

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 27, 2023
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB23-298 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, strike lines 2 through 4 and substitute:
 - 2 "SECTION 1. In Colorado Revised Statutes, **add** part 9 to article
 - 3 1 of title 25.5 as follows:
 - 4 PART 9
 - 5 HOSPITAL COLLABORATION AGREEMENTS
 - 6 **25.5-1-901. Hospital collaborative agreements - reviews of**.
- 7 Page 3, line 12, after "COSTS;" add "AND".
- 8 Page 3, strike lines 13 through 18.
- 9 Page 3, line 19, strike "(VI) IT" and substitute "(V) IN CASES WHERE
- 10 BOTH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE
- 11 ATTORNEY GENERAL APPROVE COLLABORATIVE ARRANGEMENTS, IT".
- 12 Page 3, line 20, strike "UNNECESSARY" and substitute "CERTAIN".
- 13 Page 4, line 18, strike "AS A RESULT, MANY" and substitute "MANY".
- 14 Page 4, lines 27 and 28, strike "RURAL HEALTH-CARE LEADERS".
- 15 Page 5, line 1, strike "THEY CONFRONT," and substitute "CONFRONTING
- 16 RURAL HEALTH CARE,"
- 17 Page 5, line 12, after "SERVICES;" add "AND".

- 1 Page 5, strike lines 22 through 28 and substitute "COMMUNITIES."
- 2 Page 6, strike lines 1 and 2.
- 3 Page 8, line 20, strike "HOSPITAL-EMPLOYED STAFF." and substitute
4 "HOSPITAL STAFF, WHETHER EMPLOYED BY THE HOSPITAL, A STAFFING
5 AGENCY, OR OTHER EMPLOYER."
- 6 Page 8, line 26, after "SUBMISSION" insert "AND REVIEW" and strike
7 "PROPOSALS." and substitute "PROPOSALS BY THE DEPARTMENT OF HEALTH
8 CARE POLICY AND FINANCING."
- 9 Page 9, line 2, strike "IF" and substitute "WITHIN FIFTEEN DAYS AFTER
10 RECEIPT OF A PROPOSED COLLABORATIVE AGREEMENT AND THE RECEIPT
11 OF ADDITIONAL INFORMATION REQUESTED BY THE DEPARTMENT OF
12 HEALTH CARE POLICY AND FINANCING, IF".
- 13 Page 9, line 12, strike "SIXTY" and substitute "FORTY-FIVE" and strike
14 "PROPOSED".
- 15 Page 9, strike lines 13 and 14 and substitute "REFERRAL AND REVIEW
16 FROM THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE
17 ATTORNEY GENERAL SHALL REVIEW THE".
- 18 Page 9, line 19, strike "REVIEW." and substitute "REVIEW FOLLOWING
19 RECEIPT OF THE REQUESTED INFORMATION."
- 20 Page 9, strike lines 20 through 28 and substitute:
21 "(8) (a) A COLLABORATIVE AGREEMENT IS APPROVED IF:
22 (I) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
23 CONCLUDES THAT THE PROPOSED COLLABORATIVE AGREEMENT WILL
24 RESULT IN IMPROVED QUALITY, INCREASED ACCESS OR COST SAVINGS, OR
25 OTHER EFFICIENCIES THAT WILL IMPROVE OR EXPAND THE DELIVERY OF
26 HEALTH-CARE SERVICES IN RURAL AND FRONTIER COMMUNITIES IN
27 COLORADO; AND
28 (II) THE ATTORNEY GENERAL CONCLUDES THAT THE BENEFITS
29 IDENTIFIED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
30 ARE OUTWEIGHED BY ANY COMPETITIVE CONCERNS IDENTIFIED BY THE
31 ATTORNEY GENERAL OR THE ATTORNEY GENERAL DOES NOT RESPOND
32 WITHIN THE TIME FRAMES SPECIFIED IN SUBSECTION (7) OF THIS SECTION."
- 33 Page 10, strike line 1.

1 Page 10, after line 1 insert:

2 "(b) (I) EXCEPT AS PROVIDED IN SUBSECTION (8)(b)(III) OF THIS
3 SECTION, IF A PROPOSED COLLABORATIVE AGREEMENT IS DENIED, THE
4 HOSPITALS OR HOSPITAL AFFILIATES MAY REQUEST RECONSIDERATION BY
5 RESUBMITTING THE PROPOSED AGREEMENT TO THE ATTORNEY GENERAL
6 WITHIN THIRTY DAYS AFTER THE DENIAL ALONG WITH ADDITIONAL
7 MATERIALS, INFORMATION, OR OTHER EVIDENCE THAT WAS NOT
8 PREVIOUSLY SUBMITTED RELATING TO THE DETERMINATION OF THE
9 BENEFITS OR ANTICOMPETITIVE HARM ASSOCIATED WITH THE PROPOSED
10 COLLABORATIVE AGREEMENT.

11 (II) THE ATTORNEY GENERAL HAS FORTY-FIVE DAYS FROM THE
12 DATE OF THE REQUEST TO RECONSIDER THE DENIAL AND MAY CONSULT
13 WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING OR THE
14 DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES
15 AS PART OF THE RECONSIDERATION. THE PROPOSED COLLABORATIVE
16 AGREEMENT IS NOT DEEMED APPROVED IF THE ATTORNEY GENERAL FAILS
17 TO RESPOND WITHIN THE FORTY-FIVE DAY RECONSIDERATION PERIOD.

18 (III) A REQUEST FOR RECONSIDERATION OF A PROPOSED
19 COLLABORATIVE AGREEMENT MAY BE MADE ONLY ONCE WITHIN THE
20 THIRTY DAY PERIOD FOLLOWING THE DENIAL OF THE PROPOSED
21 COLLABORATIVE AGREEMENT. THE ATTORNEY GENERAL'S DECISION ON A
22 PROPOSED COLLABORATIVE AGREEMENT THAT IS NOT SUBMITTED FOR
23 RECONSIDERATION WITHIN THIRTY DAYS OR THAT IS DENIED UPON
24 RECONSIDERATION IS FINAL AND NON-APPEALABLE."

25 Page 10, line 2, strike "(b)" and substitute "(c)".

26 Page 10, strike lines 5 through 8 and substitute "AGREEMENT ARE
27 CONSISTENT WITH THIS SECTION."

28 Page 10, before line 9 insert:

29 "SECTION 2. In Colorado Revised Statutes, add 25-3-304.5 as
30 follows:

31 **25-3-304.5. Hospital collaborative agreements - additional**
32 **powers.** IN ADDITION TO THE POWERS SPECIFIED IN SECTION 25-3-304, THE
33 BOARD OF TRUSTEES OF A COUNTY PUBLIC HOSPITAL MAY ENTER INTO A
34 COLLABORATIVE AGREEMENT WITH ANOTHER COUNTY PUBLIC HOSPITAL,
35 HEALTH SERVICE DISTRICT, OR HOSPITAL AFFILIATE IN ACCORDANCE WITH
36 SECTION 25.5-1-901."

37 Renumber succeeding sections accordingly.

- 1 Page 10, line 17, strike "25-3-304.5." and substitute "25.5-1-901."
- 2 Strike "MAY" and substitute "WILL" on: **Page 9**, lines 3 and 4.

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