

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 12, 2010
Date

Committee on Judiciary.

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

SB10-178 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 8, strike "(1)".
- 2 Page 3, strike lines 3 through 9.
- 3 Page 3, strike lines 12 through 17.
- 4 Renumber succeeding subsections accordingly.
- 5 Page 4, line 5, strike "CHARACTERIZATION, OR REPRESENTATION." and
- 6 substitute "OR CHARACTERIZATION OR REPRESENTATION THAT IS
- 7 DISCLOSED TO PATIENTS, OTHER PROVIDERS, EMPLOYERS, OR THE
- 8 PUBLIC".
- 9 Page 4, line 22, strike "CLAIMANT" and substitute "PATIENT".
- 10 Page 5, line 14, after "DISCLOSURE" insert "TO PATIENTS, OTHER
- 11 PROVIDERS, EMPLOYERS, OR THE PUBLIC".
- 12 Page 5, strike lines 23 through 27.
- 13 Page 6, strike lines 1 through 5.
- 14 Renumber succeeding C.R.S. sections accordingly.

- 1 Page 6, line 7, strike everything before "DISCLOSING".
- 2 Page 6, strike lines 8 and 9 and substitute "INITIATIVE,".
- 3 Page 6, line 10, after "THE" insert "AVAILABILITY OF THE".
- 4 Page 6, line 11, strike "RESULT" and substitute "RESULT, SPECIFIC
5 INSTRUCTIONS ON HOW THE PROVIDER CAN ACCESS THE RESULT,".
- 6 Page 6, line 18, strike "SEVEN" and substitute "TEN BUSINESS".
- 7 Page 6, line 21, strike "RECORDS:" and substitute "RECORDS, THE
8 METHODOLOGY AND ALL DATA UPON WHICH A PROVIDER'S".
- 9 Page 6, strike line 22.
- 10 Page 6, line 25, strike "REVIEWED; AND" and substitute "REVIEWED.".
- 11 Page 6, strike lines 26 and 27.
- 12 Page 7, strike lines 1 through 6.
- 13 Page 7, line 11, strike "REVIEW OR".
- 14 Page 7, strike line 21 and substitute "PART 6;".
- 15 Page 7, strike line 25 and substitute "REQUESTED, A PROVIDER MAY
16 APPEAR AT A".
- 17 Page 8, line 1, after the period add "THE PROVIDER SHALL SUBMIT IN
18 WRITING ANY CORRECTED DATA OR INFORMATION IN ADVANCE OF THE
19 MEETING.".
- 20 Page 8, strike lines 2 through 8.
- 21 Reletter succeeding paragraphs accordingly.
- 22 Page 8, line 18, before "RESULTS" insert "INDIVIDUAL" and strike "REVIEW
23 OR".
- 24 Page 8, line 19, strike "APPEAL, INCLUDING ANY" and substitute "APPEAL

1 AND ANY SUBSEQUENT".

2 Page 8, line 24, after "ENFORCED" insert "THROUGH A HEARING PURSUANT
3 TO SECTION 8-43-207 OR".

4 Page 9, after line 1 insert:

5 **"8-43-607. Filing with director.** AT LEAST THIRTY DAYS BEFORE
6 IMPLEMENTING ANY NEW OR AMENDED PERFORMANCE INITIATIVE, AN
7 INSURER SHALL FILE A DETAILED DESCRIPTION OF THE PERFORMANCE
8 INITIATIVE WITH THE DIRECTOR.

9 **SECTION 2.** 10-3-1104 (1), Colorado Revised Statutes, is
10 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

11 **10-3-1104. Unfair methods of competition and unfair or**
12 **deceptive acts or practices.** (1) The following are defined as unfair
13 methods of competition and unfair or deceptive acts or practices in the
14 business of insurance:

15 (hh) VIOLATION OF PART 6 OF ARTICLE 43 OF TITLE 8, C.R.S."

16 Renumber succeeding sections accordingly.

17 Page 9, line 4, strike "and reviews".

18 Page 1, line 103, strike everything after "REQUIRING".

19 Page 1, line 104, strike everything before "PERFORMANCE".

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