

SB259\_L.003

## SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.SB15-259 be amended as follows:

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

3 "SECTION 1. In Colorado Revised Statutes, add part 3 to article  
4 20 of title 6 as follows:

## PART 3

## DISCLOSURE TO PATIENT OF POTENTIAL CHARGES

7 **6-20-301. Disclosure to a patient of potential out-of-network**  
8 **charges.** (1) (a) PRIOR TO RECEIVING COVERED SERVICES OR TREATMENT  
9 IN ACCORDANCE WITH THE HEALTH PLAN PROVISIONS AT AN IN-NETWORK  
10 FACILITY, THE FACILITY SHALL:

11 (I) INFORM THE COVERED PERSON IN PLAIN LANGUAGE OF THE  
12 PROTECTIONS AGAINST BALANCE BILLING IN SECTION 10-16-704, C.R.S.,  
13 FOR HEALTH PLANS REGULATED BY THE STATE; AND

14 (II) INFORM THE COVERED PERSON IN PLAIN LANGUAGE THAT HE  
15 OR SHE MAY FACE BALANCE BILLING BY AN OUT-OF-NETWORK PROVIDER  
16 PROVIDING TREATMENT IN AN IN-NETWORK FACILITY IF THE COVERED  
17 PERSON'S HEALTH PLAN IS NOT SUBJECT TO THE PROTECTIONS AGAINST  
18 BALANCE BILLING IN SECTION 10-16-704, C.R.S.

19 (b) THIS SECTION DOES NOT APPLY TO EMERGENCY SERVICES.

20 (2) PRIOR TO PROVIDING NON-EMERGENCY SERVICES TO A  
21 COVERED PERSON, AN OUT-OF-NETWORK HEALTH CARE PROVIDER  
22 PROVIDING TREATMENT IN AN IN-NETWORK FACILITY SHALL:

23 (a) INFORM THE PERSON IN WRITING THAT THE PERSON IS SEEKING  
24 SERVICES OF AN OUT-OF-NETWORK PROVIDER AND THAT THE AMOUNT OR  
25 ESTIMATED AMOUNT OF THE CHARGES TO BE BILLED TO THE PERSON ARE  
26 AVAILABLE UPON REQUEST; AND

27 (b) UPON REQUEST OF A COVERED PERSON, DISCLOSE IN WRITING  
28 THE AMOUNT OR ESTIMATED AMOUNT THE HEALTH CARE PROVIDER WILL  
29 BILL THE COVERED PERSON ABSENT UNFORESEEN MEDICAL  
30 CIRCUMSTANCES THAT MIGHT ARISE.

31 (3) AN OUT-OF-NETWORK PROVIDER PROVIDING TREATMENT IN AN  
32 IN-NETWORK FACILITY MAY NOT BALANCE BILL THE COVERED PERSON FOR  
33 COVERED SERVICES, OTHER THAN COLLECT THE COST-SHARES ASSIGNED  
34 BY THE CARRIER, UNLESS THE COVERED PERSON HAS CHOSEN IN WRITING,  
35 AT OR BEFORE THE TIME THE PROCEDURE OR TREATMENT IS SCHEDULED,  
36 TO USE THE OUT-OF-NETWORK PROVIDER AT THE IN-NETWORK FACILITY.  
37 THIS SECTION DOES NOT APPLY TO EMERGENCY SERVICES, OR TO SERVICES

1 THAT WERE NOT ANTICIPATED PRIOR TO THE OCCURRENCE FO THE  
2 PROCEDURE.

3 (4) FOR EACH OF ITS IN-NETWORK PLANS, A CARRIER SHALL  
4 DEVELOP AND PROVIDE TO EACH COVERED PERSON A WRITTEN DISCLOSURE  
5 OR NOTICE IN PLAIN LANGUAGE THAT DESCRIBES THE COVERED PERSON'S  
6 OUT-OF-NETWORK OBLIGATIONS. WHEN THE CARRIER RECEIVES A BILL FOR  
7 A COVERED PERSON FOR SERVICES DESCRIBED IN SECTION 10-16-704,  
8 C.R.S., OR THIS SECTION, THE CARRIER SHALL NOTIFY THE COVERED  
9 PERSON IN WRITING OF THE PROTECTIONS AND POTENTIAL OBLIGATIONS IN  
10 THIS SECTION.

11 (5) FOR THE PURPOSES OF THIS SECTION:

12 (a) "EMERGENCY SERVICES" HAS THE SAME MEANING AS SET  
13 FORTH IN SECTION 10-16-704 (5.5) (b), C.R.S.;

14 (b) "CARRIER" HAS THE SAME MEANING AS SET FORTH IN SECTION  
15 10-16-102 (8), C.R.S.

16 (6) IF A HEALTH CARE PROVIDER ROUTINELY FAILS TO PROVIDE  
17 DISCLOSURE TO COVERED PERSONS AS REQUIRED BY THIS SECTION, THE  
18 HEALTH CARE PROVIDER ENGAGES IN A DECEPTIVE TRADE PRACTICE  
19 PURSUANT TO SECTION 6-1-105.

20 (7) IF ANY PROVISION OF THIS SECTION OR THE APPLICATION  
21 THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE  
22 INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF  
23 THIS SECTION THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID  
24 PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS  
25 SECTION ARE DECLARED TO BE SEVERABLE.

26 **SECTION 2.** In Colorado Revised Statutes, 6-1-105, **add** (1)  
27 (hhh) as follows:

28 **6-1-105. Deceptive trade practices.** (1) A person engages in a  
29 deceptive trade practice when, in the course of the person's business,  
30 vocation, or occupation, the person:

31 (hhh) VIOLATES SECTION 6-20-301.

32 **SECTION 3. Act subject to petition - effective date.** This act  
33 takes effect at 12:01 a.m. on the day following the expiration of the  
34 ninety-day period after final adjournment of the general assembly (August  
35 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a  
36 referendum petition is filed pursuant to section 1 (3) of article V of the  
37 state constitution against this act or an item, section, or part of this act  
38 within such period, then the act, item, section, or part will not take effect  
39 unless approved by the people at the general election to be held in  
40 November 2016 and, in such case, will take effect on the date of the  
41 official declaration of the vote thereon by the governor."



- 1 Page 1, line 101, after "CONCERNING" insert "THE REQUIREMENTS FOR
- 2 DISCLOSURE TO A PATIENT OF".

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