

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 9, 2015
Date

Committee on Health, Insurance, & Environment.

After consideration on the merits, the Committee recommends the following:

HB15-1297 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 10-16-139, **add** (2)
4 (b.5), (2) (d) (III), (2) (d) (IV), (2) (d) (V), (2) (e) and (2) (f) as follows:

5 **10-16-139. Access to care - rules. (2) Eye care services.**
6 (b.5) IN ADDITION TO THE REQUIREMENTS IN PARAGRAPH (b) OF THIS
7 SUBSECTION (2), A CARRIER SHALL NOT:

8 (I) ESTABLISH, LIMIT, OR REQUIRE DISCOUNTS ON THE FEE AN
9 OPTOMETRIST MAY CHARGE FOR EYE CARE SERVICES, ROUTINE VISION
10 EXAMINATIONS, OR CORRECTIVE LENSES THAT ARE NOT COVERED VISION
11 SERVICES. FOR PURPOSES OF THIS SUBSECTION (2), "COVERED VISION
12 SERVICES" MEANS AN EYE CARE SERVICE, HEALTH CARE SERVICE
13 RENDERED IN CONJUNCTION WITH A ROUTINE VISION EXAMINATION, OR
14 THE FILLING OF A PRESCRIPTION FOR CORRECTIVE LENSES FOR WHICH
15 PAYMENT OR REIMBURSEMENT, SUBJECT TO CONTRACTUAL LIMITATIONS,
16 DEDUCTIBLES, COPAYMENT, COINSURANCE, WAITING PERIODS, ANNUAL OR
17 LIFETIME MAXIMUMS, FREQUENCY LIMITATIONS, ALTERNATIVE BENEFIT
18 PAYMENTS, OR ANY OTHER LAWFUL LIMITATION, IS AVAILABLE UNDER THE
19 VISION PLAN IN WHICH THE OPTOMETRIST HAS AGREED TO PARTICIPATE.
20 FOR PURPOSES OF THIS SUBPARAGRAPH (I), PAYMENT OR REIMBURSEMENT
21 DOES NOT INCLUDE NOMINAL OR DE MINIMIS AMOUNTS OFFERED TO AN
22 OPTOMETRIST AS A PARTICIPATING PROVIDER IN A VISION PLAN.

23 (II) REQUIRE, AS A CONDITION OF PARTICIPATION IN ONE OF THE

1 CARRIER'S HEALTH COVERAGE PLANS, MANAGED CARE PLANS, OR
2 NETWORKS, THAT AN OPTOMETRIST PARTICIPATE IN ANY VISION PLAN
3 OFFERED OR ADMINISTERED BY ANOTHER CARRIER OR ENTITY;

4 (III) DELEGATE OR ASSIGN BY ANY MEANS ALL OR ANY PORTION
5 OF THE CARRIER'S CREDENTIALING PROCESS TO A VISION PLAN THAT
6 REQUIRES AN OPTOMETRIST TO CONTRACT WITH OR OTHERWISE BECOME
7 A PARTICIPATING PROVIDER IN THAT VISION PLAN AS A CONDITION OF
8 BEING CREDENTIALLED; OR

9 (IV) REQUIRE THAT AN OPTOMETRIST USE OR RECOMMEND A
10 SPECIFIC SOURCE OF CORRECTIVE LENSES OR OPTICAL LABORATORY
11 SERVICES FOR PURPOSES OF TREATING A COVERED PERSON.

12 (d) As used in this subsection (2), unless the context otherwise
13 requires:

14 (III) "CARRIER" HAS THE MEANING SET FORTH IN SECTION
15 10-16-102 AND INCLUDES A THIRD PARTY ADMINISTRATOR OR OTHER
16 ENTITY CONTRACTED TO PROVIDE OR ADMINISTER A VISION PLAN.

17 (IV) "CORRECTIVE LENSES" MEANS LENSES, DEVICES CONTAINING
18 LENSES, ARTIFICIAL INTRAOCULAR LENSES, OPHTHALMIC FRAMES AND
19 OTHER LENS MOUNTING APPARATUS, PRISMS, LENS TREATMENTS, LENS
20 COATINGS, PROSTHETIC DEVICES TO CORRECT, RELIEVE, OR TREAT
21 DEFECTS OR ABNORMAL CONDITIONS OF THE HUMAN EYE OR ITS ADNEXA
22 THAT ARE CONSISTENT WITH AN OPTOMETRIST'S SCOPE OF PRACTICE
23 UNDER ARTICLE 40 OF TITLE 12, C.R.S., AND CONTACT LENSES PROVIDED
24 BY AN OPTOMETRIST LICENSED TO PRACTICE OPTOMETRY PURSUANT TO
25 ARTICLE 40 OF TITLE 12, C.R.S.

26 (V) "VISION PLAN" MEANS A POLICY, CONTRACT, CERTIFICATE, OR
27 AGREEMENT ENTERED INTO, OFFERED, OR ISSUED BY A CARRIER TO
28 PROVIDE, DELIVER, ARRANGE FOR, PAY FOR, OR REIMBURSE ANY OF THE
29 COSTS OF ROUTINE VISION EXAMINATIONS AND THE FILLING OF
30 PRESCRIPTIONS FOR CORRECTIVE LENSES.

31 (e) THE COMMISSIONER MAY PROMULGATE RULES NECESSARY TO
32 CARRY OUT THE REQUIREMENTS OF THIS SECTION.

33 (f) AN OPTOMETRIST SHALL NOT CHARGE MORE THAN A USUAL
34 AND CUSTOMARY FEE FOR PROVIDING SERVICES THAT ARE NOT COVERED
35 SERVICES TO A PERSON COVERED BY A HEALTH COVERAGE PLAN OR
36 MANAGED CARE PLAN.

37 **SECTION 2.** In Colorado Revised Statutes, 10-3-1104, **amend**
38 (1) (qq); and **add** (1) (ss) as follows:

39 **10-3-1104. Unfair methods of competition - unfair or deceptive**
40 **acts or practices - repeal.** (1) The following are defined as unfair
41 methods of competition and unfair or deceptive acts or practices in the

1 business of insurance:

2 (qq) Failure to pay a final, nonappealable judgment award for
3 failure to return or repay collateral received to secure a bond; or

4 (ss) VIOLATING SECTION 10-16-139 (2) (b.5).

5 **SECTION 3. Effective date - applicability.** This act takes effect
6 January 1, 2016, and applies to contracts issued, renewed, amended, or
7 extended in this state on or after said date.

8 **SECTION 4. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2016 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor."

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