

CHAPTER 156

HEALTH AND ENVIRONMENT

HOUSE BILL 04-1354

BY REPRESENTATIVE(S) Hefley, Clapp, Stafford, Tochtrop, Witwer, Boyd, Carroll, Crane, Marshall, Miller, Pommer, Spradley, Weddig, and Welker;
also SENATOR(S) Johnson S., Hanna, Entz, and Hagedorn.

AN ACT

CONCERNING ENACTMENT OF THE "HEALTH CARE CREDENTIALS UNIFORM APPLICATION ACT".

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

SECTION 1. Part 1 of article 1 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-1-108.7. Health care credentials uniform application act - legislative declaration - definitions - state board of health rules - repeal. (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "HEALTH CARE CREDENTIALS UNIFORM APPLICATION ACT".

(2) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE CURRENT SYSTEM OF REQUIRING HEALTH CARE PROFESSIONALS TO COMPLETE AND FILE MULTIPLE CREDENTIALING APPLICATIONS AND FORMS IS DUPLICATIVE AND COSTLY TO THE HEALTH CARE DELIVERY SYSTEM. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THE COLLECTION OF CREDENTIALS DATA FOR THE PURPOSE OF VERIFYING THE QUALIFICATIONS OF HEALTH CARE PROFESSIONALS IS EXCESSIVELY DUPLICATIVE AND COSTLY. THE PURPOSE OF THE "HEALTH CARE CREDENTIALS UNIFORM APPLICATION ACT" IS TO MAKE CREDENTIALING MORE EFFICIENT, LESS COSTLY, AND LESS DUPLICATIVE BY MAKING IT UNIFORM THROUGH THE USE OF A SINGLE APPLICATION FORM FOR THE COLLECTION OF CORE CREDENTIALS DATA FOR USE BY ENTITIES.

(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CORE CREDENTIALS DATA" MEANS DATA, INFORMATION, OR ANSWERS TO QUESTIONS THAT ARE COLLECTED AND RETAINED AND THAT ARE COMMON AND

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

NECESSARY FOR THE CREDENTIALING OR RECREDENTIALING OF A HEALTH CARE PROFESSIONAL, BUT DOES NOT INCLUDE ADDITIONAL NONDUPLICATIVE CREDENTIALS DATA DEEMED ESSENTIAL BY A CREDENTIALING ENTITY TO COMPLETE CREDENTIALING.

(b) "CREDENTIALING" MEANS THE PROCESS OF ASSESSING AND VALIDATING THE QUALIFICATIONS OF A HEALTH CARE PROFESSIONAL.

(c) "CREDENTIALING ENTITY" MEANS ANY HEALTH CARE ENTITY OR HEALTH CARE PLAN THAT IS ENGAGED IN THE COLLECTION OF INFORMATION TO BE USED IN THE PROCESS OF CREDENTIALING OR RECREDENTIALING OF HEALTH CARE PROFESSIONALS.

(d) "HEALTH CARE ENTITY" MEANS ANY OF THE FOLLOWING THAT REQUIRE HEALTH PROFESSIONALS TO SUBMIT CREDENTIALS DATA:

(I) A HEALTH CARE FACILITY OR OTHER HEALTH CARE ORGANIZATION LICENSED OR CERTIFIED TO PROVIDE MEDICAL OR HEALTH SERVICES IN COLORADO;

(II) A HEALTH CARE PROFESSIONAL PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, PROFESSIONAL SERVICES CORPORATION, OR GROUP PRACTICE;

(III) AN INDEPENDENT PRACTICE ASSOCIATION OR PHYSICIAN-HOSPITAL ORGANIZATION;

(IV) A PROFESSIONAL LIABILITY INSURANCE CARRIER; OR

(V) AN INSURANCE COMPANY, HEALTH MAINTENANCE ORGANIZATION, OR OTHER ENTITY THAT CONTRACTS FOR THE PROVISION OF HEALTH BENEFITS.

(e) "HEALTH CARE PLAN" MEANS ANY ENTITY THAT IS LICENSED BY THE DIVISION OF INSURANCE AS A PREPAID HEALTH CARE PLAN, HEALTH MAINTENANCE ORGANIZATION, OR INSURER AND THAT REQUIRES THE SUBMISSION OF CREDENTIALS DATA.

(f) "HEALTH CARE PROFESSIONAL" MEANS A PHYSICIAN, DENTIST, DENTAL HYGIENIST, CHIROPRACTOR, PODIATRIST, PSYCHOLOGIST, ADVANCED PRACTICE NURSE, OPTOMETRIST, PHYSICIAN ASSISTANT, LICENSED CLINICAL SOCIAL WORKER, CHILD HEALTH ASSOCIATE, MARRIAGE AND FAMILY THERAPIST, OR OTHER HEALTH CARE PROFESSIONAL WHO IS REGISTERED, CERTIFIED, OR LICENSED PURSUANT TO TITLE 12, C.R.S.; WHO IS SUBJECT TO CREDENTIALING; AND WHO PRACTICES, OR INTENDS TO PRACTICE, IN COLORADO.

(g) "NONSPECIFIC CREDENTIALS DATA" MEANS CREDENTIALS DATA THAT IS AGGREGATED AND REPORTED WITHOUT REFERENCE TO THE IDENTITY OF THE INDIVIDUAL HEALTH CARE PROFESSIONAL TO WHOM IT PERTAINS.

(4) (a) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT THE AUTHORITY OF ANY HEALTH CARE ENTITY OR HEALTH CARE PLAN TO APPROVE, SUSPEND, OR DENY AN APPLICATION FOR INSURANCE, STAFF MEMBERSHIP, CLINICAL PRIVILEGES, OR MANAGED CARE NETWORK PARTICIPATION. THIS SECTION SHALL NOT BE CONSTRUED TO APPLY TO THE LICENSING ACTIVITIES OF ANY BOARD RESPONSIBLE

FOR LICENSING HEALTH CARE PROFESSIONALS.

(b) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A CREDENTIALING ENTITY TO USE A PARTICULAR CREDENTIALING PROCESS OR TO RESTRICT OR REQUIRE SUCH AN ENTITY FROM USING A PARTICULAR VENDOR IN THE CREDENTIALING PROCESS.

(5) UPON THE EFFECTIVE DATE OF THE RULE ESTABLISHED BY THE STATE BOARD OF HEALTH PURSUANT TO PARAGRAPH (e) OF SUBSECTION (6) OF THIS SECTION, A CREDENTIALING ENTITY SHALL COLLECT CORE CREDENTIALS DATA THROUGH THE USE OF THE COLORADO HEALTH CARE PROFESSIONAL CREDENTIALS APPLICATION ESTABLISHED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (6) OF THIS SECTION. THE FORM MAY BE SUBMITTED ELECTRONICALLY OR BY PAPER COPY. THE CREDENTIALING ENTITY MAY REQUIRE A HEALTH CARE PROFESSIONAL TO ANSWER ONLY SELECT PROVISIONS OF THE APPLICATION ACCORDING TO THE NEEDS OF THE ENTITY. QUESTIONS THAT ARE PROHIBITED BY LAW SHALL NOT BE INCLUDED IN THE REQUEST FOR CREDENTIALING DATA BY THE CREDENTIALING ENTITY. REQUESTS FOR ADDITIONAL CREDENTIALS DATA DEEMED ESSENTIAL BY THE ACCREDITING BODY TO COMPLETE CREDENTIALING BY A CREDENTIALING ENTITY MAY BE REQUESTED IF THE REQUEST DOES NOT REPEAT CORE DATA COLLECTED USING THE COLORADO HEALTH CARE PROFESSIONAL CREDENTIALS APPLICATION; EXCEPT THAT BASIC IDENTIFICATION DATA MAY BE REQUESTED IN DUPLICATE.

(6) (a) THERE IS HEREBY ESTABLISHED THE HEALTH CARE CREDENTIALS APPLICATION REVIEW COMMITTEE TO RECOMMEND TO THE STATE BOARD OF HEALTH, AND TO PERIODICALLY REVIEW, A SINGLE APPLICATION FORM FOR THE COLLECTION OF CORE CREDENTIALS DATA IN THIS STATE. THE FORM SHALL BE KNOWN AS THE "COLORADO HEALTH CARE PROFESSIONAL CREDENTIALS APPLICATION". THE REVIEW COMMITTEE SHALL CONSIST OF THE FOLLOWING EIGHT MEMBERS, WHO SHALL SERVE FOR TERMS OF FOUR YEARS AND WHO SHALL BE APPOINTED BY THE STATE BOARD OF HEALTH:

(I) ONE MEMBER REPRESENTING A STATEWIDE ASSOCIATION OR SOCIETY OF PHYSICIANS;

(II) ONE MEMBER REPRESENTING A STATEWIDE ASSOCIATION OR SOCIETY OF COLORADO HOSPITALS;

(III) ONE MEMBER REPRESENTING A STATEWIDE ASSOCIATION OR SOCIETY OF HEALTH PLANS;

(IV) ONE MEMBER REPRESENTING A PROFESSIONAL LIABILITY INSURANCE CARRIER DOMICILED IN COLORADO THAT PROVIDES PROFESSIONAL LIABILITY INSURANCE TO HEALTH CARE PROFESSIONALS IN COLORADO;

(V) ONE MEMBER REPRESENTING A STATEWIDE ASSOCIATION OR SOCIETY OF COLORADO HEALTH CARE MEDICAL STAFF SERVICE SPECIALISTS;

(VI) ONE ADVANCED PRACTICE NURSE;

(VII) TWO MEMBERS AT LARGE.

(b) EACH BOARD MEMBER MAY BRING CONSULTANTS AND ADVISORS TO PARTICIPATE IN BOARD MEETINGS. CONSULTANTS AND ADVISORS SHALL NOT HAVE DECISION-MAKING POWERS OR VOTING PRIVILEGES.

(c) THE REVIEW COMMITTEE SHALL BE STAFFED BY AN ENTITY APPROVED BY THE BOARD OF MEDICAL EXAMINERS TO COLLECT MEDICAL LICENSE REGISTRATION FEES PURSUANT TO SECTION 12-36-123.5, C.R.S.

(d) MEMBERS OF THE REVIEW COMMITTEE SHALL SERVE WITHOUT COMPENSATION.

(e) WITHIN ONE HUNDRED TWENTY DAYS AFTER THE TIME OF APPOINTMENT, THE REVIEW COMMITTEE SHALL MAKE A RECOMMENDATION TO THE STATE BOARD OF HEALTH REGARDING PROPOSED CONTENTS OF THE COLORADO HEALTH CARE PROFESSIONAL CREDENTIALS APPLICATION. IN ACCORDANCE WITH SECTION 24-4-103, C.R.S., THE STATE BOARD OF HEALTH SHALL ESTABLISH, BY RULE, THE COLORADO HEALTH CARE PROFESSIONAL CREDENTIALS APPLICATION. THE COLORADO HEALTH CARE PROFESSIONAL CREDENTIALS APPLICATION SHALL BE THE SAME AS THE PROVIDER APPLICATION FORM DEVELOPED BY THE COUNCIL FOR AFFORDABLE QUALITY HEALTHCARE AS OF JANUARY 1, 2004, AS MODIFIED, IF NECESSARY, TO COMPLY WITH COLORADO LAW OR AS MAY BE RECOMMENDED BY THE MAJORITY OF MEMBERS OF THE REVIEW COMMITTEE.

(f) THE REVIEW COMMITTEE SHALL MEET AT LEAST ANNUALLY TO REVIEW AND MAKE ANY NECESSARY RECOMMENDATIONS FOR MODIFICATIONS TO THE COLORADO HEALTH CARE PROFESSIONAL CREDENTIALS APPLICATION TO THE STATE BOARD OF HEALTH.

(g) INITIAL APPOINTMENTS TO THE REVIEW COMMITTEE SHALL BE MADE ON OR BEFORE JULY 1, 2004. THE STATE BOARD OF HEALTH SHALL APPOINT REPLACEMENT MEMBERS AS NECESSARY FOR A FULL COMMITTEE.

(7) CORE CREDENTIALS DATA COLLECTED AND RETAINED ON BEHALF OF A CREDENTIALING ENTITY SHALL NOT BE MODIFIED WITHOUT THE APPROVAL OF THE CREDENTIALING ENTITY.

(8) THE STATE BOARD OF HEALTH MAY PROMULGATE RULES AS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2008. PRIOR TO SUCH REPEAL, THE REVIEW COMMITTEE SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

SECTION 2. 2-3-1203 (3) (u), Colorado Revised Statutes, is amended to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(u) July 1, 2008:

(l) The air quality science advisory board in the department of public health and

environment, created in section 25-7-109.4, C.R.S.;

(II) THE HEALTH CARE CREDENTIALS APPLICATION REVIEW COMMITTEE, CREATED IN SECTION 25-1-108.7, C.R.S.

SECTION 3. 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 14, 2004