

## CHAPTER 225

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**HEALTH CARE POLICY AND FINANCING**

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**HOUSE BILL 18-1007**

BY REPRESENTATIVE(S) Kennedy and Singer, Pettersen, Becker K., Bridges, Buckner, Esgar, Exum, Herod, Lee, Lontine, Melton, Michaelson Jenet, Rosenthal, Valdez, Young;  
also SENATOR(S) Lambert and Jahn, Aguilar, Tate, Fenberg, Fields, Garcia, Guzman, Jones, Kagan, Kefalas, Kerr, Merrifield, Moreno, Priola, Todd.

**AN ACT****CONCERNING PAYMENT ISSUES RELATED TO SUBSTANCE USE DISORDERS.**

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

**SECTION 1.** In Colorado Revised Statutes, 10-16-104, **amend** (5.5)(a)(III) as follows:

**10-16-104. Mandatory coverage provisions - definitions - rules.**  
**(5.5) Behavioral, mental health, and substance use disorders - rules.**  
**(a) (III) (A)** EXCEPT AS PROVIDED IN SUBSECTION (5.5)(a)(III)(B) OF THIS SECTION, any preauthorization or utilization review mechanism used in the determination to provide the coverage required by this ~~paragraph (a)~~ SUBSECTION (5.5)(a) must be the same as, or no more restrictive than, that used in the determination to provide coverage for a physical illness. The commissioner shall adopt rules as necessary to implement and administer this subsection (5.5).

**(B)** A HEALTH BENEFIT PLAN SUBJECT TO THIS SUBSECTION (5.5) MUST PROVIDE COVERAGE WITHOUT PRIOR AUTHORIZATION FOR A FIVE-DAY SUPPLY OF AT LEAST ONE OF THE FEDERAL FOOD AND DRUG ADMINISTRATION-APPROVED DRUGS FOR THE TREATMENT OF OPIOID DEPENDENCE; EXCEPT THAT THIS REQUIREMENT IS LIMITED TO A FIRST REQUEST WITHIN A TWELVE-MONTH PERIOD.

**SECTION 2.** In Colorado Revised Statutes, 10-16-121, **add** (1)(e) as follows:

**10-16-121. Required contract provisions in contracts between carriers and providers - definitions.** (1) A contract between a carrier and a provider or its representative concerning the delivery, provision, payment, or offering of care or

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

services covered by a managed care plan must make provisions for the following requirements:

(e) THE CONTRACT MUST CONTAIN A PROVISION THAT STATES THE CARRIER SHALL NOT TAKE AN ADVERSE ACTION AGAINST A PROVIDER OR PROVIDE FINANCIAL INCENTIVES OR SUBJECT THE PROVIDER TO FINANCIAL DISINCENTIVES BASED SOLELY ON A PATIENT SATISFACTION SURVEY OR OTHER METHOD OF OBTAINING PATIENT FEEDBACK RELATING TO THE PATIENT'S SATISFACTION WITH PAIN TREATMENT.

**SECTION 3.** In Colorado Revised Statutes, 10-16-124.5, **amend** (8)(b) as follows:

**10-16-124.5. Prior authorization form - drug benefits - rules of commissioner - definitions.** (8) As used in this section:

(b) "Urgent prior authorization request" means:

(I) A request for prior authorization of a drug benefit that, based on the reasonable opinion of the prescribing provider with knowledge of the covered person's medical condition, if determined in the time allowed for nonurgent prior authorization requests, could:

(⊕)(A) Seriously jeopardize the life or health of the covered person or the ability of the covered person to regain maximum function; or

(⊕)(B) Subject the covered person to severe pain that cannot be adequately managed without the drug benefit that is the subject of the prior authorization request; OR

(II) A REQUEST FOR PRIOR AUTHORIZATION FOR MEDICATION-ASSISTED TREATMENT FOR SUBSTANCE USE DISORDERS.

**SECTION 4.** In Colorado Revised Statutes, **add** 10-16-143.5 as follows:

**10-16-143.5. Pharmacy reimbursement - substance use disorder - injections.**

IF A PHARMACY HAS ENTERED INTO A COLLABORATIVE PHARMACY PRACTICE AGREEMENT WITH ONE OR MORE PHYSICIANS PURSUANT TO SECTION 12-42.5-602 TO ADMINISTER INJECTABLE ANTAGONIST MEDICATION FOR MEDICATION-ASSISTED TREATMENT FOR SUBSTANCE USE DISORDERS, THE PHARMACY ADMINISTERING THE DRUG SHALL RECEIVE AN ENHANCED DISPENSING FEE.

**SECTION 5.** In Colorado Revised Statutes, 25.5-5-411, **amend** (4)(b) as follows:

**25.5-5-411. Medicaid community mental health services - legislative declaration - administration - rules.** (4) (b) (I) The state department shall establish cost-effective, capitated rates for community mental health services in a manner that includes cost containment mechanisms. These cost containment mechanisms may include, but are not limited to, restricting average per member per month utilization growth, restricting unit cost growth, limiting allowable administrative cost, establishing minimum medical loss ratios, or establishing other

cost containment mechanisms that the state department determines appropriate.

(II) THE STATE DEPARTMENT AND THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES, IN COLLABORATION WITH COMMUNITY MENTAL HEALTH SERVICES PROVIDERS AND SUBSTANCE USE DISORDER PROVIDERS, SHALL ESTABLISH RULES THAT STANDARDIZE UTILIZATION MANAGEMENT AUTHORITY TIMELINES FOR THE NONPHARMACEUTICAL COMPONENTS OF MEDICATION-ASSISTED TREATMENT FOR SUBSTANCE USE DISORDERS.

**SECTION 6.** In Colorado Revised Statutes, **add 25.5-5-509** as follows:

**25.5-5-509. Substance use disorder - prescription drugs.** NOTWITHSTANDING ANY PROVISIONS OF THIS PART 5 TO THE CONTRARY, FOR THE TREATMENT OF A SUBSTANCE USE DISORDER, IN PROMULGATING RULES, AND SUBJECT TO ANY NECESSARY FEDERAL AUTHORIZATION, THE STATE BOARD SHALL AUTHORIZE REIMBURSEMENT FOR AT LEAST ONE FEDERAL FOOD AND DRUG ADMINISTRATION-APPROVED READY-TO-USE OPIOID OVERDOSE REVERSAL DRUG WITHOUT PRIOR AUTHORIZATION.

**SECTION 7.** In Colorado Revised Statutes, **add 25.5-5-510** as follows:

**25.5-5-510. Pharmacy reimbursement - substance use disorder - injections.** IF A PHARMACY HAS ENTERED INTO A COLLABORATIVE PHARMACY PRACTICE AGREEMENT WITH ONE OR MORE PHYSICIANS PURSUANT TO SECTION 12-42.5-602 TO ADMINISTER INJECTABLE ANTAGONIST MEDICATION FOR MEDICATION-ASSISTED TREATMENT FOR SUBSTANCE USE DISORDERS, THE PHARMACY ADMINISTERING THE DRUG SHALL RECEIVE AN ENHANCED DISPENSING FEE THAT ALIGNS WITH THE ADMINISTRATION FEE PAID TO A PROVIDER IN A CLINICAL SETTING.

**SECTION 8. Act subject to petition - effective date.** This act takes effect January 1, 2019; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on January 1, 2019, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

Approved: May 21, 2018