

## CHAPTER 40

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**INSURANCE**


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**HOUSE BILL 16-1148**

BY REPRESENTATIVE(S) Sias, Primavera, Brown, Fields, Ginal, Lontine, Mitsch Bush;  
 also SENATOR(S) Roberts and Kefalas, Aguilar, Baumgardner, Cooke, Crowder, Garcia, Grantham, Guzman, Heath, Hill,  
 Holbert, Jahn, Johnston, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Scheffel, Scott, Sonnenberg, Steadman, Tate,  
 Todd, Woods.

**AN ACT**

**CONCERNING THE OVERSIGHT AUTHORITY OF THE HEALTH INSURANCE EXCHANGE OVERSIGHT COMMITTEE WITH REGARD TO POLICIES THAT AFFECT CONSUMERS PROPOSED BY THE HEALTH BENEFIT EXCHANGE.**

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

**SECTION 1.** In Colorado Revised Statutes, 10-22-106, **amend** (1) (d); and **add** (5) as follows:

**10-22-106. Powers and duties of the board.** (1) The board is the governing body of the exchange and has all the powers and duties necessary to implement this article. The board shall:

(d) Create technical and advisory groups ~~as needed~~ TO OPERATE ON AN ONGOING BASIS AND to report to the board AND PROVIDE GUIDANCE AT THE DIRECTION OF THE BOARD ON ISSUES THAT DIRECTLY OR INDIRECTLY AFFECT CONSUMERS. THE BOARD SHALL USE REASONABLE EFFORTS TO ENSURE THAT THE TECHNICAL AND ADVISORY GROUPS REFLECT GEOGRAPHIC DIVERSITY AND DIVERSE OPINIONS ON ISSUES AFFECTING CONSUMERS. ~~The TECHNICAL AND advisory groups shall meet regularly~~ AT LEAST QUARTERLY throughout the year to discuss issues related to the exchange and make recommendations to the board; EXCEPT THAT, BEGINNING TWO YEARS AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (d), THE GROUPS SHALL MEET ONLY AS NECESSARY.

(5) (a) THE BOARD, WITH PUBLIC INPUT, SHALL SET A POLICY THAT MAKES CLEAR WHICH ACTIONS BY THE EXCHANGE REQUIRE PUBLIC SCRUTINY AND SHALL MAKE THE POLICY AVAILABLE TO THE COMMITTEE. IN DETERMINING WHICH ACTIONS

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

REQUIRE PUBLIC SCRUTINY, THE BOARD SHALL CONSIDER THE EFFECTS THE EXCHANGE'S ACTIONS HAVE ON CONSUMERS.

(b) PRIOR TO TAKING AN ACTION THAT REQUIRES PUBLIC SCRUTINY, THE EXCHANGE SHALL POST NOTICE OF THE PLANNED ACTION ON THE EXCHANGE WEBSITE AT LEAST THREE WEEKS PRIOR TO THE DATE OF THE BOARD MEETING AT WHICH THE ACTION WILL BE DISCUSSED. THE EXCHANGE SHALL PROVIDE TIME FOR PUBLIC COMMENTS AND QUESTIONS AT THE BOARD MEETING AND POST THE FINAL ACTION ON THE EXCHANGE WEBSITE.

(c) THE BOARD MAY ADOPT AN ACTION WITHOUT COMPLIANCE WITH PARAGRAPH (b) OF THIS SUBSECTION (5) IF THE BOARD FINDS THAT IMMEDIATE ADOPTION IS NECESSARY TO AVOID DISRUPTION OF THE CONTINUING OPERATION OF THE EXCHANGE. THE EXCHANGE SHALL MAKE THE ACTION AND THE REASONS FOR THE ACTION AVAILABLE TO THE PUBLIC AND THE COMMITTEE.

**SECTION 2.** In Colorado Revised Statutes, 10-22-107, **amend** (7) as follows:

**10-22-107. Colorado health insurance exchange oversight committee - creation - duties.** (7) The board shall send the committee an annual report that contains the financial and operational plans of the exchange AND THE MAJOR ACTIONS TAKEN BY THE BOARD, PARTICULARLY ACTIONS THAT AFFECT CONSUMERS. The committee shall review the financial and operational plans of the exchange AND THE MAJOR ACTIONS TAKEN BY THE BOARD.

**SECTION 3. Effective date.** This act takes effect June 1, 2016.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 22, 2016