

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0139.01 Christy Chase x2008

SENATE BILL 14-040

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SENATE SPONSORSHIP

Brophy,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
State, Veterans, & Military Affairs

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF A HEALTH INSURER TO OFFER TO  
102 COLORADO CONSUMERS AN INDIVIDUAL HEALTH BENEFIT PLAN  
103 THAT IS APPROVED FOR ISSUANCE IN ANOTHER STATE.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill directs the insurance commissioner to approve for sale in Colorado an individual health benefit plan approved in another state if:

! The insurer or its affiliate or subsidiary is authorized to transact business in Colorado and meets national

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*



1 REQUIREMENTS OF THIS PART 11;

2 (d) THE CARRIER AGREES THAT THE COMMISSIONER MAY ENFORCE  
3 THE PROVISIONS OF THE HEALTH BENEFIT PLAN AND RESOLVE DISPUTES  
4 BETWEEN THE CARRIER AND THE POLICYHOLDER IN THE SAME MANNER AS  
5 THE REGULATORY AUTHORITIES IN THE OTHER STATE, BUT IF A CONTESTED  
6 CASE ARISES, IT IS SUBJECT TO THE "STATE ADMINISTRATIVE PROCEDURE  
7 ACT", ARTICLE 4 OF TITLE 24, C.R.S., AND ANY APPEALS MUST BE  
8 RESOLVED IN COLORADO COURTS;

9 (e) THE CARRIER INFORMS THE COMMISSIONER WHETHER THE  
10 INDIVIDUAL HEALTH BENEFIT PLAN WILL BE PRICED AS IT IS IN THE OTHER  
11 STATE OR AT A COLORADO-SPECIFIC PRICE;

12 (f) THE COMMISSIONER SHALL REVIEW ANY PROVIDER NETWORK  
13 REQUIREMENTS IN THE HEALTH BENEFIT PLAN AND MAY REQUIRE  
14 MODIFICATION OF THOSE REQUIREMENTS IF THE CARRIER LACKS  
15 SUFFICIENT NETWORK PROVIDERS IN COLORADO;

16 (g) AN AUTHORIZED CARRIER MAY OFFER AN INDIVIDUAL OR  
17 SMALL EMPLOYER A HEALTH BENEFIT PLAN WITH BENEFITS EQUIVALENT  
18 TO THOSE IN ANY HEALTH BENEFIT PLAN APPROVED FOR SALE IN  
19 COLORADO UNDER THIS PART 11 AS LONG AS THE OFFERED HEALTH  
20 BENEFIT PLAN MEETS THE REQUIREMENTS OF THIS PART 11.

21 **10-16-1102. Financial requirements - plan approval and**  
22 **continuing compliance - commissioner authority.** (1) A CARRIER  
23 OFFERING AN INDIVIDUAL HEALTH BENEFIT PLAN PURSUANT TO THIS PART  
24 11, AND ANY INDIVIDUAL HEALTH BENEFIT PLAN APPROVED PURSUANT TO  
25 THIS PART 11, SHALL SATISFY ACTUARIAL STANDARDS OF THE NATIONAL  
26 ASSOCIATION OF INSURANCE COMMISSIONERS OR ITS SUCCESSOR  
27 ORGANIZATION, THE REQUIREMENTS OF THIS PART 11, AND ANY RULES

1 ADOPTED BY THE COMMISSIONER TO IMPLEMENT THIS PART 11.

2 (2) THE COMMISSIONER SHALL DETERMINE WHETHER A CARRIER  
3 SATISFIES THE REQUIREMENTS OF THIS PART 11 AND SHALL EXPEDITIOUSLY  
4 APPROVE INDIVIDUAL HEALTH BENEFIT PLANS THAT COMPLY WITH THIS  
5 PART 11. THE COMMISSIONER IS AUTHORIZED TO DETERMINE WHETHER AN  
6 INDIVIDUAL HEALTH BENEFIT PLAN SOLD UNDER THIS PART 11 CONTINUES  
7 TO SATISFY THE REQUIREMENTS OF THIS PART 11 IN THE SAME MANNER AS  
8 FOR OTHER HEALTH BENEFIT PLANS UNDER THIS ARTICLE.

9 (3) ANY HEALTH BENEFIT PLAN SOLD UNDER THIS PART 11 MUST  
10 BE PROTECTED UNDER THE "LIFE AND HEALTH INSURANCE PROTECTION  
11 ASSOCIATION ACT", ARTICLE 20 OF THIS TITLE.

12 **10-16-1103. Rules.** (1) THE COMMISSIONER SHALL ADOPT RULES  
13 NECESSARY TO IMPLEMENT THIS PART 11.

14 (2) ANY DISPUTE RESOLUTION MECHANISM OR PROVISION FOR  
15 NOTICE AND HEARING IN THIS ARTICLE APPLIES TO CARRIERS ISSUING AND  
16 DELIVERING HEALTH BENEFIT PLANS PURSUANT TO THIS PART 11.

17 **10-16-1104. Conflict with other provisions.** IF THE PROVISIONS  
18 OF THIS PART 11 CONFLICT WITH ANY OTHER PROVISION OF THIS ARTICLE,  
19 THE PROVISIONS OF THIS PART 11 CONTROL.

20 **10-16-1105. Authorization date.** ON OR AFTER THE EFFECTIVE  
21 DATE OF THIS PART 11, A CARRIER OFFERING A HEALTH BENEFIT PLAN  
22 PURSUANT TO THIS PART 11 MAY ISSUE OR DELIVER FOR ISSUANCE IN THIS  
23 STATE AN INDIVIDUAL HEALTH BENEFIT PLAN THAT HAS BEEN APPROVED  
24 BY THE COMMISSIONER PURSUANT TO SECTION 10-16-1102 (2).

25 **SECTION 2. Safety clause.** The general assembly hereby finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, and safety.