

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 07-0061.01 Christy Chase

SENATE BILL 07-004

SENATE SPONSORSHIP

Shaffer, and Williams

HOUSE SPONSORSHIP

Todd, and Solano

Senate Committees

Health and Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING A COORDINATED SYSTEM OF PAYMENT FOR EARLY**
102 **INTERVENTION SERVICES FOR CHILDREN ELIGIBLE FOR**
103 **BENEFITS UNDER PART C OF THE FEDERAL "INDIVIDUALS WITH**
104 **DISABILITIES EDUCATION ACT", AND, IN CONNECTION**
105 **THEREWITH, REQUIRING THE DEPARTMENT OF HUMAN SERVICES**
106 **TO DEVELOP A COORDINATED PAYMENT SYSTEM AND REQUIRING**
107 **COVERAGE OF EARLY INTERVENTION SERVICES BY PUBLIC**
108 **MEDICAL ASSISTANCE AND PRIVATE HEALTH INSURANCE.**

Bill Summary

*(Note: This summary applies to this bill as introduced and does
not necessarily reflect any amendments that may be subsequently
adopted.)*

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.

Early Childhood and School Readiness Commission. Requires the department of human services (department) to develop and implement a coordinated system of payment for early intervention services for children from birth through their 3rd birthday who have developmental disabilities or developmental delays, using both public and private funds. In developing and implementing the system, specifies that the department is to:

Establish an interagency cooperating agreement with the departments of education, health care policy and financing, public health and environment, and regulatory agencies regarding the responsibilities of each department;

Develop the system for using public and private funds in cooperation with those specified departments and with private health insurance carriers;

Certify community centered boards (CCBs) or other entities as the billing agents for early intervention services; Certify CCBs or other entities as the provider network for early intervention services; and

Ensure an appropriate allocation of costs among federal, state, local, and private sources.

Requires the departments of education, health care policy and financing, public health and environment, and regulatory agencies, and private health insurance carriers to cooperate with the department in implementing this act and specifies particular duties of those departments and private health insurance carriers.

Obligates CCBs and other designated entities to use procedures and forms determined by the department to provide or purchase early intervention services on behalf of eligible children and to submit invoices for the services to the appropriate federal, state, local, or private funding source based on available funds and applicable reimbursement rates.

Requires the department to submit an annual report to the general assembly regarding the various funding sources used for early intervention services, the number of eligible children served, and the average cost of early intervention services.

Requires the department of health care policy and financing to ensure integration of the medicaid system and the children's basic health plan into the coordinated system of payment for early intervention services and to make necessary modifications to medicaid and the children's basic health plan to achieve such integration.

Requires health insurance policies and health care service or indemnity contracts issued or delivered on or after January 1, 2008, to provide coverage for early intervention services delivered by an early intervention specialist to an eligible child. Specifies the duration and limitations of the coverage and precludes the applicability of deductibles,

copayments, and lifetime caps on the coverage. Limits the existing mandated coverage for congenital defects and birth abnormalities to a covered child from the child's 3rd birthday to the child's 6th birthday.

Defines terms. Makes legislative findings.

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

2 **SECTION 1.** Article 10.5 of title 27, Colorado Revised Statutes,
3 is amended BY THE ADDITION OF A NEW PART to read:

4 PART 7
5 COORDINATED SYSTEM OF PAYMENT FOR
6 EARLY INTERVENTION SERVICES
7 FOR INFANTS AND TODDLERS

8 **27-10.5-701. Legislative declaration.** (1) THE GENERAL
9 ASSEMBLY HEREBY FINDS THAT:

10 (a) THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION,
11 WHICH IS THE SUCCESSOR OF THE CHILD CARE COMMISSION, WAS CREATED
12 IN THE 2004 LEGISLATIVE SESSION IN ORDER TO STUDY, REVIEW, AND
13 EVALUATE THE DEVELOPMENT OF PLANS FOR CREATING A COMPREHENSIVE
14 EARLY CHILDHOOD SYSTEM.

15 (b) THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION
16 HAS EXTENSIVELY STUDIED AND EVALUATED ISSUES REGARDING EARLY
17 INTERVENTION SERVICES FOR INFANTS AND TODDLERS WHO HAVE DELAYS
18 IN DEVELOPMENT AND HAS LEARNED THAT THERE IS NO COORDINATED
19 SYSTEM OF PAYMENT FOR EARLY INTERVENTION SERVICES, RESULTING IN
20 THE PROVISION OF DISJUNCTIVE OR INTERRUPTED SERVICES TO ELIGIBLE
21 CHILDREN AND INADEQUATE REIMBURSEMENT OF EARLY INTERVENTION
22 SERVICE PROVIDERS.

23 (c) THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION

1 ALSO WAS INFORMED THAT MANY ELIGIBLE CHILDREN ARE COVERED AS
2 DEPENDENTS BY THEIR PARENTS' HEALTH CARE PLANS, BUT SOME OF THE
3 PLANS MAY DENY BENEFITS FOR EARLY INTERVENTION SERVICES, THEREBY
4 ELIMINATING A SOURCE OF PRIVATE FUNDS FOR THE PAYMENT OF EARLY
5 INTERVENTION SERVICES.

6 (d) PURSUANT TO PART C OF THE FEDERAL "INDIVIDUALS WITH
7 DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS
8 AMENDED, THERE IS AN URGENT AND SUBSTANTIAL NEED TO FACILITATE
9 THE COORDINATION OF PAYMENT FOR EARLY INTERVENTION SERVICES
10 FROM FEDERAL, STATE, LOCAL, AND PRIVATE SOURCES, INCLUDING PUBLIC
11 MEDICAL ASSISTANCE AND PRIVATE INSURANCE COVERAGE.

12 (e) THE LONGER A CHILD'S DEVELOPMENTAL DELAYS ARE NOT
13 ADDRESSED, THE MORE DEVELOPMENTAL DIFFICULTIES THE CHILD WILL
14 EXPERIENCE IN THE FUTURE, THE LESS PREPARED THE CHILD WILL BE FOR
15 SCHOOL, THE MORE SPECIAL EDUCATION NEEDS THE CHILD IS LIKELY TO
16 HAVE, AND THE MORE COSTLY THOSE PROBLEMS WILL BE TO ADDRESS.

17 (f) COLORADO'S SYSTEM FOR PROVIDING EARLY INTERVENTION
18 SERVICES TO ELIGIBLE INFANTS AND TODDLERS UP TO THEIR THIRD
19 BIRTHDAY WITH SIGNIFICANT DEVELOPMENTAL DISABILITIES AND DELAYS
20 RELIES ON MULTIPLE SOURCES OF FUNDING.

21 (g) EXISTING LEVELS OF LOCAL, STATE, FEDERAL, AND PRIVATE
22 FUNDING MAY BE MORE EFFICIENTLY USED, MORE CHILDREN MAY BE
23 SERVED, AND A HIGHER QUALITY OF SERVICES MAY BE PROVIDED IF THE
24 EXISTING EARLY INTERVENTION SYSTEM IS MODIFIED TO CREATE A MORE
25 COHERENT AND COORDINATED SYSTEM OF PAYMENT FOR EARLY
26 INTERVENTION SERVICES.

27 **27-10.5-702. Definitions.** AS USED IN THIS PART 7, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

2 (1) "CERTIFIED EARLY INTERVENTION SERVICE BROKER" OR
3 "BROKER" MEANS A COMMUNITY CENTERED BOARD OR OTHER ENTITY
4 DESIGNATED BY THE DEPARTMENT TO PERFORM THE DUTIES AND
5 FUNCTIONS SPECIFIED IN SECTION 27-10.5-705 IN A PARTICULAR
6 DESIGNATED SERVICE AREA. NOTWITHSTANDING SECTION 27-10.5-104
7 (4), IF THE DEPARTMENT IS UNABLE TO DESIGNATE A COMMUNITY
8 CENTERED BOARD OR OTHER ENTITY TO SERVE AS THE BROKER FOR A
9 PARTICULAR DESIGNATED SERVICE AREA, THE DEPARTMENT SHALL SERVE
10 AS THE BROKER FOR THE DESIGNATED SERVICE AREA AND MAY CONTRACT
11 DIRECTLY WITH EARLY INTERVENTION SERVICE PROVIDERS TO PROVIDE
12 EARLY INTERVENTION SERVICES TO ELIGIBLE CHILDREN IN THE
13 DESIGNATED SERVICE AREA.

14 (2) "COORDINATED SYSTEM OF PAYMENT" MEANS THE POLICIES
15 AND PROCEDURES DEVELOPED BY THE DEPARTMENT, IN COOPERATION
16 WITH THE DEPARTMENTS OF EDUCATION, HEALTH CARE POLICY AND
17 FINANCING, AND PUBLIC HEALTH AND ENVIRONMENT, THE DIVISION OF
18 INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES, PRIVATE
19 HEALTH INSURANCE CARRIERS, AND CERTIFIED EARLY INTERVENTION
20 SERVICE BROKERS, TO ENSURE THAT AVAILABLE PUBLIC AND PRIVATE
21 SOURCES OF FUNDS TO PAY FOR EARLY INTERVENTION SERVICES FOR
22 ELIGIBLE CHILDREN ARE ACCESSED AND UTILIZED IN AN EFFICIENT
23 MANNER.

24 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN SERVICES.

25 (4) "EARLY INTERVENTION SERVICES" MEANS SERVICES AS
26 DEFINED BY THE DEPARTMENT IN ACCORDANCE WITH PART C THAT ARE
27 AUTHORIZED THROUGH AN ELIGIBLE CHILD'S IFSP. _____ EARLY

1 INTERVENTION SERVICES, AS SPECIFIED IN AN ELIGIBLE CHILD'S IFSP,
2 SHALL QUALIFY AS MEETING THE STANDARD FOR MEDICALLY NECESSARY
3 SERVICES AS USED BY PUBLIC MEDICAL ASSISTANCE AND PRIVATE HEALTH
4 INSURANCE.

5 (5) "ELIGIBLE CHILD" MEANS AN INFANT OR TODDLER, FROM BIRTH
6 UP TO THE CHILD'S THIRD BIRTHDAY, _____ WHO, AS DEFINED BY THE
7 DEPARTMENT IN ACCORDANCE WITH PART C, HAS SIGNIFICANT DELAYS IN
8 DEVELOPMENT OR HAS A DIAGNOSED PHYSICAL OR MENTAL CONDITION
9 THAT HAS A HIGH PROBABILITY OF RESULTING IN SIGNIFICANT DELAYS IN
10 DEVELOPMENT OR WHO IS ELIGIBLE FOR SERVICES PURSUANT TO SECTION
11 27-10.5-102 (11) (c).

12 (6) "INDIVIDUALIZED FAMILY SERVICE PLAN" OR "IFSP" MEANS A
13 WRITTEN PLAN DEVELOPED PURSUANT TO 20 U.S.C. SEC. 1436 AND 34
14 CFR 303.340, AS AMENDED, THAT AUTHORIZES EARLY INTERVENTION
15 SERVICES TO AN ELIGIBLE CHILD AND THE CHILD'S FAMILY.

16 (7) "PART C" MEANS THE EARLY INTERVENTION PROGRAM FOR
17 INFANTS AND TODDLERS WHO ARE ELIGIBLE FOR SERVICES UNDER PART C
18 OF THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20
19 U.S.C. SEC. 1400 ET SEQ., AS AMENDED.

20 (8) "PRIVATE HEALTH INSURANCE" MEANS A HEALTH COVERAGE
21 PLAN, AS DEFINED IN SECTION 10-16-102 (22.5), C.R.S., THAT IS
22 PURCHASED BY INDIVIDUALS OR GROUPS TO PROVIDE, DELIVER, ARRANGE
23 FOR, PAY FOR, OR REIMBURSE ANY OF THE COSTS OF HEALTH CARE
24 SERVICES, AS DEFINED IN SECTION 10-16-102 (22), C.R.S., PROVIDED TO
25 A PERSON ENTITLED TO RECEIVE BENEFITS OR SERVICES UNDER THE
26 HEALTH COVERAGE PLAN.

27 (9) "PUBLIC MEDICAL ASSISTANCE" MEANS MEDICAL SERVICES

1 THAT ARE PROVIDED BY THE STATE THROUGH THE "COLORADO MEDICAL
2 ASSISTANCE ACT", ARTICLES 4 TO 6 OF TITLE 25.5, C.R.S., OR THE
3 "CHILDREN'S BASIC HEALTH PLAN ACT", ARTICLE 8 OF TITLE 25.5, C.R.S.,
4 OR OTHER PUBLIC MEDICAL ASSISTANCE FUNDING SOURCES TO QUALIFYING
5 INDIVIDUALS.

6 (10) "QUALIFIED EARLY INTERVENTION SERVICE PROVIDER" OR
7 "QUALIFIED PROVIDER" MEANS A PERSON OR AGENCY, AS DEFINED BY THE
8 DEPARTMENT IN ACCORDANCE WITH PART C, WHO PROVIDES EARLY
9 INTERVENTION SERVICES AND IS LISTED ON THE REGISTRY OF EARLY
10 INTERVENTION SERVICE PROVIDERS PURSUANT TO SECTION 27-10.5-705
11 (1)(a).

12 (11) "STATE PLAN" MEANS THE COLORADO PLAN FOR A
13 COMPREHENSIVE AND COORDINATED SYSTEM OF EARLY INTERVENTION
14 SERVICES REQUIRED PURSUANT TO PART C.

15 **27-10.5-703. Coordinated system of payment for early**
16 **intervention services - duties of departments ___ - rules.** (1) IN ORDER
17 TO IMPLEMENT THE PROVISIONS OF THIS PART 7, THE DEPARTMENT, AS
18 LEAD AGENCY FOR PART C, SHALL BE RESPONSIBLE FOR THE FOLLOWING,
19 SUBJECT TO AVAILABLE APPROPRIATIONS:

20 (a) ESTABLISHING A STATE PLAN FOR A STATEWIDE,
21 COMPREHENSIVE SYSTEM OF EARLY INTERVENTION SERVICES IN
22 ACCORDANCE WITH PART C;

23 (b) ESTABLISHING AN INTERAGENCY OPERATING AGREEMENT
24 BETWEEN THE DEPARTMENT AND THE DEPARTMENTS OF EDUCATION,
25 HEALTH CARE POLICY AND FINANCING, AND PUBLIC HEALTH AND
26 ENVIRONMENT REGARDING THE RESPONSIBILITIES OF EACH DEPARTMENT
27 TO ASSIST IN THE DEVELOPMENT AND IMPLEMENTATION OF A STATEWIDE,

1 COMPREHENSIVE SYSTEM OF EARLY INTERVENTION SERVICES AND A
2 COORDINATED SYSTEM OF PAYMENTS FOR EARLY INTERVENTION SERVICES;

3 (c) DEVELOPING, IN COOPERATION WITH THE DEPARTMENTS OF
4 EDUCATION, HEALTH CARE POLICY AND FINANCING, AND PUBLIC HEALTH
5 AND ENVIRONMENT, THE DIVISION OF INSURANCE IN THE DEPARTMENT OF
6 REGULATORY AGENCIES, PRIVATE HEALTH INSURANCE CARRIERS, AND
7 CERTIFIED EARLY INTERVENTION SERVICE BROKERS. A COORDINATED
8 SYSTEM OF PAYMENT OF EARLY INTERVENTION SERVICES USING PUBLIC
9 AND PRIVATE FUNDS;

10 (d) CERTIFYING COMMUNITY CENTERED BOARDS OR OTHER
11 ENTITIES AS DETERMINED BY THE DEPARTMENT AS EARLY INTERVENTION
12 SERVICE BROKERS FOR EARLY INTERVENTION SERVICES PROVIDED
13 PURSUANT TO THIS PART 7;

14 _____
15 (e) ENSURING AN APPROPRIATE ALLOCATION OF PAYMENT
16 RESPONSIBILITIES FOR EARLY INTERVENTION SERVICES AMONG FEDERAL,
17 STATE, LOCAL, AND PRIVATE SOURCES, INCLUDING PUBLIC MEDICAL
18 ASSISTANCE AND PRIVATE INSURANCE COVERAGE.

19 (2) ANY ADDITIONAL SOURCE OF FUNDS THAT MAY BECOME
20 AVAILABLE FOR THE PAYMENT OF EARLY INTERVENTION SERVICES ON OR
21 AFTER JULY 1, 2007, AS A RESULT OF THE DEVELOPMENT AND
22 IMPLEMENTATION OF A STATEWIDE, COMPREHENSIVE SYSTEM OF EARLY
23 INTERVENTION SERVICES AND A COORDINATED SYSTEM OF PAYMENTS FOR
24 EARLY INTERVENTION SERVICES SHALL NOT REPLACE OR REDUCE ANY
25 OTHER FEDERAL OR STATE FUNDS AVAILABLE FOR THE PAYMENT OF EARLY
26 INTERVENTION SERVICES ON OR BEFORE JULY 1, 2007.

27 (3) NOTHING IN THIS PART 7 SHALL BE CONSTRUED TO INHIBIT,

1 ENCUMBER, OR CONTROL THE USE OF LOCAL FUNDS, INCLUDING COUNTY
2 GRANTS, REVENUES FROM LOCAL MILL LEVIES, AND PRIVATE GRANTS AND
3 CONTRIBUTIONS, THAT A COMMUNITY CENTERED BOARD OR COUNTY
4 GOVERNMENT MAY ELECT TO ALLOCATE FOR THE BENEFIT OF ELIGIBLE
5 CHILDREN.

6 (4) IN DEVELOPING A COORDINATED SYSTEM OF PAYMENT, THE
7 DEPARTMENT SHALL NOT DIRECTLY OR INDIRECTLY CREATE A NEW
8 ENTITLEMENT FOR EARLY INTERVENTION SERVICES FUNDED FROM THE
9 GENERAL FUND. HOWEVER, THIS SUBSECTION (4) SHALL NOT PROHIBIT
10 ANY ADJUSTMENTS TO PUBLIC MEDICAL ASSISTANCE REQUIRED BY
11 SECTION 25.5-1-123, C.R.S.

12 **27-10.5-704. Cooperation among state agencies _____ -**
13 **implementing coordinated payment system - revisions to rules.**

14 (1) THE DEPARTMENTS OF EDUCATION, HEALTH CARE POLICY AND
15 FINANCING, AND PUBLIC HEALTH AND ENVIRONMENT SHALL COOPERATE
16 WITH THE DEPARTMENT TO IMPLEMENT THE PROVISIONS OF THIS PART 7
17 AND SHALL:

18 (a) ASSIGN A REPRESENTATIVE ___ IN ACCORDANCE WITH PART C
19 TO ADVISE AND ASSIST THE DEPARTMENT IN THE DEVELOPMENT AND
20 IMPLEMENTATION OF THE EARLY INTERVENTION SYSTEM;

21 (b) PARTICIPATE IN THE ONGOING REVIEW OF FUNDING PRACTICES
22 FOR EARLY INTERVENTION SERVICES AND DEVELOP OR REVISE
23 PROCEDURES ___ FOR A COORDINATED SYSTEM OF PAYMENT FOR EARLY
24 INTERVENTION SERVICES;

25 (c) USE UNIFORM FORMS AND PROCEDURES FOR BILLING THE
26 COSTS OF EARLY INTERVENTION SERVICES TO PUBLIC MEDICAL
27 ASSISTANCE, AS SPECIFIED IN THE "COLORADO MEDICAL ASSISTANCE

1 ACT", ARTICLES 4 TO 6 OF TITLE 25.5, C.R.S., OR THE "CHILDREN'S BASIC
2 HEALTH PLAN ACT", ARTICLE 8 OF TITLE 25.5, C.R.S., AS APPROPRIATE,
3 AND PRIVATE HEALTH INSURANCE, AS SPECIFIED IN PART 1 OF ARTICLE 16
4 OF TITLE 10, C.R.S.

5 (d) COORDINATE REVISIONS TO EXISTING RULES THAT ARE
6 NECESSARY TO IMPLEMENT THIS PART 7; AND

7 (e) PERFORM OTHER TASKS AND FUNCTIONS NECESSARY FOR THE
8 IMPLEMENTATION OF THIS PART 7.

9 (2) THE DIVISION OF INSURANCE IN THE DEPARTMENT OF
10 REGULATORY AGENCIES SHALL PROVIDE ASSISTANCE TO THE DEPARTMENT
11 RELATED TO THE REQUIREMENTS AND IMPLEMENTATION OF SECTION
12 10-16-104 (1.3), C.R.S., AND INSURANCE LAWS AND RULES RELATED TO
13 BILLING AND CLAIMS HANDLING.

14
15 **27-10.5-705. Certified early intervention service brokers -**
16 **duties - payment for early intervention services - fees.** (1) FOR EACH
17 DESIGNATED SERVICE AREA IN THE STATE, THE CERTIFIED EARLY
18 INTERVENTION SERVICE BROKER FOR THE AREA SHALL:

19 (a) ESTABLISH A REGISTRY OF QUALIFIED EARLY INTERVENTION
20 SERVICE PROVIDERS TO PROVIDE EARLY INTERVENTION SERVICES TO
21 ELIGIBLE CHILDREN IN THE DESIGNATED SERVICE AREA. THE CERTIFIED
22 EARLY INTERVENTION SERVICE BROKER FOR A DESIGNATED SERVICE AREA
23 MAY PROVIDE EARLY INTERVENTION SERVICES DIRECTLY OR MAY
24 SUBCONTRACT THE PROVISION OF SERVICES TO OTHER QUALIFIED
25 PROVIDERS ON THE REGISTRY.

26 (b) ACCEPT AND PROCESS CLAIMS FOR REIMBURSEMENT FOR
27 EARLY INTERVENTION SERVICES PROVIDED UNDER THIS PART 7 BY

1 QUALIFIED PROVIDERS:

2 (c) NEGOTIATE RATES FOR THE PAYMENT OF EARLY INTERVENTION
3 SERVICES PROVIDED TO ELIGIBLE CHILDREN IN THE DESIGNATED SERVICE
4 AREA BY QUALIFIED PROVIDERS:

5 (d) ENSURE PAYMENT AT THE NEGOTIATED RATE TO A QUALIFIED
6 PROVIDER FOR EARLY INTERVENTION SERVICES RENDERED BY THE
7 QUALIFIED PROVIDER.

8 (2) CERTIFIED EARLY INTERVENTION SERVICE BROKERS SHALL USE
9 PROCEDURES AND FORMS DETERMINED BY THE DEPARTMENT TO
10 DOCUMENT THE PROVISION OR PURCHASE OF EARLY INTERVENTION
11 SERVICES ON BEHALF OF ELIGIBLE CHILDREN. INVOICES OR INSURANCE
12 CLAIMS FOR EARLY INTERVENTION SERVICES SHALL BE SUBMITTED BASED
13 ON THE AVAILABLE FUNDING SOURCE FOR EACH ELIGIBLE CHILD AND THE
14 REIMBURSEMENT RATE FOR THE APPROPRIATE FEDERAL, STATE, LOCAL,
15 OR PRIVATE FUNDING SOURCES, INCLUDING PUBLIC MEDICAL ASSISTANCE
16 AND PRIVATE HEALTH INSURANCE.

17 (3) THE DEPARTMENT SHALL ESTABLISH A SCHEDULE OF FEES TO
18 BE CHARGED BY CERTIFIED EARLY INTERVENTION SERVICE BROKERS FOR
19 PROVIDING BROKER SERVICES UNDER THIS PART 7. IN DEVELOPING THE
20 FEE SCHEDULE, THE DEPARTMENT SHALL OBTAIN INPUT FROM CERTIFIED
21 EARLY INTERVENTION SERVICE BROKERS AND SHALL CONSIDER THE
22 DUTIES OF BROKERS UNDER THIS PART 7, THE EXPENSES INCURRED BY
23 BROKERS, AND THE RELEVANT MARKET CONDITIONS.

24 (4) USE OF A CERTIFIED EARLY INTERVENTION BROKER IS
25 VOLUNTARY, AND NOTHING IN THIS PART 7 SHALL PROHIBIT A QUALIFIED
26 PROVIDER OF EARLY INTERVENTION SERVICES FROM DIRECTLY BILLING
27 THE APPROPRIATE PROGRAM OF PUBLIC MEDICAL ASSISTANCE OR A

1 PARTICIPATING PROVIDER, AS DEFINED IN SECTION 10-16-102 (28.5),
2 C.R.S., FROM DIRECTLY BILLING A PRIVATE HEALTH INSURANCE CARRIER
3 FOR SERVICES RENDERED UNDER THIS PART 7.

4 (5) TO THE EXTENT REQUESTED BY THE DEPARTMENT, CERTIFIED
5 EARLY INTERVENTION SERVICE BROKERS SHALL PARTICIPATE IN ONGOING
6 REVIEWS OF FUNDING PRACTICES FOR EARLY INTERVENTION SERVICES AND
7 THE DEVELOPMENT OR REVISION OF PROCEDURES FOR A COORDINATED
8 SYSTEM OF PAYMENT FOR EARLY INTERVENTION SERVICES.

9 **27-10.5-706. Annual report - cooperation from certified early**
10 **intervention service brokers and qualified providers.** ____ (1) BY
11 NOVEMBER 1, 2008, AND BY EACH NOVEMBER 1 THEREAFTER, THE
12 DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE GENERAL
13 ASSEMBLY REGARDING THE VARIOUS FUNDING SOURCES USED FOR EARLY
14 INTERVENTION SERVICES, THE NUMBER OF ELIGIBLE CHILDREN SERVED,
15 THE AVERAGE COST OF EARLY INTERVENTION SERVICES, AND ANY OTHER
16 INFORMATION THE DEPARTMENT DEEMS APPROPRIATE. THE REPORT SHALL
17 BE SUBMITTED TO THE JOINT BUDGET COMMITTEE AS PART OF THE
18 DEPARTMENT'S ANNUAL BUDGET REQUEST. THE DEPARTMENT SHALL ALSO
19 SUBMIT THE REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEES
20 AND THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF
21 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, AND TO THE EARLY
22 CHILDHOOD AND SCHOOL READINESS COMMISSION CREATED IN PART 3 OF
23 ARTICLE 6 OF TITLE 26, C.R.S., OR ITS SUCCESSOR COMMISSION.

24 (2) THE DEPARTMENT SHALL REQUEST, AND CERTIFIED EARLY
25 INTERVENTION SERVICE BROKERS AND QUALIFIED EARLY INTERVENTION
26 SERVICE PROVIDERS SHALL PROVIDE, INFORMATION REGARDING EARLY
27 INTERVENTION SERVICES THAT IS NECESSARY FOR THE DEPARTMENT TO

1 PREPARE THE ANNUAL REPORT REQUIRED BY THIS SECTION OR OTHER
2 FEDERAL OR STATE REPORTS AS MAY BE REQUIRED.

3 **SECTION 2.** Part 1 of article 1 of title 25.5, Colorado Revised
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
5 read:

6 **25.5-1-123. Early intervention payment system - participation**
7 **by state department.** (1) THE STATE DEPARTMENT SHALL PARTICIPATE
8 IN THE DEVELOPMENT AND IMPLEMENTATION OF THE COORDINATED
9 SYSTEM OF PAYMENT FOR EARLY INTERVENTION SERVICES AUTHORIZED
10 PURSUANT TO PART 7 OF ARTICLE 10.5 OF TITLE 27, C.R.S., AND PART C
11 OF THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20
12 U.S.C. SEC. 1400 ET SEQ., AS AMENDED.

13 (2) THE STATE DEPARTMENT SHALL ENSURE THAT THE EARLY
14 INTERVENTION SERVICES, AS DEFINED BY THE DEPARTMENT OF HUMAN
15 SERVICES IN ACCORDANCE WITH SECTION 27-10.5-702 (4), C.R.S., BUT
16 EXCLUDING NONEMERGENCY MEDICAL TRANSPORTATION, AND PAYMENTS
17 FOR RECIPIENTS OF MEDICAL ASSISTANCE UNDER THIS TITLE ARE
18 INTEGRATED INTO THE COORDINATED EARLY INTERVENTION PAYMENT
19 SYSTEM DEVELOPED PURSUANT TO PART 7 OF ARTICLE 10.5 OF TITLE 27,
20 C.R.S. TO THE EXTENT NECESSARY TO ACHIEVE THE COORDINATED
21 PAYMENT SYSTEM AND COVERAGE OF THOSE EARLY INTERVENTION
22 SERVICES UNDER THIS TITLE, THE STATE DEPARTMENT SHALL AMEND THE
23 STATE PLAN FOR MEDICAL ASSISTANCE OR SEEK THE NECESSARY FEDERAL
24 AUTHORIZATION, PROMULGATE RULES, AND MODIFY THE BILLING SYSTEM
25 FOR MEDICAL ASSISTANCE TO FACILITATE THE COORDINATED PAYMENT
26 SYSTEM.

27 (3) THE STATE DEPARTMENT SHALL ALSO MAKE ANY

1 MODIFICATIONS NECESSARY TO THE "CHILDREN'S BASIC HEALTH PLAN
2 ACT", ARTICLE 8 OF THIS TITLE, INCLUDING PROMULGATING RULES, TO
3 ENSURE THAT THE CHILDREN'S BASIC HEALTH PLAN IS INTEGRATED INTO
4 THE COORDINATED EARLY INTERVENTION PAYMENT SYSTEM DEVELOPED
5 PURSUANT TO PART 7 OF ARTICLE 10.5 OF TITLE 27, C.R.S.

6 **SECTION 3.** 10-16-104 (1.7) (a), Colorado Revised Statutes, is
7 amended, and the said 10-16-104 is further amended BY THE
8 ADDITION OF A NEW SUBSECTION, to read:

9 **10-16-104. Mandatory coverage provisions - definitions.**

10 (1.3) **Early intervention services.** (a) AS USED IN THIS SUBSECTION
11 (1.3), UNLESS THE CONTEXT OTHERWISE REQUIRES:

12 (I) "DIVISION" MEANS THE UNIT WITHIN THE DEPARTMENT OF
13 HUMAN SERVICES THAT IS RESPONSIBLE FOR DEVELOPMENTAL
14 DISABILITIES SERVICES.

15 _____
16 (II) "EARLY INTERVENTION SERVICES" MEANS SERVICES AS
17 DEFINED BY THE DIVISION IN ACCORDANCE WITH PART C THAT ARE
18 AUTHORIZED THROUGH AN ELIGIBLE CHILD'S IFSP.

19 (III) "ELIGIBLE CHILD" MEANS AN INFANT OR TODDLER, FROM
20 BIRTH UP TO THE CHILD'S THIRD BIRTHDAY, WHO IS AN ENROLLED
21 DEPENDENT AND WHO, AS DEFINED BY THE DIVISION PURSUANT TO
22 SECTION 27-10.5-702 (5), C.R.S., HAS SIGNIFICANT DELAYS IN
23 DEVELOPMENT OR HAS A DIAGNOSED PHYSICAL OR MENTAL CONDITION
24 THAT HAS A HIGH PROBABILITY OF RESULTING IN SIGNIFICANT DELAYS IN
25 DEVELOPMENT OR WHO IS ELIGIBLE FOR SERVICES PURSUANT TO SECTION
26 27-10.5-102 (11) (c).

27 (IV) "INDIVIDUALIZED FAMILY SERVICE PLAN" OR "IFSP" MEANS

1 A WRITTEN PLAN DEVELOPED PURSUANT TO 20 U.S.C. SEC. 1436 AND 34
2 CFR 303.340, AS AMENDED, THAT AUTHORIZES EARLY INTERVENTION
3 SERVICES TO AN ELIGIBLE CHILD AND THE CHILD'S FAMILY.

4 (V) "PART C" MEANS THE EARLY INTERVENTION PROGRAM FOR
5 INFANTS AND TODDLERS WHO ARE ELIGIBLE FOR SERVICES UNDER PART C
6 OF THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20
7 U.S.C. SEC. 1400 ET SEQ., AS AMENDED.

8 (VI) "QUALIFIED EARLY INTERVENTION SERVICE PROVIDER" OR
9 "QUALIFIED PROVIDER" MEANS A PERSON OR AGENCY, AS DEFINED BY THE
10 DIVISION IN ACCORDANCE WITH PART C, WHO PROVIDES EARLY
11 INTERVENTION SERVICES AND IS LISTED ON THE REGISTRY OF EARLY
12 INTERVENTION SERVICE PROVIDERS PURSUANT TO SECTION 27-10.5-705
13 (1) (a), C.R.S.

14 (b) ALL INDIVIDUAL AND GROUP SICKNESS AND ACCIDENT
15 INSURANCE POLICIES ISSUED BY AN ENTITY SUBJECT TO PART 2 OF THIS
16 ARTICLE ON OR AFTER JANUARY 1, 2008, AND ALL SERVICE OR INDEMNITY
17 CONTRACTS ISSUED BY AN ENTITY SUBJECT TO PART 3 OR 4 OF THIS
18 ARTICLE ON OR AFTER JANUARY 1, 2008, THAT INCLUDE DEPENDENT
19 COVERAGE SHALL PROVIDE COVERAGE FOR EARLY _____ INTERVENTION
20 SERVICES DELIVERED BY A QUALIFIED EARLY INTERVENTION SERVICE
21 PROVIDER TO AN ELIGIBLE CHILD. EARLY INTERVENTION SERVICES
22 SPECIFIED IN AN ELIGIBLE CHILD'S IFSP SHALL QUALIFY AS MEETING THE
23 STANDARD FOR MEDICALLY NECESSARY HEALTH CARE SERVICES AS USED
24 BY PRIVATE HEALTH INSURANCE PLANS. THE COVERAGE SHALL BE
25 AVAILABLE ANNUALLY TO AN ELIGIBLE CHILD FROM BIRTH UP TO THE
26 CHILD'S THIRD BIRTHDAY AND, FOR THE CALENDAR OR POLICY YEAR
27 BEGINNING JANUARY 1, 2008, SHALL BE LIMITED TO FIVE THOUSAND

1 SEVEN HUNDRED TWENTY-FIVE DOLLARS, _____ INCLUDING CASE
2 MANAGEMENT COSTS, FOR EARLY INTERVENTION SERVICES FOR EACH
3 DEPENDENT CHILD PER CALENDAR OR POLICY YEAR. FOR THE CALENDAR
4 OR POLICY YEAR BEGINNING JANUARY 1, 2009, AND FOR EACH CALENDAR
5 OR POLICY YEAR THEREAFTER, THE LIMIT SHALL BE ADJUSTED BY THE
6 DIVISION BASED ON THE CONSUMER PRICE INDEX FOR THE
7 DENVER-BOULDER-GREELEY METROPOLITAN STATISTICAL AREA FOR THE
8 PRECEDING YEAR. EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS
9 SUBSECTION (1.3), THE COVERAGE SHALL NOT BE SUBJECT TO
10 DEDUCTIBLES OR COPAYMENTS, AND ANY BENEFITS PAID UNDER THE
11 COVERAGE REQUIRED BY THIS SUBSECTION (1.3) SHALL NOT BE APPLIED TO
12 AN ANNUAL OR LIFETIME MAXIMUM BENEFIT CONTAINED IN THE POLICY OR
13 CONTRACT.

14 (c) THIS SUBSECTION (1.3) SHALL NOT APPLY TO THE FOLLOWING:

15 (I) SHORT-TERM, ACCIDENT, FIXED INDEMNITY, OR SPECIFIED
16 DISEASE POLICIES, DISABILITY INCOME CONTRACTS, LIMITED BENEFIT OR
17 CREDIT DISABILITY INSURANCE, OR A MEDICARE SUPPLEMENT POLICY, AS
18 DEFINED IN SECTION 10-18-101 (4).

19 (II) WORKERS' COMPENSATION OR SIMILAR INSURANCE.

20 (III) AUTOMOBILE MEDICAL PAYMENT INSURANCE OR INSURANCE
21 UNDER WHICH BENEFITS ARE PAYABLE WITH OR WITHOUT REGARD TO
22 FAULT AND REQUIRED BY LAW TO BE CONTAINED IN ANY LIABILITY
23 INSURANCE POLICY OR EQUIVALENT SELF-INSURANCE.

24 (d) (I) THE COVERAGE REQUIRED BY THIS SUBSECTION (1.3) MAY
25 BE OFFERED THROUGH A HIGH DEDUCTIBLE PLAN THAT WOULD QUALIFY
26 FOR A HEALTH SAVINGS ACCOUNT PURSUANT TO 26 U.S.C. SEC. 223;
27 EXCEPT THAT A CARRIER MAY APPLY DEDUCTIBLE AMOUNTS FOR THE

1 REQUIRED COVERAGE IF IT IS NOT CONSIDERED BY THE UNITED STATES
2 DEPARTMENT OF TREASURY TO BE PREVENTATIVE OR TO HAVE AN
3 ACCEPTABLE DEDUCTIBLE AMOUNT.

4 (II) IF A HIGH DEDUCTIBLE PLAN THAT WOULD QUALIFY FOR A
5 HEALTH SAVINGS ACCOUNT PURSUANT TO 26 U.S.C. SEC. 223 REQUIRES A
6 DEDUCTIBLE OR COPAYMENT AMOUNT FOR THE COVERAGE REQUIRED BY
7 THIS SUBSECTION (1.3), THE DEDUCTIBLE OR COPAYMENT AMOUNT MAY BE
8 PAID BY THE STATE AS DETERMINED BY RULES ADOPTED BY THE
9 COMMISSIONER IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., IN
10 CONSULTATION WITH THE DIVISION OF INSURANCE.

11 **(1.7) Therapies for congenital defects and birth abnormalities.**

12 (a) After the first thirty-one days of life, policy limitations and exclusions
13 that are generally applicable under the policy may apply; except that all
14 individual and group health benefit plans shall provide medically
15 necessary physical, occupational, and speech therapy for the care and
16 treatment of congenital defects and birth abnormalities for ~~covered~~
17 ~~children up to five years of age~~ A COVERED CHILD FROM THE CHILD'S
18 THIRD BIRTHDAY TO THE CHILD'S SIXTH BIRTHDAY.

19 **SECTION 4.** 10-16-105 (5) (g) (I), Colorado Revised Statutes,
20 is amended to read:

21 **10-16-105. Small group sickness and accident insurance -**
22 **guaranteed issue - mandated provisions for basic health benefit plans**
23 **- rules - benefit design advisory committee - repeal.** (5) Each small
24 group sickness and accident insurer or other entity shall make reasonable
25 disclosure in solicitation and sales materials provided to small employers
26 the following information in a form and manner prescribed by the
27 commissioner and upon request of any such small employer shall provide

1 such information in detail:

2 (g) (I) That the small employer purchasing any health benefit plan
3 other than a basic plan pursuant to SUBPARAGRAPH (I), (III), OR (IV) OF
4 paragraph (b) of subsection (7.2) of this section, must pay for all of the
5 mandated benefits pursuant to section 10-16-104 and that these mandates
6 include mandatory, nonwaivable coverages for newborn, maternity,
7 pregnancy, childbirth, complications from pregnancy and childbirth,
8 EARLY INTERVENTION SERVICES, therapies for congenital defects and birth
9 abnormalities, low-dose mammography, mental illness,
10 biologically-based mental illness, the availability of alcoholism treatment,
11 the availability of hospice care, prostate cancer screening, child health
12 supervision, hospitalization and general anesthesia for dental procedures
13 for dependent children, diabetes, and prosthetic devices.

14 **SECTION 5. Effective date - applicability.** (1) Except as
15 provided in subsection (2) of this section, this act shall take effect July 1,
16 2007.

17 (2) Section 3 of this act shall take effect January 1, 2008, and shall
18 apply to health insurance policies and health care service or indemnity
19 contracts delivered or issued on or after said date.

20 **SECTION 6. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.