

CHAPTER 322

INSURANCE

HOUSE BILL 03-1360

BY REPRESENTATIVE(S) White, Miller, Spradley, Stafford, Weddig, Williams S., and Williams T.;
also SENATOR(S) Dyer.

AN ACT**CONCERNING THE COLLECTION OF DATA FROM INSURERS REGARDING SMALL GROUP HEALTH
INSURANCE FOR THE PURPOSE OF ANALYSIS TO DETERMINE THE CHANGES IN THE SMALL GROUP
HEALTH INSURANCE MARKETPLACE.**

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

SECTION 1. Legislative declaration. The general assembly hereby finds, determines, and declares that the small group health insurance marketplace is shrinking and, with the limited number of studies currently available, it is impossible to determine where the population is shifting. The general assembly further finds that in order to determine if the shrinking small group marketplace creates a health insurance crisis, it is necessary to collect and analyze data relating to small group health insurance. In order to ensure that health insurance is available and affordable to Colorado consumers and to determine if small group health insurance needs to be reformed, the general assembly authorizes the division of insurance to collect data regarding small group health insurance and to release the data to a private foundation for analysis.

SECTION 2. 10-1-130, Colorado Revised Statutes, as enacted by Senate Bill 03-59, enacted at the First Regular Session of the Sixty-Fourth General Assembly, is amended to read:

10-1-130. Availability of sickness, health, and accident insurance - repeal.
(1) The commissioner shall assess the availability of sickness, health, and accident insurance in Colorado with a view to identifying specific groups of persons to whom such coverage is unavailable by virtue of cost, preexisting condition, or other circumstances.

(2) (a) THE DIVISION SHALL HAVE THE AUTHORITY TO ANNUALLY REQUIRE THE

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

SUBMISSION OF HEALTH INSURANCE DATA ON OR AFTER JANUARY 1, 2005, FROM HEALTH INSURERS, EXCESS LOSS CARRIERS, HEALTH MAINTENANCE ORGANIZATIONS, AND NONPROFIT HOSPITAL, MEDICAL-SURGICAL, AND HEALTH SERVICE CORPORATIONS REGARDING THE SMALL GROUP HEALTH INSURANCE MARKETPLACE. THE SUBMITTED DATA SHALL INCLUDE INFORMATION REGARDING NEW BUSINESS SMALL EMPLOYER CONTRACTS, RENEWAL OF SMALL EMPLOYER CONTRACTS, CANCELLED SMALL EMPLOYER CONTRACTS, AND CONTRACTS WRITTEN BY EXCESS LOSS CARRIERS FOR EMPLOYERS WITH FEWER THAN FIFTY-ONE EMPLOYEES. DATA SHALL BE SUBMITTED FOR THE PRIOR CALENDAR YEAR. NO INFORMATION RECEIVED BY THE DIVISION SHALL BE RELEASED IN A FORM THAT COULD IDENTIFY THE ENTITY FROM WHICH THE DATA WAS COLLECTED.

(b) UPON APPROVAL OF THE DIVISION AND CONTINGENT UPON THE AVAILABILITY OF PRIVATE FUNDS FOR DATA COLLECTION AND ANALYSIS, NONCARRIER SPECIFIC DATA SHALL BE MADE AVAILABLE TO A PRIVATE FOUNDATION, TO BE DETERMINED BY THE DIVISION, FOR ANALYSIS AND SUCH ANALYSIS MADE AVAILABLE TO THE PUBLIC. THE RELEASED DATA AND ANALYSIS SHALL NOT CONTAIN ANY PROPRIETARY INFORMATION OR ANY INFORMATION THAT IDENTIFIES THE ENTITY FROM WHICH THE DATA WAS COLLECTED.

(c) THE DIVISION HAS THE AUTHORITY TO ACCEPT AND EXPEND GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSE OF ADMINISTERING THIS SUBSECTION (2).

(d) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2010.

SECTION 3. 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: May 22, 2003