

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0369.01 Yelana Love x2295

HOUSE BILL 15-1297

HOUSE SPONSORSHIP

Ginal and Joshi,

SENATE SPONSORSHIP

Aguilar and Lundberg,

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING UNFAIR BUSINESS PRACTICES WITHIN VISION INSURANCE
102 PLANS.

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 prohibits carriers who offer health coverage plans or managed care plans for optometric services from engaging in certain activities, such as:

- ! Establishing or limiting the fee an optometrist may charge for certain eye care services or corrective lenses;
- ! Requiring an optometrist to provide discounts on corrective

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.

lenses that are not covered under the health coverage plan or managed care plan;

- ! Requiring an optometrist to participate in the carrier's other plans or networks or in another carrier's network;
- ! Requiring an optometrist to participate in credentialing standards that are different from those that apply to other health care professionals; or
- ! Requiring specific sources of corrective lenses or optical laboratory services from which an optometrist may recommend.

Violation of the prohibitions constitutes an unfair or deceptive act or practice in the business of insurance and subjects a carrier to penalties authorized under the law.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-139, **add** (2)
3 (b.5), (2) (d) (III), and (2) (e) as follows:

4 **10-16-139. Access to care - rules. (2) Eye care services.**

5 (b.5) IN ADDITION TO THE REQUIREMENTS IN PARAGRAPH (b) OF THIS
6 SECTION (2), A CARRIER OFFERING A HEALTH COVERAGE PLAN OR
7 MANAGED CARE PLAN THAT COVERS THE SERVICES OF AN OPTOMETRIST
8 SHALL NOT:

9 (I) ESTABLISH, LIMIT, OR REQUIRE DISCOUNTS ON, THE FEE AN
10 OPTOMETRIST MAY CHARGE FOR EYE CARE SERVICES OR CORRECTIVE
11 LENSES THAT ARE NOT COVERED BY THE CARRIER'S HEALTH COVERAGE
12 PLAN OR MANAGED CARE PLAN;

13 (II) REQUIRE, AS A CONDITION OF PARTICIPATION IN ONE OF THE
14 CARRIER'S HEALTH COVERAGE PLANS, MANAGED CARE PLANS, OR
15 NETWORKS, THAT AN OPTOMETRIST PARTICIPATE IN ANY OTHER PLAN OR
16 NETWORK;

17 (III) REQUIRE AN OPTOMETRIST TO PARTICIPATE IN
18 CREDENTIALING STANDARDS THAT ARE DIFFERENT FROM THOSE THAT

1 APPLY TO OTHER HEALTH CARE PROFESSIONALS;

2 (IV) REQUIRE THE USE OF SPECIFIC SOURCES OF CORRECTIVE
3 LENSES OR OPTICAL LABORATORY SERVICES FROM WHICH AN OPTOMETRIST
4 MAY RECOMMEND FOR PURPOSES OF TREATING A COVERED PERSON; OR

5 (V) LIMIT PAYMENT OR REIMBURSEMENT FOR EYE CARE SERVICES
6 OR CORRECTIVE LENSES TO NOMINAL OR DE MINIMIS AMOUNTS.

7 (d) As used in this subsection (2), unless the context otherwise
8 requires:

9 (III) "CORRECTIVE LENSES" MEANS LENSES, FRAMES, LENS
10 TREATMENTS, LENS COATINGS, AND CONTACT LENSES PROVIDED BY AN
11 OPTOMETRIST LICENSED TO PRACTICE OPTOMETRY PURSUANT TO ARTICLE
12 40 OF TITLE 12, C.R.S.

13 (e) THE COMMISSIONER MAY PROMULGATE RULES NECESSARY TO
14 CARRY OUT THE REQUIREMENTS OF THIS SECTION.

15 **SECTION 2.** In Colorado Revised Statutes, 10-3-1104, **amend**
16 (1) (qq); and **add** (1) (ss) as follows:

17 **10-3-1104. Unfair methods of competition - unfair or deceptive**
18 **acts or practices - repeal.** (1) The following are defined as unfair
19 methods of competition and unfair or deceptive acts or practices in the
20 business of insurance:

21 (qq) Failure to pay a final, nonappealable judgment award for
22 failure to return or repay collateral received to secure a bond; ~~or~~

23 (ss) VIOLATING SECTION 10-16-139 (2) (b.5).

24 **SECTION 3. Effective date - applicability.** This act takes effect
25 July 1, 2015, and applies to contracts issued, renewed, amended, or
26 extended in this state on or after said date.

27 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.