

## CHAPTER 266

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**INSURANCE**


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**HOUSE BILL 99-1088**

BY REPRESENTATIVES Morrison, Alexander, Bacon, Clarke, Coleman, Gagliardi, Gordon, Grossman, Hagedorn, Hoppe, Kaufman, Keller, Leyba, Mace, Plant, Ragsdale, Saliman, Takis, Tapia, Tate, Tochtrop, Veiga, Vigil, S. Williams, Windels, Witwer, and Zimmerman;  
also SENATORS Matsunaka, Hernandez, Linkhart, Nichol, Pascoe, Reeves, Rupert, Tanner, Weddig, and Wham.

**AN ACT**

CONCERNING MEDICALLY NECESSARY THERAPY FOR CHILDREN UP TO FIVE YEARS OF AGE, AND, IN CONNECTION THEREWITH, SPECIFYING COVERAGE FOR THE CARE AND TREATMENT OF MEDICALLY DIAGNOSED CONGENITAL DEFECTS AND BIRTH ABNORMALITIES.

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

**SECTION 1.** 10-16-104 (1) (c) (I) and (1) (c) (II) (A), Colorado Revised Statutes, are amended, and the said 10-16-104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**10-16-104. Mandatory coverage provisions. (1) Newborn children.** (c) (I) EXCEPT AS PROVIDED FOR CLEFT LIP AND CLEFT PALATE COVERAGE IN SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), ~~the coverage for~~ BENEFITS AVAILABLE TO newborn children shall consist of coverage of injury or sickness, including ~~the~~ ALL MEDICALLY necessary care and treatment of medically diagnosed congenital defects and birth abnormalities FOR THE FIRST THIRTY-ONE DAYS OF THE NEWBORN'S LIFE, NOTWITHSTANDING POLICY LIMITATIONS AND EXCLUSIONS APPLICABLE TO OTHER CONDITIONS OR PROCEDURES COVERED BY THE POLICY. Except as provided in sub-subparagraph (C) of subparagraph (II) of this paragraph (c), such coverage shall be subject to ~~the same~~ copayment, deductible, and aggregate dollar ~~limit provisions as~~ POLICY MAXIMUMS THAT ARE NO HIGHER THAN are generally applicable under the policy to all other sicknesses, diseases, and conditions otherwise covered under the policy.

(II) (A) With regard to newborn children born with cleft lip or cleft palate or both, THERE SHALL BE NO AGE LIMIT ON BENEFITS FOR SUCH CONDITIONS, AND care and treatment shall include to the extent medically necessary: Oral and facial surgery, surgical management, and follow-up care by plastic surgeons and oral surgeons;

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

prosthetic treatment such as obturators, speech appliances, and feeding appliances; medically necessary orthodontic treatment; medically necessary prosthodontic treatment; habilitative speech therapy; otolaryngology treatment; and audiological assessments and treatment.

(1.7) **Therapies for congenital defects and birth abnormalities.** (a) AFTER THE FIRST THIRTY-ONE DAYS OF LIFE, POLICY LIMITATIONS AND EXCLUSIONS THAT ARE GENERALLY APPLICABLE UNDER THE POLICY MAY APPLY; EXCEPT THAT ALL INDIVIDUAL AND GROUP HEALTH BENEFIT PLANS SHALL PROVIDE MEDICALLY NECESSARY PHYSICAL, OCCUPATIONAL, AND SPEECH THERAPY FOR THE CARE AND TREATMENT OF CONGENITAL DEFECTS AND BIRTH ABNORMALITIES FOR COVERED CHILDREN UP TO FIVE YEARS OF AGE.

(b) THE LEVEL OF BENEFITS REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (1.7) SHALL BE THE GREATER OF THE NUMBER OF SUCH VISITS PROVIDED UNDER THE POLICY OR PLAN OR TWENTY THERAPY VISITS PER YEAR EACH FOR PHYSICAL THERAPY, OCCUPATIONAL THERAPY, AND SPEECH THERAPY. SAID THERAPY VISITS SHALL BE DISTRIBUTED AS MEDICALLY APPROPRIATE THROUGHOUT THE YEARLY TERM OF THE POLICY OR YEARLY TERM OF THE ENROLLEE COVERAGE CONTRACT, WITHOUT REGARD TO WHETHER THE CONDITION IS ACUTE OR CHRONIC AND WITHOUT REGARD TO WHETHER THE PURPOSE OF THE THERAPY IS TO MAINTAIN OR TO IMPROVE FUNCTIONAL CAPACITY.

(c) THE COVERAGE DESCRIBED IN THIS SUBSECTION (1.7) IS SUBJECT TO THE PROVISIONS OF SECTION 10-16-118 (1) (b).

(d) THE HEALTH CARE SERVICE PLAN ISSUED BY AN ENTITY SUBJECT TO THE PROVISIONS OF PART 4 OF THIS ARTICLE MAY PROVIDE THAT THE BENEFITS REQUIRED PURSUANT TO THIS SUBSECTION (1.7) SHALL BE COVERED BENEFITS ONLY IF THE SERVICES ARE RENDERED BY A PROVIDER WHO IS DESIGNATED BY AND AFFILIATED WITH THE HEALTH MAINTENANCE ORGANIZATION.

**SECTION 2.** 10-16-104 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**10-16-104. Mandatory coverage provision.** (1) **Newborn children.** (g) THE HEALTH CARE SERVICE PLAN ISSUED BY AN ENTITY SUBJECT TO THE PROVISIONS OF PART 4 OF THIS ARTICLE MAY PROVIDE THAT THE BENEFITS REQUIRED PURSUANT TO THIS SUBSECTION (1) SHALL BE COVERED BENEFITS ONLY IF THE SERVICES ARE RENDERED BY A PROVIDER WHO IS DESIGNATED BY AND AFFILIATED WITH THE HEALTH MAINTENANCE ORGANIZATION.

**SECTION 3. Effective date - applicability.** This act shall take effect January 1, 2000, and shall apply to health care policies and contracts issued, modified, or renewed on or after said date.

**SECTION 4. 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: June 1, 1999