

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0272.01 Shelby Ross x4510

SENATE BILL 20-156

SENATE SPONSORSHIP

Pettersen and Moreno,

HOUSE SPONSORSHIP

Esgar and Mullica,

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING SERVICES RELATED TO PREVENTIVE HEALTH CARE, AND,**
102 **IN CONNECTION THEREWITH, REQUIRING COVERAGE FOR**
103 **CERTAIN PREVENTIVE MEASURES, SCREENINGS, AND**
104 **TREATMENTS THAT ARE ADMINISTERED, DISPENSED, OR**
105 **PRESCRIBED BY HEALTH CARE PROVIDERS AND FACILITIES.**

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>.)

The bill codifies a number of preventive health care services currently required to be covered by health insurance carriers pursuant to

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.

the federal "Patient Protection and Affordable Care Act" and adds them to the current list of services required to be covered by Colorado health insurance carriers, which services are not subject to policy deductibles, copayments, or coinsurance. The bill expands certain preventive health care services to include osteoporosis screening, urinary incontinence screening, and screening and treatment of a sexually transmitted infection (STI).

Current law requires a health care provider or facility to perform a diagnostic exam for an STI and subsequently prescribe treatment for an STI at the request of a minor patient. The bill allows a health care provider to administer, dispense, or prescribe preventive measures or medications where applicable. The consent of a parent is not a prerequisite for a minor to receive preventive care, but a health care provider shall counsel the minor on the importance of bringing the minor's parent or legal guardian into the minor's confidence regarding the services.

Current law requires the executive director of the department of health care policy and financing to authorize reimbursement for medical or diagnostic services provided by a certified family planning clinic. The bill defines family planning services and authorizes reimbursement for family planning services. The bill allows staffing by medical professionals to be accomplished through telemedicine.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-104, **amend**
3 (18)(a)(I) introductory portion, (18)(a)(III)(A), (18)(b) introductory
4 portion, (18)(b)(I), (18)(b)(IX), and (18)(b)(X); and **add** (18)(b)(XI),
5 (18)(b)(XII), (18)(b)(XIII), (18)(b)(XIV), (18)(b)(XV), (18)(b)(XVI),
6 (18)(b)(XVII), (18)(b)(XVIII), (18)(b)(XIX), (18)(b)(XX), (18)(b)(XXI),
7 (18)(b)(XXII), (18)(b)(XXIII), (18)(b)(XXIV), (18)(b)(XXV),
8 (18)(b)(XXVI), (18)(b)(XXVII), (18)(b)(XXVIII), (18)(b)(XXIX),
9 (18)(b)(XXX), (18)(b)(XXXI), (18)(b)(XXXII), (18)(b)(XXXIII),
10 (18)(b)(XXXIV), and (18)(e) as follows:

11 **10-16-104. Mandatory coverage provisions - definitions -**
12 **rules.** (18) **Preventive health care services.** (a) (I) The following
13 policies and contracts that are delivered, issued, renewed, or reinstated on

1 or after January 1, 2010, must provide coverage for the total cost of the
2 preventive health care services specified in ~~paragraph (b) of this~~
3 ~~subsection (18)~~ SUBSECTION (18)(b) OF THIS SECTION:

4 (III) (A) Except as provided in ~~sub-subparagraph (B) of this~~
5 ~~subparagraph (H)~~ SUBSECTION (18)(a)(III)(B) OF THIS SECTION, coverage
6 required by this subsection (18) is not subject to policy deductibles,
7 copayments, or coinsurance.

8 (b) The coverage required by this subsection (18) must include
9 preventive health care services for the following, in accordance with
10 the A or B recommendations of the task force OR THE HEALTH RESOURCES
11 AND SERVICES ADMINISTRATION GUIDELINES for the particular preventive
12 health care service:

13 (I) ~~Unhealthy~~ Alcohol use screening AND COUNSELING for adults,
14 depression screening for adolescents and adults, and perinatal maternal
15 counseling for persons at risk. The services specified in this section may
16 be provided by a primary care provider; behavioral health care provider,
17 as defined in section 25-1.5-502 (1.3); or mental health professional
18 licensed or certified pursuant to article 245 of title 12.

19 (IX) Tobacco use screening of adults and tobacco cessation
20 interventions by primary care providers, ~~and~~ INCLUDING EXPANDED
21 TOBACCO INTERVENTION AND COUNSELING FOR PREGNANT TOBACCO
22 USERS;

23 (X) ~~(A) Any other preventive services included in the A or B~~
24 ~~recommendation of the task force or required by federal law:~~

25 ~~(B) This subparagraph (X) does not apply to grandfathered health~~
26 ~~benefit plans.~~ ABDOMINAL AORTIC ANEURYSM SCREENING;

27 (XI) ASPIRIN-PREVENTIVE MEDICATION;

- 1 (XII) BLOOD PRESSURE SCREENING;
- 2 (XIII) DIABETES SCREENING FOR ADULTS AND GESTATIONAL
- 3 DIABETES MELLITUS SCREENING;
- 4 (XIV) HEALTHY DIET AND PHYSICAL ACTIVITY COUNSELING TO
- 5 PREVENT CARDIOVASCULAR DISEASE;
- 6 (XV) FALL PREVENTION FOR ADULTS SIXTY-FIVE YEARS OF AGE OR
- 7 OLDER WHO LIVE IN A COMMUNITY SETTING;
- 8 (XVI) HEPATITIS B AND HEPATITIS C SCREENING;
- 9 (XVII) HUMAN IMMUNODEFICIENCY VIRUS SCREENING;
- 10 (XVIII) LUNG CANCER SCREENING; ==
- 11 (XIX) OBESITY SCREENING AND COUNSELING;
- 12 (XX) COUNSELING, PREVENTION, SCREENING, AND TREATMENT OF
- 13 A SEXUALLY TRANSMITTED INFECTION, AS DEFINED IN SECTION 25-4-402
- 14 (10); EXCEPT THAT THE COVERAGE UNDER THIS SUBSECTION (18)(b)(XX)
- 15 MUST BE PROVIDED TO ALL COVERED PERSONS REGARDLESS OF THE
- 16 COVERED PERSON'S GENDER;
- 17 (XXI) STATIN PREVENTIVE MEDICATION FOR ADULTS;
- 18 (XXII) TUBERCULOSIS SCREENING;
- 19 (XXIII) ANEMIA SCREENING ON A ROUTINE BASIS;
- 20 (XXIV) COMPREHENSIVE BREASTFEEDING SUPPORT AND
- 21 COUNSELING FROM TRAINED PROVIDERS AND ACCESS TO BREASTFEEDING
- 22 SUPPLIES FOR PREGNANT AND NURSING INDIVIDUALS;
- 23 (XXV) FOLIC ACID SUPPLEMENTS FOR INDIVIDUALS WHO MAY
- 24 BECOME PREGNANT;
- 25 (XXVI) PREECLAMPSIA PREVENTION AND SCREENING FOR
- 26 PREGNANT INDIVIDUALS WITH HIGH BLOOD PRESSURE;
- 27 (XXVII) RH INCOMPATIBILITY SCREENING FOR ALL PREGNANT

1 INDIVIDUALS AND FOLLOW-UP TESTING FOR INDIVIDUALS AT HIGHER RISK
2 FOR RH INCOMPATIBILITY;

3 (XXVIII) URINARY TRACT, YEAST, OR OTHER INFECTION
4 SCREENING;

5 (XXIX) DOMESTIC AND INTERPERSONAL VIOLENCE SCREENING
6 AND COUNSELING;

7 (XXX) OSTEOPOROSIS SCREENING FOR ALL ADULTS SIXTY YEARS
8 OF AGE OR OLDER;

9 (XXXI) YEARLY URINARY INCONTINENCE SCREENING;

10 (XXXII) ALL CONTRACEPTION, AS DEFINED IN SECTION 2-4-401
11 (1.5);

12 (XXXIII) FAMILY PLANNING SERVICES AND FAMILY PLANNING
13 RELATED SERVICES, AS DESCRIBED IN SECTION 25.5-4-412 (2); AND

14 (XXXIV) (A) ANY OTHER PREVENTIVE SERVICES INCLUDED IN THE
15 A OR B RECOMMENDATIONS OF THE TASK FORCE OR THE HEALTH
16 RESOURCES AND SERVICES ADMINISTRATION GUIDELINES OR REQUIRED BY
17 FEDERAL LAW.

18 (B) THIS SUBSECTION (18)(b)(XXXIV) DOES NOT APPLY TO
19 GRANDFATHERED HEALTH BENEFIT PLANS.

20 (e) SUBSECTIONS (18)(b)(X) TO (18)(b)(XXXIV) OF THIS SECTION
21 DO NOT APPLY TO GRANDFATHERED HEALTH BENEFIT PLANS.

22 **SECTION 2.** In Colorado Revised Statutes, 25-4-409, **amend**
23 (1)(a) and (2) as follows:

24 **25-4-409. Minors - treatment - consent.** (1) (a) A health care
25 provider or facility, if consulted by a patient who is a minor, shall
26 perform, at the minor's request, a diagnostic examination for a sexually
27 transmitted infection. The health care provider or facility shall treat the

1 minor for a sexually transmitted infection, if necessary; discuss,
2 ~~prevention~~ ADMINISTER, DISPENSE, OR PRESCRIBE PREVENTIVE measures
3 OR MEDICATIONS, where applicable; and include appropriate therapies and
4 prescriptions.

5 (2) The consent of a parent or legal guardian is not a prerequisite
6 for a minor to receive a consultation, examination, PREVENTIVE CARE, or
7 treatment for sexually transmitted infections. For the purposes of this
8 section, health care provided to a minor is confidential, and information
9 related to that care must not be divulged to any person other than the
10 minor; except that the reporting required pursuant to the "Child Protection
11 Act of 1987", part 3 of article 3 of title 19, ~~C.R.S.~~, still applies. If the
12 minor is thirteen years of age or younger, the health care provider may
13 involve the minor's parent or legal guardian. A health care provider shall
14 counsel the minor on the importance of bringing ~~his or her~~ THE MINOR'S
15 parent or legal guardian into the minor's confidence regarding the
16 consultation, exam, or treatment.

17 **SECTION 3.** In Colorado Revised Statutes, **amend** 25.5-4-412
18 as follows:

19 **25.5-4-412. Family planning services - family planning related**
20 **services - rules - definitions.** (1) When ~~medical or diagnostic~~ FAMILY
21 PLANNING services OR FAMILY PLANNING RELATED SERVICES are provided
22 in accordance with this ~~article~~ ARTICLE 4 and articles 5 and 6 of this title
23 ~~by a certified family planning clinic~~ TITLE 25.5, the executive director of
24 the state department shall authorize reimbursement for the services.
25 SUBJECT TO SECTION 50 OF ARTICLE V OF THE STATE CONSTITUTION. ~~The~~
26 ~~reimbursement shall be made directly to the certified family planning~~
27 ~~clinic~~ THE STATE DEPARTMENT, ANY INTERMEDIARY, OR ANY MANAGED

1 CARE ORGANIZATION SHALL REIMBURSE THE PROVIDER OF THOSE
2 SERVICES. FAMILY PLANNING SERVICES AND FAMILY PLANNING RELATED
3 SERVICES ARE NOT SUBJECT TO POLICY DEDUCTIBLES, COPAYMENTS, OR
4 COINSURANCE.

5 (2) For purposes of this section, ~~"certified family planning clinic"~~
6 ~~means a family planning clinic certified by the Colorado department of~~
7 ~~public health and environment, accredited by a national family planning~~
8 ~~organization, and staffed by medical professionals licensed to practice in~~
9 ~~the state of Colorado, including, but not limited to, doctors of medicine,~~
10 ~~doctors of osteopathy, physician assistants, and advanced practice nurses.~~

11 UNLESS THE CONTEXT OTHERWISE REQUIRES:

12 (a) "FAMILY PLANNING RELATED SERVICES" MEANS ANY
13 MEDICALLY NECESSARY HEALTH CARE OR COUNSELING SERVICES
14 PROVIDED PURSUANT TO A FAMILY PLANNING VISIT, WHICH MAY INCLUDE
15 THE TREATMENT OF MEDICAL CONDITIONS ROUTINELY DIAGNOSED DURING
16 A FAMILY PLANNING VISIT; TREATMENT FOR A URINARY TRACT INFECTION;
17 TESTING, TREATMENT, AND PREVENTION OF SEXUALLY TRANSMITTED
18 INFECTIONS; AND TREATMENT OF MEDICAL COMPLICATIONS RESULTING
19 FROM A FAMILY PLANNING VISIT.

20 (b) "FAMILY PLANNING SERVICES" MEANS ANY HEALTH CARE OR
21 COUNSELING SERVICES FOCUSED ON PREVENTING, DELAYING, OR
22 PLANNING FOR A PREGNANCY, WHICH MUST INCLUDE MEDICALLY
23 NECESSARY EVALUATION OR PREVENTIVE SERVICES AND SUPPLIES.

24 (3) ~~For purposes of this section, all medical care services or goods~~
25 ~~rendered by a certified family planning clinic that are benefits of the~~
26 ~~Colorado medical assistance program. shall be ordered by a physician~~
27 ~~who need not be physically present on the premises of the certified family~~

1 ~~planning clinic at the time services are rendered.~~

2 (4) ~~Nothing in this section shall be construed as expanding the~~
3 ~~provision of services available as a part of the medical assistance program~~
4 ~~established pursuant to this article and articles 5 and 6 of this title. For~~
5 ~~purposes of making payments to certified family planning clinics pursuant~~
6 ~~to this section~~ PROVIDERS, the state board shall establish rules
7 implementing this section. ~~The rules promulgated pursuant to this~~
8 ~~subsection (4) shall ensure that the reimbursement for services rendered~~
9 ~~by a certified family planning clinic pursuant to this section shall not be~~
10 ~~the sole result of an increase in the costs to the state medical assistance~~
11 ~~program.~~

12 (5) ANY RECIPIENT MAY OBTAIN FAMILY PLANNING SERVICES OR
13 FAMILY PLANNING RELATED SERVICES FROM ANY LICENSED HEALTH CARE
14 PROVIDER, INCLUDING BUT NOT LIMITED TO A DOCTOR OF MEDICINE,
15 DOCTOR OF OSTEOPATHY, PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE
16 NURSE, WHO PROVIDES SUCH SERVICES. THE ENROLLMENT OF A RECIPIENT
17 IN A MANAGED CARE ORGANIZATION, OR A SIMILAR ENTITY, DOES NOT
18 RESTRICT A RECIPIENT'S CHOICE OF THE LICENSED PROVIDER FROM WHOM
19 THE RECIPIENT MAY RECEIVE THOSE SERVICES.

20 **SECTION 4. Effective date.** This act takes effect January 1,
21 2022.

22 **SECTION 5. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety.