

HB1007\_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public Health Care & Human Services.

HB18-1007 be amended as follows:

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

3 "SECTION 1. In Colorado Revised Statutes, 10-16-104, amend  
4 (5.5)(a)(III) as follows:

5 **10-16-104. Mandatory coverage provisions - definitions -**  
6 **rules. (5.5) Behavioral, mental health, and substance use disorders**  
7 **- rules. (a) (III) (A) EXCEPT AS PROVIDED IN SUBSECTION (5.5)(a)(III)(B)**  
8 **OF THIS SECTION, any preauthorization or utilization review mechanism**  
9 **used in the determination to provide the coverage required by this**  
10 **paragraph (a) SUBSECTION (5.5)(a) must be the same as, or no more**  
11 **restrictive than, that used in the determination to provide coverage for a**  
12 **physical illness. The commissioner shall adopt rules as necessary to**  
13 **implement and administer this subsection (5.5).**

14 (B) A HEALTH BENEFIT PLAN SUBJECT TO THIS SUBSECTION (5.5)  
15 MUST PROVIDE COVERAGE WITHOUT PRIOR AUTHORIZATION FOR A  
16 FIVE-DAY SUPPLY OF AT LEAST ONE OF THE FEDERAL FOOD AND DRUG  
17 ADMINISTRATION-APPROVED DRUGS FOR THE TREATMENT OF OPIOID  
18 DEPENDENCE; EXCEPT THAT THIS REQUIREMENT IS LIMITED TO A FIRST  
19 REQUEST WITHIN A TWELVE-MONTH PERIOD.

20 SECTION 2. In Colorado Revised Statutes, 10-16-121, add  
21 (1)(e) as follows:

22 **10-16-121. Required contract provisions in contracts between**  
23 **carriers and providers - definitions. (1) A contract between a carrier**  
24 **and a provider or its representative concerning the delivery, provision,**  
25 **payment, or offering of care or services covered by a managed care plan**  
26 **must make provisions for the following requirements:**

27 (e) THE CONTRACT MUST CONTAIN A PROVISION THAT STATES THE  
28 CARRIER SHALL NOT TAKE AN ADVERSE ACTION AGAINST A PROVIDER OR  
29 PROVIDE FINANCIAL INCENTIVES OR SUBJECT THE PROVIDER TO FINANCIAL  
30 DISINCENTIVES BASED SOLELY ON A PATIENT SATISFACTION SURVEY OR  
31 OTHER METHOD OF OBTAINING PATIENT FEEDBACK RELATING TO THE  
32 PATIENT'S SATISFACTION WITH PAIN TREATMENT.

33 SECTION 3. In Colorado Revised Statutes, 10-16-124.5, amend  
34 (8)(b) as follows:

35 **10-16-124.5. Prior authorization form - drug benefits - rules**  
36 **of commissioner - definitions. (8) As used in this section:**

37 (b) "Urgent prior authorization request" means:

38 (I) A request for prior authorization of a drug benefit that, based  
39 on the reasonable opinion of the prescribing provider with knowledge of

1 the covered person's medical condition, if determined in the time allowed  
2 for nonurgent prior authorization requests, could:

3 (F) (A) Seriously jeopardize the life or health of the covered  
4 person or the ability of the covered person to regain maximum function;  
5 or

6 (H) (B) Subject the covered person to severe pain that cannot be  
7 adequately managed without the drug benefit that is the subject of the  
8 prior authorization request; OR

9 (II) A REQUEST FOR PRIOR AUTHORIZATION FOR  
10 MEDICATION-ASSISTED TREATMENT FOR SUBSTANCE USE DISORDERS.

11 **SECTION 4.** In Colorado Revised Statutes, **add** 10-16-143.5 as  
12 follows:

13 **10-16-143.5. Pharmacy reimbursement - substance use**  
14 **disorder - injections.** IF A PHARMACY HAS ENTERED INTO A  
15 COLLABORATIVE PHARMACY PRACTICE AGREEMENT WITH ONE OR MORE  
16 PHYSICIANS PURSUANT TO SECTION 12-42.5-602 TO ADMINISTER  
17 INJECTABLE MEDICATION FOR MEDICATION-ASSISTED TREATMENT FOR  
18 SUBSTANCE USE DISORDERS, THE PHARMACY ADMINISTERING THE DRUG  
19 SHALL RECEIVE AN ENHANCED DISPENSING FEE.

20 **SECTION 5.** In Colorado Revised Statutes, 25.5-5-411, **amend**  
21 (4)(b) as follows:

22 **25.5-5-411. Medicaid community mental health services -**  
23 **legislative declaration - administration - rules.** (4) (b) (I) The state  
24 department shall establish cost-effective, capitated rates for community  
25 mental health services in a manner that includes cost containment  
26 mechanisms. These cost containment mechanisms may include, but are  
27 not limited to, restricting average per member per month utilization  
28 growth, restricting unit cost growth, limiting allowable administrative  
29 cost, establishing minimum medical loss ratios, or establishing other cost  
30 containment mechanisms that the state department determines  
31 appropriate.

32 (II) THE STATE DEPARTMENT AND THE OFFICE OF BEHAVIORAL  
33 HEALTH IN THE DEPARTMENT OF HUMAN SERVICES, IN COLLABORATION  
34 WITH COMMUNITY MENTAL HEALTH SERVICES PROVIDERS AND SUBSTANCE  
35 USE DISORDER ~~TREATMENT~~ PROVIDERS, SHALL ESTABLISH RULES THAT  
36 STANDARDIZE UTILIZATION MANAGEMENT AUTHORITY TIMELINES FOR THE  
37 NONPHARMACEUTICAL COMPONENTS OF MEDICATION-ASSISTED  
38 TREATMENT FOR SUBSTANCE USE DISORDERS.

39 **SECTION 6.** In Colorado Revised Statutes, **add** 25.5-5-509 as  
40 follows:

41 **25.5-5-509. Substance use disorder - prescription drugs.**  
42 NOTWITHSTANDING ANY PROVISIONS OF THIS PART 5 TO THE CONTRARY,  
43 FOR THE TREATMENT OF A SUBSTANCE USE DISORDER, IN PROMULGATING

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1 RULES, AND SUBJECT TO ANY NECESSARY FEDERAL AUTHORIZATION, THE  
2 STATE BOARD SHALL AUTHORIZE REIMBURSEMENT FOR AT LEAST ONE  
3 FEDERAL FOOD AND DRUG ADMINISTRATION-APPROVED READY-TO-USE  
4 OPIOID OVERDOSE REVERSAL DRUG WITHOUT PRIOR AUTHORIZATION.

5 **SECTION 7.** In Colorado Revised Statutes, **add 25.5-5-510** as  
6 follows:

7 **25.5-5-510. Pharmacy reimbursement - substance use disorder**  
8 **- injections.** IF A PHARMACY HAS ENTERED INTO A COLLABORATIVE  
9 PHARMACY PRACTICE AGREEMENT WITH ONE OR MORE PHYSICIANS  
10 PURSUANT TO SECTION 12-42.5-602 TO ADMINISTER INJECTABLE  
11 MEDICATION FOR MEDICATION-ASSISTED TREATMENT FOR SUBSTANCE USE  
12 DISORDERS, THE PHARMACY ADMINISTERING THE DRUG SHALL RECEIVE AN  
13 ENHANCED DISPENSING FEE THAT ALIGNS WITH THE ADMINISTRATION FEE  
14 PAID TO A PROVIDER IN A CLINICAL SETTING.

15 **SECTION 8. Act subject to petition - effective date.** This act  
16 takes effect January 1, 2019; except that, if a referendum petition is filed  
17 pursuant to section 1 (3) of article V of the state constitution against this  
18 act or an item, section, or part of this act within the ninety-day period  
19 after final adjournment of the general assembly, then the act, item,  
20 section, or part will not take effect unless approved by the people at the  
21 general election to be held in November 2018 and, in such case, will take  
22 effect on January 1, 2019, or on the date of the official declaration of the  
23 vote thereon by the governor, whichever is later."

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