

**Second Regular Session**

**Sixty-second General Assembly**

LLS NO. R00-0581.01 Julie Hoerner

**STATE OF COLORADO**

BY REPRESENTATIVES Hagedorn, and Morrison;  
also SENATORS Phillips, and Wham.

**HOUSE JOINT RESOLUTION 00-1025**

101 CONCERNING PATIENTS' RIGHTS, AND, IN CONNECTION THEREWITH,  
102 URGING CONGRESS TO AMEND THE FEDERAL "EMPLOYEE  
103 RETIREMENT INCOME SECURITY ACT OF 1974" TO INCLUDE  
104 ADDITIONAL HEALTH BENEFIT COVERAGES.

1 WHEREAS, Colorado has incorporated several important benefits  
2 for insureds within the past ten years; and

3 WHEREAS, Colorado has mandated insurance coverage for health  
4 benefit plans subject to state regulation, including the following benefits:

- 5 ● Diabetes treatment;
- 6 ● Prostate screenings;
- 7 ● Newborn coverage, including forty-eight-hour maternity  
8 stays in hospitals for typical deliveries and ninety-six-hour  
9 stays for mothers who undergo a caesarian;
- 10 ● Immunizations for children;
- 11 ● Low-dose mammography for females;
- 12 ● Coverage for dependent children;
- 13 ● Hospice care if hospitalization coverage is offered;
- 14 ● Limited treatment of some mental health conditions;
- 15 ● Parity to any other medical condition for schizophrenia,  
16 schizoaffective disorders, bipolar disorder, major  
17 depressive disorder, specific obsessive compulsive  
18 disorders, and panic disorder; and
- 19 ● General anesthesia for dental procedures for dependents;  
20 and

21 WHEREAS, Insurance carriers are required to advise individuals  
22 that coverage is available for alcohol addiction treatment and that the  
23 person may obtain such coverage; and

24 WHEREAS, Colorado has adopted provisions to allow females  
25 direct access to obstetric and gynecological care and provides for  
26 insurance reimbursement for the services of a certified midwife; and

1           WHEREAS, Colorado law also provides for consumer protections  
2 related to:

- 3           ●       Benefit disclosure forms;
- 4           ●       Elimination of restrictions on communications between a  
5 health care provider and a patient;
- 6           ●       Continuity of care;
- 7           ●       Standing referrals to specialists;
- 8           ●       Adoption of the prudent lay person standard when seeking  
9 emergency medical assistance;
- 10          ●       Independent external review of denial of medical benefits;
- 11          ●       The prompt payment of medical expenses; and
- 12          ●       Limitations on the liability of insureds for financial  
13 responsibilities owed to the health care provider by the  
14 insurer; and

15           WHEREAS, The provisions that have been enacted by Colorado  
16 serve the citizens and should be adopted by the United States Congress  
17 as an amendment to the federal "Employee Retirement Income Security  
18 Act of 1974" (ERISA); and

19           WHEREAS, Amending ERISA to include the consumer  
20 protections and mandated benefits that currently exist in Colorado would  
21 benefit Coloradans who receive health insurance through self-funded  
22 insurance programs, as well as other residents of the United States; now,  
23 therefore,

24           *Be It Resolved by the House of Representatives of the Sixty-second*  
25 *General Assembly of the State of Colorado, the Senate concurring*  
26 *herein:*

27           (1) That the Colorado General Assembly recognizes the  
28 importance of improving patients' rights;

29           (2) That the 106th Congress of the United States be urged to enact  
30 legislation to expand patients' rights for self-funded insurance programs  
31 to include all of the mandated and consumer protection benefits that exist  
32 in Colorado; and

33           (3) That the Colorado General Assembly requests the state's  
34 Congressional delegation to support legislation for the enhancement of  
35 patients' rights at the Congressional level.

36           *Be It Further Resolved,* That copies of this joint resolution be sent  
37 to the Speaker of the United States House of Representatives, the  
38 Majority Leader of the United States House of Representatives, the  
39 Minority Leader of the United States House of Representatives, the  
40 President of the United States Senate, the Majority Leader of the United  
41 States Senate, the Minority Leader of the United States Senate, and all  
42 members of the Colorado Congressional delegation.