

**Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 08-0332.01 Christy Chase

SENATE BILL 08-011

SENATE SPONSORSHIP

Morse, and Boyd

HOUSE SPONSORSHIP

Massey, and Green

Senate Committees

Health and Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING FUNDING FOR THE PROVISION OF UNCOMPENSATED**
102 **TRAUMA CARE TO PERSONS INJURED IN MOTOR VEHICLE**
103 **ACCIDENTS IN COLORADO, AND MAKING AN APPROPRIATION**
104 **THEREFOR.**

Bill Summary

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

Health Care Task Force. Establishes the emergency responders and trauma care reimbursement program in the department of public health and environment (department) to reimburse emergency and trauma care providers for uncompensated care provided to patients injured in a motor vehicle accident. Allows reimbursements for uncompensated

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.*

trauma care to licensed ambulances, licensed air ambulances, trauma physicians, and trauma centers that satisfy specified criteria, and prioritizes reimbursement payments first to the ambulances, second to the trauma physicians, third to level III, IV, and V trauma centers located in rural areas, and fourth to all other trauma centers.

Requires the executive director of the department to identify an entity to administer the program (program administrator). Outlines the duties of the program administrator, including:

- ! Starting the program by July 1, 2009;
- ! Reimbursing providers for uncompensated trauma care in a timely and efficient manner;
- ! Managing the administrative costs of the program;
- ! Seeking payment from other responsible parties to reimburse the emergency responders and trauma care reimbursement fund (program fund);
- ! Establishing criteria and qualifications that an applicant must meet to obtain reimbursement from the program fund, including a requirement that the applicant attempt to collect payment for trauma care from the trauma patient or other responsible party;
- ! Determining the types and amount of costs of uncompensated care for which reimbursement will be allowed and the maximum dollar amount of allowable reimbursement.

Establishes the program fund in the state treasury, consisting of moneys credited to the program fund from a \$16 fee on motor vehicle registrations and moneys recovered from responsible parties for the payment of trauma care that was reimbursed by the program fund. Caps the amount of moneys in the program fund that may be used to administer the program and requires the remainder of the program fund to be used to reimburse trauma care providers for uncompensated trauma care.

Requires the program administrator to submit an annual report to the health and human services committees of the senate and house of representatives and details the information to be included in the report.

Mandates all automobile insurance policies issued, delivered, or renewed in the state to contain emergency medical care coverage with benefits of at least \$15,000.

Increases the fee for registering a motor vehicle, other than a fleet vehicle, by \$16 and directs that the moneys from the increased fee be transferred to the program fund.

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

2 **SECTION 1. 10-4-635, Colorado Revised Statutes, is amended**

1 to read:

2 **10-4-635. Medical payments coverage - disclosure - definitions.**

3 (1) (a) If an insurer makes available medical payments coverage in
4 conjunction with the coverage required pursuant to section 10-4-620, such
5 medical payments coverage shall provide for benefits of five thousand
6 dollars, as well as any other benefit deemed appropriate by the insurer.
7 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (1), NO
8 AUTOMOBILE LIABILITY OR MOTOR VEHICLE LIABILITY POLICY INSURING
9 AGAINST LOSS RESULTING FROM LIABILITY IMPOSED BY LAW FOR BODILY
10 INJURY OR DEATH SUFFERED BY ANY PERSON ARISING OUT OF THE
11 OWNERSHIP, MAINTENANCE, OR USE OF A MOTOR VEHICLE SHALL BE
12 DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE UNLESS COVERAGE IS
13 PROVIDED IN THE POLICY OR IN A SUPPLEMENTAL POLICY FOR MEDICAL
14 PAYMENTS WITH BENEFITS OF FIVE THOUSAND DOLLARS FOR BODILY
15 INJURY, SICKNESS, OR DISEASE RESULTING FROM THE OWNERSHIP,
16 MAINTENANCE, OR USE OF THE MOTOR VEHICLE.

17 (b) A POLICY MAY BE ISSUED WITHOUT MEDICAL PAYMENTS
18 COVERAGE ONLY IF THE NAMED INSURED REJECTS MEDICAL PAYMENTS
19 COVERAGE IN WRITING OR IN THE SAME MEDIUM IN WHICH THE
20 APPLICATION FOR THE POLICY WAS TAKEN. THE INSURER SHALL MAINTAIN
21 PROOF THAT A NAMED INSURED REJECTED MEDICAL PAYMENTS COVERAGE
22 FOR AT LEAST THREE YEARS AFTER THE DATE OF THE REJECTION, AND
23 SUCH PROOF OF REJECTION SHALL BE PRESUMED VALID.

24 (c) IF THE INSURER FAILS TO OFFER MEDICAL PAYMENTS COVERAGE
25 OR FAILS TO MAINTAIN OR PROVIDE PROOF THAT THE NAMED INSURED
26 REJECTED MEDICAL PAYMENTS COVERAGE IN THE MANNER REQUIRED BY
27 THIS SECTION, THE INSURED'S POLICY SHALL BE PRESUMED TO INCLUDE

1 MEDICAL PAYMENTS COVERAGE WITH BENEFITS OF FIVE THOUSAND
2 DOLLARS.

3 (d) IF AN INSURED SELECTS LIMITS FOR MEDICAL PAYMENTS
4 COVERAGE OR EXERCISES THE OPTION NOT TO PURCHASE THE COVERAGES
5 DESCRIBED IN THIS SECTION, AN INSURER OR AFFILIATED INSURER SHALL
6 NOT BE REQUIRED TO NOTIFY ANY POLICYHOLDER IN ANY RENEWAL OR
7 REPLACEMENT POLICY OF THE AVAILABILITY OF MEDICAL PAYMENTS
8 COVERAGE. HOWEVER, THE INSURED MAY MAKE A WRITTEN REQUEST FOR
9 ADDITIONAL COVERAGE OR COVERAGE MORE EXTENSIVE THAN THAT
10 PROVIDED ON A PRIOR POLICY.

11 (e) Nothing in this section shall be construed to limit any other
12 coverage amounts being made available by an insurer.

13 (2) ~~Repeated.~~ IF A POLICY CONTAINS MEDICAL PAYMENTS
14 COVERAGE, BENEFITS SHALL BE PAID TO PERSONS PROVIDING
15 REASONABLE, NECESSARY, AND ACCIDENT-RELATED MEDICAL CARE IN THE
16 FOLLOWING PRIORITY, AS APPLICABLE:

17 (a) BENEFITS SHALL FIRST BE PAID TO LICENSED AMBULANCES OR
18 AIR AMBULANCES THAT PROVIDE TRAUMA CARE AT THE SCENE OF OR
19 IMMEDIATELY AFTER THE MOTOR VEHICLE ACCIDENT, INCLUDING
20 TRANSPORT TO OR FROM A TRAUMA CENTER.

21 (b) AFTER PAYMENTS TO PROVIDERS DESCRIBED IN PARAGRAPH (a)
22 OF THIS SUBSECTION (3), BENEFITS SHALL NEXT BE PAID TO TRAUMA
23 PHYSICIANS THAT PROVIDE TRAUMA CARE TO STABILIZE OR PROVIDE THE
24 FIRST EPISODE OF CARE TO THE INJURED PERSON.

25 (c) AFTER PAYMENTS TO PROVIDERS DESCRIBED IN PARAGRAPHS
26 (a) AND (b) OF THIS SUBSECTION (3), BENEFITS SHALL NEXT BE PAID TO
27 TRAUMA CENTERS DESIGNATED AS LEVEL III, IV, OR V PURSUANT TO

1 SECTION 25-3.5-703 (4) THAT ARE LOCATED IN A RURAL AREA OF THE
2 STATE AND PROVIDE TRAUMA CARE TO STABILIZE OR PROVIDE THE FIRST
3 EPISODE OF CARE TO THE INJURED PERSON.

4 (d) AFTER PAYMENTS TO PROVIDERS DESCRIBED IN PARAGRAPHS
5 (a), (b), AND (c) OF THIS SUBSECTION (3), BENEFITS SHALL NEXT BE PAID
6 TO TRAUMA CENTERS DESIGNATED AS LEVEL I, II, OR III OR AS A REGIONAL
7 PEDIATRIC TRAUMA CENTER PURSUANT TO SECTION 25-3.5-703 (4) THAT
8 PROVIDE TRAUMA CARE TO STABILIZE OR PROVIDE THE FIRST EPISODE OF
9 CARE TO THE INJURED PERSON.

10 (e) ANY REMAINING BENEFITS SHALL BE PAID TO ALL OTHER
11 LICENSED HEALTH CARE PROVIDERS WHO PROVIDE SUBSEQUENT MEDICAL
12 CARE TO AN INJURED PERSON.

13 (3) THIS SECTION SHALL NOT APPLY TO:

14 (a) A PERSON OBTAINING AN AUTOMOBILE LIABILITY OR MOTOR
15 VEHICLE POLICY INSURING AGAINST LOSS RESULTING FROM THE
16 OWNERSHIP, MAINTENANCE, OR USE OF A MOTORCYCLE, MOTORSCOOTER,
17 MOTORBICYCLE, MOTORIZED BICYCLE, OR TOY VEHICLE, AS DEFINED IN
18 SECTION 42-1-102, C.R.S., A SNOWMOBILE, AS DEFINED IN SECTION
19 33-14-101, C.R.S., OR ANY VEHICLE DESIGNED PRIMARILY FOR USE OFF
20 THE ROAD OR ON RAILS.

21 (b) A PERSON THAT HAS OBTAINED A CERTIFICATE OF
22 SELF-INSURANCE FROM THE COMMISSIONER PURSUANT TO SECTION
23 10-4-624.

24 (4) AS USED IN THIS SECTION:

25 (a) "INJURED PERSON" MEANS THE INSURED, OR A PASSENGER WHO
26 IS AUTHORIZED BY THE INSURED TO OCCUPY THE INSURED'S MOTOR
27 VEHICLE, WHO SUSTAINS BODILY INJURY ARISING OUT OF THE USE OF THE

1 INSURED'S MOTOR VEHICLE.

2 (b) "LICENSED AIR AMBULANCE" MEANS AN AIR AMBULANCE, AS
3 DEFINED IN SECTION 25-3.5-103 (1), C.R.S., THAT IS LICENSED BY THE
4 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO
5 SECTION 25-3.5-307, C.R.S.

6 (c) "LICENSED AMBULANCE" MEANS AN AMBULANCE, AS DEFINED
7 IN SECTION 25-3.5-103 (1.5), C.R.S., THAT IS LICENSED PURSUANT TO
8 SECTION 25-3.5-301, C.R.S.

9 (d) "LICENSED HEALTH CARE PROVIDER" SHALL HAVE THE SAME
10 MEANING AS SET FORTH IN SECTION 10-4-902.

11 (e) "MEDICAL CARE" MEANS ALL REASONABLE, NECESSARY, AND
12 ACCIDENT-RELATED HEALTH CARE AND REHABILITATION SERVICES
13 PROVIDED TO A PERSON INJURED IN AN AUTOMOBILE ACCIDENT.

14 (f) "STABILIZE" MEANS, WITH RESPECT TO A MEDICAL CONDITION
15 RESULTING FROM A TRAUMA, TO PROVIDE SUCH MEDICAL TREATMENT OF
16 THE CONDITION AS MAY BE NECESSARY TO ASSURE, WITHIN REASONABLE
17 MEDICAL PROBABILITY, THAT NO MATERIAL DETERIORATION OF THE
18 CONDITION IS LIKELY TO RESULT OR OCCUR DURING THE TRANSFER OF THE
19 INDIVIDUAL TO OR FROM A TRAUMA CENTER.

20 (g) "TRAUMA" MEANS AN INJURY OR WOUND TO A LIVING PERSON
21 CAUSED BY THE APPLICATION OF AN EXTERNAL PHYSICAL FORCE. TRAUMA
22 INCLUDES ANY EVENT THAT THREATENS LIFE, LIMB, OR THE WELL-BEING
23 OF AN INDIVIDUAL IN SUCH A MANNER THAT A PRUDENT LAY PERSON
24 WOULD BELIEVE THAT IMMEDIATE MEDICAL CARE IS NEEDED.

25 (h) "TRAUMA CARE" MEANS CARE PROVIDED BY A LICENSED
26 AMBULANCE OR AIR AMBULANCE, TRAUMA PHYSICIAN, OR TRAUMA
27 CENTER TO A PERSON INJURED IN A MOTOR VEHICLE ACCIDENT FROM THE

1 TIME THE ADMINISTRATION OF CARE BEGINS TO THE TIME THE PATIENT IS
2 FULLY STABILIZED OR THROUGH THE FIRST EPISODE OF CARE, NOT TO
3 EXCEED SEVENTY-TWO HOURS AFTER THE ADMINISTRATION OF CARE
4 BEGINS. THE TERM INCLUDES A TRAUMA CARE SYSTEM, TRAUMA
5 TRANSPORT PROTOCOLS, AND TRIAGE, AS DEFINED IN SECTION 25-3.5-703,
6 C.R.S.

7 (i) "TRAUMA CENTER" MEANS THE EMERGENCY DEPARTMENT IN
8 A LICENSED OR CERTIFIED HOSPITAL OR A HEALTH CARE FACILITY THAT IS
9 DESIGNATED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
10 AS A LEVEL I, II, III, IV, OR V FACILITY OR AS A REGIONAL PEDIATRIC
11 TRAUMA CENTER.

12 (j) "TRAUMA PHYSICIAN" MEANS A TRAUMA SURGEON,
13 ORTHOPEDIC SURGEON, NEUROSURGEON, INTENSIVE CARE UNIT PHYSICIAN,
14 ANESTHESIOLOGIST, OR PHYSICIAN WHO PROVIDES CARE IN A TRAUMA
15 CENTER TO A TRAUMA PATIENT INJURED IN A MOTOR VEHICLE ACCIDENT.

16 **SECTION 2. Appropriation.** In addition to any other
17 appropriation, there is hereby appropriated, out of any moneys in the
18 division of insurance cash fund created in section 10-1-103 (3), Colorado
19 Revised Statutes, not otherwise appropriated, to the department of
20 regulatory agencies, for allocation to the division of insurance, for the
21 fiscal year beginning July 1, 2008, the sum of ten thousand eight hundred
22 forty-eight dollars (\$10,848) and 0.2 FTE, or so much thereof as may be
23 necessary, for the implementation of this act.

24 **SECTION 3. Effective date - applicability.** (1) This act shall
25 take effect January 1, 2009.

26 (2) However, if a referendum petition is filed against this act or
27 an item, section, or part of this act during the 90-day period after final

1 adjournment of the general assembly that is allowed for submitting a
2 referendum petition pursuant to article V, section 1 (3) of the state
3 constitution, then the act, item, section, or part, shall not take effect unless
4 approved by the people at a biennial regular general election and shall
5 take effect on the date specified in subsection (1) or on the date of the
6 official declaration of the vote thereon by proclamation of the governor,
7 whichever is later.

8 (3) The provisions of this act shall apply to automobile insurance
9 policies issued, delivered, or renewed on or after the applicable effective
10 date of this act.