A BILL FOR AN ACT

CONCERNING LICENSE REQUIREMENTS FOR DURABLE MEDICAL EQUIPMENT SUPPLIERS.

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.)

The bill narrows the definition of "durable medical equipment (DME) supplier" and exempts persons or entities that supply or provide insulin infusion products and products as part of Medicare's national mail-order program. Current law requires a DME supplier to have a physical location within the state or within 50 miles of the state. The bill deletes this requirement and allows an applicant for a DME supplier
license to instead attest that he or she is capable of selling and servicing products sold in that state on a 24-hour-per-day, 7-day-per-week basis.

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

SECTION 1. In Colorado Revised Statutes, 24-21-115, amend (1), (3) (b) (I), and (3) (c); and repeal (4) as follows:

24-21-115. Durable medical equipment supplier license - definition - rules. (1) As used in this section:

(a) "Durable medical equipment supplier" means a person or entity that: delivers disposable medical supplies or durable medical equipment products directly to a recipient and that

(I) Currently bills or plans to bill the Medicare program for services or products listed in the Centers for Medicare and Medicaid Durable Medical Equipment, Prosthetics, Orthotics, and Supplies Competitive Bid Product Categories in this state in the current calendar year; OR

(II) Intends to bid for services or products listed in the Centers for Medicare and Medicaid Durable Medical Equipment, Prosthetics, Orthotics, and Supplies Competitive Bid Product Categories in this state in the current calendar year.

(b) "Durable medical equipment supplier" does not include a supplier of person or entity that supplies or provides:

(I) Insulin infusion pumps and related supplies or services;

(II) Products as a part of Medicare’s National Mail-Order Program;

(III) A pharmacy located in Colorado that has a current pharmacy accreditation exemption that is accepted and recognized by the National Supplier Clearinghouse that enables

---

-2-
THE PHARMACY TO BE ENROLLED IN MEDICARE TO SUPPLY DURABLE MEDICAL EQUIPMENT WITHOUT HAVING THE ACCREDITATION; OR

(IV) A PRACTITIONER IDENTIFIED IN 42 U.S.C. sec. 1395u (18) (C), IF THE PRACTITIONER IS SUPPLYING OR PROVIDING DURABLE MEDICAL EQUIPMENT TO HIS OR HER OWN PATIENTS AS PART OF THE PRACTITIONER’S OWN SERVICES.

(3) An applicant for a durable medical equipment supplier license must:

(b) Submit to the secretary of state a notarized affidavit attesting that:

(I) The applicant has one or more physical locations within the state or within fifty miles of the border of the state IS CAPABLE OF SELLING OR SERVICING ALL PRODUCTS THAT THE APPLICANT SELLS IN THIS STATE ON A TWENTY-FOUR-HOUR-PER-DAY, SEVEN-DAY-PER-WEEK BASIS;

(c) Provide to the secretary of state a street address and a local business telephone number IF LOCATED WITHIN THE STATE, OR, IF LOCATED OUTSIDE OF THE STATE, PROVIDE THE SECRETARY OF STATE AN ADDRESS AND TOLL-FREE TELEPHONE NUMBER THAT IS ANSWERED ON A TWENTY-FOUR-HOUR-PER-DAY, SEVEN-DAY-PER-WEEK BASIS; and

(4) The durable medical equipment supplier licensee shall prominently display the license at each of its physical business locations. The license may be duplicated for this purpose.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.