUBSECTION (2)(h)(I) PROHIBITS THE DEPARTMENT FROM PROVIDING INFORMATION TO HEALTH INFORMATION ORGANIZATION NETWORKS FROM ITS EMS AGENCY PATIENT CARE DATABASE INCLUDING ACCESS TO INDIVIDUALIZED PATIENT INFORMATION IN ACCORDANCE WITH SECTION 25-3.5-501 (3).

(II) ~~Any~~ Data or information related to the identification of individual patient's, provider's, or facility's care outcomes collected as a result of the continuing quality improvement system and ~~any~~ records or reports collected or compiled as a result of the continuing quality improvement system are confidential and are exempt from the open records law in part 2 of article 72 of title 24. ~~C.R.S.~~ Such Data, information, records, or reports ~~shall~~ ARE not be subject to subpoena or discovery and ~~shall~~ ARE not be admissible in any civil action, except pursuant to a court order that provides for the protection of sensitive information about interested parties. Nothing in this ~~subparagraph (II) shall preclude~~ SUBSECTION (2)(h)(II):

(A) PRECLUDES the patient or the patient's representative from obtaining the patient's medical records as provided in section 25-1-801; ~~Nothing in this subparagraph (II)~~

(B) Shall be construed to allow access to confidential professional review committee records or reviews conducted under article 36.5 of title 12; ~~C.R.S.~~ OR

(C) PROHIBITS THE DEPARTMENT FROM PROVIDING INFORMATION TO HEALTH INFORMATION ORGANIZATION NETWORKS FROM ITS EMS AGENCY PATIENT CARE DATABASE INCLUDING INDIVIDUALIZED PATIENT INFORMATION IN ACCORDANCE WITH SECTION 25-3.5-501 (3).

**SECTION 4. Act subject to petition - effective date.** This act takes effect at

12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 22, 2018