University of Colorado

Athletic Department

368 UCB

Boulder, CO 80309

Rick.George@Colorado.edu

To Whom It May Concern,

Under the Colorado Open Records Act, Chris Halsne and KDRV FOX31 Denver seek access to the following financial/purchase information:

**A list of all purchased medications. Computer fields should include, but not be limited to, date of purchase, cost, vendor, quantity, type of medicine, and brand or generic name.**

**This list should include, but is not limited to, all painkillers, opiates, amphetamine based drugs, steroids, codeine and hydrocodone base opioids, anti-anxiety medications, benzodiazepines, sedatives, sleep agents. We request both oral and injectable forms of medications.**

**In addition, we are interested in reviewing purchases (or delivery of) of consumable nutrients, supplements, vitamins/minerals.**

**You may limit this request to purchases made by or for the athletic department(s) or related to organized, team sports. You may further limit this request to the dates of July 1, 2011 to January 1, 2015.**

I am interested in saving trees, time, and your resources. KDVR asks for ***electronic versions of records*** if the requested records are already kept in such a form.

KDVR Fox 31 Denver formally requests your office waive any and all research and retrieval fees as provided under the Colorado Open Records Act 24-72-205 (4).  If your agency refuses to waive such fees, please provide an itemized accounting for any and all research and retrieval fees in advance.

Please call with any concerns or thoughts on how to make this process more efficient.

Chris Halsne

Investigative Reporter

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**From:** Halsne, Chris [mailto:Christopher.Halsne@kdvr.com]
**Sent:** Thursday, February 26, 2015 2:26 PM
**To:** CORA CU Boulder
**Subject:** APPEAL CORA\_MEDIA

Your University recently fulfilled a records request from KDVR-TV FOX31 Denver regarding purchases of pain medication and nutritional supplements for athletic departments. You may consider this letter an appeal or, if legal reason can be provided, a new CORA request.

Information gathered during process from various university athletic programs has prompted this follow-up request.

For clarification and in general, FOX31 Denver seeks university policy, statistics, procedures, and expenses regarding the use of painkillers or anti-inflammatory medications for game day athletes.

We are specifically asking your athletic program provide the following:

Policy, if any, regarding the use of Toradol and other painkillers and anti-inflammatory medications  before, during, and after sporting events to treat injured athletes by staff or outside medical contractors for the university athletic department.

Statistical information as to how many times (if any) painkillers have been administered to athletes by medical personnel, hired or reimbursed by the university. Please provide the sport, dates, reason, and type and amount of medication provided to the athlete. Include, but do not limit, the list of painkillers to Toradol or Ketorolac Tromethamine, Bupivacaine, Depo-Medrol, Hydrocodone/Vicodin, Lidocaine/Xylocaine, Methylprednisolone, Naproxen.

We are seeking list and quantity of painkillers (both oral and injectable), anti-inflammatory medications, and other prescription drugs contained inside a team physicians’ or medical personnel’s “pre-stock” bag for game-day medical treatments. If the pre-stock list for home and road games is different, please note and provide two lists. You may exempt over-the-counter products and medications.

Provide FOX31 Denver with a written procedure, if any, as to the process a team physician must go through to be reimbursed for painkillers, other medications, and supplies used out of a pre-stock bag or of the physicians own supply.

KDVR Fox 31 Denver formally requests your office waive any and all research and retrieval fees as provided under the Colorado Open Records Act 24-72-205 (4).  If your agency refuses to waive such fees, please provide an itemized accounting for any and all research and retrieval fees in advance.

Please call with any concerns or thoughts on how to make this process more efficient.

Chris Halsne

Investigative Reporter

chris.halsne@kdvr.com

After further review of our records, the only responsive public records are included in the attached documentation.  Otherwise, below is a line-by-line response to your request:

1. Policy, if any, regarding the use of Toradol and other painkillers and anti-inflammatory medications  before, during, and after sporting events to treat injured athletes by staff or outside medical contractors for the university athletic department.

**The University does not have public records responsive to this request.**

1. Statistical information as to how many times (if any) painkillers have been administered to athletes by medical personnel, hired or reimbursed by the university. Please provide the sport, dates, reason, and type and amount of medication provided to the athlete. Include, but do not limit, the list of painkillers to Toradol or Ketorolac Tromethamine, Bupivacaine, Depo-Medrol, Hydrocodone/Vicodin, Lidocaine/Xylocaine, Methylprednisolone, Naproxen.

**This portion of the request would require either the creation of new records or manipulation of data, neither of which are required under CORA or the University’s CORA policy (available at** [**http://www.cu.edu/sites/default/files/2022.pdf**](http://www.cu.edu/sites/default/files/2022.pdf)**).  As noted in the policy, “The university is not required by the Act to construct or create a record that does not exist. Nor is the university required to manipulate or analyze information in a new way in order to respond to a request.”**

**Please note, also, that the University cannot release medical records or records that identify students.  Under C.R.S. § 24-72-204(1)(b) and C.R.S. § 24–72–204(3)(d)(III), the University cannot produce personally identifiable student information pursuant to the Family Educational Rights and Privacy Act (FERPA). *See* *also* 20 U.S.C. § 1232g(b)(1) and 34 C.F.R. § 99.3.  Under, C.R.S. § 24–72–204(3)(a)(I), furthermore, the custodian must withhold information pertaining to an individual’s medical history. To the extent there are public records responsive to this portion of your request, it is unlikely they could be produced under these exceptions.**

1. We are seeking list and quantity of painkillers (both oral and injectable), anti-inflammatory medications, and other prescription drugs contained inside a team physicians’ or medical personnel’s “pre-stock” bag for game-day medical treatments. If the pre-stock list for home and road games is different, please note and provide two lists. You may exempt over-the-counter products and medications.

**It’s my understanding that the University has a pre-stock bag for football which is called the E-1 kit. This kit is stocked for both home and away games but is primarily used for away games. The attached document describes the contents of the E-1 kit.**

1. Provide FOX31 Denver with a written procedure, if any, as to the process a team physician must go through to be reimbursed for painkillers, other medications, and supplies used out of a pre-stock bag or of the physicians own supply.

**There are no public records responsive to this request.  It’s my understanding physicians do not have their own supply of medications.**

Take care,

Scott

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Scott Bocim

Custodian of Records / Assistant to the Chancellor

University of Colorado at Boulder