

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

**PREAMENDED**

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

LLS NO. 08-1035.02 Kristen Forrestal

**HOUSE BILL 08-1385**

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**HOUSE SPONSORSHIP**

**Primavera,**

**SENATE SPONSORSHIP**

**Schwartz,**

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**House Committees**

Business Affairs and Labor  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING INCREASED TRANSPARENCY TO CONSUMERS REGARDING**  
102             **HEALTH CARE INSURANCE, AND MAKING AN APPROPRIATION**  
103             **THEREFOR.**

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**Bill Summary**

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

Finds that providing reliable cost and quality information about health care insurance empowers consumer choice. Requires the commissioner of insurance (commissioner) to maintain a web site that displays a consumer guide on insurance provided to the division by health insurance carriers. Creates an exception for information that is proprietary pursuant to Colorado open records laws. Requires insurance

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.*

producers to disclose financial information to consumers.

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

2           **SECTION 1.** Part 1 of article 16 of title 10, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5           **10-16-133. Legislative declaration - health carrier information**  
6 **disclosure - web site - insurance producer disclosure requirements.**

7 (1) THE GENERAL ASSEMBLY FINDS AND DETERMINES THAT CONSUMERS  
8 DESERVE TO KNOW THE QUALITY AND COST OF THEIR HEALTH CARE  
9 INSURANCE. HEALTH CARE INSURANCE TRANSPARENCY PROVIDES  
10 CONSUMERS WITH THE INFORMATION NECESSARY, AND THE INCENTIVE, TO  
11 CHOOSE HEALTH PLANS BASED ON COST AND QUALITY. THE GENERAL  
12 ASSEMBLY FURTHER FINDS THAT PROVIDING RELIABLE COST AND QUALITY  
13 INFORMATION ABOUT HEALTH CARE INSURANCE EMPOWERS CONSUMER  
14 CHOICE AND THAT CONSUMER CHOICE CREATES INCENTIVES AT ALL  
15 LEVELS, AND MOTIVATES THE ENTIRE SYSTEM TO PROVIDE BETTER CARE  
16 AND BENEFITS FOR LESS MONEY. THEREFORE IT IS THE INTENT OF THE  
17 GENERAL ASSEMBLY TO MAKE INFORMATION REGARDING THE COSTS OF  
18 HEALTH CARE INSURANCE READILY AVAILABLE TO CONSUMERS THROUGH  
19 THE DIVISION OF INSURANCE.

20           (2) THE COMMISSIONER SHALL IMPLEMENT AND MAINTAIN A  
21 CONSUMER GUIDE ON THE DIVISION OF INSURANCE WEB SITE THAT IS  
22 EASILY ACCESSIBLE AND AVAILABLE TO CONSUMERS REGARDING EACH  
23 CARRIER AUTHORIZED TO DO BUSINESS IN THIS STATE. THE WEB SITE  
24 SHALL:

25           (a) BE DERIVED FROM THE INFORMATION THAT EACH CARRIER IS

1 REQUIRED TO FILE WITH THE DIVISION, EXCEPT FOR RECORDS THAT ARE  
2 NOT OPEN TO PUBLIC INSPECTION PURSUANT TO PART 2 OF ARTICLE 72 OF  
3 TITLE 24, C.R.S.;

4 (b) INCLUDE SUCH INFORMATION, IN ACCORDANCE WITH  
5 PARAGRAPH (a) OF THIS SUBSECTION (2), AS THE COMMISSIONER  
6 DETERMINES, IN HIS OR HER DISCRETION AND AFTER SOLICITING INPUT  
7 FROM INTERESTED PARTIES, TO BE USEFUL TO CONSUMERS AND  
8 PURCHASERS OF HEALTH CARE INSURANCE; AND

9 (c) INCLUDE A LINK TO THE DIVISION'S COMPLAINT FORM FOR USE  
10 BY CONSUMERS TO FILE A COMPLAINT AGAINST A CARRIER AND A LINK TO  
11 THE DIVISION'S COMPLAINT INDEX SO THAT CONSUMERS MAY ACCESS  
12 INFORMATION REGARDING COMPLAINTS AGAINST CARRIERS.

13 (3) THE COMMISSIONER IS AUTHORIZED TO INCLUDE ADDITIONAL  
14 HEALTH PLAN AND QUALITY INFORMATION ON THE WEB SITE FROM STATE  
15 OR NATIONALLY RECOGNIZED ORGANIZATIONS THAT MEASURE  
16 PERFORMANCE OF HEALTH BENEFIT PLANS.

17 (4) THE COMMISSIONER SHALL CONSIDER ALTERNATIVE METHODS  
18 OF MAKING THE CONSUMER GUIDE ACCESSIBLE TO CONSUMERS WHO DO  
19 NOT HAVE INTERNET ACCESS.

20 (5) AN INSURANCE PRODUCER LICENSED PURSUANT TO PART 4 OF  
21 ARTICLE 2 OF THIS TITLE WHO SOLICITS OR NEGOTIATES AN APPLICATION  
22 FOR HEALTH CARE INSURANCE ON BEHALF OF A CARRIER SHALL DISCLOSE  
23 TO THE PERSON PURCHASING THE PLAN THAT THE INSURANCE PRODUCER  
24 WILL RECEIVE A COMMISSION FROM THE CARRIER. THE INSURANCE  
25 PRODUCER SHALL PROVIDE THE CONSUMER WITH THE STANDARD  
26 COMPENSATION SCHEDULE FOR THE PRODUCT BEING SOLD. ANY CHANGE  
27 TO THE INSURANCE PRODUCER'S COMPENSATION FROM THE INITIAL

1 DISCLOSURE TO THE TIME OF PURCHASE SHALL BE DISCLOSED BY THE  
2 INSURANCE PRODUCER TO THE PURCHASER AT OR BEFORE THE TIME OF  
3 SALE.

4 **SECTION 2. Appropriation.** In addition to any other  
5 appropriation, there is hereby appropriated, out of any moneys in the  
6 division of insurance cash fund created in section 10-1-103 (3), Colorado  
7 Revised Statutes, not otherwise appropriated, to the department of  
8 regulatory agencies, for allocation to the division of insurance, for the  
9 implementation and maintenance of a consumer guide to health benefits  
10 coverage on the division of insurance website, for the fiscal year  
11 beginning July 1, 2008, the sum of eight thousand seven hundred seventy-  
12 four dollars (\$8,774), or so much thereof as may be necessary, for the  
13 implementation of this act.

14 **SECTION 3. Effective date - applicability.** (1) This act shall  
15 take effect January 1, 2009.

16 (2) However, if a referendum petition is filed against this act or  
17 an item, section, or part of this act during the 90-day period after final  
18 adjournment of the general assembly that is allowed for submitting a  
19 referendum petition pursuant to article V, section 1 (3) of the state  
20 constitution, then the act, item, section, or part, shall not take effect unless  
21 approved by the people at a biennial regular general election and shall  
22 take effect on the date specified in subsection (1) or on the date of the  
23 official declaration of the vote thereon by proclamation of the governor,  
24 whichever is later.

25 (3) The provisions of this act shall apply to health care insurance  
26 purchased on or after the applicable effective date of this act.