

CHAPTER 139

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 06-1299

BY REPRESENTATIVE(S) McCluskey, Larson, Coleman, Benefield, Berens, Buescher, Carroll T., Frangas, Hall, Jahn, Kerr J., Knoedler, Liston, Penry, Todd, White, Witwer, Butcher, Paccione, and Stafford;
also SENATOR(S) Sandoval, Hagedorn, Kester, Owen, Shaffer, Tochtrop, Bacon, Boyd, and Groff.

AN ACT**CONCERNING REQUIREMENTS FOR PROVIDERS OF MEDICAL GOODS UNDER THE MEDICAL ASSISTANCE PROGRAM.**

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

SECTION 1. Part 4 of article 4 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-4-410.7. Providers - medical equipment and supplies - requirements.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "PROVIDER" MEANS A PERSON OR ENTITY THAT DELIVERS DISPOSABLE MEDICAL SUPPLIES OR DURABLE MEDICAL EQUIPMENT PRODUCTS OR SERVICES DIRECTLY TO A RECIPIENT.

(2) ON AND AFTER JANUARY 1, 2007, THE STATE BOARD RULES FOR THE PAYMENT FOR DISPOSABLE MEDICAL SUPPLIES AND DURABLE MEDICAL EQUIPMENT, INCLUDING BUT NOT LIMITED TO PROSTHETIC AND ORTHOTIC DEVICES, SHALL PROHIBIT A PROVIDER FROM BEING REIMBURSED UNLESS THE PROVIDER:

(a) (I) HAS ONE OR MORE PHYSICAL LOCATIONS WITHIN THE STATE OF COLORADO OR WITHIN FIFTY MILES OF A BORDER OF COLORADO WITH A STREET ADDRESS, A LOCAL BUSINESS TELEPHONE NUMBER, AN INVENTORY, AND A SUFFICIENT STAFF TO SERVICE OR REPAIR PRODUCTS; EXCEPT THAT THE REQUIREMENTS OF THIS PARAGRAPH (a) SHALL NOT APPLY TO DURABLE MEDICAL EQUIPMENT OR DISPOSABLE MEDICAL SUPPLIES THAT ARE MEDICALLY NECESSARY AND CANNOT BE PURCHASED FROM A PROVIDER MEETING THE REQUIREMENTS OF THIS PARAGRAPH (a);

(II) COMPLIES WITH ALL STATE AND LOCAL LICENSING, INSURANCE, AND

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

REGULATORY REQUIREMENTS FOR OPERATING THE PROVIDER'S BUSINESS;

(III) IS RESPONSIBLE FOR THE DELIVERY OF AND INSTRUCTING THE RECIPIENT ON THE PROPER USE OF THE EQUIPMENT; AND

(IV) PROVIDES REPAIRS, REPLACEMENTS, OR ADJUSTMENTS TO THE PROVIDER'S PRODUCTS PURSUANT TO RULES OF THE STATE BOARD; OR

(b) CONTRACTS WITH A PROVIDER WHO MEETS THE CRITERIA ESTABLISHED IN PARAGRAPH (a) OF THIS SUBSECTION (2).

(3) THE PROVISIONS OF THIS SECTION SHALL APPLY TO FEE-FOR-SERVICE AND PRIMARY CARE PHYSICIAN PROGRAM RECIPIENTS.

SECTION 2. Relocation of harmonizable provisions. Section 26-4-410.7, Colorado Revised Statutes, as enacted in section 1 of this act will be renumbered as and relocated to section 25.5-4-416, Colorado Revised Statutes, only if Senate Bill 06-219 is enacted and becomes law.

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 (August 9, 2006, if adjournment sine die is on May 10, 2006); 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: April 18, 2006