

SB19-041 be amended as follows:

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

3       **"SECTION 1.** In Colorado Revised Statutes, 10-16-103.5, **amend**  
4 (1) as follows:

5       **10-16-103.5. Payment of premiums - required term in**  
6 **contract.** (1) (a) Every contract FOR A HEALTH BENEFIT PLAN between a  
7 carrier and a policyholder shall ~~contain a provision that requires a~~ REQUIRE THE  
8 policyholder to pay premiums FOR EACH INDIVIDUAL  
9 COVERED UNDER THE POLICYHOLDER'S POLICY:

10       (a) (I) ~~For each individual covered under the policyholder's policy~~  
11 Through the date that the policyholder notifies the carrier that the  
12 individual covered under the policy is no longer eligible or covered;  
13 ~~except that, if a dependent is no longer covered because the dependent~~  
14 ~~becomes enrolled in the children's basic health plan, established pursuant~~  
15 ~~to article 8 of title 25.5, C.R.S., the policyholder shall notify the carrier~~  
16 ~~of the change in coverage at least thirty days prior to the date that the~~  
17 ~~dependent is no longer covered, or~~

18       (b) (II) Through the date that the policyholder notifies the carrier  
19 that the policyholder no longer intends to maintain coverage for the group  
20 through the carrier; OR

21       (III) THROUGH THE DATE THAT THE INDIVIDUAL COVERED UNDER  
22 THE POLICY IS NO LONGER ELIGIBLE OR COVERED IF THE POLICYHOLDER  
23 NOTIFIES THE CARRIER WITHIN TEN BUSINESS DAYS AFTER THE DATE THAT  
24 THE INDIVIDUAL IS NO LONGER ELIGIBLE OR COVERED BECAUSE THE  
25 INDIVIDUAL LEFT EMPLOYMENT WITHOUT NOTICE TO THE EMPLOYER OR  
26 THE INDIVIDUAL IS AN EMPLOYEE WHOSE EMPLOYMENT WAS TERMINATED  
27 FOR GROSS MISCONDUCT.

28       (b) SUBSECTION (1)(a)(III) OF THIS SECTION DOES NOT APPLY IF A  
29 DEPENDENT IS NO LONGER COVERED BECAUSE THE DEPENDENT BECOMES  
30 ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN, ESTABLISHED  
31 PURSUANT TO ARTICLE 8 OF TITLE 25.5. IF THE DEPENDENT BECOMES  
32 ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN, THE POLICYHOLDER  
33 SHALL NOTIFY THE CARRIER OF THE CHANGE IN COVERAGE AT LEAST  
34 THIRTY DAYS PRIOR TO THE DATE THAT THE DEPENDENT IS NO LONGER  
35 COVERED.

36       (c) IF THE POLICYHOLDER NOTIFIES THE CARRIER WITHIN THE  
37 TEN-DAY PERIOD PURSUANT TO SUBSECTION (1)(a)(III) OF THIS SECTION,  
38 THE CARRIER IS NOT REQUIRED TO PROVIDE BENEFITS TO THE INDIVIDUAL  
39 AFTER THE DATE THAT THE INDIVIDUAL IS NO LONGER ELIGIBLE OR  
40 COVERED UNDER THE POLICY.

1 (d) NOTHING IN THIS SUBSECTION (1) PRECLUDES A CARRIER AND  
2 POLICYHOLDER FROM AGREEING TO A DATE OTHER THAN A DATE SPECIFIED  
3 IN SUBSECTION (1)(a)(III) OF THIS SECTION.

4 (e) FOR THE PURPOSES OF THIS SUBSECTION (1), "GROSS  
5 MISCONDUCT" MEANS A DELIBERATE WRONGDOING BY THE EMPLOYEE  
6 THAT FUNDAMENTALLY UNDERMINES THE RELATIONSHIP OF TRUST AND  
7 CONFIDENCE BETWEEN THE EMPLOYER AND EMPLOYEE.

**SECTION 2.** In Colorado Revised Statutes, 10-16-704, amend (4.5)(f) and (4.5)(j) as follows:

**10-16-704. Network adequacy - rules - legislative declaration.**

11 (4.5) (f) A carrier shall not retroactively adjust a claim based on  
12 eligibility if the provider received verification of eligibility within two  
13 business days prior to the delivery of services, UNLESS THE  
14 POLICYHOLDER NOTIFIED THE CARRIER OF AN INDIVIDUAL'S INELIGIBILITY  
15 PURSUANT TO SECTION 10-16-103.5 (1).

16 (j) A carrier shall not retroactively adjust a claim based on  
17 eligibility if the provision of benefits is a required policy provision  
18 pursuant to section 10-16-202 (4) or ~~section~~ 10-16-214 (3), UNLESS THE  
19 POLICYHOLDER NOTIFIED THE CARRIER OF AN INDIVIDUAL'S INELIGIBILITY  
20 PURSUANT TO SECTION 10-16-103.5 (1).

**21 SECTION 3. Act subject to petition - effective date -**

22 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
23 the expiration of the ninety-day period after final adjournment of the  
24 general assembly (August 2, 2019, if adjournment sine die is on May 3,  
25 2019); except that, if a referendum petition is filed pursuant to section 1  
26 (3) of article V of the state constitution against this act or an item, section,  
27 or part of this act within such period, then the act, item, section, or part  
28 will not take effect unless approved by the people at the general election  
29 to be held in November 2020 and, in such case, will take effect on the  
30 date of the official declaration of the vote thereon by the governor.

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