

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0952.01 Duane Gall

SENATE BILL 10-183

---

SENATE SPONSORSHIP

**Morse and Tochtrop**, Boyd, Penry, Steadman, Williams

HOUSE SPONSORSHIP

**Gagliardi**, Balmer, Kagan, Primavera, Riesberg

---

Senate Committees

Health and Human Services

House Committees

---

A BILL FOR AN ACT

101      **CONCERNING THE CONTINUATION OF A STATUTORY PROHIBITION ON**  
102            **BALANCE BILLING OF CERTAIN CHARGES FOR HEALTH CARE**  
103            **SERVICES.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Prior case law interpreting Colorado's health insurance statutes had allowed "balance billing" for increased charges of out-of-network providers working in in-network facilities without the prior knowledge or consent of insured patients. The general assembly legislatively overruled

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.*

that interpretation, subject to future review and repeal. The bill continues indefinitely the requirement that health insurers hold consumers harmless for charges over and above the in-network rates for services rendered in an in-network facility.

---

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

2           **SECTION 1. Repeal.** 10-16-704 (3) (c), Colorado Revised  
3 Statutes, is repealed as follows:

4           **10-16-704. Network adequacy - rules - legislative declaration.**

5 ~~(3) (c) (F) This subsection (3) is repealed, effective July 1, 2010. Prior~~  
6 ~~to such repeal, the division shall conduct an evaluation to include, but not~~  
7 ~~be limited to, the following:~~

8           ~~(A) The effects of this subsection (3) on network adequacy;~~

9           ~~(B) The frequency that nonparticipating providers submit more~~  
10 ~~than network reimbursement rates for services rendered in an in-network~~  
11 ~~facility compared to the carrier's book of business for that line of~~  
12 ~~insurance;~~

13           ~~(C) The amounts paid by carriers to nonparticipating providers;~~

14 and

15           ~~(D) The impact of this subsection (3) on consumers.~~

16           ~~(H) The division shall complete the evaluation on or before~~  
17 ~~January 15, 2010, and shall report its findings to the senate health and~~  
18 ~~human services committee and the house of representatives business~~  
19 ~~affairs and labor committee, or any successor committees. The legislative~~  
20 ~~staff for such committees shall notify the committee chairs of the~~  
21 ~~expectation of the evaluation and the repeal of this subsection (3) on or~~  
22 ~~before July 1, 2009.~~

23           **SECTION 2. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.