

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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

Health and Human Services

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.

HOUSE
3rd Reading Unam ended
May 4, 2010

HOUSE
2nd Reading Unam ended
April 28, 2010

SENATE
3rd Reading Unam ended
April 14, 2010

SENATE
2nd Reading Unam ended
April 13, 2010

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3 Statutes, is repealed as follows: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5 ~~(3) (c) (I) This subsection (3) is repealed, effective July 1, 2010.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.