

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

PREAMENDED

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

LLS NO. 10-0826.01 Kristen Forrestal

HOUSE BILL 10-1242

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING THE IMPLEMENTATION OF A UNIFORM APPLICATION**
102 **FORM FOR INDIVIDUAL HEALTH BENEFIT PLANS BY THE**
103 **COMMISSIONER OF INSURANCE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill requires the commissioner of insurance (commissioner) to implement a uniform application form for individual sickness and accident health benefit plans. The bill requires the commissioner to take recommendations from members of the insurance industry regarding the

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.*

form and content of the uniform application form and to promulgate rules to require its exclusive use by the industry after January 1, 2012.

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

2 **SECTION 1.** 10-16-107.2 (2), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **10-16-107.2. Filing of health policies - rules.** (2) (c) (I) THE
5 COMMISSIONER SHALL IMPLEMENT AN INITIAL UNIFORM APPLICATION
6 FORM FOR INDIVIDUAL HEALTH BENEFIT PLANS AND, ON AND AFTER
7 JANUARY 1, 2012, SHALL REQUIRE ALL INDIVIDUAL SICKNESS AND
8 ACCIDENT INSURERS, HEALTH MAINTENANCE ORGANIZATIONS, NONPROFIT
9 HOSPITAL AND SERVICE CORPORATIONS, HEALTH INSURANCE PRODUCERS
10 AND PRODUCER ORGANIZATIONS, AND OTHER ENTITIES PROVIDING
11 INDIVIDUAL HEALTH CARE COVERAGE AUTHORIZED BY THE COMMISSIONER
12 TO CONDUCT BUSINESS IN THIS STATE TO EXCLUSIVELY USE THE UNIFORM
13 APPLICATION FORM FOR THE CONDUCT OF BUSINESS IN THIS STATE. THE
14 INITIAL UNIFORM APPLICATION FORM SHALL INCLUDE THE NAME OF THE
15 APPLICANT, CONTACT INFORMATION FOR THE APPLICANT, OTHER
16 DEMOGRAPHIC INFORMATION APPROVED BY THE COMMISSIONER, AND
17 QUESTIONS CONCERNING MEDICAL CONDITIONS FOR WHICH THE CARRIER
18 MAY REFUSE TO ISSUE COVERAGE.

19 (II) THE COMMISSIONER SHALL CONSIDER RECOMMENDATIONS
20 REGARDING THE INITIAL UNIFORM APPLICATION FORM AND CONTENT OF
21 THE APPLICATION THAT ARE SUBMITTED TO THE DIVISION BY MEMBERS OF
22 THE INSURANCE INDUSTRY ON OR BEFORE JANUARY 1, 2011.

23 (III) THE COMMISSIONER SHALL PROMULGATE RULES TO
24 IMPLEMENT THE INITIAL UNIFORM APPLICATION FORM ON OR BEFORE
25 SEPTEMBER 1, 2011.

1 (IV) ON AND AFTER JANUARY 1, 2012, ALL INDIVIDUAL SICKNESS
2 AND ACCIDENT INSURERS, HEALTH MAINTENANCE ORGANIZATIONS,
3 NONPROFIT HOSPITAL AND SERVICE CORPORATIONS, HEALTH INSURANCE
4 PRODUCERS AND PRODUCER ORGANIZATIONS, AND OTHER ENTITIES THAT
5 ISSUE INDIVIDUAL HEALTH BENEFIT PLANS SHALL USE THE INITIAL
6 UNIFORM APPLICATION FORM FOR AN INDIVIDUAL'S COVERAGE.

7 (V) UPON RECEIPT OF AN INITIAL UNIFORM APPLICATION FORM
8 FROM A CONSUMER, THE CARRIER SHALL REVIEW THE APPLICATION FORM
9 AND DECIDE TO ISSUE COVERAGE, TO ASK FOR ADDITIONAL UNDUPLICATED
10 INFORMATION, OR TO DENY COVERAGE.

11 (VI) IF A CARRIER DECIDES TO DENY COVERAGE BASED UPON
12 INFORMATION RECEIVED IN THE INITIAL UNIFORM APPLICATION FORM, THE
13 DENIAL OF COVERAGE SHALL SERVE AS A DENIAL FOR PURPOSES OF
14 ELIGIBILITY FOR COVERAGE THROUGH COVERCOLORADO PURSUANT TO
15 PART 5 OF ARTICLE 8 OF THIS TITLE.

16 **SECTION 2. Act subject to petition - effective date.** This act
17 shall take effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part shall not take effect
23 unless approved by the people at the general election to be held in
24 November 2010 and shall take effect on the date of the official
25 declaration of the vote thereon by the governor.