

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0634.01 Shelby Ross x4510

HOUSE BILL 21-1198

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Health & Insurance
Appropriations

Senate Committees

Health & Human Services
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A BILL FOR AN ACT

101 **CONCERNING HEALTH-CARE BILLING REQUIREMENTS FOR INDIGENT**
102 **PATIENTS RECEIVING SERVICES NOT REIMBURSED THROUGH THE**
103 **COLORADO INDIGENT CARE PROGRAM, AND, IN CONNECTION**
104 **THEREWITH, ESTABLISHING PROCEDURES BEFORE INITIATING**
105 **COLLECTIONS PROCEEDINGS AGAINST A PATIENT AND MAKING**
106 **AND REDUCING APPROPRIATIONS.**

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://leg.colorado.gov>.)

No later than June 1, 2022, a health-care facility shall screen each

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
June 4, 2021

SENATE
Amended 2nd Reading
June 3, 2021

HOUSE
3rd Reading Unamended
May 12, 2021

HOUSE
Amended 2nd Reading
May 11, 2021

uninsured patient for eligibility for public health insurance programs, discounted care through the Colorado indigent care program (CICP), and discounted care as described in the bill. Health-care facilities shall use a single uniform application developed by the department of health care policy and financing (department) when screening a patient. If a health-care facility determines a patient is ineligible for discounted care, the facility shall provide the patient notice of the determination and an opportunity for the patient to appeal the determination.

For emergency and other non-CICP health-care services provided to qualified patients, a health-care facility and licensed health-care professional shall limit the amounts charged to not more than 80% of the medicare rate if the patient is uninsured; collect amounts charged in monthly installments such that a patient is not paying more than 5% of the patient's household income; and after a cumulative 36 months of payments, consider the patient's bill paid in full and permanently cease any and all collection activities on any balance that remains unpaid.

A health-care facility shall make information about patient's rights and the uniform application for discounted care available to the public and to each patient.

Beginning June 1, 2023, and each June 1 thereafter, each health-care facility shall collect and report to the department data that the department determines is necessary to evaluate compliance across patient groups based on race, ethnicity, and primary language spoken with the required screening, discounted care, payment plan, and collections practices.

No later than April 1, 2022, the department shall develop a written explanation of a patient's rights, make the explanation available to the public and each patient, and establish a process for patients to submit a complaint relating to noncompliance with the requirements. The department shall periodically review health-care facilities and licensed health-care professionals (hospital providers) to ensure compliance, and the department shall notify the hospital provider if the hospital provider is not in compliance that the hospital provider has 90 days to file a corrective action plan with the department. A hospital provider may request up to 120 days to submit a corrective action plan. The department may require a hospital provider that is not in compliance to develop and operate under a corrective action plan until the department determines the hospital provider is in compliance. The bill implements fines for hospital providers if the department determines the hospital provider's noncompliance is knowing or willful.

The bill imposes requirements on hospital providers before assigning or selling patient debt to a medical creditor or before pursuing any permissible extraordinary collection action and imposes fines for any hospital provider that fails to comply with the requirements.

The bill prohibits a medical creditor from using impermissible

extraordinary collection action to collect debts owed for health-care services provided by a hospital provider. A medical creditor may engage in permissible extraordinary collection actions 180 days after the first bill for a medical debt is sent to the patient. At least 30 days before taking any permissible extraordinary collection action, a medical creditor shall provide the patient with a notice about the discounted care policy, the permissible extraordinary collection actions that will be initiated, and a deadline after which such permissible extraordinary collection actions will be initiated. If a patient is later found eligible for discounted care, the medical creditor shall reverse any permissible extraordinary collection actions.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 5 to article
3 of title 25.5 as follows:

4 PART 5

5 HEALTH-CARE BILLING FOR INDIGENT PATIENTS
6 RECEIVING SERVICES NOT REIMBURSED THROUGH
7 THE COLORADO INDIGENT CARE PROGRAM

8 **25.5-3-501. Definitions.** AS USED IN THIS PART 5, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "HEALTH-CARE FACILITY" MEANS:

11 (a) A HOSPITAL LICENSED AS A GENERAL HOSPITAL PURSUANT TO
12 PART 1 OF ARTICLE 3 OF TITLE 25;

13 (b) A HOSPITAL ESTABLISHED PURSUANT TO SECTION 23-21-503 OR
14 25-29-103;

15 (c) ANY FREESTANDING EMERGENCY DEPARTMENT LICENSED
16 PURSUANT TO SECTION 25-1.5-114; OR

17 (d) ANY OUTPATIENT HEALTH-CARE FACILITY THAT IS LICENSED AS
18 AN ON-CAMPUS DEPARTMENT OR SERVICE OF A HOSPITAL OR THAT IS
19 LISTED AS AN OFF-CAMPUS LOCATION UNDER A HOSPITAL'S LICENSE,

1 EXCEPT:

2 (I) A FEDERALLY QUALIFIED HEALTH CENTER, AS DEFINED IN THE
3 FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa)(4); OR

4 (II) A STUDENT-LEARNING MEDICAL AND DENTAL CLINIC THAT IS
5 ESTABLISHED FOR THE PURPOSE OF STUDENT LEARNING, OFFERING
6 DISCOUNTED PATIENT CARE AS PART OF A PROGRAM OF STUDENT
7 LEARNING, AND IS PHYSICALLY SITUATED WITHIN A HEALTH SCIENCES
8 SCHOOL. ■

9 (2) "HEALTH-CARE SERVICES" HAS THE SAME MEANING AS SET
10 FORTH IN SECTION 10-16-102 (33).

11 (3) "LICENSED HEALTH-CARE PROFESSIONAL" MEANS ANY
12 HEALTH-CARE PROFESSIONAL WHO IS REGISTERED, CERTIFIED, OR
13 LICENSED PURSUANT TO TITLE 12 OR WHO PROVIDES SERVICES UNDER THE
14 SUPERVISION OF A HEALTH-CARE PROFESSIONAL WHO IS REGISTERED,
15 CERTIFIED, OR LICENSED PURSUANT TO TITLE 12, AND WHO PROVIDES
16 HEALTH-CARE SERVICES IN A HEALTH-CARE FACILITY.

17 (4) "NON-CICP HEALTH-CARE SERVICES" MEANS HEALTH-CARE
18 SERVICES PROVIDED IN A HEALTH-CARE FACILITY FOR WHICH
19 REIMBURSEMENT UNDER THE COLORADO INDIGENT CARE PROGRAM,
20 ESTABLISHED IN PART 1 OF THIS ARTICLE 3, IS NOT AVAILABLE.

21 (5) "QUALIFIED PATIENT" MEANS AN INDIVIDUAL WHOSE
22 HOUSEHOLD INCOME IS NOT MORE THAN TWO HUNDRED FIFTY PERCENT OF
23 THE FEDERAL POVERTY LEVEL AND WHO RECEIVED A HEALTH-CARE
24 SERVICE AT A HEALTH-CARE FACILITY.

25 (6) "SCREEN" OR "SCREENING" MEANS A PROCESS IDENTIFIED IN
26 RULE BY THE STATE DEPARTMENT WHEREBY HEALTH-CARE FACILITIES
27 ASSESS A PATIENT'S CIRCUMSTANCES RELATED TO ELIGIBILITY CRITERIA

1 AND DETERMINE WHETHER THE PATIENT IS LIKELY TO QUALIFY FOR PUBLIC
2 HEALTH-CARE COVERAGE OR DISCOUNTED CARE, INFORM THE PATIENT OF
3 THE HEALTH-CARE FACILITY'S DETERMINATION, AND PROVIDE
4 INFORMATION TO THE PATIENT ABOUT HOW THE PATIENT CAN ENROLL IN
5 PUBLIC HEALTH-CARE COVERAGE.

6 (7) "UNINSURED" MEANS AN UNINSURED INDIVIDUAL, AS DEFINED
7 IN SECTION 10-22-113 (5)(d).

8 **25.5-3-502. Requirement to screen patients for eligibility for**
9 **public health-care programs and discounted care - rules.**

10 (1) BEGINNING JUNE 1, 2022, A HEALTH-CARE FACILITY SHALL SCREEN,
11 UNLESS A PATIENT DECLINES, EACH UNINSURED PATIENT FOR ELIGIBILITY
12 FOR:

13 (a) PUBLIC HEALTH INSURANCE PROGRAMS INCLUDING BUT NOT
14 LIMITED TO MEDICARE; THE STATE MEDICAL ASSISTANCE PROGRAM,
15 ARTICLES 4, 5, AND 6 OF THIS TITLE 25.5; EMERGENCY MEDICAID; AND THE
16 CHILDREN'S BASIC HEALTH PLAN, ARTICLE 8 OF THIS TITLE 25.5;

17 (b) DISCOUNTED CARE THROUGH THE COLORADO INDIGENT CARE
18 PROGRAM, ESTABLISHED IN PART 1 OF THIS ARTICLE 3, IF THE PATIENT
19 RECEIVES A SERVICE ELIGIBLE FOR REIMBURSEMENT THROUGH THE
20 PROGRAM; AND

21 (c) DISCOUNTED CARE, AS DESCRIBED IN SECTION 25.5-3-503.

22 (2) HEALTH-CARE FACILITIES SHALL USE A SINGLE UNIFORM
23 APPLICATION DEVELOPED BY THE STATE DEPARTMENT WHEN SCREENING
24 A PATIENT PURSUANT TO SUBSECTION (1) OF THIS SECTION.

25 (3) IF A HEALTH-CARE FACILITY DETERMINES THAT A PATIENT IS
26 INELIGIBLE FOR DISCOUNTED CARE, THE FACILITY SHALL PROVIDE THE
27 PATIENT NOTICE OF THE DETERMINATION AND AN OPPORTUNITY FOR THE

1 PATIENT TO APPEAL THE DETERMINATION IN ACCORDANCE WITH STATE
2 DEPARTMENT RULES.

3 (4) IF THE PATIENT DECLINES THE SCREENING DESCRIBED IN
4 SUBSECTION (1) OF THIS SECTION, THE HEALTH-CARE FACILITY SHALL
5 DOCUMENT THE PATIENT'S DECISION IN ACCORDANCE WITH STATE
6 DEPARTMENT RULES. A PATIENT'S DECISION TO DECLINE THE SCREENING
7 THAT IS DOCUMENTED AND COMPLIES WITH STATE DEPARTMENT RULES IS
8 A COMPLETE DEFENSE TO A CLAIM BROUGHT BY A PATIENT UNDER SECTION
9 25.5-3-506 (2) FOR A VIOLATION OF SECTION 25.5-3-506 (1)(a) OR (1)(b).

10 (5) IF REQUESTED BY THE PATIENT, A HEALTH-CARE FACILITY
11 SHALL SCREEN AN INSURED PATIENT FOR DISCOUNTED CARE PURSUANT TO
12 SUBSECTIONS (1)(b) AND (1)(c) OF THIS SECTION.

13 **25.5-3-503. Health-care discounts on services not eligible for**
14 **Colorado indigent care program reimbursement.** (1) BEGINNING
15 JUNE 1, 2022, IF A PATIENT IS SCREENED PURSUANT TO SECTION
16 25.5-3-502 AND IS DETERMINED TO BE A QUALIFIED PATIENT, A
17 HEALTH-CARE FACILITY AND A LICENSED HEALTH-CARE PROFESSIONAL
18 SHALL, FOR EMERGENCY AND OTHER NON-CICP HEALTH-CARE SERVICES:

19 (a) LIMIT THE AMOUNTS CHARGED TO NOT MORE THAN THE
20 DISCOUNTED RATE ESTABLISHED IN STATE DEPARTMENT RULE PURSUANT
21 TO SECTION 25.5-3-505 (2)(j);

22 (b) COLLECT AMOUNTS CHARGED, NOT INCLUDING AMOUNTS
23 OWED BY THIRD-PARTY PAYERS, IN MONTHLY INSTALLMENTS SUCH THAT
24 THE PATIENT IS NOT PAYING MORE THAN FOUR PERCENT OF THE PATIENT'S
25 MONTHLY HOUSEHOLD INCOME ON A BILL FROM A HEALTH-CARE FACILITY
26 AND NOT PAYING MORE THAN TWO PERCENT OF THE PATIENT'S MONTHLY
27 HOUSEHOLD INCOME ON A BILL FROM EACH LICENSED HEALTH-CARE

1 PROFESSIONAL; AND

2 (c) AFTER A CUMULATIVE THIRTY-SIX MONTHS OF PAYMENTS,
3 CONSIDER THE PATIENT'S BILL PAID IN FULL AND PERMANENTLY CEASE
4 ANY AND ALL COLLECTION ACTIVITIES ON ANY BALANCE THAT REMAINS
5 UNPAID.

6 (2) A HEALTH-CARE FACILITY SHALL NOT:

7 (a) DENY DISCOUNTED CARE ON THE BASIS THAT THE PATIENT HAS
8 NOT APPLIED FOR ANY PUBLIC BENEFITS PROGRAM; OR

9 (b) ADOPT OR MAINTAIN ANY POLICIES THAT RESULT IN THE
10 DENIAL OF ADMISSION OR TREATMENT OF A PATIENT BECAUSE THE
11 PATIENT LACKS HEALTH INSURANCE COVERAGE, MAY QUALIFY FOR
12 DISCOUNTED CARE, REQUIRES EXTENDED OR LONG-TERM TREATMENT, OR
13 HAS AN UNPAID MEDICAL BILL.

14 **25.5-3-504. Notification of patient's rights.** (1) BEGINNING JUNE
15 1, 2022, A HEALTH-CARE FACILITY SHALL MAKE INFORMATION DEVELOPED
16 BY THE STATE DEPARTMENT ABOUT PATIENT'S RIGHTS UNDER THIS PART
17 5 AND THE UNIFORM APPLICATION DEVELOPED BY THE STATE DEPARTMENT
18 PURSUANT TO SECTION 25.5-3-505 (2)(i) AVAILABLE TO THE PUBLIC AND
19 TO EACH PATIENT. AT A MINIMUM, THE HEALTH-CARE FACILITY SHALL:

20 (a) POST THE INFORMATION IN ALL REQUIRED LANGUAGES
21 PURSUANT TO THIS SUBSECTION (1) CONSPICUOUSLY ON THE HEALTH-CARE
22 FACILITY'S WEBSITE, INCLUDING A LINK TO THE INFORMATION ON THE
23 HEALTH-CARE FACILITY'S MAIN LANDING PAGE;

24 (b) MAKE THE INFORMATION AVAILABLE IN PATIENT WAITING
25 AREAS;

26 (c) MAKE THE INFORMATION AVAILABLE TO EACH PATIENT, OR THE
27 PATIENT'S LEGAL GUARDIAN, VERBALLY, WHICH MAY INCLUDE USING A

1 PROFESSIONAL INTERPRETATION SERVICE, OR IN WRITING IN THE PATIENT'S
2 OR LEGAL GUARDIAN'S PRIMARY LANGUAGE BEFORE THE PATIENT IS
3 DISCHARGED FROM THE HEALTH-CARE FACILITY; AND

4 (d) INFORM EACH PATIENT ON THE PATIENT'S BILLING STATEMENT
5 OF THE PATIENT'S RIGHTS PURSUANT TO THIS PART 5, INCLUDING THE
6 RIGHT TO APPLY FOR DISCOUNTED CARE, AND PROVIDE THE WEBSITE,
7 E-MAIL ADDRESS, AND TELEPHONE NUMBER WHERE THE INFORMATION
8 MAY BE OBTAINED IN THE PATIENT'S PRIMARY LANGUAGE.

9 **25.5-3-505. Health-care facility reporting requirements -**
10 **agency enforcement - report - rules.** (1) BEGINNING JUNE 1, 2023, AND
11 EACH JUNE 1 THEREAFTER, EACH HEALTH-CARE FACILITY SHALL
12 REPORT TO THE STATE DEPARTMENT DATA THAT THE STATE DEPARTMENT
13 DETERMINES IS NECESSARY TO EVALUATE COMPLIANCE ACROSS RACE,
14 ETHNICITY, AGE, AND PRIMARY-LANGUAGE-SPOKEN PATIENT GROUPS WITH
15 THE SCREENING, DISCOUNTED CARE, PAYMENT PLAN, AND COLLECTIONS
16 PRACTICES REQUIRED PURSUANT TO THIS PART 5. IF A HEALTH-CARE
17 FACILITY IS NOT CAPABLE OF DISAGGREGATING THE DATA REQUIRED
18 PURSUANT TO THIS SUBSECTION (1) BY RACE, ETHNICITY, AGE, AND
19 PRIMARY LANGUAGE SPOKEN, THE HEALTH-CARE FACILITY SHALL REPORT
20 TO THE STATE DEPARTMENT THE STEPS THE FACILITY IS TAKING TO
21 IMPROVE RACE, ETHNICITY, AGE, AND PRIMARY-LANGUAGE-SPOKEN DATA
22 COLLECTION AND THE DATE BY WHICH THE FACILITY WILL BE ABLE TO
23 DISAGGREGATE THE REPORTED DATA.

24 (2) NO LATER THAN APRIL 1, 2022, THE STATE BOARD SHALL
25 PROMULGATE RULES NECESSARY FOR THE ADMINISTRATION AND
26 IMPLEMENTATION OF THIS PART 5. AT A MINIMUM, THE RULES MUST:

27 (a) OUTLINE A PROCESS FOR AN INSURED PATIENT TO REQUEST A

- 1 SCREENING PURSUANT TO SECTION 25.5-3-502 (5);
- 2 (b) OUTLINE A PROCESS FOR DOCUMENTING, PURSUANT TO
3 SECTION 25.5-3-502 (4), THAT A PATIENT HAS MADE AN INFORMED
4 DECISION TO DECLINE THE SCREENING, INCLUDING PROCEDURES FOR
5 RETAINING SUCH DOCUMENTATION;
- 6 (c) ESTABLISH THE PROCESS FOR AND THE MAXIMUM NUMBER OF
7 DAYS THAT A HEALTH-CARE FACILITY HAS TO:
- 8 (I) INITIATE A SCREENING AFTER A PATIENT RECEIVES SERVICES;
9 (II) REQUEST INFORMATION FROM THE PATIENT NEEDED FOR THE
10 SCREENING PROCESS; AND
- 11 (III) COMPLETE THE SCREENING PROCESS;
- 12 (d) OUTLINE THE REQUIREMENTS FOR NOTIFYING THE PATIENT OF
13 THE RESULTS OF THE SCREENING, INCLUDING AN EXPLANATION OF THE
14 BASIS FOR A DENIAL OF DISCOUNTED CARE AND THE PROCESS FOR
15 APPEALING A DENIAL;
- 16 (e) ESTABLISH GUIDELINES FOR PATIENT APPEALS REGARDING
17 ELIGIBILITY FOR DISCOUNTED CARE PURSUANT TO SECTION 25.5-3-503;
- 18 (f) ESTABLISH A METHODOLOGY THAT ALL HEALTH-CARE
19 FACILITIES MUST USE TO DETERMINE MONTHLY HOUSEHOLD INCOME. THE
20 METHODOLOGY MUST NOT CONSIDER A PATIENT'S ASSETS.
- 21 (g) IDENTIFY THE DOCUMENTS THAT MAY BE REQUIRED TO
22 ESTABLISH INCOME ELIGIBILITY FOR DISCOUNTED CARE USING THE
23 MINIMUM AMOUNT OF INFORMATION NEEDED TO DETERMINE ELIGIBILITY;
- 24 (h) IDENTIFY THE STEPS A HEALTH-CARE FACILITY AND LICENSED
25 HEALTH-CARE PROFESSIONAL MUST TAKE BEFORE SENDING PATIENT DEBT
26 TO COLLECTIONS; ■
- 27 (i) CREATE A SINGLE UNIFORM APPLICATION THAT A HEALTH-CARE

1 FACILITY SHALL USE WHEN SCREENING A PATIENT FOR ELIGIBILITY FOR THE
2 COLORADO INDIGENT CARE PROGRAM AND DISCOUNTED CARE, AS
3 DESCRIBED IN SECTION 25.5-3-502; AND

4 (j) ANNUALLY ESTABLISH RATES FOR DISCOUNTED CARE
5 PURSUANT TO SECTION 25.5-3-503 (1)(a). THE RATES SHOULD
6 APPROXIMATE AND NOT BE LESS THAN ONE HUNDRED PERCENT OF THE
7 MEDICARE RATE OR ONE HUNDRED PERCENT OF THE MEDICAID BASE RATE,
8 WHICHEVER IS GREATER. THE STATE DEPARTMENT SHALL PUBLICLY POST
9 THE ESTABLISHED RATES ON THE STATE DEPARTMENT'S WEBSITE.

10 (3) IN PROMULGATING RULES PURSUANT TO THIS SECTION, THE
11 STATE DEPARTMENT SHALL:

12 (a) ALIGN THE PROCESSES OF QUALIFYING FOR AND APPEALING
13 DENIALS OF ELIGIBILITY FOR THE COLORADO INDIGENT CARE PROGRAM
14 WITH DISCOUNTED CARE, AS DESCRIBED IN SECTION 25.5-3-502; AND

15 (b) CONSIDER POTENTIAL LIMITATIONS RELATING TO THE FEDERAL
16 "EMERGENCY MEDICAL TREATMENT AND LABOR ACT", 42 U.S.C. SEC.
17 1395dd.

18 (4) PRIOR TO PROMULGATING RULES PURSUANT TO THIS SECTION,
19 THE STATE DEPARTMENT SHALL HOLD AT LEAST ONE STAKEHOLDER
20 MEETING WITH HOSPITAL REPRESENTATIVES, HEALTH-CARE CONSUMERS,
21 AND HEALTH-CARE CONSUMER ADVOCATES THAT IS ACCESSIBLE TO
22 INDIVIDUALS WHOSE PRIMARY LANGUAGE IS NOT ENGLISH, IF REQUESTED.

23 (5) NO LATER THAN APRIL 1, 2022, THE STATE DEPARTMENT
24 SHALL:

25 (a) USING FEEDBACK FROM HOSPITAL HEALTH-CARE CONSUMERS
26 AND HEALTH-CARE CONSUMER ADVOCATE STAKEHOLDERS, DEVELOP A
27 WRITTEN EXPLANATION OF A PATIENT'S RIGHTS UNDER THIS SECTION THAT

1 IS WRITTEN IN PLAIN LANGUAGE AT A SIXTH- GRADE READING LEVEL AND
2 TRANSLATED INTO ALL LANGUAGES SPOKEN BY TEN PERCENT OR MORE OF
3 THE POPULATION IN EACH COUNTY OF THE STATE AND POST THE WRITTEN
4 EXPLANATION IN ALL REQUIRED LANGUAGES ON THE STATE DEPARTMENT'S
5 WEBSITE. EACH HEALTH-CARE FACILITY SHALL MAKE THE EXPLANATION
6 AVAILABLE TO THE PUBLIC AND EACH PATIENT AS PROVIDED IN SECTION
7 25.5-3-504.

8 (b) (I) ESTABLISH A PROCESS FOR PATIENTS TO SUBMIT A
9 COMPLAINT RELATING TO NONCOMPLIANCE WITH THIS PART 5 TO THE
10 STATE DEPARTMENT BY PHONE, MAIL, OR ONLINE. THE STATE
11 DEPARTMENT SHALL CONDUCT A REVIEW WITHIN THIRTY DAYS AFTER
12 RECEIVING A COMPLAINT.

13 (II) THE STATE DEPARTMENT SHALL PERIODICALLY REVIEW
14 HEALTH-CARE FACILITIES AND LICENSED HEALTH-CARE PROFESSIONALS TO
15 ENSURE COMPLIANCE WITH THIS SECTION. IF THE STATE DEPARTMENT
16 FINDS THAT A HEALTH-CARE FACILITY OR LICENSED HEALTH-CARE
17 PROFESSIONAL IS NOT IN COMPLIANCE WITH THIS SECTION, THE STATE
18 DEPARTMENT SHALL NOTIFY THE HEALTH-CARE FACILITY OR LICENSED
19 HEALTH-CARE PROFESSIONAL AND THE FACILITY OR PROFESSIONAL HAS
20 NINETY DAYS TO FILE A CORRECTIVE ACTION PLAN WITH THE STATE
21 DEPARTMENT THAT MUST INCLUDE MEASURES TO INFORM THE PATIENT
22 ABOUT THE NONCOMPLIANCE AND PROVIDE A FINANCIAL CORRECTION
23 CONSISTENT WITH THIS PART 5. A HEALTH-CARE FACILITY OR LICENSED
24 HEALTH-CARE PROFESSIONAL MAY REQUEST UP TO ONE HUNDRED TWENTY
25 DAYS TO SUBMIT A CORRECTIVE ACTION PLAN. THE STATE DEPARTMENT
26 MAY REQUIRE A HEALTH-CARE FACILITY OR LICENSED HEALTH-CARE
27 PROFESSIONAL THAT IS NOT IN COMPLIANCE WITH THIS PART 5 OR ANY

1 STATE BOARD RULES ADOPTED PURSUANT TO THIS PART 5 TO DEVELOP AND
2 OPERATE UNDER A CORRECTIVE ACTION PLAN UNTIL THE STATE
3 DEPARTMENT DETERMINES THE HEALTH-CARE FACILITY OR LICENSED
4 HEALTH-CARE PROFESSIONAL IS IN COMPLIANCE.

5 (III) IF A HEALTH-CARE FACILITY'S OR LICENSED HEALTH-CARE
6 PROFESSIONAL'S NONCOMPLIANCE WITH THIS SECTION IS DETERMINED BY
7 THE STATE DEPARTMENT TO BE KNOWING OR WILLFUL OR THERE IS A
8 REPEATED PATTERN OF NONCOMPLIANCE, THE STATE DEPARTMENT MAY
9 FINE THE FACILITY OR PROFESSIONAL NO MORE THAN FIVE THOUSAND
10 DOLLARS. IF THE HEALTH-CARE FACILITY OR LICENSED HEALTH-CARE
11 PROFESSIONAL FAILS TO TAKE CORRECTIVE ACTION OR FAILS TO FILE A
12 CORRECTIVE ACTION PLAN WITH THE STATE DEPARTMENT PURSUANT TO
13 SUBSECTION (5)(b)(II) OF THIS SECTION, THE STATE DEPARTMENT MAY
14 FINE THE FACILITY OR PROFESSIONAL NO MORE THAN FIVE THOUSAND
15 DOLLARS A WEEK UNTIL THE FACILITY OR PROFESSIONAL TAKES
16 CORRECTIVE ACTION. THE STATE DEPARTMENT SHALL CONSIDER THE SIZE
17 OF THE HEALTH-CARE FACILITY AND THE SERIOUSNESS OF THE VIOLATION
18 IN SETTING THE FINE AMOUNT.

19 (6) THE STATE DEPARTMENT SHALL MAKE THE INFORMATION
20 REPORTED PURSUANT TO SUBSECTION (1) OF THIS SECTION AND ANY
21 CORRECTIVE ACTION PLANS FOR WHICH FINES WERE IMPOSED PURSUANT
22 TO SUBSECTION (5)(b) OF THIS SECTION AVAILABLE TO THE PUBLIC AND
23 SHALL ANNUALLY REPORT THE INFORMATION AS A PART OF ITS
24 PRESENTATION TO ITS COMMITTEES OF REFERENCE AT A HEARING HELD
25 PURSUANT TO SECTION 2-7-203 (2)(a) OF THE "STATE MEASUREMENT FOR
26 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
27 GOVERNMENT ACT.

1 **25.5-3-506. Limitations on collection actions - private**

2 **enforcement.** (1) BEGINNING JUNE 1, 2022, BEFORE ASSIGNING OR
3 SELLING PATIENT DEBT TO A COLLECTION AGENCY, AS DEFINED IN SECTION
4 5-16-103 (3)(a), OR A DEBT BUYER, AS DEFINED IN SECTION 5-16-103 (8.5),
5 OR BEFORE PURSUING, EITHER DIRECTLY OR INDIRECTLY, ANY PERMISSIBLE
6 EXTRAORDINARY COLLECTION ACTION, AS DEFINED IN SECTION 6-20-201
7 (7):

8 (a) A HEALTH-CARE FACILITY SHALL MEET THE SCREENING
9 REQUIREMENTS IN SECTION 25.5-3-502;

10 (b) A HEALTH-CARE FACILITY AND LICENSED HEALTH-CARE
11 PROFESSIONAL SHALL PROVIDE DISCOUNTED CARE TO A PATIENT
12 PURSUANT TO SECTION 25.5-3-503;

13 (c) A HEALTH-CARE FACILITY AND LICENSED HEALTH-CARE
14 PROFESSIONAL SHALL PROVIDE A PLAIN LANGUAGE EXPLANATION OF THE
15 HEALTH-CARE SERVICES AND FEES BEING BILLED AND NOTIFY THE PATIENT
16 OF POTENTIAL COLLECTION ACTIONS; AND

17 (d) A HEALTH-CARE FACILITY AND HEALTH-CARE PROFESSIONAL
18 SHALL BILL ANY THIRD-PARTY PAYER THAT IS RESPONSIBLE FOR
19 PROVIDING HEALTH-CARE COVERAGE TO THE PATIENT. IF A HEALTH-CARE
20 PROFESSIONAL IS AN OUT-OF-NETWORK PROVIDER UNDER A QUALIFIED
21 PATIENT'S HEALTH INSURANCE PLAN, THE HEALTH-CARE PROFESSIONAL
22 AND HEALTH INSURANCE CARRIER SHALL COMPLY WITH THE
23 OUT-OF-NETWORK BILLING REQUIREMENTS DESCRIBED IN SECTIONS
24 10-16-704 (3) AND 12-30-113.

25 (2) A HEALTH-CARE FACILITY OR LICENSED HEALTH-CARE
26 PROFESSIONAL THAT FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS
27 SECTION IS LIABLE TO THE PATIENT IN AN AMOUNT EQUAL TO THE SUM OF:

1 (a) ANY ACTUAL DAMAGES SUSTAINED BY THE PATIENT AS A
2 RESULT OF SUCH FAILURE;

3 (b) IN THE CASE OF SUCH ACTION BROUGHT BY AN INDIVIDUAL,
4 ANY ADDITIONAL DAMAGES THAT THE COURT MAY ALLOW, NOT TO
5 EXCEED ONE THOUSAND DOLLARS;

6 (c) IN THE CASE OF A CLASS ACTION, SUCH AMOUNT FOR EACH
7 NAMED PLAINTIFF THAT MAY RECOVER DAMAGES UNDER SUBSECTION
8 (2)(b) OF THIS SECTION, AND SUCH AMOUNT THAT THE COURT MAY ALLOW
9 FOR ALL OTHER CLASS MEMBERS WITHOUT REGARD TO A MINIMUM
10 INDIVIDUAL RECOVERY, NOT TO EXCEED THE LESSER OF FIVE HUNDRED
11 THOUSAND DOLLARS OR ONE PERCENT OF THE NET WORTH OF THE
12 HEALTH-CARE FACILITY OR LICENSED HEALTH-CARE PROFESSIONAL; AND

13 (d) IN THE CASE OF ANY SUCCESSFUL ACTION TO ENFORCE THE
14 FOREGOING LIABILITY, THE COSTS OF THE ACTION TOGETHER WITH
15 REASONABLE ATTORNEY FEES AS DETERMINED BY THE COURT. ON A
16 FINDING BY THE COURT THAT THE ACTION WAS BROUGHT IN BAD FAITH,
17 THE COURT MAY AWARD REASONABLE ATTORNEY FEES TO THE
18 DEFENDANT THAT ARE RELATED TO THE WORK EXPENDED AND COSTS.

19 (3) IN DETERMINING THE AMOUNT OF LIABILITY IN ANY ACTION
20 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE COURT SHALL
21 CONSIDER, AMONG OTHER RELEVANT FACTORS:

22 (a) IN ANY INDIVIDUAL ACTION BROUGHT PURSUANT TO
23 SUBSECTION (2)(a) OF THIS SECTION, THE FREQUENCY AND PERSISTENCE
24 OF NONCOMPLIANCE BY THE HEALTH-CARE FACILITY OR LICENSED
25 HEALTH-CARE PROFESSIONAL, THE NATURE OF SUCH NONCOMPLIANCE,
26 AND THE EXTENT TO WHICH SUCH NONCOMPLIANCE WAS INTENTIONAL; OR

27 (b) IN ANY INDIVIDUAL ACTION BROUGHT PURSUANT TO

1 SUBSECTION (2)(b) OF THIS SECTION, THE FREQUENCY AND PERSISTENCE
2 OF NONCOMPLIANCE BY THE HEALTH-CARE FACILITY OR LICENSED
3 HEALTH-CARE PROFESSIONAL, THE NATURE OF SUCH NONCOMPLIANCE, THE
4 RESOURCES OF THE HEALTH-CARE FACILITY OR LICENSED HEALTH-CARE
5 PROFESSIONAL, THE NUMBER OF INDIVIDUALS ADVERSELY AFFECTED, AND
6 THE EXTENT TO WHICH THE HEALTH-CARE FACILITY'S OR LICENSED
7 HEALTH-CARE PROFESSIONAL'S NONCOMPLIANCE WAS INTENTIONAL.

8 **SECTION 2.** In Colorado Revised Statutes, 5-16-108, **add** (1)(l)
9 as follows:

10 **5-16-108. Unfair practices.** (1) A debt collector or collection
11 agency shall not use unfair or unconscionable means to collect or attempt
12 to collect any debt, including, but not limited to, the following conduct:

13 (1) AN ATTEMPT TO COLLECT A DEBT THAT VIOLATES THE
14 PROVISIONS OF SECTION 6-20-203 (1), (2), (3)(b), (4)(a), (4)(b)(I), (4)(d),
15 (4)(e), OR (5)(a) TO (5)(c).

16 **SECTION 3.** In Colorado Revised Statutes, 6-20-201, **add**
17 (4), (5), and (6) as follows:

18 **6-20-201. Definitions.** For the purposes of this part 2, unless the
19 context otherwise requires:

20 **(4) "HOSPITAL SERVICES"** MEANS HEALTH-CARE SERVICES, AS
21 DEFINED IN SECTION 10-16-102 (33), PROVIDED BY A HEALTH-CARE
22 FACILITY, AS DEFINED IN SECTION 25.5-3-501 (1), OR A LICENSED
23 HEALTH-CARE PROFESSIONAL, AS DEFINED IN SECTION 25.5-3-501 (3).

24 **(5) "IMPERMISSIBLE EXTRAORDINARY COLLECTION ACTION"**
25 MEANS INITIATING FORECLOSURE ON AN INDIVIDUAL'S PRIMARY
26 RESIDENCE OR HOMESTEAD, INCLUDING A MOBILE HOME, AS DEFINED IN
27

1 SECTION 38-12-201.5 (5).

2 (6) "MEDICAL CREDITOR" MEANS AN ENTITY THAT ATTEMPTS TO
3 COLLECT ON A MEDICAL DEBT, INCLUDING:

4 (a) A HEALTH-CARE PROVIDER OR HEALTH-CARE PROVIDER'S
5 BILLING OFFICE;

6 (b) A COLLECTION AGENCY, AS DEFINED IN SECTION 5-16-103 (3);

7 (c) A DEBT BUYER, AS DEFINED IN SECTION 5-16-103 (8.5); AND

8 (d) A DEBT COLLECTOR, AS DEFINED IN 15 U.S.C. SEC. 1692a (6).

9 (7) "PERMISSIBLE EXTRAORDINARY COLLECTION ACTION" MEANS
10 AN ACTION OTHER THAN AN IMPERMISSIBLE EXTRAORDINARY COLLECTION
11 ACTION THAT REQUIRES A LEGAL OR JUDICIAL PROCESS, INCLUDING BUT
12 NOT LIMITED TO PLACING A LIEN ON AN INDIVIDUAL'S REAL PROPERTY,
13 ATTACHING OR SEIZING AN INDIVIDUAL'S BANK ACCOUNT OR ANY OTHER
14 PERSONAL PROPERTY, OR GARNISHING AN INDIVIDUAL'S WAGES. A
15 PERMISSIBLE EXTRAORDINARY COLLECTION ACTION DOES NOT INCLUDE
16 THE ASSERTION OF A HOSPITAL LIEN PURSUANT TO SECTION 38-27-101.

17 **SECTION 4.** In Colorado Revised Statutes, **add** 6-20-203 as
18 follows:

19 **6-20-203. Limitations on collection actions - definition.** ■ ■

20 (1) BEGINNING JUNE 1, 2022, IMPERMISSIBLE EXTRAORDINARY
21 COLLECTION ACTIONS MAY NOT BE USED BY ANY MEDICAL CREDITOR TO
22 COLLECT DEBTS OWED FOR HOSPITAL SERVICES.

23 (2) BEGINNING JUNE 1, 2022, NO MEDICAL CREDITOR ■
24 COLLECTING ON A DEBT FOR HOSPITAL SERVICES SHALL ENGAGE IN ANY
25 PERMISSIBLE EXTRAORDINARY COLLECTION ACTIONS UNTIL ONE HUNDRED
26 EIGHTY-TWO DAYS AFTER THE DATE THE PATIENT RECEIVES HOSPITAL
27 SERVICES.

1 (3) (a) BEGINNING JUNE 1, 2022, AT LEAST THIRTY DAYS BEFORE
2 TAKING ANY PERMISSIBLE EXTRAORDINARY COLLECTION ACTION, A
3 MEDICAL CREDITOR, AS DEFINED IN SECTION 6-20-201 (6)(a), COLLECTING
4 ON A DEBT FOR HOSPITAL SERVICES SHALL NOTIFY THE PATIENT OF
5 POTENTIAL COLLECTION ACTIONS AND SHALL INCLUDE WITH THE NOTICE
6 A STATEMENT DEVELOPED BY THE DEPARTMENT OF HEALTH CARE POLICY
7 AND FINANCING THAT EXPLAINS THE AVAILABILITY OF DISCOUNTED CARE
8 FOR QUALIFIED INDIVIDUALS AND HOW TO APPLY FOR SUCH CARE.

9 (b) (I) A MEDICAL CREDITOR, AS DEFINED IN SECTION 6-20-201
10 (6)(b), (6)(c), OR (6)(d), COLLECTING ON A DEBT FOR HOSPITAL SERVICES
11 SHALL INCLUDE THE FOLLOWING STATEMENT IN THE NOTICES THE
12 MEDICAL CREDITOR PROVIDES TO THE PATIENT PURSUANT TO SECTION
13 5-16-109 (1) AND 15 U.S.C. SEC. 1692g (a): "PURSUANT TO COLORADO
14 LAW, DISCOUNTS FOR HOSPITAL SERVICES ARE AVAILABLE FOR QUALIFIED
15 INDIVIDUALS." THE STATEMENT MUST INCLUDE A LINK TO THE WRITTEN
16 EXPLANATION OF THE PATIENT'S RIGHTS THAT IS POSTED TO THE
17 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING'S WEBSITE
18 PURSUANT TO SECTION 25.5-3-505 (4)(a).

19 (II) A MEDICAL CREDITOR, AS DEFINED SECTION 6-20-201 (6)(b),
20 (6)(c), OR (6)(d), SHALL NOT TAKE ANY PERMISSIBLE EXTRAORDINARY
21 COLLECTION ACTIONS UNTIL THE LATER OF THIRTY DAYS FROM THE DATE
22 OF SENDING THE NOTICE REQUIRED PURSUANT TO SUBSECTION (3)(b)(I) OF
23 THIS SECTION OR THE COMPLETION OF THE VALIDATION REQUIREMENTS
24 DESCRIBED IN SECTION 5-16-109 (2) AND 15 U.S.C. SEC. 1692g (b).

25 (4) BEGINNING JUNE 1, 2022, IF A MEDICAL CREDITOR COLLECTING
26 ON A DEBT FOR HOSPITAL SERVICES BILLS OR INITIATES COLLECTION
27 ACTIVITIES AND IT IS LATER DETERMINED THAT THE PATIENT SHOULD

1 HAVE BEEN SCREENED [REDACTED] PURSUANT TO SECTION 25.5-3-503 AND IS
2 DETERMINED TO BE A QUALIFIED PATIENT, AS DEFINED IN SECTION
3 25.5-3-501 (5), OR IT IS DETERMINED THAT THE PATIENT'S BILL IS ELIGIBLE
4 FOR REIMBURSEMENT THROUGH A PUBLIC HEALTH-CARE COVERAGE
5 PROGRAM OR THE COLORADO INDIGENT CARE PROGRAM, THE MEDICAL
6 CREDITOR SHALL: [REDACTED]

7 (a) DELETE ANY NEGATIVE REPORTS TO CONSUMER REPORTING
8 AGENCIES;

9 (b) (I) UNLESS PROHIBITED BY LAW, IF THE COURT HAS ENTERED
10 A JUDGMENT ON THE MEDICAL DEBT:

11 (A) REQUEST THE COURT VACATE THE JUDGMENT IN ANY
12 COLLECTION LAWSUIT OVER THE MEDICAL DEBT AND ENTER INTO A
13 PAYMENT PLAN WITH THE PATIENT THAT MEETS THE REQUIREMENTS OF
14 SECTION 25.5-3-503 (1)(b); OR

15 (B) REQUEST THE COURT REDUCE THE AMOUNT OF THE JUDGMENT,
16 INCLUDING ANY FEES AND COSTS RELATED TO THE COLLECTION LAWSUIT,
17 TO THE TOTAL AMOUNT THE PATIENT OWES PURSUANT TO THE PUBLIC
18 HEALTH-CARE COVERAGE PROGRAM OR DISCOUNTED CARE POLICY THAT
19 THE PATIENT QUALIFIES FOR, ENTER INTO A PAYMENT PLAN WITH THE
20 PATIENT THAT MEETS THE REQUIREMENTS OF SECTION 25.5-3-503 (1)(b),
21 AND SUSPEND ALL EXECUTION ON THE JUDGMENT WHILE THE PATIENT IS
22 COMPLIANT WITH THE TERMS OF THE PAYMENT PLAN; OR

23 (C) FILE A SATISFACTION OF JUDGMENT SUCH THAT THE
24 REMAINING UNPAID BALANCE OF THE JUDGMENT, INCLUDING ANY FEES
25 AND COSTS RELATED TO THE COLLECTION LAWSUIT, IS EQUAL TO THE
26 TOTAL AMOUNT THE PATIENT OWES UNDER THE PUBLIC HEALTH-CARE
27 COVERAGE PROGRAM OR DISCOUNTED CARE POLICY THAT THE PATIENT

1 QUALIFIES FOR, ENTER INTO A PAYMENT PLAN WITH THE PATIENT THAT
2 MEETS THE REQUIREMENTS OF SECTION 25.5-3-503 (1)(b), AND SUSPEND
3 ALL EXECUTION ON THE JUDGMENT WHILE THE PATIENT IS COMPLIANT
4 WITH THE TERMS OF THE PAYMENT PLAN.

5 (II) FOR THE PURPOSES OF SUBSECTION (4)(b)(I)(B) AND
6 (4)(b)(I)(C) OF THIS SECTION, THE COURT SHALL REFUND TO THE PARTIES
7 ANY FEES AND COSTS PAID TO THE COURT IN CONNECTION WITH THE
8 LITIGATION OF THE MEDICAL DEBT AND THE HEALTH-CARE PROVIDER
9 SHALL INDEMNIFY THE MEDICAL CREDITOR FOR ANY FEES AWARDED AS
10 PART OF THE JUDGMENT IN CONNECTION WITH THE MEDICAL DEBT.

11 (c) AS THE TERM "MEDICAL CREDITOR" IS DEFINED IN SECTION
12 6-20-201 (6)(a), REFUND ANY EXCESS AMOUNT TO THE PATIENT IF THE
13 PATIENT HAS PAID ANY PART OF THE MEDICAL DEBT OR IF ANY OF THE
14 PATIENT'S MONEY HAS BEEN SEIZED OR LEVIED IN EXCESS OF THE AMOUNT
15 THAT THE PATIENT OWES AFTER APPLICATION OF REQUIRED DISCOUNTS;

16 (d) AS THE TERM "MEDICAL CREDITOR" IS DEFINED IN SECTIONS
17 6-20-201 (6)(b), (6)(c), AND (6)(d), IF THE PATIENT HAS PAID ANY PART OF
18 THE MEDICAL DEBT OR IF ANY OF THE PATIENT'S MONEY HAS BEEN SEIZED
19 OR LEVIED IN EXCESS OF THE AMOUNT THAT THE PATIENT OWES AFTER
20 APPLICATION OF REQUIRED DISCOUNTS, REFUND ANY EXCESS AMOUNT TO
21 THE PATIENT TO THE EXTENT THE MEDICAL CREDITOR HAS NOT ALREADY
22 REMITTED SUCH AN AMOUNT TO THE HEALTH-CARE PROVIDER; AND

23 (e) REMEDY ANY OTHER PERMISSIBLE EXTRAORDINARY
24 COLLECTION ACTION.

25 (5) BEGINNING JUNE 1, 2022, A MEDICAL CREDITOR COLLECTING
26 ON A DEBT FOR HOSPITAL SERVICES SHALL NOT SELL A MEDICAL DEBT TO
27 ANOTHER PARTY UNLESS, PRIOR TO THE SALE, THE MEDICAL DEBT SELLER

1 HAS ENTERED INTO A LEGALLY BINDING WRITTEN AGREEMENT WITH THE
2 MEDICAL DEBT BUYER OF THE DEBT PURSUANT TO WHICH:

3 (a) THE MEDICAL DEBT BUYER [REDACTED] AGREES NOT TO PURSUE
4 IMPERMISSIBLE EXTRAORDINARY COLLECTION ACTIONS TO OBTAIN
5 PAYMENT FOR THE CARE;

6 [REDACTED]
7 (b) THE DEBT IS RETURNABLE TO OR RECALLABLE BY THE MEDICAL
8 DEBT SELLER UPON A DETERMINATION THAT THE PATIENT SHOULD HAVE
9 BEEN SCREENED PURSUANT TO SECTION 25.5-3-502 AND IS ELIGIBLE FOR
10 DISCOUNTED CARE PURSUANT TO SECTION 25.5-3-503 OR THAT THE BILL
11 UNDERLYING THE MEDICAL DEBT IS ELIGIBLE FOR REIMBURSEMENT
12 THROUGH A PUBLIC HEALTH-CARE COVERAGE PROGRAM OR THE
13 COLORADO INDIGENT CARE PROGRAM; AND

14 (c) IF IT IS DETERMINED THAT THE PATIENT SHOULD HAVE BEEN
15 SCREENED PURSUANT TO SECTION 25.5-3-502 AND IS ELIGIBLE FOR
16 DISCOUNTED CARE PURSUANT TO SECTION 25.5-3-503 OR THAT THE BILL
17 UNDERLYING THE MEDICAL DEBT IS ELIGIBLE FOR REIMBURSEMENT
18 THROUGH A PUBLIC HEALTH-CARE COVERAGE PROGRAM OR THE
19 COLORADO INDIGENT CARE PROGRAM AND THE DEBT IS NOT RETURNED TO
20 OR RECALLED BY THE MEDICAL DEBT SELLER, THE MEDICAL DEBT BUYER
21 SHALL ADHERE TO PROCEDURES THAT MUST BE SPECIFIED IN THE
22 AGREEMENT THAT ENSURES THE PATIENT WILL NOT PAY, AND HAS NO
23 OBLIGATION TO PAY, THE MEDICAL DEBT BUYER AND THE MEDICAL
24 CREDITOR TOGETHER MORE THAN THE PATIENT IS PERSONALLY
25 RESPONSIBLE FOR PAYING.

26 (6) THE MEDICAL DEBT SELLER SHALL INDEMNIFY THE MEDICAL
27 DEBT BUYER FOR ANY AMOUNT PAID FOR A DEBT THAT IS RETURNED TO OR

1 RECALLED BY THE MEDICAL DEBT SELLER.

2 (7) NOTHING IN THIS SECTION LIMITS OR AFFECTS A HEALTH-CARE
3 PROVIDER'S RIGHT TO PURSUE AGAINST ANY PARTY OTHER THAN THE
4 PATIENT THE COLLECTION OF PERSONAL INJURY, LIABILITY, UNINSURED,
5 UNDERINSURED, MEDICAL PAYMENT REHABILITATION, DISABILITY,
6 HOMEOWNER'S, BUSINESS OWNER'S, WORKER'S COMPENSATION,
7 FAULT-BASED INSURANCE, SUBROGATED CLAIMS, OR OTHER CLAIMS NOT
8 AGAINST THE PATIENT.

9 SECTION 5. In Colorado Revised Statutes, 25-49-105, amend
10 (1) as follows:

11 25-49-105. No review of health-care prices - no punishment for
12 exercising rights - no impairment of contracts. (1) Nothing in this
13 article 49 requires a health-care facility or health-care provider to report
14 its health-care prices to any agency for review, filing, or other purposes,
15 except as required by section 25-3-112, or for applications for health-care
16 professional loan repayment submitted pursuant to section 25-1.5-503.
17 This article 49 does not grant any agency the authority to approve,
18 disapprove, or limit a health-care facility's or health-care provider's
19 health-care prices or changes to its health-care prices. The department of
20 public health and environment is not authorized to take any action
21 regarding or pursuant to this article 49.

22 SECTION 6. In Colorado Revised Statutes, 25.5-3-104, add (3)
23 as follows:

24 25.5-3-104. Program for the medically indigent established -
25 eligibility - rules. (3) NO LATER THAN JUNE 1, 2022, FOR PROVIDERS
26 DEFINED AS HOSPITAL PROVIDERS IN 10 CCR 2505-10, SEC. 8.901.J, THE
27 STATE DEPARTMENT SHALL PROMULGATE RULES:

1 (a) PROHIBITING HOSPITALS FROM CONSIDERING ASSETS WHEN
2 DETERMINING WHETHER A PATIENT MEETS THE SPECIFIED PERCENTAGE OF
3 THE FEDERAL POVERTY LINE REQUIRED IN SUBSECTION (2) OF THIS
4 SECTION; AND

5 (b) ENSURING THE METHOD USED TO DETERMINE WHETHER A
6 PATIENT MEETS THE SPECIFIED PERCENTAGE OF THE FEDERAL POVERTY
7 LINE IS UNIFORM ACROSS HOSPITALS AND ALIGNED WITH THE METHOD FOR
8 COUNTING INCOME FOR THE PURPOSES OF DETERMINING ELIGIBILITY FOR
9 DISCOUNTED CARE, AS DESCRIBED IN SECTION 25.5-3-503.

10 **SECTION 7.** In Colorado Revised Statutes, **repeal** 25-3-112.

11 **SECTION 8. Appropriation - adjustments to 2021 long bill.**

12 (1) To implement this act, appropriations made in the annual general
13 appropriation act for the 2021-22 state fiscal year to the department of
14 public health and environment are adjusted as follows:

15 (a) The general fund appropriation for health, life, and dental
16 expenses is decreased by \$4,000;

17 (b) The general fund appropriation for short-term disability is
18 decreased by \$35;

19 (c) The general fund appropriation for S.B. 04-257 amortization
20 equalization disbursements is decreased by \$1,028;

21 (d) The general fund appropriation for S.B. 06-235 supplemental
22 amortization equalization disbursements is decreased by \$1,028; and

23 (e) The general fund appropriation for use by the health facilities
24 and emergency medical services division for nursing and acute care
25 facility survey is decreased by \$38,113, and the related FTE is decreased
26 by 0.3 FTE.

27 (2) For the 2021-22 state fiscal year, \$219,295 is appropriated to

1 the department of health care policy and financing for use by the
2 executive director's office. This appropriation is from the general fund.

3 To implement this act, the office may use this appropriation as follows:

4 (a) \$47,855 for personal services, which amount is based on an
5 assumption that the office will require an additional 0.7 FTE;

6 (b) \$7,280 for operating expenses; and

7 (c) \$164,160 for general professional services and special
8 projects.

9 **SECTION 9. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2022 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.