

CHAPTER 173

INSURANCE

HOUSE BILL 04-1114

BY REPRESENTATIVE(S) Rose, Borodkin, Frangas, Marshall, and Romanoff;
also SENATOR(S) Evans.

AN ACT

**CONCERNING THE PAYMENT OF BENEFITS UNDER A MOTOR VEHICLE POLICY FOR MEDICAL PAYMENTS
COVERAGE.**

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

SECTION 1. Part 6 of article 4 of title 10, Colorado Revised Statutes, is amended
BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

10-4-637. No discrimination by profession. REIMBURSEMENT FOR LAWFULLY
PERFORMED HEALTH CARE SERVICES COVERED BY A POLICY PROVIDING MEDICAL
PAYMENTS COVERAGE UNDER A MOTOR VEHICLE POLICY ISSUED PURSUANT TO THIS
PART 6 SHALL NOT BE DENIED WHEN SUCH SERVICES ARE A COVERED BENEFIT AND
RENDERED WITHIN THE SCOPE OF PRACTICE FOR THE LICENSED HEALTH CARE
PROVIDER, AS DEFINED IN SECTION 10-4-902 (3), OR AN OCCUPATIONAL THERAPIST AS
DESCRIBED IN SECTION 6-1-701 (1) (c), C.R.S., PERFORMING THE SERVICES.

10-4-638. Retroactive adjustment of health care service claims. (1) TWELVE
MONTHS OR MORE AFTER THE DATE A CLAIM IS PAID FOR HEALTH CARE SERVICES
PERFORMED PURSUANT TO THIS PART 6, AN INSURER MAY NOT RETROACTIVELY
ADJUST THE PAYMENT OF THE CLAIM.

(2) ADJUSTMENTS TO CLAIMS MADE PURSUANT TO A POLICY PROVIDING FOR
MEDICAL PAYMENTS COVERAGE IN CASES WHERE A CARRIER HAS REPORTED FRAUD OR
ABUSE, PURSUANT TO SECTION 10-1-128 (5) (a) (IV), COMMITTED BY THE PROVIDER
SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION.

SECTION 2. Effective date - applicability. (1) This act shall take effect
January 1, 2005.

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

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-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, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

(3) The provisions of this act shall apply to claims for health benefits filed on or after the applicable effective date of this act.

Approved: April 21, 2004