



May 4, 2026

The Honorable Jessie Danielson  
Chair, Senate Business, Labor, and Technology Committee  
Colorado State Senate  
200 E Colfax Avenue  
RM 346  
Denver, CO 80203

**RE: ATA ACTION CONCERNS REGARDING SB 189**

Dear Chair Danielson and Members of the Senate Business, Labor, and Technology Committee,

On behalf of ATA Action, I am writing to share our perspective on Senate Bill 189 concerning the use of automated decision-making technology in consequential decisions. While our organization is not opposed to the intent of the legislation, we believe that there are areas of the legislation lacking necessary clarity that should be addressed before the legislation is advanced.

ATA Action is the affiliated policy and legislative advocacy arm of the American Telemedicine Association. ATA Action is the leading advocacy organization dedicated to advancing policy and accelerating the adoption of technology-enabled healthcare. Working collaboratively with federal and state legislators and policymakers, our organization drives industry momentum by influencing legislative and regulatory developments in telehealth, virtual care, remote patient monitoring, artificial intelligence in health, health data privacy, private sector healthcare investment, and more. We represent a diverse membership – including hospital systems, technology companies, professional associations, direct-to-consumer digital health providers, payers, pharmaceutical manufacturers, digital therapeutics developers, and remote monitoring organizations.

First, we understand and appreciate the attempt to exempt certain health care entities from the framework, given that health entities already must follow multiple federal and state laws, including regulation on discrimination, privacy of patient information, informed consent, and use of clinical decision support in the EHR. However, we have concerns about why Section 6-1-1708 only exempts covered entities under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Our organization represents both HIPAA covered entities and entities who comply with HIPAA guidelines but are not covered entities as they are cash-pay and do not accept insurance. It is unclear why the legislature would distinguish between HIPAA covered healthcare entities and those who are not for this legislation, as HIPAA does not have any specific provisions for the use of automated decision making for consequential decisions.

Likewise, Section 6-1-1708(3)(b) states that “this subsection (3) applies only if the health-care provider is operating from a location in Colorado.” This creates confusion and potential compliance challenges for telehealth providers treating patients in Colorado. For example, a telehealth platform may treat patients in Colorado using providers located both inside and outside of Colorado, creating two different compliance pathways for Colorado-based and out-of-state providers, who have the same Colorado license and treat the same Colorado patients.

Finally, it is unclear, under the drafted definition of “consequential decision,” when the provisions of this legislation would be triggered in healthcare settings. For example, the current definition excludes “routine

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scheduling” by classifying it as a low-stakes decision; however, in a healthcare setting when a patient’s appointment is scheduled could also be considered to impact a consumer’s access to a “covered domain,” with the bill deeming health-care services to be a “covered domain.”

We believe all of these issues can be solved by exempting all health-care providers, regardless of HIPAA status or location, from the provisions of this legislation. We believe this change is necessary to avoid confusion for providers who are already using safe and proven automated technologies to aid in patient care and will allow for the proper consideration on how to best regulate the use of these technologies in health-care settings.

We share the Legislature’s commitment to protecting Coloradans and to ensuring that automated tools are deployed responsibly and with appropriate oversight. We urge the Committee to exempt health-care providers from this bill before it is advanced. If you have any questions or would like to discuss further, please contact me at [hyoung@ataaction.org](mailto:hyoung@ataaction.org).

Kind regards,

A handwritten signature in black ink that reads "Hunter Young" in a cursive script.

Hunter Young  
Head of State Government Relations  
ATA Action