

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0832.01 Nicole Myers x4326

SENATE BILL 18-149

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

Gray and Herod,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING RECORDS OF THE BOARD OF DIRECTORS OF THE DENVER
102 HEALTH AND HOSPITAL AUTHORITY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Currently, all records of the Denver health and hospital authority (authority) are subject to the open records law. The bill specifies that certain reports, statements, agreements, bonds, guidelines, manuals, handbooks, and accounts of the authority are public records. The bill also specifies that the content of an electronic medical record system and individual medical records or medical information are not public records,

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

and that certain writings and other records concerning the modification, initiation, or cessation of patient care and authority health care programs or initiatives are not public records under certain circumstances.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 25-29-109 as
3 follows:

4 **25-29-109. Records of board of directors.** ~~Records of the~~
5 ~~authority are subject to the open records law under article 72 of title 24~~
6 ~~C.R.S.~~ ALL RESOLUTIONS SHALL BE RECORDED AND AUTHENTICATED BY
7 THE SIGNATURE OF THE SECRETARY OF THE BOARD OF DIRECTORS. THE
8 RESOLUTIONS AND OTHER PROCEEDINGS OF THE BOARD OF DIRECTORS,
9 MINUTES OF THE BOARD MEETINGS, ANNUAL REPORTS AND FINANCIAL
10 STATEMENTS, CERTIFICATES, CONTRACTS AND FINANCIAL AGREEMENTS,
11 AND BONDS GIVEN BY OFFICERS, EMPLOYEES, AND ANY OTHER AGENTS OF
12 THE AUTHORITY, AND ANY PERSONNEL REPORTS, GUIDELINES, MANUALS,
13 OR HANDBOOKS, OTHER THAN INDIVIDUAL PERSONNEL FILES, ARE A PUBLIC
14 RECORD AS DEFINED IN SECTION 24-72-202 (6) AND SUBJECT TO PART 2 OF
15 ARTICLE 72 OF TITLE 24. THE ACCOUNT OF ALL MONEY RECEIVED BY AND
16 DISBURSED ON BEHALF OF THE AUTHORITY IS ALSO A PUBLIC RECORD.
17 NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY,
18 THE CONTENT OF AN ELECTRONIC MEDICAL RECORD SYSTEM AND
19 INDIVIDUAL MEDICAL RECORDS OR MEDICAL INFORMATION IS NOT A
20 PUBLIC RECORD AND ALL WRITINGS AND OTHER RECORDS CONCERNING
21 THE MODIFICATION, INITIATION, OR CESSATION OF PATIENT CARE AND
22 AUTHORITY HEALTH CARE PROGRAMS OR INITIATIVES SHALL NOT BE
23 DEEMED TO BE A PUBLIC RECORD IF PREMATURE DISCLOSURE OF
24 INFORMATION CONTAINED IN SUCH WRITINGS OR OTHER RECORDS WOULD

1 GIVE AN UNFAIR COMPETITIVE OR BARGAINING ADVANTAGE TO ANY
2 PERSON OR ENTITY.

3 **SECTION 2. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2018 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.