

CHAPTER 208

INSURANCE

HOUSE BILL 02-1263

BY REPRESENTATIVE(S) Alexander, Borodkin, Boyd, Coleman, Daniel, Groff, Hefley, Hodge, Jahn, Mace, Madden, Plant, Romanoff, Sanchez, Snook, Tochtrop, Williams S., and Weddig;
also SENATOR(S) Hagedorn, Tupa, and Windels.

AN ACT

CONCERNING SUBSTANCE ABUSE TREATMENT, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Part 1 of article 16 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

10-16-104.7. Substance abuse - court-ordered treatment coverage. (1) ANY INDIVIDUAL OR GROUP HEALTH BENEFIT PLAN DELIVERED OR ISSUED FOR DELIVERY WITHIN THIS STATE BY AN ENTITY SUBJECT TO THE PROVISIONS OF PART 2, 3, OR 4 OF THIS ARTICLE THAT PROVIDES COVERAGE FOR SUBSTANCE ABUSE TREATMENT SHALL PROVIDE COVERAGE FOR SUBSTANCE ABUSE TREATMENT REGARDLESS OF WHETHER THE TREATMENT IS VOLUNTARY OR COURT-ORDERED AS A RESULT OF CONTACT WITH THE CRIMINAL JUSTICE OR LEGAL SYSTEM. THE HEALTH BENEFIT PLAN SHALL ONLY BE REQUIRED TO PROVIDE COVERAGE FOR BENEFITS THAT ARE MEDICALLY NECESSARY AND OTHERWISE COVERED UNDER THE PLAN. SUCH COVERAGE SHALL BE SUBJECT TO COPAYMENT, DEDUCTIBLE, AND POLICY MAXIMUMS AND LIMITATIONS. HEALTH BENEFIT PLANS ISSUED BY AN ENTITY SUBJECT TO THE PROVISIONS OF PART 4 OF THIS ARTICLE MAY PROVIDE THAT THE BENEFITS REQUIRED PURSUANT TO THIS SECTION SHALL BE COVERED BENEFITS ONLY IF THE SERVICES ARE DEEMED MEDICALLY NECESSARY AND ARE RENDERED BY A PROVIDER WHO IS DESIGNATED BY AND AFFILIATED WITH THE HEALTH MAINTENANCE ORGANIZATION.

(2) NOTHING IN THIS SECTION SHALL MANDATE OR BE CONSTRUED TO MANDATE THAT ANY HEALTH BENEFIT PLAN MUST PROVIDE COVERAGE FOR SUBSTANCE ABUSE TREATMENT.

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. Part 4 of article 4 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

26-4-422. Substance abuse treatment for native Americans - state plan amendment - repeal. (1) THE STATE DEPARTMENT SHALL AMEND THE STATE PLAN, CONDITIONED ON THE RECEIPT OF GIFTS, GRANTS, OR DONATIONS SUFFICIENT TO PROVIDE FOR THE STATE'S ADMINISTRATIVE COSTS OF PREPARING AND SUBMITTING THE STATE PLAN AMENDMENT, TO INCLUDE ANY SUBSTANCE ABUSE TREATMENT BENEFITS AVAILABLE TO NATIVE AMERICANS IN WHICH THERE IS ONE HUNDRED PERCENT FEDERAL FINANCIAL PARTICIPATION.

(2) (a) IF SUFFICIENT MONEYS TO SUPPORT THE COST OF PREPARING AN AMENDMENT TO THE STATE PLAN HAVE NOT BEEN CREDITED TO THE NATIVE AMERICAN SUBSTANCE ABUSE TREATMENT CASH FUND ESTABLISHED IN SECTION 26-4-423 PRIOR TO DECEMBER 31, 2002, THE STATE TREASURER SHALL IMMEDIATELY PROVIDE NOTIFICATION OF SUCH FACT TO THE STATE DEPARTMENT AND TO THE REVISOR OF STATUTES.

(b) THIS SECTION IS REPEALED UPON RECEIPT BY THE REVISOR OF STATUTES OF THE NOTIFICATION DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2).

26-4-423. Acceptance of gifts, grants, and donations - Native American substance abuse treatment cash fund - repeal. (1) THE EXECUTIVE DIRECTOR MAY ACCEPT AND EXPEND MONEYS FROM GIFTS, GRANTS, AND DONATIONS FOR PURPOSES OF PROVIDING FOR THE ADMINISTRATIVE COSTS OF PREPARING, SUBMITTING, AND ADMINISTERING THE STATE PLAN AMENDMENT TO PROVIDE SUBSTANCE ABUSE TREATMENT SERVICES TO NATIVE AMERICANS AS PROVIDED FOR IN SECTION 26-4-422. ALL SUCH GIFTS, GRANTS, AND DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE NATIVE AMERICAN SUBSTANCE ABUSE TREATMENT CASH FUND, WHICH FUND IS HEREBY CREATED. THE MONEYS IN THE NATIVE AMERICAN SUBSTANCE ABUSE TREATMENT CASH FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY. ALL INVESTMENT EARNINGS DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE NATIVE AMERICAN SUBSTANCE ABUSE TREATMENT CASH FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR.

(2) (a) IF SUFFICIENT MONEYS HAVE NOT BEEN CREDITED TO THE NATIVE AMERICAN SUBSTANCE ABUSE TREATMENT CASH FUND FOR THE PURPOSE OF PREPARING THE STATE PLAN AMENDMENT REQUIRED UNDER SECTION 26-4-422 PRIOR TO DECEMBER 31, 2002, THE STATE TREASURER SHALL IMMEDIATELY PROVIDE NOTIFICATION OF SUCH FACT TO THE STATE DEPARTMENT AND TO THE REVISOR OF STATUTES.

(b) THIS SECTION IS REPEALED UPON RECEIPT BY THE REVISOR OF STATUTES OF THE NOTIFICATION DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2).

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, medical programs administration, for the fiscal year beginning July 1, 2002, the sum of forty-one thousand one hundred forty dollars (\$41,140), or so much thereof as may

be necessary, for the implementation of this act. Said sum shall be from gifts, grants, and donations in the native American substance abuse treatment cash fund created in section 26-4-423, Colorado Revised Statutes.

SECTION 4. Effective date - applicability. (1) This section and sections 2, 3, and 5 of this act shall take effect July 1, 2002.

(2) Section 1 of this act shall take effect January 1, 2003, and shall apply to all policies issued or renewed on or after said date.

SECTION 5. 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: May 30, 2002