

Frequently Asked Questions
SB 09-61
(Sen. M. Carroll – Rep. Primavera)

What does the bill do? It requires the people denying care for the insurance company recommended by treating medical providers be licensed and appropriately qualified in the same or similar area as would normally treat. This closes a licensure and qualification loophole in our state laws.

Why? It is not safe nor best practices to have recommended medical care interrupted or denied unless it is by someone equally qualified to do so. Wrongful denial of claims can drive up costs, lose critical treatment windows, worsen outcomes and leave providers and hospitals carrying large debt of unpaid care.

What do Colorado carriers to do now? Some insurance carriers already use Colorado licensed providers to review i.e. San Luis Valley HMO, Rocky Mountain HMO, Blue Cross. Some carriers do not. Some carriers already ensure those reviewers are qualified. i.e. Pinnacle insurance, worker's compensation. Some do not.

Why does a Colorado license matter? If a patient is harmed, injured or killed by a recommendation to deny or withhold care by an out of state provider a Colorado consumer has no resource to file a complaint with the Colorado Medical Board. The Colorado Medical Board is charged with consumer protection for Colorado patients.

Why does Appropriate Qualifications in same or similar area matter? Rendering a medical opinion with the effect of blocking access to medical care outside of one's training, education and expertise is not safe and increases the chances of error. This can lead to the unreasonable denial of claims which in the real world means denied access to health care for policies that people have paid good money for.

Does this change the coverage under the insurance policy? No. The contractual coverage remains the same but if the dispute is over medical appropriateness or necessity it would require someone with appropriate medical background to deny medical coverage.

What if the insurance companies don't currently use Colorado licensed providers to deny care? They can (1) hire a Colorado physician, creating Colorado jobs or (2) they can use their current doctors who can get reciprocally licensed in Colorado if they have a license in good standing in any other state; or (3) they can use a qualified out of state provider if they consent to reporting jurisdiction in Colorado for consumer protection.

What if the insurance companies don't currently use a denial reviewer is qualified in a same / similar area? They can: (1) hire someone who is qualified, creating Colorado jobs; (2) use their current reviewer who can simply confer with someone who is qualified before making their decision; or (3) confer with the treating physician (who is licensed or qualified).

Will this limit the ability for a patient to get treatment here or in specialty clinics like the Mayo clinic out of state? No. The bill is only about the reviewers denying claims for insurance companies. It places no limits on who a patient can receive their actual first-hand care from.

Why are disability claims included? Because the eligibility for disability claims are medical. The non-medical portions can be evaluated by anyone but questions as to whether someone's AIDS, MS or Cancer are truly debilitating enough to be disabled is at its essence a question of evaluating medical evidence.

How many states do this? 16 States. Other states do portions of this.

How does this interact with the Unreasonable Denial of Claims Bill last year? Former Speaker Romanoff carried HB 08-1407 last year increasing the remedy for unreasonable denial of claims. This does not conflict with that bill. In fact it reduces the frequency of unreasonable denial of claims (and therefore the litigation to enforce it) by providing a review by a licensed and qualified person in the first place.

If we require someone to be licensed and qualified to deliver health care, we should also require someone to be licensed and qualified to withhold health care.

Who Supports this legislation?

- Colorado Consumer Health Initiative
- Colorado Medical Society
- Colorado Hospital Association
- Colorado Chiropractors Association
- Denver Pain Management Specialists
- CTLA
- Colorado Senior's Lobby
- Colorado Autism Society
- Family Voices
- Colorado Citizens For Accountability
- Division of Insurance – Commissioner, Marcy Morrison

Who Opposes this legislation?

- The Insurance Industry