

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1029.01 Brita Darling x2241

SENATE BILL 16-162

SENATE SPONSORSHIP

Tate, Jahn

HOUSE SPONSORSHIP

Melton and Sias, Lawrence, Priola, Singer, Thurlow

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING ACCESS BY MEDICAID RECIPIENTS TO NONENROLLED
102 MEDICAL PROVIDERS.

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/bills/summaries>.)

Under current law, recipients of services under the medical assistance program (medicaid) are not responsible for the cost of services by a medical provider or the cost remaining after payment by medicaid or another private insurer, regardless of whether the medical provider is enrolled in the medicaid program, unless the medical services provided are nonreimbursable by medicaid. The bill amends the statute so that the

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.

prohibition on charging medicaid recipients for medical services applies only if the medical provider is enrolled in the medicaid program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-4-301, **amend**
3 (1) (a) (I) and (1) (a) (II) as follows:

4 **25.5-4-301. Recoveries - overpayments - penalties - interest -**
5 **adjustments - liens - review or audit procedures.** (1) (a) (I) Except as
6 provided in section 25.5-4-302 and subparagraph (III) of this paragraph
7 (a), no recipient or estate of the recipient ~~shall be~~ IS liable for the cost or
8 the cost remaining after payment by medicaid, medicare, or a private
9 insurer of medical benefits authorized by Title XIX of the social security
10 act, by this title, or by rules promulgated by the state board, which
11 benefits are rendered to the recipient by a provider of medical services
12 THAT IS ENROLLED IN THE COLORADO MEDICAL ASSISTANCE PROGRAM
13 AND authorized to render such service in the state of Colorado, except
14 those contributions required pursuant to section 25.5-4-209 (1). However,
15 a recipient may enter into a documented agreement with a provider THAT
16 IS ENROLLED IN THE MEDICAL ASSISTANCE PROGRAM under which the
17 recipient agrees to pay for items or services that are nonreimbursable
18 under the medical assistance program. Under these circumstances, a
19 recipient is liable for the cost of such services and items.

20 (II) The provisions of subparagraph (I) of this paragraph (a) ~~shall~~
21 apply regardless of whether medicaid has actually reimbursed the
22 provider. ~~and regardless of whether the provider is enrolled in the~~
23 ~~Colorado medical assistance program.~~

24 **SECTION 2. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2016 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.