

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0326.01 Christy Chase

HOUSE BILL 10-1220

HOUSE SPONSORSHIP

Priola, Liston, Rice, Stephens

SENATE SPONSORSHIP

Schwartz,

House Committees

Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE SUNSET REVIEW OF THE FUNCTIONS OF THE DIVISION**
102 **OF INSURANCE RELATED TO THE REGULATION OF SPECIFIED**
103 **LINES OF INSURANCE, AND, IN CONNECTION THEREWITH,**
104 **CONTINUING THE FUNCTIONS OF THE DIVISION RELATED TO THE**
105 **REGULATION OF PROPERTY AND CASUALTY, AUTOMOBILE, AND**
106 **OTHER INSURERS THAT DO NOT OFFER HEALTH, LIFE, PROPERTY,**
107 **CASUALTY, OR AUTOMOBILE INSURANCE THROUGH JULY 1,**
108 **2017; CONSOLIDATING THE SUNSET REVIEW OF ALL FUNCTIONS**
109 **OF THE DIVISION OF INSURANCE OTHER THAN THOSE RELATED**
110 **TO THE LICENSING OF BAIL BONDING AGENTS; AND**
111 **IMPLEMENTING OTHER RECOMMENDATIONS CONTAINED IN THE**
112 **SUNSET REPORT.**

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.

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/billssummaries>.)

Sunset Process - House Business Affairs and Labor Committee. The bill implements the recommendations of the department of regulatory agencies in its sunset review of the functions of the division of insurance (division) related to the regulation of property and casualty, automobile, and any other entity or function that does not offer health or life insurance, as follows:

Sections 1, 2, and 3 of the bill continue the functions of the division related to the regulation of property and casualty, automobile, and any other entity or function that does not offer health or life insurance for 7 years, until July 1, 2017.

Sections 1, 2, and 3 of the bill repeal the current sunset review schedule related to the other functions of the division and consolidate the sunset review of the entire division, except for its functions related to the licensing of bail bonding agents, with a new sunset repeal date of July 1, 2017.

Section 4 of the bill establishes the following acts, practices, or omissions as unfair or deceptive acts or practices in the business of insurance:

- ! Knowingly making any false entry of a material fact in any book, report, or statement of any insurer;
- ! Knowingly omitting or failing to make a true entry of a material fact pertaining to the business of the insurer in any book, report, or statement of the insurer; and
- ! Knowingly making any false material statement to the commissioner of insurance (commissioner) or any employee or agent of the division.

Section 5 of the bill establishes the following practices as unfair discrimination in the business of insurance:

- ! Differential treatment of individuals of the same class and essentially the same hazard in the amount of premium, policy fees, or rates charged for health insurance, in the benefits payable under a health insurance policy, in the terms or conditions of the policy, or in any other manner; and
- ! Differential treatment of individuals of the same class or risks and essentially the same hazard by refusing to insure

or renew, or canceling or limiting the amount of coverage under, a policy of property or casualty insurance solely based on the geographical location of the risk, absent sound underwriting and actuarial justification.

Section 6 of the bill repeals an outdated statutory requirement mandating insurers to publish a synopsis of their annual financial reports in a newspaper of general circulation.

Section 7 of the bill allows the commissioner to make available to the public the final results of insurer self-audits and other division analyses of insurers that do not constitute formal market conduct examinations of the insurer.

Section 8 of the bill repeals the statutory authorization for the formation of employers' mutual liability companies and self-insurance pools for the purpose of providing coverages such as workers' compensation coverage.

Section 9 of the bill allows, rather than mandates, the commissioner to rely on the advice and assistance of an association of insurance brokers to carry out the purposes of the "Nonadmitted Insurance Act".

Current law allows the commissioner to perform examinations of the books, records, and accounts of licensed preneed funeral contract sellers but limits the commissioner's ability to perform such examinations to not more than once a year, unless good cause is shown. **Section 10** of the bill requires, rather than permits, the commissioner to perform examinations of the books, records, and accounts of each licensed preneed funeral contract seller at least once every 5 years and allows the commissioner to conduct such examinations more often as deemed necessary by the commissioner.

Section 11 of the bill repeals the medical malpractice insurance joint underwriting association.

Section 12 of the bill repeals the commercial liability insurance joint underwriting association.

Section 13 of the bill reconciles the number of days allowed until a protested motor vehicle policy change is effective. Under current law, when the commissioner dismisses a protest to an insurer's proposed changes to a policy without first conducting a hearing, the proposed changes cannot take effect for 15 days after notice of the dismissal. Alternatively, current law establishes a 20-day delay for the effectiveness of a proposed change when the commissioner conducts a hearing and finds that the proposed change is justified. Section 13 reconciles these 2 different periods to ensure that a proposed change takes effect 20 days after notice, regardless of whether the protest was dismissed without a hearing or the proposed change was found, after a hearing, to be justified.

Sections 14 and 15 of the bill repeal obsolete provisions of law requiring Pinnacol Assurance (Pinnacol) to submit a plan to the

commissioner regarding how it intends to accumulate a surplus fund since Pinnacol has submitted the plan and has accumulated a sufficient surplus.

Sections 16 through 22 of the bill contain conforming statutory changes necessitated by the repeal of other provisions of law in section 11 of the bill.

Section 23 of the bill specifies that the bill takes effect on July 1, 2010, and **section 24** declares the act necessary for the immediate preservation of public peace, health, and safety.

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

2 **SECTION 1.** 10-1-103 (6) (b) (I) (B.5), (6) (b) (I) (C), (6) (b) (I)
3 (D), and (6) (b) (I) (E), Colorado Revised Statutes, are amended to read:

4 **10-1-103. Division of insurance - subject to termination -**
5 **repeal of functions.** (6) (b) (I) (B.5) ~~The functions of the division of~~
6 ~~insurance related to the regulation of life insurance are repealed, effective~~
7 ~~July 1, 2016, pursuant to the provisions of this section and section~~
8 ~~24-34-104 (47), C.R.S.~~

9 (C) ~~The functions of the division of insurance related to the~~
10 ~~licensing of insurance producers are repealed, effective July 1, 2019,~~
11 ~~pursuant to the provisions of this section and section 24-34-104, C.R.S.~~

12 (D) ~~The functions of the division of insurance, related to the~~
13 ~~regulation of property and casualty, automobile, and any other entity or~~
14 ~~function that does not offer health, life, property, casualty, or automobile~~
15 ~~insurance by the division OTHER THAN THOSE FUNCTIONS RELATED TO THE~~
16 ~~LICENSING OF BAIL BONDING AGENTS, are repealed, effective July 1, 2010~~
17 ~~2017, pursuant to the provisions of this section and section 24-34-104~~
18 ~~(41) (48), C.R.S.~~

19 (E) ~~The functions of the division of insurance related to the~~
20 ~~regulation of health care coverage are repealed, effective July 1, 2012,~~
21 ~~pursuant to the provisions of this section and section 24-34-104 (43);~~

1 C.R.S.

2 SECTION 2. 24-34-104 (48), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 24-34-104. General assembly review of regulatory agencies
5 and functions for termination, continuation, or reestablishment.

6 (48) The following agencies, functions, or both, shall terminate on July
7 1, 2017:

8 (i) THE FUNCTIONS OF THE DIVISION OF INSURANCE IN THE
9 DEPARTMENT OF REGULATORY AGENCIES PURSUANT TO ARTICLE 1 OF
10 TITLE 10, C.R.S., OTHER THAN THE FUNCTIONS OF THE DIVISION RELATED
11 TO THE LICENSING OF BAIL BONDING AGENTS.

12 SECTION 3. Repeal. 24-34-104 (41) (n), (43) (b), (47) (a), and
13 (50) (a), Colorado Revised Statutes, are repealed as follows:

14 24-34-104. General assembly review of regulatory agencies
15 and functions for termination, continuation, or reestablishment.

16 (41) The following agencies, functions, or both, shall terminate on July
17 1, 2010:

18 (n) ~~The functions of the division of insurance related to the~~
19 ~~regulation of property and casualty, automobile, and any other entity or~~
20 ~~function that does not offer health, life, property, casualty, or automobile~~
21 ~~insurance by the division, pursuant to article 1 of title 10, C.R.S.;~~

22 (43) The following agencies, functions, or both, shall terminate on
23 July 1, 2012:

24 (b) ~~The functions of the division of insurance related to the~~
25 ~~regulation of health care coverage pursuant to the provisions of article 1~~
26 ~~of title 10, C.R.S.;~~

27 (47) The following agencies, functions, or both, shall terminate on

1 July 1, 2016:

2 (a) ~~The functions of the division of insurance related to the~~
3 ~~regulation of life insurance pursuant to article 1 of title 10, C.R.S.;~~

4 (50) The following agencies, functions, or both, shall terminate on
5 July 1, 2019:

6 (a) ~~The functions of the division of insurance related to the~~
7 ~~licensing of insurance producers, pursuant to article 1 of title 10, C.R.S.;~~

8 **SECTION 4.** 10-3-1104 (1) (b), Colorado Revised Statutes, is
9 amended to read:

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

14 (b) False information and advertising generally:

15 (I) Making, publishing, disseminating, circulating, or placing
16 before the public, or causing, directly or indirectly, to be made, published,
17 disseminated, circulated, or placed before the public, in a newspaper,
18 magazine, or other publication, or in the form of a notice, circular,
19 pamphlet, letter, or poster, or over any radio or television station, or in
20 any other way, an advertisement, announcement, or statement containing
21 any assertion, representation, or statement with respect to the business of
22 insurance, or with respect to any person in the conduct of his OR HER
23 insurance business, which is untrue, deceptive, or misleading;

24 (II) KNOWINGLY FILING WITH THE COMMISSIONER OR OTHER
25 PUBLIC OFFICIAL, OR WITH ANY EMPLOYEE OR AGENT OF THE DIVISION OF
26 INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES, A FALSE
27 STATEMENT OF MATERIAL FACT AS TO THE FINANCIAL CONDITION OF AN

1 INSURER; KNOWINGLY MAKING, PUBLISHING, DISSEMINATING,
2 CIRCULATING, OR DELIVERING TO ANY PERSON OR PLACING BEFORE THE
3 PUBLIC ANY FALSE STATEMENT OF MATERIAL FACT AS TO THE FINANCIAL
4 CONDITION OF AN INSURER; OR KNOWINGLY CAUSING, DIRECTLY OR
5 INDIRECTLY, ANY FALSE STATEMENT OF MATERIAL FACT AS TO THE
6 FINANCIAL CONDITION OF AN INSURER TO BE MADE, PUBLISHED,
7 DISSEMINATED, CIRCULATED, OR DELIVERED TO ANY PERSON OR TO BE
8 PLACED BEFORE THE PUBLIC;

9 (III) KNOWINGLY MAKING ANY FALSE ENTRY OF A MATERIAL FACT
10 IN ANY BOOK, REPORT, OR STATEMENT OF ANY INSURER; KNOWINGLY
11 OMITTING OR FAILING TO MAKE A TRUE ENTRY OF A MATERIAL FACT
12 PERTAINING TO THE BUSINESS OF THE INSURER IN ANY BOOK, REPORT, OR
13 STATEMENT OF THE INSURER; OR KNOWINGLY MAKING ANY FALSE
14 MATERIAL STATEMENT TO THE COMMISSIONER OR ANY EMPLOYEE OR
15 AGENT OF THE DIVISION OF INSURANCE IN THE DEPARTMENT OF
16 REGULATORY AGENCIES;

17 **SECTION 5.** 10-3-1104 (1) (f), Colorado Revised Statutes, is
18 amended BY THE ADDITION OF THE FOLLOWING NEW
19 SUBPARAGRAPHS to read:

20 **10-3-1104. Unfair methods of competition and unfair or**
21 **deceptive acts or practices.** (1) The following are defined as unfair
22 methods of competition and unfair or deceptive acts or practices in the
23 business of insurance:

24 (f) (XIII) MAKING OR PERMITTING ANY UNFAIR DISCRIMINATION
25 BETWEEN INDIVIDUALS OF THE SAME CLASS AND OF ESSENTIALLY THE
26 SAME HAZARD IN THE AMOUNT OF PREMIUM, POLICY FEES, OR RATES
27 CHARGED FOR ANY POLICY OF SICKNESS AND ACCIDENT INSURANCE, IN THE

1 BENEFITS PAYABLE UNDER SUCH POLICY, IN THE TERMS OR CONDITIONS OF
2 THE POLICY, OR IN ANY OTHER MANNER;

3 (XIV) MAKING OR PERMITTING ANY UNFAIR DISCRIMINATION
4 BETWEEN INDIVIDUALS OR RISKS OF THE SAME CLASS AND OF ESSENTIALLY
5 THE SAME HAZARD BY REFUSING TO INSURE, REFUSING TO RENEW,
6 CANCELING, OR LIMITING THE AMOUNT OF INSURANCE COVERAGE ON A
7 PROPERTY AND CASUALTY RISK SOLELY BECAUSE OF THE GEOGRAPHIC
8 LOCATION OF THE RISK, UNLESS THE ACTION IS THE RESULT OF THE
9 APPLICATION OF SOUND UNDERWRITING AND ACTUARIAL PRINCIPLES
10 RELATED TO ACTUAL OR REASONABLY ANTICIPATED LOSS EXPERIENCE;

11 **SECTION 6.** 10-3-109 (1), Colorado Revised Statutes, is
12 amended to read:

13 **10-3-109. Reports, statements, assessments, and maintenance**
14 **of records - publication - penalties for late filing, late payment, or**
15 **failure to maintain.** (1) Every insurance company doing business in this
16 state, on or before the first day of March in each year, shall submit to the
17 commissioner a report, signed and certified by its chief officers, of its
18 condition on the preceding thirty-first day of December, which shall
19 include a detailed statement of assets and liabilities, the amount and
20 character of its business transacted, and moneys received and expended
21 during the year, and any further details of expenditures, and such other
22 information, to be included in the report or supplementary thereto, as the
23 commissioner deems necessary. ~~A synopsis of such statement, together~~
24 ~~with the commissioner's certificate of authority to transact business in this~~
25 ~~state, shall be published in some newspaper of general circulation,~~
26 ~~published at the state capital, for at least four insertions. Such publication~~
27 ~~shall be made within thirty days after such certificate of authority is~~

1 issued, and a copy of the paper containing such publication shall be filed
2 in the office of the commissioner. The commissioner shall revoke and
3 refuse to reissue the certificate of authority of any insurance company
4 failing or refusing to furnish the reports or other information requested by
5 the commissioner as provided in this section. The report required
6 pursuant to this subsection (1) may be filed in an electronic format.

7 **SECTION 7.** 10-1-213, Colorado Revised Statutes, is amended
8 BY THE ADDITION OF A NEW SUBSECTION to read:

9 **10-1-213. Confidentiality requirements.**

10 (5) NOTWITHSTANDING THE CONFIDENTIALITY REQUIREMENTS IN
11 PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION, WHEN THE
12 COMMISSIONER REQUESTS AN INSURER TO CONDUCT A SELF-AUDIT OR
13 ENGAGES IN AN ANALYSIS OF THE INSURER THAT DOES NOT RISE TO THE
14 LEVEL OF AN EXAMINATION, THE COMMISSIONER MAY MAKE THE FINAL
15 RESULTS OF THE SELF-AUDIT OR ANALYSIS AVAILABLE FOR PUBLIC
16 INSPECTION IN A MANNER DEEMED APPROPRIATE BY THE COMMISSIONER.

17 **SECTION 8. Repeal.** Part 2 of article 12 of title 10, Colorado
18 Revised Statutes, is repealed.

19 **SECTION 9.** The introductory portion to 10-5-115 (2), Colorado
20 Revised Statutes, is amended to read:

21 **10-5-115. Authority of commissioner - assistance of brokers'**
22 **association.** (2) The commissioner ~~shall~~ MAY rely upon the advice and
23 assistance of a duly constituted association of brokers in carrying out the
24 purposes of this article, if the association files with the commissioner:

25 **SECTION 10.** 10-15-103 (4) (a), Colorado Revised Statutes, is
26 amended to read:

27 **10-15-103. License procedure - records - examination of**

1 **records.** (4) (a) The contract seller shall make all books and records
2 available to the commissioner for examination. The commissioner, or a
3 qualified person designated by the commissioner, ~~may, not more~~
4 ~~frequently than once in any calendar year unless pursuant to order of court~~
5 ~~for good cause shown~~, during ordinary business hours, SHALL examine
6 the books, records, and accounts of the contract seller AT LEAST ONCE
7 EVERY FIVE YEARS, AND MORE OFTEN AS NECESSARY TO ENSURE
8 COMPLIANCE WITH THIS ARTICLE, and for that purpose may require the
9 attendance of and examine under oath all persons whose testimony the
10 commissioner may require.

11 **SECTION 11. Repeal.** Part 9 of article 4 of title 10, Colorado
12 Revised Statutes, is repealed.

13 **SECTION 12. Repeal.** Part 11 of article 4 of title 10, Colorado
14 Revised Statutes, is repealed.

15 **SECTION 13.** 10-4-629 (6), Colorado Revised Statutes, is
16 amended to read:

17 **10-4-629. Cancellation - renewal - reclassification.** (6) If the
18 commissioner finds from the notice and other evidence that the protest is
19 with or without merit, the commissioner may grant or dismiss the protest
20 without a hearing and shall, in that event, promptly notify the insurer and
21 the insured in writing of such action. If the protest is dismissed without
22 a hearing, the proposed action of the insurer shall become effective on its
23 proposed effective date or ~~fifteen~~ TWENTY days after written notice of the
24 action is given by the commissioner to the insured, whichever is later. If
25 the notice of the proposed action does not comply with Colorado law, the
26 commissioner shall disallow the action. In all other cases, the
27 commissioner shall hold a hearing on the protest within forty-five days

1 after receipt of the protest and shall give written notice of the time and
2 place thereof to the insurer and the insured at least ten days prior to the
3 scheduled date of the hearing. The insurer shall have the burden of
4 proving its proposed action to be justified and, in doing so, may rely only
5 upon the reasons set forth in its notice to the insured.

6 **SECTION 14.** 8-45-111, Colorado Revised Statutes, is amended
7 to read:

8 **8-45-111. Portions of premiums paid carried to surplus.** The
9 board shall set aside such proportion as it may deem necessary of the
10 earned premiums paid into the Pinnacol Assurance fund, as a contribution
11 to the surplus of the fund. ~~No later than January 1, 2001, the board shall~~
12 ~~submit a plan for approval by the commissioner of insurance for the~~
13 ~~attainment of a reasonable surplus as determined in accordance with~~
14 ~~section 10-3-201, C.R.S., or such surplus as approved by the~~
15 ~~commissioner of insurance. All business records related to such plan~~
16 ~~shall be disclosed by Pinnacol Assurance to the same extent as similar~~
17 ~~records are disclosed by the other insurance companies.~~

18 **SECTION 15.** 8-45-117 (5), Colorado Revised Statutes, is
19 amended to read:

20 **8-45-117. Regulation by commissioner of insurance.** (5) At
21 such time as a reasonable surplus of the Pinnacol Assurance fund is
22 reached pursuant to section 8-45-111, ~~or when Pinnacol Assurance fails~~
23 ~~to comply with the plan to attain a reasonable surplus as set forth in~~
24 ~~section 8-45-111,~~ Pinnacol Assurance shall be subject to regulation by the
25 commissioner of insurance as provided in section 10-1-205 (7) and part
26 4 of article 3 of title 10, C.R.S., to the extent consistent with the
27 provisions of this article.

1 **SECTION 16.** 10-4-401 (3) (b), Colorado Revised Statutes, is
2 amended to read:

3 **10-4-401. Purpose - applicability.** (3) The kinds of insurance
4 subject to this part 4 shall be divided into two classes, as follows:

5 (b) Type II kinds of insurance, regulated by open competition
6 between insurers, including fire, casualty, inland marine, title, ~~medical~~
7 ~~malpractice by a joint underwriting association regulated under part 9 of~~
8 ~~this article~~, credit, workers' compensation and employer's liability
9 incidental thereto and written in connection therewith for rates filed by
10 insurers, and all other kinds of insurance that are subject to this part 4 and
11 not specified in paragraph (a) of this subsection (3), including the expense
12 and profit components of workers' compensation insurance, which shall
13 be subject to all the provisions of this part 4 except for sections 10-4-405
14 and 10-4-406. Type II insurers shall file rating data, as provided in
15 section 10-4-403, with the commissioner; except that credit life and credit
16 accident and health insurers shall file schedules of premium rates
17 pursuant to sections 10-10-109 and 10-10-110. A rate filing summary for
18 a type II kind of insurance subject to this part 4, except for workers'
19 compensation insurance, shall be posted on the division's ~~internet~~ WEB
20 site in order to provide notice to the public. The public notice shall
21 include the rate standards that apply pursuant to section 10-4-403 (1).
22 Nothing in this section shall be construed to limit the right of the public
23 to inspect a rate filing and any supporting information pursuant to part 2
24 of article 72 of title 24, C.R.S., or to impair the commissioner's ability to
25 review rates and determine that the rates are not excessive, inadequate, or
26 unfairly discriminatory.

27 **SECTION 17.** 10-4-601, Colorado Revised Statutes, is amended

1 BY THE ADDITION OF A NEW SUBSECTION to read:

2 **10-4-601. Definitions.** As used in this part 6, unless the context
3 otherwise requires:

4 (5.5) "LICENSED HEALTH CARE PROVIDER" MEANS A PERSON,
5 CORPORATION, FACILITY, OR INSTITUTION LICENSED OR CERTIFIED BY THIS
6 STATE TO PROVIDE HEALTH CARE OR PROFESSIONAL SERVICES AS A
7 HOSPITAL, HEALTH CARE FACILITY, OR DISPENSARY OR TO PRACTICE AND
8 PRACTICING MEDICINE, OSTEOPATHY, CHIROPRACTIC, NURSING, PHYSICAL
9 THERAPY, PODIATRY, DENTISTRY, PHARMACY, ACUPUNCTURE, OR
10 OPTOMETRY IN THIS STATE, OR AN OFFICER, EMPLOYEE, OR AGENT OF THE
11 PERSON, CORPORATION, FACILITY, OR INSTITUTION WORKING UNDER THE
12 SUPERVISION OF THE PERSON, CORPORATION, FACILITY, OR INSTITUTION IN
13 PROVIDING HEALTH CARE SERVICES.

14 **SECTION 18.** 10-4-634 (1), Colorado Revised Statutes, is
15 amended to read:

16 **10-4-634. Assignment of payment for covered benefits.** (1) On
17 and after thirty days after April 5, 2004, a policy of motor vehicle
18 insurance coverage pursuant to this part 6 shall allow, but not require, an
19 insured under the policy to assign, in writing, payments due under
20 medical payments coverage of the policy to a licensed hospital or other
21 licensed health care provider, ~~as defined in section 10-4-902 (3)~~, an
22 occupational therapist as defined in section 12-40.5-103, C.R.S., or a
23 massage therapist as defined in section 12-35.5-103 (8), C.R.S., for
24 services provided to the insured that are covered under the policy.

25 **SECTION 19.** 10-4-635 (5) (d), Colorado Revised Statutes, is
26 amended to read:

27 **10-4-635. Medical payments coverage - disclosure - definitions.**

1 (5) As used in this section:

2 (d) "Licensed health care provider" shall have the same meaning
3 as set forth in section ~~10-4-902~~ 10-4-601, and also includes an
4 occupational therapist as defined in section 12-40.5-103 (8), C.R.S.

5 **SECTION 20.** 10-4-637, Colorado Revised Statutes, is amended
6 to read:

7 **10-4-637. No discrimination by profession.** Reimbursement for
8 lawfully performed health care services covered by a policy providing
9 medical payments coverage under a motor vehicle policy issued pursuant
10 to this part 6 shall not be denied when such services are a covered benefit
11 and rendered within the scope of practice for a licensed health care
12 provider, ~~as defined in section 10-4-902 (3)~~, a massage therapist, as
13 defined in section 12-35.5-103, C.R.S., or an occupational therapist, as
14 defined in section 12-40.5-103, C.R.S., performing the services.

15 **SECTION 21.** 10-16-102 (26.3), Colorado Revised Statutes, is
16 amended to read:

17 **10-16-102. Definitions.** As used in this article, unless the context
18 otherwise requires:

19 (26.3) "Licensed health care provider" shall have the same
20 meaning as in section ~~10-4-902 (3)~~ 10-4-601.

21 **SECTION 22.** 10-16-106.7 (1) (a), Colorado Revised Statutes, is
22 amended to read:

23 **10-16-106.7. Assignment of health insurance benefits.**

24 (1) (a) Any carrier that provides health coverage to a covered person
25 shall allow, but not require, such covered person under the policy to
26 assign, in writing, payments due under the policy to a licensed hospital,
27 other licensed health care provider, ~~as defined in section 10-4-902 (3)~~, an

1 occupational therapist as defined in section 12-40.5-103, C.R.S., or a
2 massage therapist as defined in section 12-35.5-103 (8), C.R.S., also
3 referred to in this section as the "provider", for services provided to the
4 covered person that are covered under the policy.

5 **SECTION 23. Specified effective date.** This act shall take effect
6 July 1, 2010.

7 **SECTION 24. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.