

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 11, 2010
Date

Committee on Health and Human Services.

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

HB10-1160 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, line 2, strike "and (3) (d)," and substitute "(3)
2 (d), and (5) (b),".

3 Page 2, line 3, strike "amended" and substitute "amended, and the said
4 10-16-136 is further amended BY THE ADDITION OF A NEW
5 SUBSECTION,".

6 Page 2, line 7, after "(b)" insert "(I)".

7 Page 2, line 9, strike "The".

8 Page 2, after line 9, insert:

9 "(II) LICENSED HEALTH CARE PROVIDERS, COMMUNITY-BASED
10 WELLNESS PROGRAMS, EMPLOYERS, AND INDIVIDUALS PARTICIPATING IN
11 AN INDIVIDUAL HEALTH COVERAGE PLAN MAY DEVELOP WELLNESS AND
12 PREVENTION PROGRAMS FOR CARRIERS TO CONSIDER IN DETERMINING THE
13 TYPES OF WELLNESS AND PREVENTION PROGRAMS TO OFFER UNDER A
14 HEALTH COVERAGE PLAN OR SMALL GROUP PLAN.

15 (III) The".

16 Page 2, line 10, after "rewards" insert "THAT A CARRIER MAY ALLOW
17 UNDER A HEALTH COVERAGE PLAN OR SMALL GROUP PLAN".

1 Page 2, strike line 13 and substitute:

2 "(IV) An incentive or reward offered by a carrier for participation
3 in UNDER wellness".

4 Page 2, strike lines 15 and 16 and substitute:

5 "MAY BE:

6 (A) Tied ONLY to participation in the program; ~~rather than~~
7 ~~particular outcomes or results from such participation~~ OR

8 (B) BASED ON SATISFACTION".

9 Page 2, line 17, after "HEALTH" insert "RISK".

10 Page 3, line 5, after "HEALTH" insert "RISK".

11 Page 3, line 11, after "HEALTH" insert "RISK".

12 Page 3, line 16, after "HEALTH" insert "RISK".

13 Page 3, after line 20 insert:

14 "(3.5) AN INCENTIVE OR REWARD BASED UPON SATISFACTION OF
15 A STANDARD RELATED TO A HEALTH RISK FACTOR MAY BE OFFERED OR
16 PROVIDED BY A CARRIER ONLY PURSUANT TO A BONA FIDE WELLNESS AND
17 PREVENTION PROGRAM AND IF THE FOLLOWING STANDARDS ARE MET:

18 (a) (I) THE INCENTIVE FOR THE WELLNESS AND PREVENTION
19 PROGRAM, TOGETHER WITH THE INCENTIVE FOR OTHER WELLNESS AND
20 PREVENTION PROGRAMS WITH RESPECT TO THE HEALTH COVERAGE PLAN
21 OR SMALL GROUP PLAN THAT REQUIRES SATISFACTION OF A STANDARD
22 RELATED TO A HEALTH RISK FACTOR, IS REASONABLY RELATED TO THE
23 PROGRAM AND DOES NOT EXCEED TWENTY PERCENT OF THE COST OF
24 EMPLOYEE-ONLY COVERAGE UNDER THE HEALTH COVERAGE OR SMALL
25 GROUP PLAN OR, IF AN EMPLOYEE'S DEPENDENTS ARE ALLOWED TO
26 PARTICIPATE IN THE PROGRAM, DOES NOT EXCEED TWENTY PERCENT OF
27 THE COST OF THE COVERAGE IN WHICH AN EMPLOYEE AND DEPENDENTS
28 ARE ENROLLED. AN EMPLOYER MAY ALSO RECEIVE AN INCENTIVE FOR

1 PARTICIPATION OF EMPLOYEES IN A WELLNESS AND PREVENTION PROGRAM
2 AS LONG AS THE EMPLOYEES ARE ALLOWED AN INCENTIVE.

3 (II) FOR PURPOSES OF THIS PARAGRAPH (a), THE COST OF
4 COVERAGE IS DETERMINED BASED ON THE TOTAL AMOUNT OF EMPLOYER
5 AND EMPLOYEE CONTRIBUTIONS FOR THE BENEFIT PACKAGE UNDER WHICH
6 THE EMPLOYEE IS, OR THE EMPLOYEE AND ANY DEPENDENTS ARE,
7 RECEIVING COVERAGE.

8 (III) AN INCENTIVE MAY BE IN THE FORM OF A DISCOUNT OR
9 REBATE OF A PREMIUM OR CONTRIBUTION, A WAIVER OF ALL OR PART OF
10 A COST-SHARING MECHANISM, INCLUDING, BUT NOT LIMITED TO,
11 DEDUCTIBLES, COPAYMENTS, OR COINSURANCE, THE ABSENCE OF A
12 SURCHARGE, OR THE VALUE OF A BENEFIT THAT WOULD OTHERWISE NOT
13 BE PROVIDED UNDER THE HEALTH COVERAGE OR SMALL GROUP PLAN.

14 (b) THE WELLNESS AND PREVENTION PROGRAM:

15 (I) IS CONSISTENT WITH EVIDENCE-BASED RESEARCH AND BEST
16 PRACTICES;

17 (II) HAS A REASONABLE LIKELIHOOD OF IMPROVING THE HEALTH
18 OF, OR PREVENTING DISEASE IN, PARTICIPATING INDIVIDUALS; AND

19 (III) IS NOT OVERLY BURDENSOME, A SUBTERFUGE FOR
20 DISCRIMINATING BASED ON A HEALTH FACTOR, OR HIGHLY SUSPECT IN THE
21 METHOD CHOSEN TO PROMOTE HEALTH OR PREVENT DISEASE.

22 (c) THE PROGRAM GIVES INDIVIDUALS ELIGIBLE FOR THE WELLNESS
23 AND PREVENTION PROGRAM THE OPPORTUNITY TO QUALIFY FOR THE
24 INCENTIVE UNDER THE PROGRAM UPON ENROLLMENT IN THE HEALTH
25 COVERAGE OR SMALL GROUP PLAN AND AT LEAST ONCE PER YEAR AFTER
26 ENROLLMENT.

27 (d) (I) THE FULL INCENTIVE UNDER THE WELLNESS AND
28 PREVENTION PROGRAM IS MADE AVAILABLE TO ALL SIMILARLY SITUATED
29 INDIVIDUALS. AN INCENTIVE IS NOT AVAILABLE TO ALL SIMILARLY
30 SITUATED INDIVIDUALS FOR A PERIOD UNLESS THE WELLNESS AND
31 PREVENTION PROGRAM ALLOWS AN INDIVIDUAL OR A LICENSED HEALTH
32 CARE PROVIDER CHOSEN BY THE INDIVIDUAL TO REQUEST:

1 (A) A REASONABLE ALTERNATIVE STANDARD OR WAIVER OF THE
2 OTHERWISE APPLICABLE STANDARD FOR OBTAINING THE INCENTIVE FOR
3 THAT PERIOD IF IT IS UNREASONABLY DIFFICULT FOR THE INDIVIDUAL, DUE
4 TO A MEDICAL CONDITION, TO SATISFY THE OTHERWISE APPLICABLE
5 STANDARD; AND

6 (B) A REASONABLE ALTERNATIVE STANDARD OR WAIVER OF THE
7 OTHERWISE APPLICABLE STANDARD FOR OBTAINING THE INCENTIVE FOR
8 THAT PERIOD IF IT IS MEDICALLY INADVISABLE FOR THE INDIVIDUAL TO
9 ATTEMPT TO SATISFY THE OTHERWISE APPLICABLE STANDARD.

10 (II) IF AN INDIVIDUAL REQUESTS AND IS ALLOWED A REASONABLE
11 ALTERNATIVE STANDARD AND SATISFIES THAT STANDARD, THE
12 INDIVIDUAL SHALL RECEIVE THE FULL INCENTIVE UNDER THE PROGRAM
13 THAT IS AVAILABLE TO ALL SIMILARLY SITUATED INDIVIDUALS.

14 (III) THE DIVISION SHALL INVESTIGATE ANY COMPLAINT ALLEGING
15 AN UNREASONABLE DENIAL OF A REQUEST FOR AN ALTERNATIVE
16 STANDARD OR WAIVER OF A STANDARD THAT WOULD OTHERWISE BE
17 APPLICABLE TO AN INDIVIDUAL UNDER A WELLNESS AND PREVENTION
18 PROGRAM.

19 (IV) THE SMALL EMPLOYER CARRIER SHALL DISCLOSE, IN ALL PLAN
20 MATERIALS DESCRIBING THE TERMS OF THE WELLNESS AND PREVENTION
21 PROGRAM, THE AVAILABILITY OF A REASONABLE ALTERNATIVE STANDARD
22 OR THE POSSIBILITY OF WAIVER OF THE OTHERWISE APPLICABLE STANDARD
23 AS REQUIRED BY THIS PARAGRAPH (d). IF HEALTH COVERAGE OR SMALL
24 GROUP PLAN MATERIALS MENTION THE AVAILABILITY OF A WELLNESS AND
25 PREVENTION PROGRAM BUT DO NOT DESCRIBE THE TERMS OF THE
26 PROGRAM, THE SMALL EMPLOYER CARRIER IS NOT REQUIRED TO MAKE THE
27 DISCLOSURE OF AN ALTERNATIVE OR WAIVER PURSUANT TO THIS
28 SUBPARAGRAPH (IV).

29 (e) THE INCENTIVES ARE PROVIDED TO AN INDIVIDUAL BASED ON
30 A PROGRAM OR ACTIVITY THAT IS SCIENTIFICALLY PROVEN TO IMPROVE
31 HEALTH, AND THE CARRIER DOES NOT PROVIDE INCENTIVES BASED ON AN
32 INDIVIDUAL'S ACTUAL HEALTH STATUS.

33 (5) (b) The division shall determine the percentage of carriers
34 issuing individual health coverage plans or small group plans in the state
35 that offer wellness and prevention programs and shall provide that

1 information and the information collected pursuant to paragraph (a) of
2 this subsection (5) to the health care task force created in section
3 10-16-221 BY JULY 1, 2015.

4 **SECTION 2.** 10-16-107 (6), Colorado Revised Statutes, is
5 amended to read:

6 **10-16-107. Rate regulation - rules - approval of policy forms**
7 **- benefit certificates - evidences of coverage - benefits ratio -**
8 **disclosures on treatment of intractable pain.** (6) (a) A carrier offering
9 a group health benefit plan may not require any individual, as a condition
10 of enrollment or continued enrollment under the plan, to pay a premium
11 or contribution that is greater than ~~such~~ THE premium or contribution for
12 a similarly situated individual enrolled in the plan on the basis of any
13 health status-related factor in relation to the individual or to an individual
14 enrolled under the plan as a dependent of the individual.

15 (b) ~~This~~ THE prohibition IN PARAGRAPH (a) OF THIS SUBSECTION
16 (6) shall not be construed to:

17 (I) Restrict the amount that an employer may be charged for
18 coverage under a group health benefit plan; or ~~to~~

19 (II) Prevent a carrier from establishing premium discounts or
20 rebates or modifying otherwise applicable copayments, coinsurance, or
21 deductibles in return for:

22 (A) Adherence to programs of health promotion and disease
23 prevention if otherwise allowed by state or federal law; ~~or for~~

24 (B) Participation in a wellness and prevention program pursuant
25 to section 10-16-136; OR

26 (C) SATISFACTION OF A STANDARD RELATED TO A HEALTH RISK
27 FACTOR PURSUANT TO A WELLNESS AND PREVENTION PROGRAM
28 AUTHORIZED IN SECTION 10-16-136."

29 Renumber succeeding sections accordingly.

30 Page 4, line 4, after "plans" insert "and small group plans".

1 Page 1, line 103, after "HEALTH" insert "RISK".

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