

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REDRAFT
1.8.07

Double underlining
denotes changes from
prior draft

DRAFT

LLS NO. 07-0007.02 Jerry Barry

SENATE BILL

SENATE SPONSORSHIP

Shaffer,

HOUSE SPONSORSHIP

(None),

SHORT TITLE: "EKG Emergency Network"

DEADLINES: Finalize by: 01.08.07 File by: 01.12.07

A BILL FOR AN ACT

101 CONCERNING THE ELECTRONIC ACCESSIBILITY OF CERTAIN MEDICAL
102 INFORMATION BY PHYSICIANS IN EMERGENCY TREATMENT
103 FACILITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates the emergency access to health information demonstration program ("program") to provide certain patient medical information to emergency treatment facilities. Directs the department of public health and environment to develop and implement a secure computer network to share electrocardiogram ("EKG") tracings with emergency treatment facilities. Requires certain hospitals and clinics, and allows others, to

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

make EKG tracings available to the network unless the patient elects otherwise. Directs the emergency medical and trauma services advisory council to recommend, and the state board of health to adopt, rules to implement the program. Specifies penalties for the improper access, release, or transmission of information available through the computer network.

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

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

4 (a) Cardiovascular disease causes more deaths in Colorado than
5 any other disease, and, in order to provide the best emergency medical
6 care to patients with cardiovascular disease, emergency physicians need
7 immediate access to historical health data, regardless of where patients
8 were treated in the past;

9 (b) For optimal care, physicians must compare present
10 electrocardiogram ("EKG") tracings to historical EKG tracings.
11 However, access to prior EKG tracings in critical settings is often
12 difficult, and patients cannot be expected to recall the appearance of their
13 old EKG tracings;

14 (c) The lack of access to prior EKG tracings results in costly,
15 unnecessary, and additional medical procedures and hospital admissions;

16 (d) Robust and proven technology exists to create a scalable
17 network of emergency health care data for consenting patients;

18 (e) A secure statewide EKG exchange system would improve
19 public health by allowing properly authenticated physicians to access
20 critical clinical data at the point of care regardless of which emergency
21 treatment facility receives the patient;

22 (f) A properly safeguarded, patient-centric network of EKG

1 tracings and core emergency health data would improve health care
2 efficiency and cost-effectiveness, reduce medical errors, facilitate
3 portability and choice, and increase the quality of care for the people of
4 Colorado.

5 **SECTION 2.** Part 1 of article 1 of title 25, Colorado Revised
6 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
7 read:

8 **25-1-126. Access to EKG tracings in an emergency - statewide**
9 **network - rules - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES:

11 (a) "ADVISORY COUNCIL" MEANS THE EMERGENCY MEDICAL AND
12 TRAUMA SERVICES ADVISORY COUNCIL ESTABLISHED PURSUANT TO
13 SECTION 25-3.5-104.

14 (b) "EKG" MEANS ELECTROCARDIOGRAM.

15 (c) "EMERGENCY TREATMENT FACILITY" MEANS:

16 (I) AN EMERGENCY DEPARTMENT IN A HOSPITAL;

17 (II) AN OBSTETRICAL DEPARTMENT IN A HOSPITAL;

18 (III) A PSYCHIATRIC INTAKE FACILITY; OR

19 (IV) AN URGENT CARE FACILITY THAT PROVIDES EMERGENCY
20 MEDICAL TREATMENT WITHOUT AN APPOINTMENT ON AN URGENT,
21 OUTPATIENT BASIS TO AT LEAST ONE-THIRD OF ITS PATIENTS.

22 (2) THERE IS HEREBY CREATED IN THE DEPARTMENT THE
23 EMERGENCY ACCESS TO HEALTH INFORMATION DEMONSTRATION
24 PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM", TO SUPPORT
25 EMERGENCY MEDICAL TREATMENT DECISION-MAKING THROUGH A
26 COMPUTERIZED SYSTEM OF SPECIFIC MEDICAL INFORMATION SHARED WITH
27 EMERGENCY TREATMENT FACILITIES.

1 (2) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT, OR
2 CONTRACT FOR THE DEVELOPMENT AND IMPLEMENTATION OF, A
3 STATEWIDE, SECURE, AND ACCESSIBLE COMPUTER NETWORK TO SHARE
4 EKG TRACINGS OF PATIENTS WITH EMERGENCY TREATMENT FACILITIES TO
5 BE OPERATIONAL BY JANUARY 1, 2008. THE NETWORK SHALL ALLOW
6 ACCESS TO THE EKG TRACINGS ONLY BY AUTHORIZED EMERGENCY
7 TREATMENT FACILITIES. THE NETWORK SHALL BE DESIGNED SO THAT IT
8 HAS:

- 9 (A) THE HIGHEST PRIORITY ON SECURITY AND DATA INTEGRITY;
10 (B) UNIVERSAL ACCESSIBILITY FROM MULTIPLE OPERATING
11 SYSTEMS AND BROWSERS THAT DOES NOT FAVOR ANY PROPRIETARY
12 SOFTWARE;
13 (C) ADAPTABILITY TO ACCOMMODATE EMERGING DOCUMENT TYPE
14 DEFINITIONS; AND
15 (D) THE ABILITY FOR A PATIENT TO REVIEW, CORRECT, EDIT,
16 APPEND, OR REMOVE CERTAIN ELEMENTS OF THE PATIENT'S MEDICAL
17 RECORD WITH A NOTATION THAT THE DATA WAS PATIENT-ENTERED;

18 (3) UNLESS THE PATIENT ELECTS NOT TO ALLOW ACCESS, ALL
19 HOSPITALS LICENSED PURSUANT TO PART 1 OF ARTICLE 3 OF THIS TITLE
20 AND ANY OTHER HOSPITAL, CLINIC, OR OFFICE THAT PERFORMS MORE THAN
21 ONE HUNDRED EKGs PER MONTH SHALL, AND ANY OTHER HOSPITAL,
22 CLINIC, OR OFFICE MAY, TRANSMIT OR MAKE AVAILABLE THE TRACINGS OF
23 A PATIENT'S EKG TO THE NETWORK ESTABLISHED PURSUANT TO
24 SUBSECTION (2) OF THIS SECTION.

25 (4) (a) ON OR BEFORE OCTOBER 1, 2007, THE ADVISORY COUNCIL
26 SHALL MAKE RECOMMENDATIONS TO THE BOARD FOR RULES TO
27 IMPLEMENT THE PROGRAM, INCLUDING BUT NOT LIMITED TO RULES

1 REQUIRING THAT:

2 (a) DATA BE REFRESHED AT LEAST MONTHLY;

3 (b) DATA INCLUDE RECORDS OF ALL PATIENTS EXCEPT THOSE
4 SPECIFICALLY ELECTING NOT TO ALLOW SHARED ACCESS TO THEIR DATA;

5 (c) DATA BE PUBLISHED IN A NONPROPRIETARY FORMAT; AND

6 (d) ACCESS TO DATA BE LIMITED TO QUERIES FROM EMERGENCY
7 TREATMENT FACILITIES.

8 (5) ON OR BEFORE JANUARY 1, 2008, BASED UPON THE
9 RECOMMENDATIONS OF THE ADVISORY COUNCIL, THE BOARD SHALL ADOPT
10 RULES TO IMPLEMENT THE PROGRAM.

11 (6) A PERSON WHO IMPROPERLY ACCESSES INFORMATION IN THE
12 NETWORK OR WHO IMPROPERLY RELEASES OR TRANSMITS INFORMATION
13 OBTAINED FROM THE NETWORK COMMITS A CLASS 1 MISDEMEANOR AND
14 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

15 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

16 **SECTION 3.** 25-1-1202 (1), Colorado Revised Statutes, is
17 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18 **25-1-1202. Index of statutory sections regarding medical**
19 **record confidentiality and health information.** (1) Statutory
20 provisions concerning policies, procedures, and references to the release,
21 sharing, and use of medical records and health information include the
22 following:

23 (rr.5) (I) SECTION 25-1-126, CONCERNING THE CREATION AND
24 IMPLEMENTATION OF THE EMERGENCY ACCESS TO HEALTH INFORMATION
25 DEMONSTRATION PROGRAM.

26 (II) THIS PARAGRAPH (rr.5) IS REPEALED, EFFECTIVE JULY 1, 2011.

27 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.