

CHAPTER 162

HEALTH AND ENVIRONMENT

SENATE BILL 12-134

BY SENATOR(S) Aguilar, Boyd, Carroll, Foster, Nicholson, Bacon, Giron, Guzman, Mitchell, Morse, Schwartz, Steadman; also REPRESENTATIVE(S) Acree, Casso, Court, Ferrandino, Fields, Fischer, Hamner, Hullinghorst, Jones, Kagan, Kefalas, Kerr A., Kerr J., Labuda, Lee, Levy, Massey, Miklosi, Pabon, Pace, Peniston, Schafer S., Singer, Summers, Todd, Tyler, Vigil, Williams A., Young.

AN ACT**CONCERNING FINANCIAL ASSISTANCE IN COLORADO HOSPITALS.**

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

SECTION 1. In Colorado Revised Statutes, **add** 25-3-112 as follows:

25-3-112. Hospitals - charges for the uninsured - collections protection - charity care information. (1) EACH HOSPITAL SHALL MAKE INFORMATION AVAILABLE TO EACH PATIENT ABOUT THE HOSPITAL'S FINANCIAL ASSISTANCE, CHARITY CARE, AND PAYMENT PLAN POLICIES. EACH HOSPITAL SHALL COMMUNICATE THIS INFORMATION IN A CLEAR AND UNDERSTANDABLE MANNER AND IN LANGUAGES APPROPRIATE TO THE COMMUNITIES AND PATIENTS THE HOSPITAL SERVES. THE HOSPITAL SHALL:

- (a) POST THE INFORMATION CONSPICUOUSLY ON ITS WEB SITE;
- (b) MAKE THE INFORMATION AVAILABLE IN PATIENT WAITING AREAS;
- (c) MAKE THE INFORMATION AVAILABLE TO EACH PATIENT, WHEN POSSIBLE, BEFORE THE PATIENT'S DISCHARGE FROM THE HOSPITAL; AND
- (d) INCLUDE THE INFORMATION IN EACH PATIENT'S BILLING STATEMENT.

(2) (a) WHEN POSSIBLE, EACH HOSPITAL SHALL OFFER TO SCREEN EACH UNINSURED PATIENT FOR ELIGIBILITY FOR FINANCIAL ASSISTANCE AS DESCRIBED BY THIS SUBSECTION (2). EACH HOSPITAL SHALL OFFER FINANCIAL ASSISTANCE FOR QUALIFIED PATIENTS ON A COMMUNITY-SPECIFIC BASIS. IN DETERMINING ELIGIBILITY

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

FOR FINANCIAL ASSISTANCE, EACH HOSPITAL SHALL, AT A MINIMUM, TAKE INTO CONSIDERATION FEDERAL, STATE, AND LOCAL GOVERNMENT REQUIREMENTS.

(b) FOR PURPOSES OF THIS SECTION, A QUALIFIED PATIENT IS AN INDIVIDUAL:

(I) WHO IS UNINSURED;

(II) WHOSE ANNUAL FAMILY INCOME IS NOT MORE THAN TWO HUNDRED FIFTY PERCENT OF THE FEDERAL POVERTY GUIDELINES; AND

(III) WHO RECEIVED A SERVICE AT A HOSPITAL FOR WHICH THE "COLORADO INDIGENT CARE PROGRAM" ESTABLISHED IN PART 1 OF ARTICLE 3 OF TITLE 25.5, C.R.S. WAS NOT AVAILABLE.

(3) A HOSPITAL SHALL LIMIT THE AMOUNTS CHARGED FOR EMERGENCY OR OTHER MEDICALLY NECESSARY CARE PROVIDED TO INDIVIDUALS ELIGIBLE FOR ASSISTANCE UNDER THE FINANCIAL ASSISTANCE POLICY DESCRIBED IN SUBSECTION (2) OF THIS SECTION TO NOT MORE THAN THE LOWEST NEGOTIATED RATE FROM A PRIVATE HEALTH PLAN.

(4) BEFORE INITIATING COLLECTION PROCEEDINGS, A HOSPITAL SHALL:

(a) OFFER A QUALIFIED PATIENT A REASONABLE PAYMENT PLAN; AND

(b) ALLOW FOR AT LEAST THIRTY DAYS PAST THE DUE DATE OF ANY SCHEDULED PAYMENT THAT IS NOT PAID IN FULL. A HOSPITAL MUST ALLOW THE THIRTY-DAY PERIOD ONLY FOR THE FIRST LATE PAYMENT.

(5) NOTHING IN THIS SECTION LIMITS OR AFFECTS A HOSPITAL'S RIGHT TO PURSUE THE COLLECTION OF PERSONAL INJURY, BODILY INJURY, LIABILITY, UNINSURED, UNDERINSURED, MEDICAL PAYMENT REHABILITATION, DISABILITY, HOMEOWNER'S, BUSINESS OWNER'S, WORKERS' COMPENSATION, OR FAULT-BASED INSURANCE.

(6) FOR THE PURPOSES OF THIS SECTION, "HOSPITAL" MEANS A HOSPITAL LICENSED PURSUANT TO PART 1 OF ARTICLE 3 OF THIS TITLE OR CERTIFIED PURSUANT TO SECTION 25-1.5-103 (1) (a) (II).

SECTION 2. Act subject to petition - effective date. This act takes 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 8, 2012, if adjournment sine die is on May 9, 2012); 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 will not take effect unless approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 7, 2012