

SB041_L.013

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

SB19-041 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 10-16-103.5, amend
4 (1) as follows:

5 **10-16-103.5. Payment of premiums - required term in**
6 **contract.** (1) (a) Every contract FOR A HEALTH BENEFIT PLAN between a
7 carrier and a policyholder shall ~~contain a provision that requires a~~
8 REQUIRE THE policyholder to pay premiums FOR EACH INDIVIDUAL
9 COVERED UNDER THE POLICYHOLDER'S POLICY:

10 (a) (I) ~~For each individual covered under the policyholder's policy~~
11 Through the date that the policyholder notifies the carrier that the
12 individual covered under the policy is no longer eligible or covered;
13 ~~except that, if a dependent is no longer covered because the dependent~~
14 ~~becomes enrolled in the children's basic health plan, established pursuant~~
15 ~~to article 8 of title 25.5, C.R.S., the policyholder shall notify the carrier~~
16 ~~of the change in coverage at least thirty days prior to the date that the~~
17 ~~dependent is no longer covered; or~~

18 (b) (II) Through the date that the policyholder notifies the carrier
19 that the policyholder no longer intends to maintain coverage for the group
20 through the carrier; OR

21 (III) THROUGH THE DATE THAT THE INDIVIDUAL COVERED UNDER
22 THE POLICY IS NO LONGER ELIGIBLE OR COVERED IF THE POLICYHOLDER
23 NOTIFIES THE CARRIER WITHIN TEN BUSINESS DAYS AFTER THE DATE THAT
24 THE INDIVIDUAL IS NO LONGER ELIGIBLE OR COVERED BECAUSE THE
25 INDIVIDUAL LEFT EMPLOYMENT WITHOUT NOTICE TO THE EMPLOYER OR
26 THE INDIVIDUAL IS AN EMPLOYEE WHOSE EMPLOYMENT WAS TERMINATED
27 FOR GROSS MISCONDUCT.

28 (b) SUBSECTION (1)(a)(III) OF THIS SECTION DOES NOT APPLY IF A
29 DEPENDENT IS NO LONGER COVERED BECAUSE THE DEPENDENT BECOMES
30 ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN, ESTABLISHED
31 PURSUANT TO ARTICLE 8 OF TITLE 25.5. IF THE DEPENDENT BECOMES
32 ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN, THE POLICYHOLDER
33 SHALL NOTIFY THE CARRIER OF THE CHANGE IN COVERAGE AT LEAST
34 THIRTY DAYS PRIOR TO THE DATE THAT THE DEPENDENT IS NO LONGER
35 COVERED.

36 (c) IF THE POLICYHOLDER NOTIFIES THE CARRIER WITHIN THE
37 TEN-DAY PERIOD PURSUANT TO SUBSECTION (1)(a)(III) OF THIS SECTION,
38 THE CARRIER IS NOT REQUIRED TO PROVIDE BENEFITS TO THE INDIVIDUAL
39 AFTER THE DATE THAT THE INDIVIDUAL IS NO LONGER ELIGIBLE OR
40 COVERED UNDER THE POLICY.

1 (d) NOTHING IN THIS SUBSECTION (1) PRECLUDES A CARRIER AND
2 POLICYHOLDER FROM AGREEING TO A DATE OTHER THAN A DATE SPECIFIED
3 IN SUBSECTION (1)(a)(III) OF THIS SECTION.

4 (e) FOR THE PURPOSES OF THIS SUBSECTION (1), "GROSS
5 MISCONDUCT" MEANS A DELIBERATE WRONGDOING BY THE EMPLOYEE
6 THAT FUNDAMENTALLY UNDERMINES THE RELATIONSHIP OF TRUST AND
7 CONFIDENCE BETWEEN THE EMPLOYER AND EMPLOYEE.

8 **SECTION 2.** In Colorado Revised Statutes, 10-16-704, amend
9 (4.5)(f) and (4.5)(j) as follows:

10 **10-16-704. Network adequacy - rules - legislative declaration.**

11 (4.5) (f) A carrier shall not retroactively adjust a claim based on
12 eligibility if the provider received verification of eligibility within two
13 business days prior to the delivery of services, UNLESS THE
14 POLICYHOLDER NOTIFIED THE CARRIER OF AN INDIVIDUAL'S INELIGIBILITY
15 PURSUANT TO SECTION 10-16-103.5 (1).

16 (j) A carrier shall not retroactively adjust a claim based on
17 eligibility if the provision of benefits is a required policy provision
18 pursuant to section 10-16-202 (4) or ~~section~~ 10-16-214 (3), UNLESS THE
19 POLICYHOLDER NOTIFIED THE CARRIER OF AN INDIVIDUAL'S INELIGIBILITY
20 PURSUANT TO SECTION 10-16-103.5 (1).

21 **SECTION 3. Act subject to petition - effective date -**

22 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
23 the expiration of the ninety-day period after final adjournment of the
24 general assembly (August 2, 2019, if adjournment sine die is on May 3,
25 2019); except that, if a referendum petition is filed pursuant to section 1
26 (3) of article V of the state constitution against this act or an item, section,
27 or part of this act within such period, then the act, item, section, or part
28 will not take effect unless approved by the people at the general election
29 to be held in November 2020 and, in such case, will take effect on the
30 date of the official declaration of the vote thereon by the governor.

31 (2) This act applies to contracts entered into or renewed or claims
32 filed on or after the applicable effective date of this act."

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