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Colorado Managed Care Contractors Annual Legislative Update 2010

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Consumer Protection - Insurance

Task Forces

- HB 1004: Stakeholder group of carriers, provider and consumers to develop EOB and other standardized presentations for health benefit plans, limited benefit plans and dental plans
- HB 1330: All-Payor claims database advisory committee for transparency on claims processing, if funded by 1/1/2012
- SB 020: Allows Cover Colorado to set a fee schedule; sets patient hold harmless; frees enrollment so long as funds available

Consumer Protection Initiatives

- HB 1008: Insurance rate setting for health plans must not be discriminatory or excessive in relation to benefits; gender may not be an underwriting factor
- HB 1166: “Plain language” in insurance – 10th grade reading level plus an index if > 3000 words
- SB 076: Abolition of service-restricting quotas for employees of insurance companies
- SB 183: Continuation of prohibition on balance billing of patients in case of out of network providers of services at in-network hospitals; insurance companies must hold patient harmless (not yet signed)

Wellness Programs

- HB 1160: Changes law to allow insurance wellness programs to provide rewards based upon achievements of benchmarks, not just participation in the program, so long as not discriminatory under HIPAA

Cancer Drugs

- HB 1202: Consumer costs of oral chemotherapy must be “equitable” in comparison to intravenous medications
- HB 1355: Health benefit plans must cover off-label use of cancer therapy drugs if included in cancer compendium of US DHHS

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Medicaid

Medicaid cost savings

- HB 1005: Home health and Home and Community Based Services may be delivered through telemedicine with CMS concurrence
- HB 1029: HCPF to negotiate DME and medical supply contracts to pass on lowest cost/highest quality
- HB 1324: Nursing home per diem rates down 1.25%
- HB 1379: reduction in general fund portion of nursing facility per diem rates

Medicaid Eligibility

- HB 1041: Regarding the Developmental Disability Waiting List: HCPF to create a single point of entry for home and community based services waivers for children
- HB 1027: Medicaid hospice care benefit may be increased from six to nine months' prognosis

Medicaid benefits

- SB 061: Allows Medicaid (with CMS concurrence) to pay for hospice care directly to a nursing facility rather than having to pay the hospice provider as the “general contractor”
- SB 117: Medicaid recipients shall be reimbursed for over the counter meds if prescribed by a licensed practitioner or pharmacist pursuant to rules
- SB 129: Care coordination for autism – allow home and community based services waiver

Medicaid Integrity and Improvement

- HB 1053: Home and Community-Based Services study to determine if Medicaid recipients can be served outside of traditional long term care institutions, and if so, starting a pilot program with CMS permission
- SB 167: Colorado Medicaid False Claims Act (not yet signed); various actions to appoint an internal auditor, chief medial officer, claims management services; begins a false claims program including a relator provision and a private right of action against anyone who retaliates against a relator, etc.

Medicaid Enhanced Federal Match

- SB 169: Uses ARRA funds and recognizes that hospital provider fee cash fund has been used to offset general fund diminution of Medicaid services. Provides that \$41.4 of increased federal financial participation is earmarked for the health care expansion fund; the balance for Medicaid

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Mandates

Women's and Reproductive Services

- HB 1021: Reproductive Services: Health plans must provide maternity, “pregnancy management” e.g. contraceptives (not abortion)
- HB 1252: Breast cancer screening must be covered annually for all women over 40 or with specific risk factors

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Access to Care

Behavioral and Family Health

- HB 1032: Dept of Human Services to contract with a nonprofit entity to obtain statewide behavioral health triage crisis response services for mental health and substance abuse, and shall report by 1/2013
- SB 153: Behavioral Health transformation council to undertake planning program to implement a “systematic transformation” of the behavioral health system
- HB 1226: Encourages pilot program for Dept Social Services to use alternative, family based approach to low level child abuse, offering knowledge and skills

Insurance Rights – Developmental Disability

- SB 002: requires health benefits plans and Medicaid to notify patient representatives of a denial of benefits and how to utilize the appeal process. Goal is to establish a long-term care ombudsman to assist these families with long term care

Terminal Care Decisionmaking

- HB 1025: Repeals and re-enacts Colorado Medical Treatment Decision Act – updates to more current terminology and applications – no specific form required
- HB 1050: CDPHE to create an on-line advanced directives registry
- HB 1122: Medical Orders, Scope of Treatment – form to be prepared by adult or surrogate to describe end of life treatment interests – immunity to providers who follow – no impact upon insurance contracts

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Public Health

Miscellaneous

- HB 1149: Radiation disposal and control rules to be developed
- SB 056: Standardizes school immunization records across the state
- SB 189 (not yet signed): Creates approved needle exchange programs

Medical Marijuana

- HB 1284: Dept of Revenue to license after local approval and under rules; physician must provide a physical and must not have a financial relationship with dispensary; registry card required at all times; existing groups grandfathered before license; one year moratorium on opening new marijuana centers
- SB 109: DPHE required to create rules for registry ID cards, documentation for physicians, sanctions for abuse

Pharmaceutical rules for public health agencies and uses

- HB 1216: Relaxes rules on pharmacy practice to allow a pharmacist or intern to remove vaccines and other immunizations from prescription drug outlet to administer to the public
- SB 197: Allows public entities to transfer drugs from one entity to another by changing the term “wholesale distribution” so that transfers among public entities does not violate the wholesale distribution rules

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Health Professionals

Patient Safety

- HB 1414: Facilities required to report the individual responsible for diversion of injection drugs intended for patient use in the facility
- SB 124 (not yet signed by Gov): would extend Michael Skolnick Act reporting to audiologists, hearing aid providers, acupuncturists, podiatrists, chiropractors, dentists and dental hygienists, physician assistants, direct entry midwives, most nurses, optometrists, physical therapists, psychologists and counselors; other reporting requirements updated

Licensure Boards

- HB 1224: Podiatry board
- HB 1260: “Colorado Medical Board”
 - Moves EMTs from oversight
 - Addresses Adv Practice Nurse prescriptive authority
 - Creates pro bono services and re-entry licenses; allows licensees in good standing from other states; addresses disabilities; addresses return to practice after suspension; creates a \$1/\$3 million malpractice obligation, etc.

Licensure

- HB 1128: Various revisions to provisions of the Department of Regulatory Agencies Division of Registrations, e.g. peer support for additional groups (fees not annual spending); massage therapy discipline for prostitution; repeal of temporary licensures; controlled substances administration ok by unlicensed persons within an institution, etc.
- HB 1415: Registration of surgical assistants

Practice Parameters

- HB 1024: Advanced Practices Nurses may no longer declare terminal illness
- HB 1229: Verbal orders may be utilized in hospitals if read back and verify procedure is used and authentication occurs within 48 hours

Support for Rural Health

- HB 1138: Repayment of educational loans through a Health Service Corps for areas with underserved health care needs

Provider Contracts

- HB 1332: Amends the standard provider contract law to support the National Clean Claims Initiative; requires HCPF to establish a task force to implement the “Medical Clean Claims Transparency and Uniformity Act” and implement standard claims rules and edits by 2015 and 2016

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MISCELLANEOUS

The “Unclassifiable”

- HB 1228: Ends coverage for dependents from state health insurance upon age 25
- HB 1381: Use of tobacco tax revenues for broader health related purposes in 2010-11 for fiscal emergency
- HB 1382: Changing the rules of payments on Medicaid that were made for the fiscal emergency
- SB 194 (not yet signed): Home care service agencies for the developmentally disabled must be licensed under the new home health licensure rules

A horizontal landscape painting featuring rolling green hills, a winding river, and distant mountains under a blue sky with light clouds. The painting is the background for the top banner.

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Thanks for your time and attention!