

SB063_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Insurance.

SB21-063 be amended as follows:

1 Amend reengrossed bill, page 2, line 4, strike "**benefits.**" and substitute
2 "**benefits - rules.**".

3 Page 4, line 24, strike "SECTION 10-3-1104 (1)(i)" and substitute "ARTICLE
4 11 OF THIS TITLE 10".

5 Page 5, line 4, strike "AND".

6 Page 5, strike lines 8 through 13 and substitute "HEALTH BENEFIT PLANS,
7 INCLUDING: COVERAGE OF ESSENTIAL HEALTH BENEFIT PLANS AND
8 COMPLIANCE WITH THE FEDERAL "PATIENT PROTECTION AND AFFORDABLE
9 CARE ACT", PUB.L.111-148, AS AMENDED; COVERAGE OF
10 STATE-MANDATED HEALTH BENEFITS AS REQUIRED BY SECTION 10-16-104;
11 NETWORK PROVIDER REQUIREMENTS AND COMPLIANCE WITH NETWORK
12 ADEQUACY STANDARDS AS REQUIRED BY SECTION 10-16-704; AND
13 GUARANTEE ISSUE REQUIREMENTS, INCLUDING THAT ALL MULTIPLE
14 EMPLOYER WELFARE ARRANGEMENT MEMBERS AND THEIR EMPLOYEES
15 MUST BE ELIGIBLE TO PURCHASE INSURANCE;

16 (H) NOT CONDITION MEMBERSHIP ON HEALTH-STATUS-RELATED
17 FACTORS RELATED TO AN INDIVIDUAL OR EXCLUDE AN EMPLOYER FROM
18 MEMBERSHIP BECAUSE OF THE HEALTH STATUS OF THE EMPLOYEES OF THE
19 EMPLOYER. HEALTH-STATUS-RELATED FACTORS INCLUDE: HEALTH
20 STATUS; MEDICAL CONDITION, INCLUDING BOTH PHYSICAL AND MENTAL
21 ILLNESS, AS DEFINED IN 45 CFR 144.103; AND EVIDENCE OF INSURABILITY
22 OR DISABILITY.

23 (I) NOT CHARGE DIFFERENT PREMIUM RATES, ALTER COST
24 SHARING, OR CHANGE BENEFIT LEVELS BASED ON
25 HEALTH-STATUS-RELATED FACTORS OF A MULTIPLE EMPLOYER WELFARE
26 ARRANGEMENT MEMBER GROUP OR INDIVIDUAL EMPLOYEE OF THAT
27 GROUP;

28 (J) NOT MAKE HEALTH INSURANCE COVERAGE OFFERED THROUGH
29 THE ARRANGEMENT AVAILABLE OTHER THAN IN CONNECTION WITH A
30 MEMBER OF THE MULTIPLE EMPLOYER WELFARE ARRANGEMENT; AND

31 (K) FILE ANNUAL RATE AND FORM FILINGS WITH THE DIVISION AS
32 SPECIFIED BY THE COMMISSIONER BY RULE."

33 Page 6, strike lines 4 through 6 and substitute:

34 "(E) THE LENGTH OF TIME THE MULTIPLE EMPLOYER WELFARE
35 ARRANGEMENT HAS BEEN IN EXISTENCE."

1 Page 6, line 16, after the period add "AN ARRANGEMENT OPERATING
2 PURSUANT TO THIS SUBSECTION (7)(d) REMAINS SUBJECT TO THE
3 DIVISION'S FULL ENFORCEMENT AUTHORITY UNDER THIS TITLE 10, AND THE
4 DIVISION MAY APPLY ANY REQUIREMENT IN THIS TITLE 10 APPLICABLE TO
5 HEALTH INSURANCE CARRIERS TO THE ARRANGEMENT AS LONG AS THE
6 MULTIPLE EMPLOYER WELFARE ARRANGEMENT IS OPERATING IN
7 COLORADO.

8 (V) THE COMMISSIONER:

9 (A) SHALL ADOPT RULES FOR THE IMPLEMENTATION OF THIS
10 SUBSECTION (7)(d); AND

11 (B) MAY WAIVE ANY OF THE REQUIREMENTS OF THIS SUBSECTION
12 (7)(d).

13 **SECTION 2.** In Colorado Revised Statutes, 10-3-1102, **amend**
14 (3) as follows:

15 **10-3-1102. Definitions.** As used in this part 11, unless the context
16 otherwise requires:

17 (3) "Person" means any individual, corporation, association,
18 partnership, reciprocal exchange, interinsurer, Lloyds insurer,
19 nonadmitted insurer, fraternal benefit society, and other legal entities
20 engaged in the insurance business, including agents, limited insurance
21 representatives, agencies, brokers, surplus line brokers, and adjusters.
22 ~~Such~~ THE term ~~shall~~ also ~~include~~ INCLUDES medical service plans and
23 hospital service plans regulated under parts 1 and 3 of article 16 of this
24 ~~title and~~ TITLE 10, health maintenance organizations regulated under parts
25 1 and 4 of article 16 of this ~~title.~~ ~~Such~~ TITLE 10, AND MULTIPLE EMPLOYER
26 WELFARE ARRANGEMENTS OPERATING PURSUANT TO SECTION 10-3-903.5
27 (7)(d). THE plans, ARRANGEMENTS, and organizations shall be deemed to
28 be engaged in the business of insurance for purposes of this part 11
29 only.".

30 Renumber succeeding sections accordingly.

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