

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 16-0849.01 Kristen Forrestal x4217

HOUSE BILL 16-1148

HOUSE SPONSORSHIP

Sias, Primavera

SENATE SPONSORSHIP

Roberts and Kefalas,

House Committees

State, Veterans, & Military Affairs

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING THE OVERSIGHT AUTHORITY OF THE HEALTH INSURANCE**
102 **EXCHANGE OVERSIGHT COMMITTEE WITH REGARD TO POLICIES**
103 **THAT AFFECT CONSUMERS PROPOSED BY THE HEALTH BENEFIT**
104 **EXCHANGE.**

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 gives the health insurance exchange oversight committee (committee) oversight over rules and policies proposed by the health benefit exchange that affect bidding and awarding contracts, carrier and

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 2, 2016

SENATE
Amended 2nd Reading
March 1, 2016

HOUSE
3rd Reading Unamended
February 18, 2016

HOUSE
Amended 2nd Reading
February 16, 2016

regulating carrier participation, regulating broker participation and compensation, interacting with other state agencies, managing and compensating the assistance network, or the handling of any type of appeal. The exchange is required to hold a public meeting for a proposed rule or policy and allow for public participation and comment. A committee member may request that the exchange present a rule or policy to the committee, and the committee may repeal the rule or policy by a majority vote.

The committee has the authority to review rules and policies implemented and contracts entered into on or after January 1, 2015.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-22-106, **amend**
3 (1) (d); and **add** (5) as follows:

4 **10-22-106. Powers and duties of the board.** (1) The board is the
5 governing body of the exchange and has all the powers and duties
6 necessary to implement this article. The board shall:

7 (d) Create technical and advisory groups ~~as needed~~ TO OPERATE
8 ON AN ONGOING BASIS AND to report to the board AND PROVIDE GUIDANCE
9 AT THE DIRECTION OF THE BOARD ON ISSUES THAT DIRECTLY OR
10 INDIRECTLY AFFECT CONSUMERS. THE BOARD SHALL USE REASONABLE
11 EFFORTS TO ENSURE THAT THE TECHNICAL AND ADVISORY GROUPS
12 REFLECT GEOGRAPHIC DIVERSITY AND DIVERSE OPINIONS ON ISSUES
13 AFFECTING CONSUMERS. The TECHNICAL AND advisory groups shall meet
14 regularly AT LEAST QUARTERLY throughout the year to discuss issues
15 related to the exchange and make recommendations to the board; EXCEPT
16 THAT, BEGINNING TWO YEARS AFTER THE EFFECTIVE DATE OF THIS
17 PARAGRAPH (d), THE GROUPS SHALL MEET ONLY AS NECESSARY.

18 (5) (a) THE BOARD, WITH PUBLIC INPUT, SHALL SET A POLICY THAT
19 MAKES CLEAR WHICH ACTIONS BY THE EXCHANGE REQUIRE PUBLIC
20 SCRUTINY AND SHALL MAKE THE POLICY AVAILABLE TO THE COMMITTEE.

1 IN DETERMINING WHICH ACTIONS REQUIRE PUBLIC SCRUTINY, THE BOARD
2 SHALL CONSIDER THE EFFECTS THE EXCHANGE'S ACTIONS HAVE ON
3 CONSUMERS.

4 (b) PRIOR TO TAKING AN ACTION THAT REQUIRES PUBLIC
5 SCRUTINY, THE EXCHANGE SHALL POST NOTICE OF THE PLANNED ACTION
6 ON THE EXCHANGE WEBSITE AT LEAST THREE WEEKS PRIOR TO THE DATE
7 OF THE BOARD MEETING AT WHICH THE ACTION WILL BE DISCUSSED. THE
8 EXCHANGE SHALL PROVIDE TIME FOR PUBLIC COMMENTS AND QUESTIONS
9 AT THE BOARD MEETING AND POST THE FINAL ACTION ON THE EXCHANGE
10 WEBSITE.

11 (c) THE BOARD MAY ADOPT AN ACTION WITHOUT COMPLIANCE
12 WITH PARAGRAPH (b) OF THIS SUBSECTION (5) IF THE BOARD FINDS THAT
13 IMMEDIATE ADOPTION IS NECESSARY TO AVOID DISRUPTION OF THE
14 CONTINUING OPERATION OF THE EXCHANGE. THE EXCHANGE SHALL MAKE
15 THE ACTION AND THE REASONS FOR THE ACTION AVAILABLE TO THE
16 PUBLIC AND THE COMMITTEE.

17 **SECTION 2.** In Colorado Revised Statutes, 10-22-107, **amend**
18 **(7)** as follows:

19 **10-22-107. Colorado health insurance exchange oversight**
20 **committee - creation - duties.** (7) The board shall send the committee
21 an annual report that contains the financial and operational plans of the
22 exchange AND THE MAJOR ACTIONS TAKEN BY THE BOARD, PARTICULARLY
23 ACTIONS THAT AFFECT CONSUMERS. The committee shall review the
24 financial and operational plans of the exchange AND THE MAJOR ACTIONS
25 TAKEN BY THE BOARD.

26 **SECTION 3. Effective date.** This act takes effect June 1, 2016.

27 **SECTION 4. 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.