

CHAPTER 228

GOVERNMENT - STATE

HOUSE BILL 12-1052

BY REPRESENTATIVE(S) Summers, Court, Fields, Fischer, Jones, Kefalas, Kerr A., Kerr J., Labuda, Massey, Schafer S., Singer, Todd, Wilson, Young, Kagan;
also SENATOR(S) Boyd and Roberts, Aguilar, Foster, Heath, Hudak, Newell, Schwartz, Steadman, Tochtrop, Williams S.

AN ACT

CONCERNING THE COLLECTION OF HEALTH CARE WORK FORCE DATA FROM HEALTH CARE PROFESSIONALS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) It is important for the state of Colorado to collect accurate and up-to-date health care professional data on a statewide basis in order to determine the medically underserved areas of the state and to accurately guide the education and training needs for health care professionals in this state;

(b) In order to successfully collect the needed data, the department of regulatory agencies and the department of public health and environment need to work together.

(2) Therefore, it is the intent of the general assembly to encourage the department of regulatory agencies and the department of public health and environment to work together in a timely manner to accomplish the goals of collecting and analyzing health care professional data in order to help meet the health care professional needs for all of Colorado.

SECTION 2. In Colorado Revised Statutes, **add** 24-34-110.5 as follows:

24-34-110.5. Health care work force data collection - notice of funding through gifts, grants, and donations - repeal. (1) ON OR BEFORE JULY 1, 2013, THE DIRECTOR OF THE DIVISION OF REGISTRATIONS SHALL IMPLEMENT A SYSTEM TO

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

COLLECT HEALTH CARE WORK FORCE DATA FROM HEALTH CARE PROFESSIONALS WHO ARE ELIGIBLE FOR THE COLORADO HEALTH SERVICE CORPS PURSUANT TO PART 7 OF ARTICLE 20.5 OF TITLE 25, C.R.S., FROM PRACTICAL AND PROFESSIONAL NURSES LICENSED PURSUANT TO ARTICLE 38 OF TITLE 12, C.R.S., AND FROM PHARMACISTS WHO ARE LICENSED PURSUANT TO ARTICLE 22 OF TITLE 12, C.R.S., COLLECTIVELY REFERRED TO IN THIS SECTION AS "HEALTH CARE PROFESSIONALS". EACH HEALTH CARE PROFESSIONAL SHALL SUBMIT THE DATA AS PART OF THE INITIAL LICENSURE PROCESS AND UPON THE RENEWAL OF HIS OR HER LICENSE. NO EXECUTIVE DEPARTMENT OR BOARD IS RESPONSIBLE FOR VERIFYING THE DATA OR DISCIPLINING A HEALTH CARE PROFESSIONAL FOR NONCOMPLIANCE WITH THIS SECTION.

(2) THE DIRECTOR OF THE DIVISION OF REGISTRATIONS SHALL REQUEST EACH HEALTH CARE PROFESSIONAL TO PROVIDE DATA RECOMMENDED BY THE DIRECTOR OF THE PRIMARY CARE OFFICE IN CONSULTATION WITH THE ADVISORY GROUP FORMED PURSUANT TO SUBSECTION (3) OF THIS SECTION. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS HAS FINAL APPROVAL AUTHORITY REGARDING THE FORM AND MANNER OF THE DATA COLLECTED. THE DATA COLLECTED CONCERNS:

- (a) EACH PRACTICE ADDRESS OF THE HEALTH CARE PROFESSIONAL;
- (b) THE NUMBER OF HOURS THE HEALTH CARE PROFESSIONAL PROVIDES DIRECT PATIENT CARE AT EACH PRACTICE LOCATION;
- (c) ANY SPECIALTIES OF THE HEALTH CARE PROFESSIONAL, IF APPLICABLE;
- (d) INFORMATION ABOUT EACH PRACTICE SETTING TYPE;
- (e) THE HEALTH CARE PROFESSIONAL'S EDUCATION AND TRAINING RELATED TO HIS OR HER PROFESSION; AND
- (f) THE YEAR OF BIRTH OF THE HEALTH CARE PROFESSIONAL.

(3) (a) THE DIRECTOR OF THE PRIMARY CARE OFFICE CREATED IN SECTION 25-20.5-603, C.R.S., SHALL DESIGNATE AN ADVISORY GROUP COMPOSED OF A REPRESENTATIVE OF THE DEPARTMENT OF REGULATORY AGENCIES AS DETERMINED BY THE EXECUTIVE DIRECTOR, THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES, OR HIS OR HER DESIGNEE, REPRESENTATIVES OF THE AFFECTED HEALTH CARE PROFESSIONS, AND INDIVIDUALS WITH EXPERTISE IN HEALTH CARE WORK FORCE RESEARCH, ANALYSIS, AND PLANNING TO BE CONVENED BY A NONPROFIT STATEWIDE MEMBERSHIP ORGANIZATION THAT PROVIDES PROGRAMS AND SERVICES TO ENHANCE RURAL HEALTH CARE IN COLORADO. THE MEMBERS OF THE ADVISORY GROUP SHALL SERVE WITHOUT COMPENSATION OR REIMBURSEMENT FOR ACTUAL OR NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES. THE ADVISORY GROUP SHALL RECOMMEND THE STRUCTURE OF THE DATA ELEMENTS IN SUBSECTION (2) OF THIS SECTION. THE ADVISORY GROUP SHALL CONSIDER, BUT IS NOT LIMITED TO USING, THE DIVISION OF REGISTRATION'S EXISTING DATA FIELDS AS A POSSIBLE STRUCTURE FOR THE DATA ELEMENTS RECOMMENDED IN THIS SECTION. THE DIRECTOR OF THE DIVISION OF REGISTRATIONS HAS FINAL APPROVAL AUTHORITY REGARDING THE STRUCTURE OF THE DATA ELEMENTS.

(b) THE DIRECTOR OF THE DIVISION OF REGISTRATIONS SHALL ENSURE THAT THE DATA PROVIDED BY HEALTH CARE PROFESSIONALS IS AVAILABLE TO THE PRIMARY CARE OFFICE IN ELECTRONIC FORMAT FOR ANALYSIS. A MEMBER OF THE PUBLIC MAY REQUEST, IN WRITING, UNANALYZED DATA FROM THE PRIMARY CARE OFFICE. DATA AVAILABLE TO THE PUBLIC MUST BE LIMITED TO UNIQUE RECORDS THAT DO NOT INCLUDE NAMES OR OTHER IDENTIFYING INFORMATION.

(c) THE ADVISORY GROUP IS REPEALED, EFFECTIVE SEPTEMBER 1, 2022. BEFORE THE REPEAL, THE DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE ADVISORY GROUP PURSUANT TO SECTION 2-3-1203, C.R.S.

(4)(a) THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT THE DIRECTOR MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER LAW OF THE STATE. THE DIRECTOR SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE DIVISION OF REGISTRATIONS CASH FUND CREATED IN SECTION 24-34-105. THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DIRECTOR FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS SECTION.

(b) (I) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION, THE DIRECTOR SHALL NOTIFY THE LEGISLATIVE COUNCIL STAFF WHEN HE OR SHE HAS RECEIVED ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR DONATIONS TO IMPLEMENT THIS SECTION AND SHALL INCLUDE IN THE NOTIFICATION THE INFORMATION SPECIFIED IN SECTION 24-75-1303 (3).

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2015.

SECTION 3. In Colorado Revised Statutes, 2-3-1203, **add** (3) (ii.5) as follows:

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:

(ii.5) SEPTEMBER 1, 2022:

(I) THE ADVISORY GROUP APPOINTED BY THE DIRECTOR OF THE PRIMARY CARE OFFICE PURSUANT TO SECTION 24-34-110.5 (3), C.R.S.

SECTION 4. In Colorado Revised Statutes, 25-3-103.7, **amend** (6) as follows:

25-3-103.7. Employment of physicians - when permissible - conditions - definitions. (6) When applying for initial facility licensure and upon each application for license renewal, every health care facility licensed or certified by the department that employs a physician shall report to the department the number of physicians on the health care facility's medical staff. The report shall separately identify the number of ~~such~~ THOSE physicians who are employed by the health care facility under separate contract to the health care facility and independent of the

health care facility. ~~A health care facility that is a FQHC, rural health clinic, school-based health center, or PACE organization that employs a physician shall report the information required by this subsection (6) to the department by January 1 of each year.~~

SECTION 5. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 2012, the sum of \$36,745, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for the fiscal year beginning July 1, 2012, the sum of \$35,520 or so much thereof as may be necessary, for allocation to the office of information technology for the provision of programming services to the department of regulatory agencies related to the implementation of this act. Said sum is from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section.

SECTION 6. Effective date. This act takes effect July 1, 2012.

SECTION 7. 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: May 29, 2012