

HOUSE COMMITTEE OF REFERENCE REPORT

May 5, 2021

Chair of Committee

Date

Committee on Health & Insurance.

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

HB21-1276 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 5, strike lines 13 through 15.
- 2 Reletter succeeding paragraphs accordingly.
- 3 Page 6, strike lines 4 and 5 and substitute "(a) A HEALTH BENEFIT PLAN ISSUED OR RENEWED ON".
- 5 Page 6, line 6, strike "COVERAGE" and substitute "A COST-SHARING BENEFIT".
- 7 Page 6, line 7, strike "AS AN ALTERNATIVE TO OPIOIDS." and substitute "FOR A PATIENT WITH A PAIN DIAGNOSIS WHERE AN OPIOID MIGHT BE PRESCRIBED.".
- 10 Page 6, strike lines 8 and 9, and substitute:
 - 11 "(b) THE COST-SHARING BENEFIT MUST INCLUDE, AT A COST-SHARING AMOUNT NOT TO EXCEED THE".
- 13 Page 6, line 13, strike "VISITS; AND" and substitute "VISITS.".
- 14 Page 6, strike lines 14 through 16.
- 15 Page 6, after line 21 insert:



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1 "(d) (I) WITHIN ONE HUNDRED TWENTY DAYS AFTER THE
2 EFFECTIVE DATE OF THIS SUBSECTION (24), THE DIVISION SHALL SUBMIT
3 TO THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES:

4 (A) ITS DETERMINATION AS TO WHETHER THE COST-SHARING
5 BENEFIT SPECIFIED IN THIS SUBSECTION (24) IS IN ADDITION TO ESSENTIAL
6 HEALTH BENEFITS AND WOULD BE SUBJECT TO DEFRAYAL BY THE STATE
7 PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B); AND

8 (B) A REQUEST THAT THE FEDERAL DEPARTMENT CONFIRM THE
9 DIVISION'S DETERMINATION WITHIN SIXTY DAYS AFTER RECEIPT OF THE
10 DIVISION'S REQUEST AND SUBMISSION OF ITS DETERMINATION.

11 (II) THIS SUBSECTION (24) APPLIES TO LARGE EMPLOYER POLICIES
12 OR CONTRACTS ISSUED OR RENEWED ON OR AFTER JANUARY 1, 2022, AND
13 TO INDIVIDUAL AND SMALL GROUP POLICIES AND CONTRACTS ISSUED ON
14 OR AFTER JANUARY 1, 2023, AND THE DIVISION SHALL IMPLEMENT THE
15 REQUIREMENTS OF THIS SUBSECTION (24), IF:

16 (A) THE DIVISION RECEIVES CONFIRMATION FROM THE FEDERAL
17 DEPARTMENT OF HEALTH AND HUMAN SERVICES THAT THE COVERAGE
18 SPECIFIED IN THIS SUBSECTION (24) DOES NOT CONSTITUTE AN
19 ADDITIONAL BENEFIT THAT REQUIRES DEFRAYAL BY THE STATE PURSUANT
20 TO 42 U.S.C. SEC. 18031 (d)(3)(B); OR

21 (B) MORE THAN THREE HUNDRED SIXTY-FIVE DAYS HAVE PASSED
22 SINCE THE DIVISION SUBMITTED ITS DETERMINATION AND REQUEST FOR
23 CONFIRMATION THAT THE COVERAGE SPECIFIED IN THIS SUBSECTION (24)
24 IS NOT AN ADDITIONAL BENEFIT THAT REQUIRES STATE DEFRAYAL
25 PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B), AND THE FEDERAL
26 DEPARTMENT OF HEALTH AND HUMAN SERVICES HAS FAILED TO RESPOND
27 TO THE REQUEST WITHIN THAT PERIOD, IN WHICH CASE THE DIVISION
28 SHALL CONSIDER THE FEDERAL DEPARTMENT'S UNREASONABLE DELAY A
29 PRECLUSION FROM REQUIRING DEFRAYAL BY THE STATE.

30 (e) THE DIVISION SHALL CONDUCT AN ACTUARIAL STUDY TO
31 DETERMINE THE EFFECT, IF ANY, THE COST-SHARING BENEFIT REQUIRED BY
32 THIS SUBSECTION (24) HAS ON PREMIUMS.".

33 Page 8, line 27, strike "INSTITUTE" and substitute "REQUIRE THE CARRIER
34 TO DEVELOP AND PROVIDE TO THE DIVISION FOR APPROVAL".

35 Page 9, line 1, strike "FOR THE CARRIER TO FOLLOW".

36 Page 9, line 3, strike "OBTAIN" and substitute "ENSURE".



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1 Page 10, line 7, strike "THE EXECUTIVE DIRECTOR" and substitute "ON OR
2 BEFORE NOVEMBER 1, 2021, THE APPLICABLE BOARD FOR EACH
3 PRESCRIBER".

4 Page 10, line 10, strike "MONTHS." and substitute "MONTHS; EXCEPT THAT
5 THE RULES MUST NOT LIMIT THE SUPPLY OF A BENZODIAZEPINE
6 PRESCRIBED TO TREAT A SEIZURE DISORDER, ALCOHOL WITHDRAWAL, OR
7 A NEUROLOGICAL EMERGENCY EVENT INCLUDING A POSTTRAUMATIC
8 BRAIN INJURY.".

9 Page 10, after line 20 insert:

10 **"SECTION 8.** In Colorado Revised Statutes, 12-30-114, amend
11 (1)(a) as follows:

12 **12-30-114. Demonstrated competency - opiate prescribers -**
13 **rules - definition.** (1) (a) The applicable licensing board for each
14 licensed health-care provider, IN CONSULTATION WITH THE CENTER FOR
15 RESEARCH INTO SUBSTANCE USE DISORDER PREVENTION, TREATMENT, AND
16 RECOVERY SUPPORT STRATEGIES CREATED IN SECTION 27-80-118, shall
17 promulgate rules that require each licensed health-care provider, as a
18 condition of renewing, reactivating, or reinstating a license on or after
19 October 1, 2019 2022, to complete up to four credit hours of training per
20 licensing cycle in order to demonstrate competency regarding: Best
21 practices for opioid prescribing, according to the most recent version of
22 the division's guidelines for the safe prescribing and dispensing of
23 opioids; THE POTENTIAL HARM OF INAPPROPRIATELY LIMITING
24 PRESCRIPTIONS TO CHRONIC PAIN PATIENTS; BEST PRACTICES FOR
25 PRESCRIBING BENZODIAZEPINES; recognition of substance use disorders;
26 referral of patients with substance use disorders for treatment; and the use
27 of the electronic prescription drug monitoring program created in part 4
28 of article 280 of this title 12.".

29 Renumber succeeding sections accordingly.

30 Page 12, strike lines 8 through 27.

31 Page 13, strike lines 1 and 2.

32 Renumber succeeding sections accordingly.

33 Page 14, line 11, before "WITH" insert "AND ELECTRONIC HEALTH



- 1 RECORDS THROUGH A BOARD-APPROVED VENDOR AND METHOD".
- 2 Page 14, line 24, strike "(4) (a) (I)" and substitute "(4) (a)".
- 3 Page 15, strike lines 8 through 12.
- 4 Page 17, line 26, strike "16" and substitute "15".

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