

HB1297_L.009

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health, Insurance, & Environment.HB15-1297 be amended as follows:

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

3 "SECTION 1. In Colorado Revised Statutes, 10-16-139, add (2)
4 (b.5), (2) (d) (III), (2) (d) (IV), (2) (d) (V), (2) (e) and (2) (f) as follows:

5 **10-16-139. Access to care - rules. (2) Eye care services.**
6 (b.5) IN ADDITION TO THE REQUIREMENTS IN PARAGRAPH (b) OF THIS
7 SUBSECTION (2), A CARRIER SHALL NOT:

8 (I) ESTABLISH, LIMIT, OR REQUIRE DISCOUNTS ON THE FEE AN
9 OPTOMETRIST MAY CHARGE FOR EYE CARE SERVICES, ROUTINE VISION
10 EXAMINATIONS, OR CORRECTIVE LENSES THAT ARE NOT COVERED VISION
11 SERVICES. FOR PURPOSES OF THIS SUBSECTION (2), "COVERED VISION
12 SERVICES" MEANS AN EYE CARE SERVICE, HEALTH CARE SERVICE
13 RENDERED IN CONJUNCTION WITH A ROUTINE VISION EXAMINATION, OR
14 THE FILLING OF A PRESCRIPTION FOR CORRECTIVE LENSES FOR WHICH
15 PAYMENT OR REIMBURSEMENT, SUBJECT TO CONTRACTUAL LIMITATIONS,
16 DEDUCTIBLES, COPAYMENT, COINSURANCE, WAITING PERIODS, ANNUAL OR
17 LIFETIME MAXIMUMS, FREQUENCY LIMITATIONS, ALTERNATIVE BENEFIT
18 PAYMENTS, OR ANY OTHER LAWFUL LIMITATION, IS AVAILABLE UNDER THE
19 VISION PLAN IN WHICH THE OPTOMETRIST HAS AGREED TO PARTICIPATE.
20 FOR PURPOSES OF THIS SUBPARAGRAPH (I), PAYMENT OR REIMBURSEMENT
21 DOES NOT INCLUDE NOMINAL OR DE MINIMIS AMOUNTS OFFERED TO AN
22 OPTOMETRIST AS A PARTICIPATING PROVIDER IN A VISION PLAN.

23 (II) REQUIRE, AS A CONDITION OF PARTICIPATION IN ONE OF THE
24 CARRIER'S HEALTH COVERAGE PLANS, MANAGED CARE PLANS, OR
25 NETWORKS, THAT AN OPTOMETRIST PARTICIPATE IN ANY VISION PLAN
26 OFFERED OR ADMINISTERED BY ANOTHER CARRIER OR ENTITY;

27 (III) DELEGATE OR ASSIGN BY ANY MEANS ALL OR ANY PORTION
28 OF THE CARRIER'S CREDENTIALING PROCESS TO A VISION PLAN THAT
29 REQUIRES AN OPTOMETRIST TO CONTRACT WITH OR OTHERWISE BECOME
30 A PARTICIPATING PROVIDER IN THAT VISION PLAN AS A CONDITION OF
31 BEING CREDENTIALLED; OR

32 (IV) REQUIRE THAT AN OPTOMETRIST USE OR RECOMMEND A
33 SPECIFIC SOURCE OF CORRECTIVE LENSES OR OPTICAL LABORATORY
34 SERVICES FOR PURPOSES OF TREATING A COVERED PERSON.

35 (d) As used in this subsection (2), unless the context otherwise
36 requires:

37 (III) "CARRIER" HAS THE MEANING SET FORTH IN SECTION



1 10-16-102 AND INCLUDES A THIRD PARTY ADMINISTRATOR OR OTHER
2 ENTITY CONTRACTED TO PROVIDE OR ADMINISTER A VISION PLAN.

3 (IV) "CORRECTIVE LENSES" MEANS LENSES, DEVICES CONTAINING
4 LENSES, ARTIFICIAL INTRAOCULAR LENSES, OPHTHALMIC FRAMES AND
5 OTHER LENS MOUNTING APPARATUS, PRISMS, LENS TREATMENTS, LENS
6 COATINGS, PROSTHETIC DEVICES TO CORRECT, RELIEVE, OR TREAT
7 DEFECTS OR ABNORMAL CONDITIONS OF THE HUMAN EYE OR ITS ADNEXA
8 THAT ARE CONSISTENT WITH AN OPTOMETRIST'S SCOPE OF PRACTICE
9 UNDER ARTICLE 40 OF TITLE 12, C.R.S., AND CONTACT LENSES PROVIDED
10 BY AN OPTOMETRIST LICENSED TO PRACTICE OPTOMETRY PURSUANT TO
11 ARTICLE 40 OF TITLE 12, C.R.S.

12 (V) "VISION PLAN" MEANS A POLICY, CONTRACT, CERTIFICATE, OR
13 AGREEMENT ENTERED INTO, OFFERED, OR ISSUED BY A CARRIER TO
14 PROVIDE, DELIVER, ARRANGE FOR, PAY FOR, OR REIMBURSE ANY OF THE
15 COSTS OF ROUTINE VISION EXAMINATIONS AND THE FILLING OF
16 PRESCRIPTIONS FOR CORRECTIVE LENSES.

17 (e) THE COMMISSIONER MAY PROMULGATE RULES NECESSARY TO
18 CARRY OUT THE REQUIREMENTS OF THIS SECTION.

19 (f) AN OPTOMETRIST SHALL NOT CHARGE MORE THAN A USUAL
20 AND CUSTOMARY FEE FOR PROVIDING SERVICES THAT ARE NOT COVERED
21 SERVICES TO A PERSON COVERED BY A HEALTH COVERAGE PLAN OR
22 MANAGED CARE PLAN.

23 **SECTION 2.** In Colorado Revised Statutes, 10-3-1104, **amend**
24 (1) (qq); and **add** (1) (ss) as follows:

25 **10-3-1104. Unfair methods of competition - unfair or deceptive**
26 **acts or practices - repeal.** (1) The following are defined as unfair
27 methods of competition and unfair or deceptive acts or practices in the
28 business of insurance:

29 (qq) Failure to pay a final, nonappealable judgment award for
30 failure to return or repay collateral received to secure a bond; or

31 (ss) VIOLATING SECTION 10-16-139 (2) (b.5).

32 **SECTION 3. Effective date - applicability.** This act takes effect
33 January 1, 2016, and applies to contracts issued, renewed, amended, or
34 extended in this state on or after said date.

35 **SECTION 4. Act subject to petition - effective date.** This act
36 takes effect at 12:01 a.m. on the day following the expiration of the
37 ninety-day period after final adjournment of the general assembly (August
38 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
39 referendum petition is filed pursuant to section 1 (3) of article V of the
40 state constitution against this act or an item, section, or part of this act
41 within such period, then the act, item, section, or part will not take effect



- 1 unless approved by the people at the general election to be held in
- 2 November 2016 and, in such case, will take effect on the date of the
- 3 official declaration of the vote thereon by the governor."

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