

## CHAPTER 379

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**INSURANCE**


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**SENATE BILL 03-331**

BY SENATOR(S) Johnson S. and Evans;  
also REPRESENTATIVE(S) Mitchell, Stafford, and Williams T.

**AN ACT****CONCERNING ENFORCEMENT OF HEALTH BENEFIT COVERAGE BY THE INSURANCE COMMISSIONER.**

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

**SECTION 1.** 10-16-106.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**10-16-106.5. Prompt payment of claims - legislative declaration.** (9) THE COMMISSIONER MAY INVESTIGATE CLAIMS AGAINST A HEALTH COVERAGE PLAN THAT IS AUTHORIZED TO CONDUCT BUSINESS IN THIS STATE WHEN SUCH CLAIMS ARE FILED BY A PROVIDER RELATED TO THE IMPROPER HANDLING OR DENIAL OF BENEFITS PURSUANT TO THIS SECTION.

**SECTION 2.** 10-16-121 (4), Colorado Revised Statutes, is amended to read:

**10-16-121. Required contract provisions in contracts between carriers and providers.** (4) The commissioner shall not act to arbitrate, mediate, or settle disputes between a carrier, its intermediaries, or a provider network arising under or by reason of a provider contract or its termination. Existing dispute resolution mechanisms available in contract law shall be used to resolve such disputes. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER IS NOT PROHIBITED FROM ENFORCING THE APPLICABLE PROVISIONS OF THIS ARTICLE.

**SECTION 3.** Part 1 of article 16 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**10-16-126. Annual report to the general assembly.** THE COMMISSIONER SHALL REPORT TO THE BUSINESS AFFAIRS AND LABOR COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE NO LATER THAN OCTOBER 1, 2004, AND EVERY

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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.*

OCTOBER 1 THEREAFTER. THE REPORT SHALL BE AN INDICATION OF THE NUMBER, NATURE, AND OUTCOME OF COMPLAINTS AGAINST INSURERS DURING THE PRECEDING TWELVE MONTHS.

**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 5, 2003