

CHAPTER 127

HEALTH AND ENVIRONMENT

HOUSE BILL 03-1255

BY REPRESENTATIVE(S) Stafford, Williams S., Brophy, Fritz, Mitchell, and Pommer;
also SENATOR(S) Johnson S.

AN ACT

**CONCERNING THE ENHANCEMENT OF PATIENT SAFETY THROUGH THE CONFIDENTIAL ANALYSIS OF
HEALTH CARE INFORMATION BY NONGOVERNMENTAL PATIENT SAFETY ORGANIZATIONS.**

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

SECTION 1. The introductory portion to 25-3-109 (4), Colorado Revised Statutes, is amended and the said 25-3-109 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

25-3-109. Quality management functions - confidentiality and immunity.

(4) The records, reports, and other information described in subsection (3) AND SUBSECTION (5.5) of this section shall not be subject to subpoena or discoverable or admissible as evidence in any civil or administrative proceeding. No person who participates in the reporting, collection, evaluation, or use of such quality management information with regard to a specific circumstance shall testify thereon in any civil or administrative proceeding. However, this subsection (4) shall not apply to:

(5.5) (a) THE CONFIDENTIALITY OF INFORMATION PROVIDED FOR IN THIS SECTION SHALL IN NO WAY BE IMPAIRED OR OTHERWISE ADVERSELY AFFECTED SOLELY BY REASON OF THE SUBMISSION OF THE INFORMATION TO A NONGOVERNMENTAL ENTITY TO CONDUCT STUDIES THAT EVALUATE, DEVELOP, AND ANALYZE INFORMATION ABOUT HEALTH CARE OPERATIONS, PRACTICES, OR ANY OTHER FUNCTION OF HEALTH CARE FACILITIES. THE RECORDS, REPORTS, AND OTHER INFORMATION COLLECTED OR DEVELOPED BY A NONGOVERNMENTAL ENTITY SHALL REMAIN PROTECTED AS PROVIDED IN SUBSECTIONS (3) AND (4) OF THIS SECTION. IN ORDER TO ADEQUATELY PROTECT THE CONFIDENTIALITY OF SUCH INFORMATION, NO FINDINGS, CONCLUSIONS, OR RECOMMENDATIONS CONTAINED IN SUCH STUDIES CONDUCTED BY ANY SUCH NONGOVERNMENTAL ENTITY SHALL BE DEEMED TO ESTABLISH A STANDARD OF CARE

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

FOR HEALTH CARE FACILITIES.

(b) FOR PURPOSES OF THIS SUBSECTION (5.5), "HEALTH CARE FACILITY" INCLUDES A HEALTH CARRIER AS DEFINED IN SECTION 10-16-102 (8), C.R.S., AND A HEALTHCARE PRACTITIONER LICENSED OR CERTIFIED PURSUANT TO TITLE 12, C.R.S.

SECTION 2. 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: April 17, 2003