

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 13-0330.01 Christy Chase x2008

HOUSE BILL 13-1015

HOUSE SPONSORSHIP

Kraft-Tharp,

SENATE SPONSORSHIP

Kefalas, Aguilar

House Committees

Health, Insurance & Environment

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING ELIMINATION OF THE PROHIBITION AGAINST DISCLOSURE**
102 **OF MENTAL HEALTH CLAIMS INFORMATION BY SMALL GROUP**
103 **HEALTH PLANS.**

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>.)

Current law prohibits small group health plans from disclosing mental health history, diagnosis, or treatment services information received in an initial application for coverage, or in subsequent claims for benefits, without the written consent of the insured person.

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.*

SENATE
3rd Reading Unamended
March 6, 2013

SENATE
2nd Reading Unamended
March 5, 2013

HOUSE
3rd Reading Unamended
February 4, 2013

HOUSE
2nd Reading Unamended
February 1, 2013

The bill repeals this prohibition, thereby enabling small group carriers to report mental health claims data to the all-payer claims database.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and determines that:

4 (a) With the passage of House Bill 10-1330, the general assembly
5 authorized the creation of the all-payer health claims database to facilitate
6 the reporting of health care and health quality data to enable transparency
7 and public reporting of safety, quality, cost, and efficiency information at
8 all levels of health care while also ensuring the privacy and security of
9 personal health information as required by the federal "Health Insurance
10 Portability and Accountability Act of 1996" and state law;

11 (b) The database includes data derived from private and public
12 payers, including health insurance carriers, health plans, third-party
13 administrators, pharmacy benefit managers, medicaid, and medicare;

14 (c) The database is administered by the center for improving value
15 in health care and is the only comprehensive source of health care claims
16 data from public and private payers in Colorado;

17 (d) Because the database is intended to be a comprehensive source
18 of claims data, permitting small group carriers to disclose mental health
19 history, diagnosis, or treatment services information received in an initial
20 application for coverage or subsequent claims for benefits will allow the
21 database to truly be comprehensive;

22 (e) Current law does not allow small group carriers to disclose
23 mental health claims information, and the practical impact of the
24 prohibition against sharing mental health claims information is that small

1 group carriers are not reporting any health claims data to the all-payer
2 claims database, which in turn greatly diminishes the amount of health
3 claims data available to policymakers, patients, and health care providers;

4 (f) Repeal of this prohibition against disclosure of mental health
5 claims information will:

6 (I) Bring small group laws into alignment with those governing
7 large group and individual insurance, whose similar provisions were
8 repealed in 2009 as part of changes to conform state law with federal law;
9 and

10 (II) Enable policymakers, health care providers, health care
11 purchasers, and patients to better track and measure the cost and quality
12 improvements associated with providing behavioral health and primary
13 care in both separate and integrated settings in order to evaluate different
14 models of care;

15 (g) It is therefore imperative that the state remove this unintended
16 barrier to claims data reporting, while ensuring compliance with federal
17 and state laws protecting the privacy and security of personal health
18 information, to enable policymakers, providers, and ultimately,
19 consumers, to make informed decisions about the delivery of health care
20 in Colorado.

21 **SECTION 2.** In Colorado Revised Statutes, 10-16-104, **repeal** (5)

22 (d) (I) as follows:

23 **10-16-104. Mandatory coverage provisions - definitions.**

24 (5) (d) (I) ~~No person shall disclose mental health history, diagnosis, or~~
25 ~~treatment services information received in an initial application for~~
26 ~~coverage or subsequent claims for benefits to any person, group,~~
27 ~~organization, or governmental agency, without written consent of the~~

1 ~~insured, except for purposes of obtaining professional review and~~
2 ~~judgments of quality and appropriateness of treatment rendered; for~~
3 ~~purposes of litigation proceedings involving the insured and when~~
4 ~~ordered by a court; for purposes of reinsurance, when required; for~~
5 ~~purposes of applying overinsurance provisions; and for purposes of~~
6 ~~claiming benefits for services on behalf of the insured.~~

7 **SECTION 3. 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.