

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 24, 2008
Date

Committee on Health and Human Services.

After consideration on the merits, the Committee recommends the following:

SB08-011 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

3 "SECTION 1. 10-4-635, Colorado Revised Statutes, is amended
4 to read:

5 **10-4-635. Medical payments coverage - disclosure - definitions.**
6 ~~(1) (a) If an insurer makes available medical payments coverage in~~
7 ~~conjunction with the coverage required pursuant to section 10-4-620, such~~
8 ~~medical payments coverage shall provide for benefits of five thousand~~
9 ~~dollars, as well as any other benefit deemed appropriate by the insurer.~~
10 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (1), NO
11 AUTOMOBILE LIABILITY OR MOTOR VEHICLE LIABILITY POLICY INSURING
12 AGAINST LOSS RESULTING FROM LIABILITY IMPOSED BY LAW FOR BODILY
13 INJURY OR DEATH SUFFERED BY ANY PERSON ARISING OUT OF THE
14 OWNERSHIP, MAINTENANCE, OR USE OF A MOTOR VEHICLE SHALL BE
15 DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE UNLESS COVERAGE IS
16 PROVIDED IN THE POLICY OR IN A SUPPLEMENTAL POLICY FOR MEDICAL
17 PAYMENTS WITH BENEFITS OF FIVE THOUSAND DOLLARS FOR BODILY
18 INJURY, SICKNESS, OR DISEASE RESULTING FROM THE OWNERSHIP,
19 MAINTENANCE, OR USE OF THE MOTOR VEHICLE.

20 (b) A POLICY MAY BE ISSUED WITHOUT MEDICAL PAYMENTS
21 COVERAGE ONLY IF THE NAMED INSURED REJECTS MEDICAL PAYMENTS

1 COVERAGE IN WRITING OR IN THE SAME MEDIUM IN WHICH THE
2 APPLICATION FOR THE POLICY WAS TAKEN. THE INSURER SHALL MAINTAIN
3 PROOF THAT A NAMED INSURED REJECTED MEDICAL PAYMENTS COVERAGE
4 FOR AT LEAST THREE YEARS AFTER THE DATE OF THE REJECTION, AND
5 SUCH PROOF OF REJECTION SHALL BE PRESUMED VALID.

6 (c) IF THE INSURER FAILS TO OFFER MEDICAL PAYMENTS COVERAGE
7 OR FAILS TO MAINTAIN OR PROVIDE PROOF THAT THE NAMED INSURED
8 REJECTED MEDICAL PAYMENTS COVERAGE IN THE MANNER REQUIRED BY
9 THIS SECTION, THE INSURED'S POLICY SHALL BE PRESUMED TO INCLUDE
10 MEDICAL PAYMENTS COVERAGE WITH BENEFITS OF FIVE THOUSAND
11 DOLLARS.

12 (d) IF AN INSURED SELECTS LIMITS FOR MEDICAL PAYMENTS
13 COVERAGE OR EXERCISES THE OPTION NOT TO PURCHASE THE COVERAGES
14 DESCRIBED IN THIS SECTION, AN INSURER OR AFFILIATED INSURER SHALL
15 NOT BE REQUIRED TO NOTIFY ANY POLICYHOLDER IN ANY RENEWAL OR
16 REPLACEMENT POLICY OF THE AVAILABILITY OF MEDICAL PAYMENTS
17 COVERAGE. HOWEVER, THE INSURED MAY MAKE A WRITTEN REQUEST FOR
18 ADDITIONAL COVERAGE OR COVERAGE MORE EXTENSIVE THAN THAT
19 PROVIDED ON A PRIOR POLICY.

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

22 (2) ~~Repeated:~~ IF A POLICY CONTAINS MEDICAL PAYMENTS
23 COVERAGE, BENEFITS SHALL BE PAID TO PERSONS PROVIDING
24 REASONABLE, NECESSARY, AND ACCIDENT-RELATED MEDICAL CARE IN THE
25 FOLLOWING PRIORITY, AS APPLICABLE:

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

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

34 (c) AFTER PAYMENTS TO PROVIDERS DESCRIBED IN PARAGRAPHS
35 (a) AND (b) OF THIS SUBSECTION (3), BENEFITS SHALL NEXT BE PAID TO

1 TRAUMA CENTERS DESIGNATED AS LEVEL III, IV, OR V PURSUANT TO
2 SECTION 25-3.5-703 (4) THAT ARE LOCATED IN A RURAL AREA OF THE
3 STATE AND PROVIDE TRAUMA CARE TO STABILIZE OR PROVIDE THE FIRST
4 EPISODE OF CARE TO THE INJURED PERSON.

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

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

14 (3) THIS SECTION SHALL NOT APPLY TO:

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

22 (b) A PERSON THAT HAS OBTAINED A CERTIFICATE OF
23 SELF-INSURANCE FROM THE COMMISSIONER PURSUANT TO SECTION
24 10-4-624.

25 (4) AS USED IN THIS SECTION:

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

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

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

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

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

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

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

20 (h) "TRAUMA CARE" MEANS CARE PROVIDED BY A LICENSED
21 AMBULANCE OR AIR AMBULANCE, TRAUMA PHYSICIAN, OR TRAUMA
22 CENTER TO A PERSON INJURED IN A MOTOR VEHICLE ACCIDENT FROM THE
23 TIME THE ADMINISTRATION OF CARE BEGINS TO THE TIME THE PATIENT IS
24 FULLY STABILIZED OR THROUGH THE FIRST EPISODE OF CARE, NOT TO
25 EXCEED SEVENTY-TWO HOURS AFTER THE ADMINISTRATION OF CARE
26 BEGINS. THE TERM INCLUDES A TRAUMA CARE SYSTEM, TRAUMA
27 TRANSPORT PROTOCOLS, AND TRIAGE, AS DEFINED IN SECTION 25-3.5-703,
28 C.R.S.

29 (i) "TRAUMA CENTER" MEANS THE EMERGENCY DEPARTMENT IN
30 A LICENSED OR CERTIFIED HOSPITAL OR A HEALTH CARE FACILITY THAT IS
31 DESIGNATED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
32 AS A LEVEL I, II, III, IV, OR V FACILITY OR AS A REGIONAL PEDIATRIC
33 TRAUMA CENTER.

34 (j) "TRAUMA PHYSICIAN" MEANS A TRAUMA SURGEON,
35 ORTHOPEDIC SURGEON, NEUROSURGEON, INTENSIVE CARE UNIT PHYSICIAN,

1 ANESTHESIOLOGIST, OR PHYSICIAN WHO PROVIDES CARE IN A TRAUMA
2 CENTER TO A TRAUMA PATIENT INJURED IN A MOTOR VEHICLE ACCIDENT.

3 **SECTION 2. Effective date - applicability.** (1) This act shall
4 take effect January 1, 2009.

5 (2) However, if a referendum petition is filed against this act or
6 an item, section, or part of this act during the 90-day period after final
7 adjournment of the general assembly that is allowed for submitting a
8 referendum petition pursuant to article V, section 1 (3) of the state
9 constitution, then the act, item, section, or part, shall not take effect unless
10 approved by the people at a biennial regular general election and shall
11 take effect on the date specified in subsection (1) or on the date of the
12 official declaration of the vote thereon by proclamation of the governor,
13 whichever is later.

14 (3) The provisions of this act shall apply to automobile insurance
15 policies issued, delivered, or renewed on or after the applicable effective
16 date of this act."

17 Page 1, strike lines 103 through 108 and substitute the following:

18 "ACCIDENTS IN COLORADO."

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