

HB1357_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public Health Care & Human Services.

HB18-1357 be amended as follows:

- 1 Amend printed bill, page 2, strike line 11 and substitute:
2 "(1) "HEALTH CARE PROVIDER" OR "PROVIDER" MEANS:
3 (a) A".
- 4 Page 2, line 12, strike "(17), OR" and substitute "(17);
5 (b) A".
- 6 Page 2, line 14, strike "12." and substitute "(12); OR
7 (c) ANY OTHER HEALTH CARE PROVIDER REGULATED BY THE
8 STATE."
- 9 Page 2, line 22, after "(1)" insert "(a)".
- 10 Page 3, after line 2 insert:
- 11 "(b) THE OFFICE AND THE DEPARTMENT SHALL OPERATE PURSUANT
12 TO A MEMORANDUM OF UNDERSTANDING BETWEEN THE TWO ENTITIES.
13 THE MEMORANDUM OF UNDERSTANDING CONTAINS, AT A MINIMUM:
14 (I) A REQUIREMENT THAT THE OFFICE HAS ITS OWN PERSONNEL
15 RULES;
16 (II) A REQUIREMENT THAT THE OMBUDSPERSON HAS INDEPENDENT
17 HIRING AND TERMINATION AUTHORITY OVER OFFICE EMPLOYEES;
18 (III) A REQUIREMENT THAT THE OFFICE MUST FOLLOW STATE
19 FISCAL RULES;
20 (IV) A REQUIREMENT THAT THE OFFICE OF BEHAVIORAL HEALTH
21 SHALL OFFER THE OFFICE LIMITED SUPPORT WITH RESPECT TO:
22 (A) PERSONNEL MATTERS;
23 (B) RECRUITMENT;
24 (C) PAYROLL;
25 (D) BENEFITS;
26 (E) BUDGET SUBMISSION, AS NEEDED;
27 (F) ACCOUNTING; AND
28 (G) OFFICE SPACE, FACILITIES, AND TECHNICAL SUPPORT; AND
29 (V) ANY OTHER PROVISIONS REGARDING ADMINISTRATIVE
30 SUPPORT THAT WILL HELP MAINTAIN THE INDEPENDENCE OF THE OFFICE.
31 (c) THE OFFICE SHALL OPERATE WITH FULL INDEPENDENCE AND
32 HAS COMPLETE AUTONOMY, CONTROL, AND AUTHORITY OVER
33 OPERATIONS, BUDGET, AND PERSONNEL DECISIONS RELATED TO THE
34 OFFICE AND THE OMBUDSPERSON."
- 35 Page 3, line 3, strike "JANUARY 1, 2019," and substitute "NOVEMBER 1,

1 2018,".

2 Page 3, line 27, strike "REPORT CONCERNS AND COMPLAINTS" and
3 substitute "ASSIST CONSUMERS AND PROVIDERS IN REPORTING CONCERNS
4 AND FILING COMPLAINTS WITH APPROPRIATE REGULATORY OR OVERSIGHT
5 AGENCIES".

6 Page 4, after line 12 insert:

7 "(4) THE OMBUDSPERSON, EMPLOYEES OF THE OFFICE, AND ANY
8 PERSONS ACTING ON BEHALF OF THE OFFICE SHALL COMPLY WITH ALL
9 STATE AND FEDERAL CONFIDENTIALITY LAWS THAT GOVERN THE
10 DEPARTMENT WITH RESPECT TO THE TREATMENT OF CONFIDENTIAL
11 INFORMATION OR RECORDS AND THE DISCLOSURE OF SUCH INFORMATION
12 AND RECORDS.

13 (5) IN THE PERFORMANCE OF HIS OR HER DUTIES, THE
14 OMBUDSPERSON SHALL ACT INDEPENDENTLY OF THE OFFICE OF
15 BEHAVIORAL HEALTH. ANY RECOMMENDATIONS MADE BY THE
16 OMBUDSPERSON OR POSITIONS TAKEN BY THE OMBUDSPERSON DO NOT
17 REFLECT THOSE OF THE DEPARTMENT OR OFFICE OF BEHAVIORAL
18 HEALTH."

19 Page 4, after line 18 insert:

20 **"27-80-305. Qualified immunity.** THE OMBUDSPERSON AND
21 EMPLOYEES OR PERSONS ACTING ON BEHALF OF THE OFFICE ARE IMMUNE
22 FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL
23 CAPACITIES, FOR ANY CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY, OR
24 FOR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR ARISING
25 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT
26 OCCURRED WITHIN THE SCOPE OF EMPLOYMENT, DUTIES, OR
27 RESPONSIBILITIES PERTAINING TO THE OFFICE, INCLUDING ISSUING
28 REPORTS OR RECOMMENDATIONS; EXCEPT THAT NOTHING IN THIS SECTION
29 PROTECTS THOSE PERSONS FROM SUIT OR LIABILITY FOR DAMAGE, LOSS,
30 INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL AND
31 WANTON MISCONDUCT OF THE PERSON."

32 Renumber succeeding C.R.S. section accordingly.

33 Page 5, strike line 13 and substitute "PROVIDER OR IDENTIFYING
34 INFORMATION ABOUT A HEALTH CARE FACILITY LICENSED PURSUANT TO
35 SECTION 25-1.5-103 OR AN EMERGENCY MEDICAL SERVICES FACILITY, AS
36 DEFINED IN SECTION 27-65-102 (5.5)."

- 1 Strike "BEHAVIORAL" on: **Page 3**, lines 9, 11, and 16; **Page 4**, lines 10 and
- 2 18; and **Page 5**, line 12.

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