

HOUSE JOURNAL
SEVENTIETH GENERAL ASSEMBLY
STATE OF COLORADO
First Regular Session

Seventeenth Legislative Day

Friday, January 23, 2015

1 Prayer by the Reverend Brad Laurvick, Highlands United Methodist
2 Church, Denver.

3

4 The Speaker called the House to order at 9:00 a.m.

5

6 Pledge of Allegiance led by Sterling Volz, Marley Volz, Most Precious
7 Blood Catholic School, Denver.

8

9 The roll was called with the following result:

10

11 Present--61.

12 Excused--Representative(s) Jon Becker, Conti, Priola, Rosenthal--4.

13

Present after roll call--Representative(s) Rosenthal.

14

15 The Speaker declared a quorum present.

16

17

18 On motion of Representative Carver, the reading of the journal of January
19 22, 2015, was declared dispensed with and approved as corrected by the
20 Chief Clerk.

21

22

23

24 On motion of Representative Foote, the House resolved itself into
25 Committee of the Whole for consideration of General Orders, and he was
26 called to the Chair to act as Chairman.

27

28

29

30

31

GENERAL ORDERS--SECOND READING OF BILLS

32

33 The Committee of the Whole having risen, the Chairman reported the
34 titles of the following bills had been read (reading at length had been
35 dispensed with by unanimous consent), the bills considered and action
36 taken thereon as follows:

37

38 (Amendments to the committee amendment are to the printed committee
39 report which was printed and placed in the members' bill file.)

40

41 **HB15-1010** by Representative(s) Kraft-Tharp and Nordberg; also
42 Senator(s) Jahn--Concerning a presumption that a trustee
43 has notified a beneficiary when the trustee has adopted a

1 beneficiary notification procedure, and, in connection
2 therewith, clarifying that a trustee may deliver information
3 to beneficiaries electronically.
4

5 Ordered engrossed and placed on the Calendar for Third Reading and
6 Final Passage.
7

8 [HB15-1028](#) by Representative(s) Keyser; also Senator(s) Jahn--
9 Concerning repeal of the mercantile licensing standards.
10

11 Ordered engrossed and placed on the Calendar for Third Reading and
12 Final Passage.
13

14 [HB15-1055](#) by Representative(s) Esgar; also Senator(s) Grantham--
15 Concerning the participation of people who are not state
16 employees in the state employee assistance program
17 established by the state personnel director.
18

19 Amendment No. 1, Business Affairs and Labor Report, dated January 20,
20 2015, and placed in member's bill file; Report also printed in House
21 Journal, January 21, 2015.
22

23 As amended, ordered engrossed and placed on the Calendar for Third
24 Reading and Final Passage.
25

26 [HB15-1071](#) by Representative(s) Keyser; also Senator(s) Hill--
27 Concerning clarification that, following a merger of
28 entities, the surviving entity is entitled to control the
29 premerger attorney-client privileges of a constituent entity.
30

31 Ordered engrossed and placed on the Calendar for Third Reading and
32 Final Passage.
33

34 [HB15-1039](#) by Representative(s) Tyler; also Senator(s) Neville T.--
35 Concerning the donation of prescription medications by
36 licensed health care facilities.
37

38 Amendment No. 1, Public Health Care & Human Services Report, dated
39 January 20, 2015, and placed in member's bill file; Report also printed in
40 House Journal, January 21, 2015.
41

42 As amended, ordered engrossed and placed on the Calendar for Third
43 Reading and Final Passage.
44

47 ADOPTION OF COMMITTEE OF THE WHOLE REPORT

48
49 Passed Second Reading: **HB15-1010, 1028, 1055 amended, 1071, 1039**
50 **amended.**
51

52 The Chairman moved the adoption of the Committee of the Whole
53 Report. As shown by the following roll call vote, a majority of those
54 elected to the House voted in the affirmative, and the Report was
55 **adopted.**
56

	YES	62	NO	0	EXCUSED	3	ABSENT	0
1								
2	Arndt	Y	Fields	Y	Lundeen	Y	Ryden	Y
3	Becker J.	E	Foote	Y	McCann	Y	Saine	Y
4	Becker K.	Y	Garnett	Y	Melton	Y	Salazar	Y
5	Brown	Y	Ginal	Y	Mitsch Bush	Y	Singer	Y
6	Buck	Y	Hamner	Y	Moreno	Y	Szabo	Y
7	Buckner	Y	Humphrey	Y	Navarro	Y	Tate	Y
8	Carver	Y	Joshi	Y	Neville P.	Y	Thurlow	Y
9	Conti	E	Kagan	Y	Nordberg	Y	Tyler	Y
10	Coram	Y	Keyser	Y	Pabon	Y	Van Winkle	Y
11	Court	Y	Klingenschmitt	Y	Pettersen	Y	Vigil	Y
12	Danielson	Y	Kraft-Tharp	Y	Primavera	Y	Willett	Y
13	DelGrosso	Y	Landgraf	Y	Priola	E	Williams	Y
14	Dore	Y	Lawrence	Y	Rankin	Y	Wilson	Y
15	Duran	Y	Lebsock	Y	Ransom	Y	Windholz	Y
16	Esgar	Y	Lee	Y	Rosenthal	Y	Winter	Y
17	Everett	Y	Lontine	Y	Roupe	Y	Young	Y
18							Speaker	Y
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								
31								
32								
33								
34								
35								
36								
37								
38								
39								
40								
41								
42								
43								
44								
45								
46								
47								
48								
49								
50								
51								
52								
53								
54								
55								
56								

MESSAGE FROM THE SENATE

Madam Speaker:

The Senate has adopted and transmits herewith: SJR15-005.

INTRODUCTION AND CONSIDERATION OF RESOLUTION

On motion of Representative Duran, the rules were suspended and the following resolution was given immediate consideration.

SJR15-005 by Senator(s) Sonnenberg; also Representative(s) Ryden--
Concerning the designation of January 23, 2015, Colorado
4-H Day.

(Printed and placed in members' files).

On motion of Representative Ryden, the resolution was read at length and
adopted by **viva voce** vote.

Current Roll Call added as co-sponsor(s): Representative(s) Arndt, Becker K.,
Brown, Buck, Buckner, Carver, Coram, Court, Danielson, DelGrosso,
Dore, Duran, Esgar, Everett, Fields, Foote, Garnett, Ginal, Hamner,
Humphrey, Joshi, Kagan, Keyser, Klingenschmitt, Kraft-Tharp,
Landgraf, Lawrence, Lebsock, Lee, Lontine, Lundeen, McCann, Melton,
Mitsch Bush, Moreno, Navarro, Neville P., Nordberg, Pabon, Pettersen,
Primavera, Rankin, Ransom, Rosenthal, Roupe, Saine, Salazar, Singer,
Szabo, Tate, Thurlow, Tyler, Van Winkle, Vigil, Willett, Williams,
Wilson, Windholz, Winter, Young.

REPORT(S) OF COMMITTEE(S) OF REFERENCE**HEALTH, INSURANCE & ENVIRONMENT**

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

HB15-1029 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, line 4, strike "**Telemedicine**" and substitute "**Telehealth**".

Page 2, line 5, strike "telemedicine" and substitute "telemedicine TELEHEALTH".

Page 2, line 6, strike "medical" and substitute "medical HEALTH CARE".

Page 2, line 7, strike "person-to-person" and substitute "person-to-person IN-PERSON".

Page 2, line 8, strike "2016," and substitute "2017,".

Page 2, line 11, strike "face-to-face" and substitute "face-to-face IN-PERSON".

Page 2, line 12, strike "telemedicine, pursuant to".

Page 2, line 13, strike "section 12-36-106 (1) (g), C.R.S.," and substitute "~~telemedicine, pursuant to section 12-36-106 (1) (g), C.R.S.,~~ TELEHEALTH,".

Page 2, line 15, strike "Health benefits CARE SERVICES".

Page 2, strike line 16 and substitute "~~health benefits provided through telemedicine shall meet the same standard of care as for in-person care.~~".

Page 3, line 1, strike "as IS REQUIRED for in-person care.".

Page 3, line 2, strike "telemedicine" and substitute "telemedicine TELEHEALTH".

Page 3, line 5, strike "TELEMEDICINE" and substitute "TELEHEALTH".

Page 3, line 8, strike "TELEMEDICINE." and substitute "TELEHEALTH.".

Page 3, line 9, strike "A" and substitute "SUBJECT TO ALL TERMS AND CONDITIONS OF THE HEALTH BENEFIT PLAN, A" and after "TREATING" insert "PARTICIPATING".

Page 3, line 10, after "CONSULTING" insert "PARTICIPATING".

Page 3, line 12, strike "TELEMEDICINE SERVICES" and substitute "TELEHEALTH".

Page 3, line 13, strike "COVERAGE" and substitute "REIMBURSING THAT PROVIDER".

- 1 Page 3, line 14, strike "CONTACT." and substitute "CONTACT BY THAT
2 PROVIDER."
3
- 4 Page 3, line 15, before "BECAUSE" insert "THAT IS A COVERED BENEFIT".
5
- 6 Page 3, line 16, strike "TELEMEDICINE" and substitute "TELEHEALTH".
7
- 8 Page 3, line 17, strike "PROVIDER" and substitute "PARTICIPATING
9 PROVIDER OR, SUBJECT TO SECTION 10-16-704, THE NONPARTICIPATING
10 PROVIDER".
11
- 12 Page 3, line 19, strike "TELEMEDICINE." and substitute "TELEHEALTH.
13 SECTION 10-16-704 APPLIES TO THIS PARAGRAPH (b).".
14
- 15 Page 3, line 21, strike "TELEMEDICINE" and substitute "TELEHEALTH".
16
- 17 Page 3, line 23, strike "SERVICES." and substitute "SERVICES THROUGH
18 TELEHEALTH; EXCEPT THAT, FOR PURPOSES OF THIS PARAGRAPH (c), THE
19 ORIGINATING SITE DOES NOT INCLUDE A PRIVATE RESIDENCE AT WHICH
20 THE COVERED PERSON IS LOCATED WHEN HE OR SHE RECEIVES HEALTH
21 CARE SERVICES THROUGH TELEHEALTH."
22
- 23 Page 3, line 26, strike "TELEMEDICINE," and substitute "TELEHEALTH,".
24
- 25 Page 4, strike lines 4 through 15 and substitute:
26
- 27 "(e) A CARRIER SHALL NOT IMPOSE AN ANNUAL DOLLAR MAXIMUM
28 ON COVERAGE FOR HEALTH CARE SERVICES COVERED UNDER THE HEALTH
29 BENEFIT PLAN THAT ARE DELIVERED THROUGH TELEHEALTH, OTHER THAN
30 AN ANNUAL DOLLAR MAXIMUM THAT APPLIES TO THE SAME SERVICES
31 WHEN PERFORMED BY THE SAME PROVIDER THROUGH IN-PERSON CARE.
32 (f) IF A COVERED PERSON RECEIVES HEALTH CARE SERVICES
33 THROUGH TELEHEALTH, A CARRIER SHALL APPLY THE SAME COPAYMENT,
34 COINSURANCE, OR DEDUCTIBLE AMOUNT AND POLICY-YEAR,
35 CALENDAR-YEAR, LIFETIME, OR OTHER DURATIONAL BENEFIT LIMITATION
36 OR MAXIMUM BENEFITS OR SERVICES UNDER THE HEALTH BENEFIT PLAN TO
37 THE HEALTH CARE SERVICES DELIVERED VIA TELEHEALTH THAT THE
38 CARRIER APPLIES UNDER THE HEALTH BENEFIT PLAN TO THOSE HEALTH
39 CARE SERVICES WHEN PERFORMED BY THE SAME PROVIDER THROUGH
40 IN-PERSON CARE."
41
- 42 Reletter succeeding paragraph accordingly.
43
- 44 Page 4, line 18, strike "2016," and substitute "2017,".
45
- 46 Page 4, after line 27 insert:
47
- 48 "(h) NOTHING IN THIS SECTION PROHIBITS A CARRIER FROM
49 PROVIDING COVERAGE OR REIMBURSEMENT FOR HEALTH CARE SERVICES
50 APPROPRIATELY PROVIDED THROUGH TELEHEALTH TO A COVERED PERSON
51 WHO IS NOT LOCATED AT AN ORIGINATING SITE."
52
- 53 Page 5, line 2, strike "HEALTH CARE".
54
- 55 Page 5, line 4, strike "TELEMEDICINE." and substitute "TELEHEALTH."
56

1 Page 5, line 7, strike "TELEMEDICINE." and substitute "TELEHEALTH."

2

3 Page 5, line 8, strike "TRANSMISSION" and substitute "ELECTRONIC
4 TRANSFER".

5

6 Page 5, line 9, strike "FROM" and substitute "OR AN INTERACTION
7 BETWEEN PROVIDERS THAT OCCURS BETWEEN" and strike "TO THE".

8

9 Page 5, line 10, strike "PROVIDER AT THE DISTANT SITE" and substitute
10 "AND DISTANT SITES".

11

12 Page 5, strike lines 11 through 19 and substitute:

13

14 "(d) "SYNCHRONOUS INTERACTION" MEANS A REAL-TIME
15 INTERACTION BETWEEN A PATIENT LOCATED AT THE ORIGINATING SITE
16 AND A PROVIDER LOCATED AT A DISTANT SITE.

17 (e) (I) "TELEHEALTH" MEANS A MODE OF DELIVERY OF HEALTH
18 CARE SERVICES THROUGH TELECOMMUNICATIONS SYSTEMS, INCLUDING
19 INFORMATION, ELECTRONIC, AND COMMUNICATION TECHNOLOGIES, TO
20 FACILITATE THE ASSESSMENT, DIAGNOSIS, CONSULTATION, TREATMENT,
21 EDUCATION, CARE MANAGEMENT, OR SELF-MANAGEMENT OF A COVERED
22 PERSON'S HEALTH CARE WHILE THE COVERED PERSON IS LOCATED AT AN
23 ORIGINATING SITE AND THE PROVIDER IS LOCATED AT A DISTANT SITE. THE
24 TERM INCLUDES SYNCHRONOUS INTERACTIONS AND STORE-AND-FORWARD
25 TRANSFERS.

26 (II) "TELEHEALTH" DOES NOT INCLUDE THE DELIVERY OF HEALTH
27 CARE SERVICES VIA TELEPHONE, FACSIMILE MACHINE, OR ELECTRONIC
28 MAIL SYSTEMS.

29 **SECTION 2.** In Colorado Revised Statutes, 10-16-102, **amend**
30 (33) as follows:

31 **10-16-102. Definitions - repeal.** As used in this article, unless the
32 context otherwise requires:

33 (33) "Health care services" means any services included in or
34 incidental to the furnishing of medical, mental, dental, or optometric care;
35 hospitalization; or nursing home care to an individual, as well as the
36 furnishing to any person of any other services for the purpose of
37 preventing, alleviating, curing, or healing human physical or mental
38 illness or injury. "Health care services" includes the rendering of the
39 services through the use of ~~telemedicine~~ TELEHEALTH, AS DEFINED IN
40 SECTION 10-16-123 (4) (e).

41 **SECTION 3.** In Colorado Revised Statutes, 10-16-704, **amend**
42 (1) (a), (9) (a.5), and (11) as follows:

43 **10-16-704. Network adequacy - rules - legislative declaration.**

44 (1) A carrier providing a managed care plan shall maintain a network that
45 is sufficient in numbers and types of providers to assure that all covered
46 benefits to covered persons will be accessible without unreasonable delay.
47 In the case of emergency services, covered persons shall have access to
48 health care services twenty-four hours per day, seven days per week.
49 Sufficiency shall be determined in accordance with the requirements of
50 this section and may be established by reference to any reasonable criteria
51 used by the carrier, including but not limited to:

52 (a) Provider-covered person ratios by specialty, which may
53 include the use of providers through ~~telemedicine~~ TELEHEALTH for
54 services that may appropriately be provided through ~~telemedicine~~
55 TELEHEALTH;

56 (9) Beginning January 1, 1998, a carrier shall maintain and make

1 available upon request of the commissioner, the executive director of the
2 department of public health and environment, or the executive director of
3 the department of health care policy and financing, in a manner and form
4 that reflects the requirements specified in paragraphs (a) to (k) of this
5 subsection (9), an access plan for each managed care network that the
6 carrier offers in this state. The carrier shall make the access plans, absent
7 confidential information as specified in section 24-72-204 (3), C.R.S.,
8 available on its business premises and shall provide them to any interested
9 party upon request. In addition, all health benefit plans and marketing
10 materials shall clearly disclose the existence and availability of the access
11 plan. All rights and responsibilities of the covered person under the health
12 benefit plan, however, shall be included in the contract provisions,
13 regardless of whether or not such provisions are also specified in the
14 access plan. The carrier shall prepare an access plan prior to offering a
15 new managed care network and shall update an existing access plan
16 whenever the carrier makes any material change to an existing managed
17 care network, but not less than annually. The access plan of a carrier
18 offering a managed care plan shall demonstrate the following:

19 (a.5) An adequate number of accessible specialists and
20 sub-specialists within a reasonable distance or travel time, or both, or who
21 may be available through the use of ~~telemedicine~~ TELEHEALTH;

22 (11) The division of insurance, in cooperation with the chief
23 medical officer for the state, shall evaluate a carrier's network adequacy
24 plan concerning the use of ~~telemedicine~~ TELEHEALTH for providers who
25 are specialists and sub-specialists for rural areas. ~~Such~~ THE DIVISION AND
26 CHIEF MEDICAL OFFICER SHALL CONDUCT THE review ~~shall occur~~ in a
27 timely fashion so as not to delay access to health care services."
28

29 Renumber succeeding section accordingly.

30
31 Page 5, line 21, strike "2016;" and substitute "2017;"

32
33 Page 1, line 102, strike "TELEMEDICINE" and substitute "TELEHEALTH".
34
35
36

37 **HB15-1067** be referred favorably to the Committee on Appropriations.
38
39
40
41

42 **LOCAL GOVERNMENT**

43 After consideration on the merits, the Committee recommends the
44 following:
45

46 **HB15-1017** be referred to the Committee of the Whole with favorable
47 recommendation.
48
49

50 **PRINTING REPORT**

51
52
53 The Chief Clerk reports the following bill has been correctly printed:
54 **HB15-1132**.
55
56

1 On motion of Representative Duran, the House adjourned until
2 10:00 a.m., January 26, 2015.

3

4

5

6

7

8

9

10

11

Approved:

DICKEY LEE HULLINGHORST,
Speaker

Attest:

MARILYN EDDINS,

Chief Clerk