

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 14, 2016
Date

Committee on Health, Insurance, & Environment.

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

HB16-1374 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 line 5 and substitute "**disclosures -**
2 **legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND
3 DECLARES THAT:
4 (a) EMERGENCY SERVICES ARE OF CRUCIAL VALUE TO COLORADO
5 COMMUNITIES, PROVIDING CARE WHEN COLORADANS ARE IN CRITICAL
6 NEED;
7 (b) INAPPROPRIATE OR UNNECESSARY USE OF EMERGENCY
8 SERVICES DRIVES UP HEALTH CARE COSTS;
9 (c) EMERGENCY CARE IS NOT A SUBSTITUTE FOR PRIMARY CARE,
10 AND PATIENTS WITH NONEMERGENT CONDITIONS ARE BETTER SERVED IN
11 A PRIMARY CARE SETTING;
12 (d) INDIVIDUALS SHOULD BE ABLE TO MAKE INFORMED DECISIONS
13 ABOUT ACCESSING HEALTH CARE SERVICES OF THEIR CHOICE WITHOUT
14 BARRIERS OR RESTRICTIONS; AND
15 (e) IT IS IN THE PUBLIC INTEREST FOR HEALTH CARE CONSUMERS TO
16 RECEIVE BALANCED INFORMATION ABOUT THEIR RIGHTS AND
17 RESPONSIBILITIES WITH REGARD TO EMERGENCY SERVICES.
18 (2) (a) (I) A FREESTANDING EMERGENCY ROOM SHALL POST A".
19 Renumber succeeding subsections accordingly.
20 Page 2, line 6, strike "A FREESTANDING" and substitute "AN".

1 Page 2, line 9, strike "PROVIDER." and substitute "PROVIDER, AND
2 EMERGENCY CARE RATES WILL APPLY."

3 Page 2, after line 9 insert:

4 "(II) IF THE FREESTANDING EMERGENCY ROOM IS SUBJECT TO THE
5 REQUIREMENTS OF EMTALA, THE FREESTANDING EMERGENCY ROOM
6 MAY POST THE NOTICE AS PART OF OR ADJACENT TO THE SIGN REQUIRED
7 BY 42 CFR 489.20 (q) REGARDING A PATIENT'S RIGHT TO A MEDICAL
8 SCREENING EXAMINATION."

9 Page 2, line 11, strike "(1)" and substitute "(2)".

10 Page 3, line 9, strike "EIGHT AND ONE-HALF INCHES BY ELEVEN" and
11 substitute "THIRTEEN INCHES BY TWENTY".

12 Page 3, line 13, after "ROOM" insert "THAT IS NOT SUBJECT TO THE
13 REQUIREMENTS OF EMTALA".

14 Page 4, line 5, strike "(2)," and substitute "(3),".

15 Page 4, after line 16 insert:

16 "(c) THIS SUBSECTION (3) APPLIES ONLY TO A FREESTANDING
17 EMERGENCY ROOM THAT IS NOT SUBJECT TO THE REQUIREMENTS OF
18 EMTALA."

19 Page 4, line 19, strike "MEANS:" and substitute "HAS THE SAME MEANING
20 AS SET FORTH IN SECTION 1395dd (e) (1) OF EMTALA, AS AMENDED."

21 Page 4, strike lines 20 through 27.

22 Page 5, strike lines 1 through 7.

23 Page 5, after line 11 insert:

24 "(c) "EMTALA" MEANS THE FEDERAL "EMERGENCY MEDICAL
25 TREATMENT AND ACTIVE LABOR ACT", 42 U.S.C. SEC. 1395dd, AND
26 REGULATIONS ADOPTED UNDER THE ACT."

1 Reletter succeeding paragraphs accordingly.

2 Page 5, line 18, strike "LICENSED COMMUNITY CLINIC THAT IS" and
3 substitute "HEALTH FACILITY LICENSED OR CERTIFIED BY THE DEPARTMENT
4 OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SECTION 25-3-101
5 THAT:

- 6 (A) OFFERS EMERGENCY SERVICES;
- 7 (B) CHARGES A FACILITY FEE; AND
- 8 (C) IS".

9 Page 5, after line 20 insert:

10 "(III) THE TERM EXCLUDES A LICENSED COMMUNITY CLINIC THAT
11 PROVIDES EMERGENCY SERVICES AND URGENT CARE SERVICES WITHIN THE
12 SAME LOCATION AND CHARGES DIFFERENTIAL RATES FOR THE EMERGENCY
13 SERVICES AND URGENT CARE SERVICES IT PROVIDES."

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