

CHAPTER 276

HEALTH

SENATE BILL 93-225

BY SENATOR Wham;
also REPRESENTATIVES Tucker, Armstrong, Dyer, R. Hernandez, Lawrence, Nichol, Rupert, Tanner, and Williams.

AN ACT

CONCERNING THE AUTHORITY OF DEPARTMENTS OF HEALTH PERSONNEL TO RELEASE INFORMATION IN ORDER TO COMPLY WITH CHILD ABUSE AND NEGLECT REPORTING LAWS.

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

SECTION 1. 19-3-304 (1), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

19-3-304. Persons required to report child abuse or neglect. (1) EXCEPT AS OTHERWISE PROVIDED BY SECTION 19-3-307 AND SECTIONS 25-1-122 (4) (d) AND 25-4-1404 (1) (d), C.R.S., any person specified in subsection (2) of this section who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect shall immediately report or cause a report to be made of such fact to the county department or local law enforcement agency.

SECTION 2. 19-3-307, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-3-307. Reporting procedures. (2.5) NOTWITHSTANDING THE REQUIREMENTS SET FORTH IN SUBSECTION (2) OF THIS SECTION, ANY OFFICER OR EMPLOYEE OF A LOCAL OR STATE DEPARTMENT OF HEALTH WHO MAKES A REPORT PURSUANT TO SECTION 25-1-122 (4) (d) OR 25-4-1404 (1) (d), C.R.S., SHALL INCLUDE ONLY THE INFORMATION DESCRIBED IN SAID SECTIONS.

SECTION 3. 25-1-122 (4), Colorado Revised Statutes, 1989 Repl. Vol., as

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25-1-122. Named reporting of certain diseases and conditions - access to medical records - confidentiality of reports and records. (4) Reports and records resulting from the investigation of epidemic and communicable diseases, environmental and chronic diseases, reports of morbidity and mortality, reports of cancer in connection with the statewide cancer registry, and reports and records resulting from the investigation of venereal diseases, tuberculosis, and rabies and mammal bites held by state or local departments of health shall be strictly confidential. Such reports and records shall not be released, shared with any agency or institution, or made public, upon subpoena, search warrant, discovery proceedings, or otherwise, except under any of the following circumstances:

(d) AN OFFICER OR EMPLOYEE OF THE LOCAL OR STATE DEPARTMENT OF HEALTH MAY MAKE A REPORT OF CHILD ABUSE TO AGENCIES RESPONSIBLE FOR RECEIVING OR INVESTIGATING REPORTS OF CHILD ABUSE OR NEGLECT IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE "CHILD PROTECTION ACT OF 1987" SET FORTH IN PART 3 OF ARTICLE 3 OF TITLE 19, C.R.S. HOWEVER, IN THE EVENT A REPORT IS MADE BY THE STATE DEPARTMENT OF HEALTH, ONLY THE FOLLOWING INFORMATION SHALL BE INCLUDED IN THE REPORT:

(I) THE NAME, ADDRESS, AND SEX OF THE CHILD;

(II) THE NAME AND ADDRESS OF THE PERSON RESPONSIBLE FOR THE CHILD;

(III) THE NAME AND ADDRESS OF THE PERSON WHO IS ALLEGED TO BE RESPONSIBLE FOR THE SUSPECTED ABUSE OR NEGLECT, IF KNOWN; AND

(IV) THE GENERAL NATURE OF THE CHILD'S INJURY.

SECTION 4. 25-4-1404 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25-4-1404. Use of reports. (1) The public health reports required to be submitted by sections 25-4-1402 and 25-4-1403 and records resulting from compliance with section 25-4-1405 (1) and held by the state or local department of health or any health care provider or facility, third-party payor, physician, clinic, laboratory, blood bank, or other agency shall be strictly confidential information. Such information shall not be released, shared with any agency or institution, or made public, upon subpoena, search warrant, discovery proceedings, or otherwise, except under any of the following circumstances:

(d) AN OFFICER OR EMPLOYEE OF THE LOCAL OR STATE DEPARTMENT OF HEALTH MAY MAKE A REPORT OF CHILD ABUSE TO AGENCIES RESPONSIBLE FOR RECEIVING OR INVESTIGATING REPORTS OF CHILD ABUSE OR NEGLECT IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE "CHILD PROTECTION ACT OF 1987" SET FORTH IN PART 3 OF ARTICLE 3 OF TITLE 19, C.R.S. HOWEVER, IN THE EVENT A REPORT IS MADE, ONLY THE FOLLOWING INFORMATION SHALL BE INCLUDED IN THE REPORT:

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(III) THE NAME AND ADDRESS OF THE PERSON WHO IS ALLEGED TO BE RESPONSIBLE FOR THE SUSPECTED ABUSE OR NEGLECT, IF KNOWN; AND

(IV) THE GENERAL NATURE OF THE CHILD'S INJURY.

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

Approved: June 6, 1993