

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 13, 2018
Date

Committee on Public Health Care & Human Services.

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

HB18-1007 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike everything below the enacting clause
2 and substitute:

3 "SECTION 1. In Colorado Revised Statutes, 10-16-104, **amend**
4 (5.5)(a)(III) as follows:

5 **10-16-104. Mandatory coverage provisions - definitions -**
6 **rules. (5.5) Behavioral, mental health, and substance use disorders**
7 **- rules. (a) (III) (A) EXCEPT AS PROVIDED IN SUBSECTION (5.5)(a)(III)(B)**
8 **OF THIS SECTION, any preauthorization or utilization review mechanism**
9 **used in the determination to provide the coverage required by this**
10 **paragraph (a) SUBSECTION (5.5)(a) must be the same as, or no more**
11 **restrictive than, that used in the determination to provide coverage for a**
12 **physical illness. The commissioner shall adopt rules as necessary to**
13 **implement and administer this subsection (5.5).**

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

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

22 **10-16-121. Required contract provisions in contracts between**
23 **carriers and providers - definitions. (1) A contract between a carrier**

1 and a provider or its representative concerning the delivery, provision,
2 payment, or offering of care or services covered by a managed care plan
3 must make provisions for the following requirements:

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

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

12 **10-16-124.5. Prior authorization form - drug benefits - rules**
13 **of commissioner - definitions.** (8) As used in this section:

14 (b) "Urgent prior authorization request" means:

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

19 (H) (A) Seriously jeopardize the life or health of the covered
20 person or the ability of the covered person to regain maximum function;
21 or

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

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

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

29 **10-16-143.5. Pharmacy reimbursement - substance use**
30 **disorder - injections.** IF A PHARMACY HAS ENTERED INTO A
31 COLLABORATIVE PHARMACY PRACTICE AGREEMENT WITH ONE OR MORE
32 PHYSICIANS PURSUANT TO SECTION 12-42.5-602 TO ADMINISTER
33 INJECTABLE MEDICATION FOR MEDICATION-ASSISTED TREATMENT FOR
34 SUBSTANCE USE DISORDERS, THE PHARMACY ADMINISTERING THE DRUG
35 SHALL RECEIVE AN ENHANCED DISPENSING FEE.

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

38 **25.5-5-411. Medicaid community mental health services -**
39 **legislative declaration - administration - rules.** (4) (b) (I) The state
40 department shall establish cost-effective, capitated rates for community
41 mental health services in a manner that includes cost containment

1 mechanisms. These cost containment mechanisms may include, but are
2 not limited to, restricting average per member per month utilization
3 growth, restricting unit cost growth, limiting allowable administrative
4 cost, establishing minimum medical loss ratios, or establishing other cost
5 containment mechanisms that the state department determines
6 appropriate.

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

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

16 **25.5-5-509. Substance use disorder - prescription drugs.**
17 NOTWITHSTANDING ANY PROVISIONS OF THIS PART 5 TO THE CONTRARY,
18 FOR THE TREATMENT OF A SUBSTANCE USE DISORDER, IN PROMULGATING
19 RULES, AND SUBJECT TO ANY NECESSARY FEDERAL AUTHORIZATION, THE
20 STATE BOARD SHALL AUTHORIZE REIMBURSEMENT FOR AT LEAST ONE
21 FEDERAL FOOD AND DRUG ADMINISTRATION-APPROVED READY-TO-USE
22 OPIOID OVERDOSE REVERSAL DRUG WITHOUT PRIOR AUTHORIZATION.

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

25 **25.5-5-510. Pharmacy reimbursement - substance use disorder**
26 **- injections.** IF A PHARMACY HAS ENTERED INTO A COLLABORATIVE
27 PHARMACY PRACTICE AGREEMENT WITH ONE OR MORE PHYSICIANS
28 PURSUANT TO SECTION 12-42.5-602 TO ADMINISTER INJECTABLE
29 MEDICATION FOR MEDICATION-ASSISTED TREATMENT FOR SUBSTANCE USE
30 DISORDERS, THE PHARMACY ADMINISTERING THE DRUG SHALL RECEIVE AN
31 ENHANCED DISPENSING FEE THAT ALIGNS WITH THE ADMINISTRATION FEE
32 PAID TO A PROVIDER IN A CLINICAL SETTING.

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

** ** ** ** **