

CHAPTER 48

GOVERNMENT - STATE

HOUSE BILL 15-1211

BY REPRESENTATIVE(S) Young, Becker J., Duran, Fields, Ginal, Lontine, Mitsch Bush, Rosenthal, Ryden, Tyler, Winter, Hullinghorst;
also SENATOR(S) Sonnenberg, Crowder, Cadman.

AN ACT**CONCERNING LICENSE REQUIREMENTS FOR DURABLE MEDICAL EQUIPMENT SUPPLIERS.**

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

SECTION 1. In Colorado Revised Statutes, 24-21-115, **amend** (1), (2), and (3) (b) (I) as follows:

24-21-115. Durable medical equipment supplier license - definition - rules.
(1) As used in this section:

(a) "Durable medical equipment supplier" means a person or entity that: ~~delivers disposable medical supplies or durable medical equipment products directly to a recipient and that~~

(I) Currently bills or plans to bill the Medicare program for services or products LISTED IN THE CENTERS FOR MEDICARE AND MEDICAID DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS, AND SUPPLIES COMPETITIVE BID PRODUCT CATEGORIES IN THIS STATE in the current calendar year; OR

(II) INTENDS TO BID FOR SERVICES OR PRODUCTS LISTED IN THE CENTERS FOR MEDICARE AND MEDICAID DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS, AND SUPPLIES COMPETITIVE BID PRODUCT CATEGORIES IN THIS STATE IN THE CURRENT CALENDAR YEAR.

(b) "Durable medical equipment supplier" does not include:

(I) A ~~supplier of~~ PERSON OR ENTITY THAT SUPPLIES OR PROVIDES insulin infusion pumps and related supplies or services;

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

(II) A PERSON OR ENTITY THAT SUPPLIES OR PROVIDES PRODUCTS THAT ARE PART OF MEDICARE'S NATIONAL MAIL ORDER PROGRAM;

(III) A PHARMACY LOCATED IN COLORADO THAT HAS A CURRENT PHARMACY ACCREDITATION EXEMPTION THAT IS ACCEPTED AND RECOGNIZED BY THE NATIONAL SUPPLIER CLEARINGHOUSE THAT ENABLES THE PHARMACY TO BE ENROLLED IN MEDICARE TO SUPPLY DURABLE MEDICAL EQUIPMENT WITHOUT HAVING THE ACCREDITATION; OR

(IV) A PRACTITIONER IDENTIFIED IN 42 U.S.C. sec. 1395u (18) (C) OR A PHYSICIAN, IF THE PRACTITIONER OR THE PHYSICIAN IS SUPPLYING OR PROVIDING DURABLE MEDICAL EQUIPMENT TO HIS OR HER OWN PATIENTS AS PART OF THE PRACTITIONER'S OR PHYSICIAN'S OWN SERVICES; OR

(V) A PERSON OR ENTITY THAT SUPPLIES OR PROVIDES DEVICES DIRECTLY TO A PRACTITIONER IDENTIFIED IN 42 U.S.C. SEC. 1395u (18) (C) OR A PHYSICIAN THAT REQUIRE A PRESCRIPTION FOR DISPENSING TO THE PATIENT AS PART OF HIS OR HER OWN SERVICES, WHETHER MAILED TO THE PRACTITIONER OR PHYSICIAN FOR FITTING OR DIRECTLY MAILED TO THE PATIENT.

(2)(a) In order to do business in Colorado, a durable medical equipment supplier must be licensed by the secretary of state.

(b) A DURABLE MEDICAL EQUIPMENT SUPPLIER LICENSE IS NOT REQUIRED AS A CONDITION OF ENROLLMENT AS A PROVIDER IN THE MEDICAL ASSISTANCE PROGRAM DESCRIBED IN TITLE 25.5, C.R.S.

(3) An applicant for a durable medical equipment supplier license must:

(b) Submit to the secretary of state a notarized affidavit attesting that:

(I) The applicant ~~has one or more physical locations within the state or within fifty miles of the border of the state~~ HAS AT LEAST ONE ACCREDITED PHYSICAL FACILITY THAT IS STAFFED DURING REASONABLE BUSINESS HOURS AND IS WITHIN ONE HUNDRED MILES OF ANY COLORADO RESIDENT MEDICARE BENEFICIARY BEING SERVED BY THE APPLICANT.

SECTION 2. 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: March 26, 2015