

## CHAPTER 270

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**INSURANCE**

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**HOUSE BILL 01-1236**

BY REPRESENTATIVE(S) Witwer, Borodkin, Boyd, Coleman, Crane, Fritz, Garcia, Groff, Grossman, Hodge, Jahn, Lawrence, Mace, Miller, Paschall, Plant, Ragsdale, Romanoff, Schultheis, Tapia, Tochtrop, Veiga, Weddig, and Williams S.; also SENATOR(S) Hanna, Hagedorn, Hernandez, Reeves, Tate, Tupa, and Windels.

**AN ACT**

CONCERNING A REQUIREMENT FOR THE USE OF THE SAME PREAUTHORIZATION MECHANISM IN THE DETERMINATION TO PROVIDE COVERAGE FOR THE TREATMENT OF A BIOLOGICALLY BASED MENTAL ILLNESS AS IS USED IN THE DETERMINATION TO PROVIDE COVERAGE FOR ANY OTHER PHYSICAL ILLNESS.

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

**SECTION 1.** 10-16-104 (5.5) (a) (I), Colorado Revised Statutes, is amended to read:

**10-16-104. Mandatory coverage provisions. (5.5) Biologically based mental illness.** (a) (I) Every group policy, plan certificate, and contract of a carrier subject to the provisions of part 2, 3, or 4 of this article, except those described in section 10-16-102 (21) (b), shall provide coverage for the treatment of biologically based mental illness that is no less extensive than the coverage provided for any other physical illness. ANY PREAUTHORIZATION OR UTILIZATION REVIEW MECHANISM USED IN THE DETERMINATION TO PROVIDE SUCH COVERAGE SHALL BE THE SAME AS, OR NO MORE RESTRICTIVE THAN, THAT USED IN THE DETERMINATION TO PROVIDE COVERAGE FOR ANY OTHER PHYSICAL ILLNESS. THE COMMISSIONER SHALL ADOPT SUCH RULES AS ARE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBSECTION (5.5). IN PROMULGATING SUCH RULES, THE COMMISSIONER SHALL RECOGNIZE THAT THE SUBSTANCE OF THE MECHANISMS FOR PREAUTHORIZATION OR UTILIZATION REVIEW MAY DIFFER BETWEEN MEDICAL SPECIALITIES AND THAT SUCH MECHANISMS SHALL NOT BE MORE RESTRICTIVE WITH RESPECT TO A COVERED PERSON OR A MENTAL HEALTH PROVIDER FOR A DETERMINATION UNDER THIS SUBPARAGRAPH (I) THAN FOR ANY OTHER PHYSICAL ILLNESS.

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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.*

**SECTION 2. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 5, 2001