HB1016_C.001

HOUSE COMMITTEE OF REFERENCE REPORT

_____ January 24, 2005
Chairman of Committee Date

Committee on Health and Human Services.

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

HB05-1016 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, line 8, strike "HOSPITALS OR";

strike lines 9 and 10 and substitute the following:

"A LICENSED HOSPITAL, LICENSED SKILLED NURSING FACILITY, CERTIFIED HOME HEALTH AGENCY, CERTIFIED COMPREHENSIVE OUTPATIENT REHABILITATION FACILITY, AUTHORIZED HEALTH MAINTENANCE ORGANIZATION, ACCREDITED EDUCATIONAL ENTITY, OR OTHER ENTITY WHOLLY OWNED AND OPERATED BY ANY GOVERNMENTAL UNIT OR AGENCY SHALL NOT BE";

strike lines 12 and 13 and substitute the following:

"(I) THE RELATIONSHIP CREATED BY THE EMPLOYMENT DOES";

line 18, strike "AND";

after line 18, insert the following:

"(III) THE POLICIES OF THE ENTITY EMPLOYING THE PHYSICAL THERAPIST CONTAIN A PROCEDURE BY WHICH COMPLAINTS BY A PHYSICAL THERAPIST ALLEGING A VIOLATION OF THIS PARAGRAPH (b) MAY BE HEARD AND RESOLVED.".

Renumber succeeding subparagraph accordingly.

Page 2, line 20, strike "SUPPLIER OR TAKE" and substitute "SUPPLIER; EXCEPT THAT NOTHING IN THIS SUBPARAGRAPH (IV) SHALL BE CONSTRUED TO INVALIDATE THE POLICY PROVISIONS OF A HEALTH BENEFIT PLAN BETWEEN EITHER A CARRIER AND THE PHYSICAL THERAPIST OR A CARRIER AND A COVERED PERSON; AND";

after line 20, insert the following:

"(V) THE PHYSICAL THERAPIST IS NOT REQUIRED TO TAKE";

after line 22, insert the following:

"(c) NOTHING IN THIS SUBSECTION (5) SHALL PRECLUDE A PHYSICAL THERAPIST OR A PATIENT FROM SEEKING OTHER REMEDIES AVAILABLE TO THE PHYSICAL THERAPIST OR TO THE PATIENT AT LAW OR IN EQUITY.

(d) THE PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (5) SHALL APPLY TO PROFESSIONAL SERVICE CORPORATIONS, LIMITED LIABILITY COMPANIES, AND REGISTERED LIMITED LIABILITY PARTNERSHIPS FORMED FOR THE PRACTICE OF PHYSICAL THERAPY IN ACCORDANCE WITH THIS SECTION REGARDLESS OF THE DATE OF FORMATION OF THE ENTITY.

SECTION 2. 12-41-124 (6), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

12-41-124. Professional service corporations, limited liability companies, and registered limited liability partnerships for the practice of physical therapy - definitions. (6) As used in this section, unless the context otherwise requires:

(a.5) "CARRIER" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 10-16-102 (8), C.R.S.

(d.3) "HEALTH BENEFIT PLAN" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 10-16-102 (21), C.R.S.".

Renumber succeeding section accordingly.

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