

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0297.01 Jery Payne x2157

HOUSE BILL 14-1068

HOUSE SPONSORSHIP

Coram,

SENATE SPONSORSHIP

(None),

House Committees

Health, Insurance & Environment
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT PHYSICIANS REPORT TO THE
102 DEPARTMENT OF REVENUE WHEN PATIENTS ARE DIAGNOSED
103 WITH MEDICAL CONDITIONS THAT MAKE DRIVING DANGEROUS.

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://www.leg.state.co.us/billsummaries>.)

The bill requires a person licensed under the medical practices act to report the diagnosis to the department of revenue (department) within 7 days after learning that a patient is afflicted with a loss, interruption, or lapse of consciousness or motor function. Failure to notify the department

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

is punishable by a fine of up to \$300 or by jail for up to 90 days. A licensee who notifies the department in good faith is immune from civil or criminal liability.

Upon receiving the notice, the department cancels the driver's license, notifies the person of the cancellation, and advises the person that they may appeal the cancellation. If the person appeals the cancellation, the department uses existing procedures to determine whether the cancellation of or placing restrictions on the license is appropriate.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 12-36-141 as
3 follows:

4 **12-36-141. Loss, interruption, or lapse in consciousness**
5 **reported to department of revenue - penalty for failure to report -**
6 **immunity from liability.** (1) (a) EVERY LICENSEE SHALL REPORT THE
7 DIAGNOSIS AND THE PERSON'S NAME TO THE DEPARTMENT OF REVENUE
8 WITHIN SEVEN DAYS AFTER:

9 (I) DIAGNOSING A PERSON TO BE AFFLICTED WITH A DISORDER
10 CAUSING A LOSS, INTERRUPTION, OR LAPSE OF CONSCIOUSNESS OR MOTOR
11 FUNCTION; OR

12 (II) LEARNING THAT A PERSON UNDER THE LICENSEE'S CARE IS
13 AFFLICTED WITH A DISORDER CAUSING A LOSS, INTERRUPTION, OR LAPSE
14 OF CONSCIOUSNESS OR MOTOR FUNCTION.

15 (b) A LICENSEE WHO FAILS TO MAKE A REPORT AS REQUIRED BY
16 THIS SECTION COMMITS A CLASS 2 PETTY OFFENSE, AS DEFINED BY SECTION
17 18-1.3-503, C.R.S., AND, UPON CONVICTION, SHALL BE PUNISHED BY A
18 FINE OF NOT MORE THAN THREE HUNDRED DOLLARS, BY IMPRISONMENT IN
19 THE COUNTY JAIL FOR NOT MORE THAN NINETY DAYS, OR BY BOTH FINE
20 AND IMPRISONMENT.

21 (2) A LICENSEE WHO MAKES A REPORT UNDER SUBSECTION (1) OF

1 THIS SECTION IN GOOD FAITH IS IMMUNE FROM ANY CIVIL LIABILITY OR
2 CRIMINAL LIABILITY THAT MIGHT OTHERWISE BE INCURRED OR IMPOSED
3 ARISING FROM THE REPORT AND HAS THE SAME IMMUNITY IN ANY JUDICIAL
4 PROCEEDING EXCEPT IN MATTERS CONCERNING THE INDIVIDUAL'S
5 QUALIFICATIONS TO RECEIVE OR RETAIN A DRIVER'S LICENSE.

6 (3) THIS SECTION DOES NOT REQUIRE A LICENSEE TO TESTIFY IN
7 COURT IN CONFLICT WITH SECTION 13-90-107 (1) (d), C.R.S.

8 **SECTION 2.** In Colorado Revised Statutes, 18-4-412, **amend** (5)
9 as follows:

10 **18-4-412. Theft of medical records or medical information -**
11 **penalty.** (5) This section ~~shall~~ DOES not apply to:

12 (a) Covered entities, their business associates, or health oversight
13 agencies as each is defined in the federal "Health Insurance Portability
14 and Accountability Act of 1996" as amended by the federal "Health
15 Information Technology for Economic and Clinical Health Act" and the
16 respective implementing regulations;

17 (b) A PHYSICIAN OR THE PHYSICIAN'S EMPLOYEES FOR DISCLOSURE
18 MADE IN COMPLIANCE WITH SECTION 12-36-141, C.R.S.; OR

19 (c) THE DEPARTMENT OF REVENUE WHEN RECEIVING A REPORT
20 MADE IN COMPLIANCE WITH SECTION 12-36-141, C.R.S.

21 **SECTION 3.** In Colorado Revised Statutes, 42-2-122, **add** (2.2)
22 as follows:

23 **42-2-122. Department may cancel license - limited license for**
24 **physical or mental limitations.** (2.2) (a) IF THE DEPARTMENT RECEIVES
25 A NOTICE UNDER SECTION 12-36-141, C.R.S., OF A DIAGNOSIS THAT MIGHT
26 MAKE A PERSON UNSAFE TO DRIVE, AND THE DEPARTMENT WAS
27 PREVIOUSLY UNAWARE OF THE DIAGNOSIS, THE DEPARTMENT SHALL:

1 (I) CANCEL THE PERSON'S LICENSE;
2 (II) SEND THE PERSON A NOTICE OF THE CANCELLATION BY
3 REGISTERED MAIL; AND
4 (III) ADVISE THE PERSON THAT THE PERSON MAY APPEAL THE
5 CANCELLATION, INCLUDING GETTING AN OPINION FROM ANOTHER
6 PHYSICIAN, WITHIN THIRTY DAYS AFTER THE DEPARTMENT MAILED THE
7 CANCELLATION.

8 (b) IF THE PERSON APPEALS THE CANCELLATION WITHIN THIRTY
9 DAYS, THE DEPARTMENT SHALL USE THE PROCEDURES ESTABLISHED
10 UNDER SECTION 42-2-112 TO DETERMINE WHETHER THE CANCELLATION
11 IS APPROPRIATE. THE DEPARTMENT MAY:

12 (I) REAFFIRM THE CANCELLATION OF THE LICENSE;
13 (II) REINSTATE THE LICENSE; OR
14 (III) PLACE ONE OR MORE RESTRICTIONS OR LIMITATIONS ON THE
15 LICENSE IN ACCORDANCE WITH 42-2-116 IN LIEU OF CANCELLING THE
16 LICENSE.

17 **SECTION 4. Effective date - applicability.** This act takes effect
18 on July 1, 2014, and applies to acts or omissions committed on or after
19 said date.

20 **SECTION 5. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.