

CHAPTER 37

INSURANCE

HOUSE BILL 08-1087

BY REPRESENTATIVE(S) Kerr J., Frangas, Kefalas, Loper, Marostica, Primavera, and Todd;
also SENATOR(S) Morse.

AN ACT**CONCERNING A FIRST-LEVEL APPEAL OF A HEALTH CLAIM FOR DENTAL CARE.**

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

SECTION 1. 10-16-113 (3) (b) (V), (4), and (5), Colorado Revised Statutes, are amended to read:

10-16-113. Procedure for denial of benefits - rules. (3) (b) (V) The first-level appeal shall be evaluated by a physician who shall consult with an appropriate clinical peer or peers, unless the reviewing physician is a clinical peer; EXCEPT THAT, IN THE CASE OF DENTAL CARE, THE FIRST-LEVEL APPEAL MAY BE EVALUATED BY A DENTIST, WHO SHALL CONSULT WITH AN APPROPRIATE CLINICAL PEER OR PEERS, UNLESS THE REVIEWING DENTIST IS A CLINICAL PEER. The physician OR DENTIST and clinical peers shall not have been involved in the initial adverse determination. A person who was previously involved with the denial may answer questions.

(4) All written denials of requests for covered benefits on the ground that such benefits are not medically necessary, appropriate, effective, or efficient shall be signed by a licensed physician familiar with standards of care in Colorado. IN THE CASE OF WRITTEN DENIALS OF REQUESTS FOR COVERED BENEFITS FOR DENTAL CARE, A LICENSED DENTIST FAMILIAR WITH STANDARDS OF CARE IN COLORADO MAY SIGN THE WRITTEN DENIAL.

(5) A covered person's health care provider ~~shall have the ability to~~ MAY communicate with the physician OR DENTIST involved in the initial decision to deny reimbursement for or coverage of medical treatment or other benefits.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 18, 2008