

CHAPTER 15

INSURANCE

HOUSE BILL 98-1019

BY REPRESENTATIVES Morrison, Chavez, Dyer, Epps, Gordon, Grossman, Hagedorn, Mace, Nichol, Saliman, Tupa, Udall, Veiga, S. Williams, and Zimmerman;
also SENATORS Reeves, Hernandez, Hopper, Martinez, Pascoe, Phillips, Rupert, Tanner, Thiebaut, Weddig, and Wham.

AN ACT

CONCERNING THE TERMS OF MANDATORY HEALTH CARE COVERAGE PROVISIONS FOR NEWBORN CHILDREN AND MATERNITY, AND, IN CONNECTION THEREWITH, REQUIRING THAT SUCH COVERAGES INCLUDE A MINIMUM LENGTH OF A HOSPITAL STAY AFTER CHILDBIRTH.

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

SECTION 1. 10-16-104 (1) (b), Colorado Revised Statutes, is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

10-16-104. Mandatory coverage provisions. (1) Newborn children.
(b) (I) COVERAGE FOR A HOSPITAL STAY FOR A NEWBORN FOLLOWING A NORMAL VAGINAL DELIVERY SHALL NOT BE LIMITED TO LESS THAN FORTY-EIGHT HOURS. IF FORTY-EIGHT HOURS FOLLOWING DELIVERY FALLS AFTER 8 P.M., COVERAGE SHALL CONTINUE UNTIL 8 A.M. THE FOLLOWING MORNING.

(II) COVERAGE FOR A HOSPITAL STAY FOR A NEWBORN FOLLOWING A CESAREAN SECTION SHALL NOT BE LIMITED TO LESS THAN NINETY-SIX HOURS. IF NINETY-SIX HOURS FOLLOWING THE CESAREAN SECTION FALLS AFTER 8 P.M., COVERAGE SHALL CONTINUE UNTIL 8 A.M. THE FOLLOWING MORNING.

(III) THE PROVISIONS OF SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (b) SHALL NOT APPLY IN ANY CASE IN WHICH THE DECISION TO DISCHARGE THE NEWBORN PRIOR TO THE MINIMUM LENGTH OF STAY OTHERWISE REQUIRED UNDER SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (b) IS MADE BY AN ATTENDING PROVIDER WITH THE AGREEMENT OF THE MOTHER.

(IV) NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED TO REQUIRE A MOTHER WHO IS A PARTICIPANT OR BENEFICIARY TO GIVE BIRTH IN A HOSPITAL OR TO

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

STAY IN THE HOSPITAL FOR A FIXED PERIOD OF TIME AFTER THE BIRTH OF HER CHILD.

(V) NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED AS PREVENTING A CARRIER FROM IMPOSING DEDUCTIBLES, COINSURANCE, OR OTHER COST-SHARING IN RELATION TO BENEFITS FOR HOSPITAL LENGTHS OF STAY IN CONNECTION WITH CHILDBIRTH FOR A MOTHER OR NEWBORN CHILD UNDER THE PLAN; EXCEPT THAT SUCH COINSURANCE OR OTHER COST-SHARING FOR ANY PORTION OF A PERIOD WITHIN A HOSPITAL LENGTH OF STAY REQUIRED UNDER SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (b) MAY NOT BE GREATER THAN SUCH COINSURANCE OR COST-SHARING FOR ANY OTHER SICKNESS, INJURY, DISEASE, OR CONDITION THAT IS OTHERWISE COVERED UNDER THE POLICY OR CONTRACT.

SECTION 2. 10-16-104 (3) (a), Colorado Revised Statutes, is amended to read:

10-16-104. Mandatory coverage provisions. (3) Maternity coverage.

(a) (I) All group sickness and accident insurance policies providing coverage within the state and issued to an employer by an entity subject to the provisions of part 2 of this article and all group health service contracts issued by an entity subject to the provisions of part 3 or 4 of this article and issued to an employer shall insure against the expense of normal pregnancy and childbirth or provide coverage for maternity care therefor in the same manner as any other sickness, injury, disease, or condition is otherwise covered under the policy or contract. ~~However, in the event that an employer changes health insurance carriers, Policies or contracts the new carrier, policy, or contract shall not exclude coverage for normal pregnancy and delivery expenses on the grounds that pregnancy was a preexisting condition. if:~~

~~(F) The pregnant person was covered under the employer's former policy or contract; and~~

~~(H) Coverage under the new carrier, policy, or contract came into effect within ninety days of termination or lapse of the former policy or contract.~~

(II) COVERAGE FOR A HOSPITAL STAY FOLLOWING A NORMAL VAGINAL DELIVERY SHALL NOT BE LIMITED TO LESS THAN FORTY-EIGHT HOURS. IF FORTY-EIGHT HOURS FOLLOWING DELIVERY FALLS AFTER 8 P.M., COVERAGE SHALL CONTINUE UNTIL 8 A.M. THE FOLLOWING MORNING.

(III) COVERAGE FOR A HOSPITAL STAY FOLLOWING A CESAREAN SECTION SHALL NOT BE LIMITED TO LESS THAN NINETY-SIX HOURS. IF NINETY-SIX HOURS FOLLOWING THE CESAREAN SECTION FALLS AFTER 8 P.M., COVERAGE SHALL CONTINUE UNTIL 8 A.M. THE FOLLOWING MORNING.

(IV) THE PROVISIONS OF SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (a) SHALL NOT APPLY IN ANY CASE IN WHICH THE DECISION TO DISCHARGE PRIOR TO THE MINIMUM LENGTH OF STAY OTHERWISE REQUIRED UNDER SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (a) IS MADE BY AN ATTENDING PROVIDER WITH THE AGREEMENT OF THE MOTHER.

(V) NOTHING IN THIS PARAGRAPH (a) SHALL BE CONSTRUED TO REQUIRE A MOTHER WHO IS A PARTICIPANT OR BENEFICIARY TO GIVE BIRTH IN A HOSPITAL OR TO STAY IN THE HOSPITAL FOR A FIXED PERIOD OF TIME AFTER THE BIRTH OF HER CHILD.

(VI) NOTHING IN THIS PARAGRAPH (a) SHALL BE CONSTRUED AS PREVENTING A CARRIER FROM IMPOSING DEDUCTIBLES, COINSURANCE, OR OTHER COST-SHARING IN RELATION TO BENEFITS FOR HOSPITAL LENGTHS OF STAY IN CONNECTION WITH CHILDBIRTH FOR A MOTHER OR NEWBORN CHILD UNDER THE PLAN; EXCEPT THAT SUCH COINSURANCE OR OTHER COST-SHARING FOR ANY PORTION OF A PERIOD WITHIN A HOSPITAL LENGTH OF STAY REQUIRED UNDER SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (a) MAY NOT BE GREATER THAN SUCH COINSURANCE OR COST-SHARING FOR ANY OTHER SICKNESS, INJURY, DISEASE, OR CONDITION THAT IS OTHERWISE COVERED UNDER THE POLICY OR CONTRACT.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 23, 1998