

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0740.02 Kristen Forrestal x4217

HOUSE BILL 23-1136

HOUSE SPONSORSHIP

Ortiz and Hartsook,

SENATE SPONSORSHIP

Winter F. and Liston,

House Committees

Health & Insurance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING HEALTH INSURANCE COVERAGE FOR A PROSTHETIC**
102 **DEVICE NECESSARY FOR A COVERED PERSON TO ENGAGE IN**
103 **CERTAIN TYPES OF ACTIVITIES.**

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>.)

For the purposes of health insurance coverage for a prosthetic device (device), the bill requires a health insurance carrier to provide coverage for an additional device for a covered person under 26 years of age if the covered person's treating physician determines that the additional device is necessary for the covered person to engage in

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

physical and recreational activity and to maximize the covered person's upper limb functions.

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 (14)(d) as follows:

4 **10-16-104. Mandatory coverage provisions - definitions - rules**
5 **- applicability. (14) Prosthetic devices.** (d) (I) EXCEPT AS PROVIDED IN
6 SUBSECTION (14)(d)(II) OF THIS SECTION, covered benefits are limited to
7 the most appropriate model OF A PROSTHETIC DEVICE that adequately
8 meets the medical needs of the ~~patient~~ COVERED PERSON as determined by
9 the ~~insured's~~ COVERED PERSON'S treating physician.

10 (II) WITH RESPECT TO A COVERED PERSON UNDER TWENTY-SIX
11 YEARS OF AGE, COVERED BENEFITS INCLUDE AN ADDITIONAL PROSTHETIC
12 DEVICE IF THE TREATING PHYSICIAN DETERMINES THAT THE ADDITIONAL
13 PROSTHETIC DEVICE IS NECESSARY:

14 (A) TO ENABLE THE COVERED PERSON TO ENGAGE IN PHYSICAL
15 AND RECREATIONAL ACTIVITIES, INCLUDING RUNNING, BICYCLING,
16 SWIMMING, CLIMBING, SKIING, SNOWBOARDING, AND TEAM AND
17 INDIVIDUAL SPORTS; AND

18 (B) TO MAXIMIZE THE COVERED PERSON'S UPPER LIMB FUNCTIONS.

19 (III) THE DIVISION SHALL SUBMIT TO THE FEDERAL DEPARTMENT
20 OF HEALTH AND HUMAN SERVICES:

21 (A) A DETERMINATION AS TO WHETHER THE BENEFIT SPECIFIED IN
22 SUBSECTION (14)(d)(II) OF THIS SECTION IS IN ADDITION TO AN ESSENTIAL
23 HEALTH BENEFIT THAT REQUIRES THE STATE TO DEFRAY THE COST
24 PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B); AND

25 (B) A REQUEST THAT THE FEDERAL DEPARTMENT CONFIRM THE

1 DIVISION'S DETERMINATION WITHIN SIXTY DAYS AFTER RECEIVING THE
2 DIVISION'S SUBMISSION.

3 (IV) SUBSECTION (14)(d)(II) OF THIS SECTION APPLIES TO, AND
4 THE DIVISION SHALL IMPLEMENT THE REQUIREMENTS FOR, LARGE
5 EMPLOYER POLICIES AND CONTRACTS ISSUED OR RENEWED ON OR AFTER
6 JANUARY 1, 2025. SUBSECTION (14)(d)(II) OF THIS SECTION APPLIES TO,
7 AND THE DIVISION SHALL IMPLEMENT THE REQUIREMENTS FOR,
8 INDIVIDUAL AND SMALL GROUP POLICIES AND CONTRACTS ISSUED ON OR
9 AFTER JANUARY 1, 2025, IF:

10 (A) THE DIVISION RECEIVES CONFIRMATION OR ANY OTHER
11 NOTIFICATION FROM THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN
12 SERVICES THAT THE COVERAGE SPECIFIED IN SUBSECTION (14)(d)(II) OF
13 THIS SECTION DOES NOT CONSTITUTE AN ADDITIONAL BENEFIT THAT
14 REQUIRES THE STATE TO DEFRAY THE COST PURSUANT TO 42 U.S.C. SEC.
15 18031 (d)(3)(B); OR

16 (B) THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES
17 FAILS TO RESPOND TO THE REQUEST SUBMITTED BY THE DIVISION
18 PURSUANT TO SUBSECTION (14)(d)(III) OF THIS SECTION WITHIN THREE
19 HUNDRED SIXTY-FIVE DAYS AFTER SUBMISSION OF THE REQUEST, IN WHICH
20 CASE THE DIVISION SHALL CONSIDER THE FEDERAL DEPARTMENT'S
21 UNREASONABLE DELAY A CONFIRMATION THAT THE COVERAGE SPECIFIED
22 IN SUBSECTION (14)(d)(II) OF THIS SECTION DOES NOT REQUIRE THE STATE
23 TO DEFRAY THE COST PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B).

24 **SECTION 2. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2024 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.