

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

PREAMENDED

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

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, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

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

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.


age if the covered person's treating physician determines that the additional device is necessary for the covered person to engage in 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~~ PROSTHETIC DEVICE MODELS that adequately
8 ~~meets~~ MEET the medical needs of the ~~patient~~ COVERED PERSON as
9 determined by the ~~insured's~~ COVERED PERSON'S treating physician.

10 (II) WITH RESPECT TO A COVERED PERSON, COVERED BENEFITS
11 INCLUDE AN ADDITIONAL PROSTHETIC DEVICE OR DEVICES IF THE
12 TREATING PHYSICIAN DETERMINES THAT THE ADDITIONAL PROSTHETIC
13 DEVICE OR DEVICES ARE NECESSARY TO ENABLE THE COVERED PERSON TO
14 ENGAGE IN PHYSICAL AND RECREATIONAL ACTIVITIES, INCLUDING
15 RUNNING, BICYCLING, SWIMMING, CLIMBING, SKIING, SNOWBOARDING,
16 AND TEAM AND INDIVIDUAL SPORTS.

17 
18 (III) THE DIVISION SHALL SUBMIT TO THE FEDERAL DEPARTMENT
19 OF HEALTH AND HUMAN SERVICES:

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

1 (B) A REQUEST THAT THE FEDERAL DEPARTMENT CONFIRM THE
2 DIVISION'S DETERMINATION WITHIN SIXTY DAYS AFTER RECEIVING THE
3 DIVISION'S SUBMISSION.

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

11 (A) THE DIVISION RECEIVES CONFIRMATION OR ANY OTHER
12 NOTIFICATION FROM THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN
13 SERVICES THAT THE COVERAGE SPECIFIED IN SUBSECTION (14)(d)(II) OF
14 THIS SECTION DOES NOT CONSTITUTE AN ADDITIONAL BENEFIT THAT
15 REQUIRES THE STATE TO DEFRAY THE COST PURSUANT TO 42 U.S.C. SEC.
16 18031 (d)(3)(B); OR

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

25 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,
26 \$6,108 is appropriated to the department of regulatory agencies for use by
27 the division of insurance. This appropriation is from the division of

1 insurance cash fund created in section 10-1-103 (3), C.R.S., and is based
2 on an assumption that the division will require an additional 0.1 FTE. To
3 implement this act, the division may use this appropriation for personal
4 services.

5 **SECTION 3. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly; except
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V
9 of the state constitution against this act or an item, section, or part of this
10 act within such period, then the act, item, section, or part will not take
11 effect unless approved by the people at the general election to be held in
12 November 2024 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.