

CHAPTER 222

INSURANCE

HOUSE BILL 10-1242

BY REPRESENTATIVE(S) Apuan, Court, Gagliardi, Hullinghorst, Kerr A., Labuda, Massey, McKinley, Miklosi, Peniston, Primavera, Priola, Riesberg, Schafer S., Solano, Todd, Tyler, Vigil, Gerou, Kagan, Kefalas, Middleton, Nikkel, Pace, Roberts, Ryden, Soper, Summers;
also SENATOR(S) Tochtrop, Boyd, Foster, Hudak, Newell, Shaffer B., Williams.

AN ACT

CONCERNING THE IMPLEMENTATION OF A UNIFORM APPLICATION FORM FOR INDIVIDUAL HEALTH BENEFIT PLANS BY THE COMMISSIONER OF INSURANCE.

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

SECTION 1. 10-16-107.2 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

10-16-107.2. Filing of health policies - rules. (2) (c) (I) THE COMMISSIONER SHALL IMPLEMENT AN INITIAL UNIFORM APPLICATION FORM FOR INDIVIDUAL HEALTH BENEFIT PLANS AND, ON AND AFTER JANUARY 1, 2012, SHALL REQUIRE ALL INDIVIDUAL SICKNESS AND ACCIDENT INSURERS, HEALTH MAINTENANCE ORGANIZATIONS, NONPROFIT HOSPITAL AND SERVICE CORPORATIONS, HEALTH INSURANCE PRODUCERS AND PRODUCER ORGANIZATIONS, AND OTHER ENTITIES PROVIDING INDIVIDUAL HEALTH CARE COVERAGE AUTHORIZED BY THE COMMISSIONER TO CONDUCT BUSINESS IN THIS STATE TO EXCLUSIVELY USE THE UNIFORM APPLICATION FORM FOR THE CONDUCT OF BUSINESS IN THIS STATE. THE INITIAL UNIFORM APPLICATION FORM SHALL INCLUDE THE NAME OF THE APPLICANT, CONTACT INFORMATION FOR THE APPLICANT, OTHER DEMOGRAPHIC INFORMATION APPROVED BY THE COMMISSIONER, AND QUESTIONS CONCERNING MEDICAL CONDITIONS FOR WHICH THE CARRIER MAY REFUSE TO ISSUE COVERAGE.

(II) THE COMMISSIONER SHALL CONSIDER RECOMMENDATIONS REGARDING THE INITIAL UNIFORM APPLICATION FORM AND CONTENT OF THE APPLICATION THAT ARE SUBMITTED TO THE DIVISION BY MEMBERS OF THE INSURANCE INDUSTRY ON OR BEFORE JANUARY 1, 2011.

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

(III) THE COMMISSIONER SHALL PROMULGATE RULES TO IMPLEMENT THE INITIAL UNIFORM APPLICATION FORM ON OR BEFORE SEPTEMBER 1, 2011.

(IV) ON AND AFTER JANUARY 1, 2012, ALL INDIVIDUAL SICKNESS AND ACCIDENT INSURERS, HEALTH MAINTENANCE ORGANIZATIONS, NONPROFIT HOSPITAL AND SERVICE CORPORATIONS, HEALTH INSURANCE PRODUCERS AND PRODUCER ORGANIZATIONS, AND OTHER ENTITIES THAT ISSUE INDIVIDUAL HEALTH BENEFIT PLANS SHALL USE THE INITIAL UNIFORM APPLICATION FORM FOR AN INDIVIDUAL'S COVERAGE.

(V) UPON RECEIPT OF AN INITIAL UNIFORM APPLICATION FORM FROM A CONSUMER, THE CARRIER SHALL REVIEW THE APPLICATION FORM AND DECIDE TO ISSUE COVERAGE, TO ASK FOR ADDITIONAL UNDUPLICATED INFORMATION, OR TO DENY COVERAGE.

(VI) IF A CARRIER DECIDES TO DENY COVERAGE BASED UPON INFORMATION RECEIVED IN THE INITIAL UNIFORM APPLICATION FORM, THE DENIAL OF COVERAGE SHALL SERVE AS A DENIAL FOR PURPOSES OF ELIGIBILITY FOR COVERAGE THROUGH COVERCOLORADO PURSUANT TO PART 5 OF ARTICLE 8 OF THIS TITLE.

SECTION 2. Act subject to petition - 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 (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 10, 2010