

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 30, 2017
Date

Committee on Health, Insurance, & Environment.

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

HB17-1080 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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

3 "SECTION 1. In Colorado Revised Statutes, 24-21-115, amend
4 (1)(a), (1)(b)(IV), (1)(b)(V), (2)(a), (3), (4), (5), and (6) as follows:

5 **24-21-115. Durable medical equipment supplier license -**
6 **definition - rules.** (1) As used in this section:

7 (a) "Durable medical equipment supplier" means a person or
8 entity that:

9 (I) Currently bills or plans to bill the medicare program IN THIS
10 STATE IN THE CURRENT CALENDAR YEAR for services or products listed in
11 the centers for medicare and medicaid SERVICES durable medical
12 equipment, prosthetics, orthotics, and supplies, ALSO REFERRED TO IN THIS
13 SECTION AS "DMEPOS", competitive bid product categories ~~in this state~~
14 ~~in the current calendar year~~ OR PURSUANT TO ANY SUCCESSOR BIDDING
15 PROGRAM ESTABLISHED BY THE CENTERS FOR MEDICARE AND MEDICAID
16 SERVICES AFTER THE EFFECTIVE DATE OF THIS ACT; or

17 (II) Intends to bid IN THIS STATE IN THE CURRENT CALENDAR YEAR
18 for services or products listed in the centers for medicare and medicaid
19 ~~durable medical equipment, prosthetics, orthotics, and supplies~~ SERVICES
20 DMEPOS competitive bid product categories ~~in this state in the current~~
21 ~~calendar year~~ OR PURSUANT TO ANY SUCCESSOR BIDDING PROGRAM
22 ESTABLISHED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES
23 AFTER THE EFFECTIVE DATE OF THIS ACT.

1 (b) "Durable medical equipment supplier" does not include:
2 (IV) A practitioner identified in 42 U.S.C. sec. 1395u ~~(18)(C)~~
3 (b)(18)(C) or a physician, if the practitioner or the physician is supplying
4 or providing durable medical equipment to his or her own patients as part
5 of the practitioner's or physician's own services; or
6 (V) A person or entity that supplies or provides devices directly
7 to a practitioner identified in 42 U.S.C. sec. 1395u ~~(18)(C)~~ (b)(18)(C) or
8 a physician that require a prescription for dispensing to the patient as part
9 of his or her own services, whether mailed to the practitioner or physician
10 for fitting or directly mailed to the patient.
11 (2) (a) In order to do business in Colorado, FOR EACH PHYSICAL
12 LOCATION PROVIDING SERVICES IN COLORADO, a durable medical
13 equipment supplier must be licensed by the COLORADO secretary of state
14 AND MEET THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION.
15 (3) FOR EACH PHYSICAL LOCATION PROVIDING SERVICES IN
16 COLORADO, an applicant for a durable medical equipment supplier license
17 must:
18 (a) Complete the license application as directed by the COLORADO
19 secretary of state;
20 (b) Submit to the COLORADO secretary of state a notarized
21 affidavit attesting that:
22 (I) ~~The applicant has at least one accredited physical facility that~~
23 ~~is staffed during reasonable business hours and~~ APPLICANT'S PHYSICAL
24 LOCATION is within one hundred miles of any Colorado resident medicare
25 beneficiary being served by the applicant IN COLORADO;
26 (II) ~~The applicant has sufficient inventory and staff to service or~~
27 ~~repair products; and~~
28 (III) The ~~applicant~~ APPLICANT'S LOCATION is accredited AS A
29 DMEPOS-ACCREDITED LOCATION, AS DEFINED IN 42 CFR 424.57 (c), by
30 an accrediting organization recognized and accepted by the federal
31 centers for medicare and medicaid services AND INCLUDES THE NAME AND
32 ADDRESS OF THE ACCREDITING ORGANIZATION THAT HAS ACCREDITED THE
33 APPLICANT'S PHYSICAL LOCATION AS IN COMPLIANCE WITH THE
34 REQUIREMENTS SET FORTH IN SUBSECTION (3)(b)(I) OF THIS SECTION; AND
35 (IV) THE APPLICANT IS NOT USING A PHYSICAL LOCATION THAT IT
36 USES AS A DMEPOS WAREHOUSE OR REPAIR FACILITY TO MEET THE
37 REQUIREMENTS SET FORTH IN SUBSECTION (3)(b)(I) TO OBTAIN A LICENSE
38 AND TO QUALIFY FOR ACCREDITATION, AS DEFINED IN 42 CFR 424.57 (c);
39 EXCEPT THAT THE APPLICANT MAY DOMICILE A FULLY ACCREDITED
40 DMEPOS FACILITY WITHIN A DMEPOS WAREHOUSE OR REPAIR FACILITY
41 TO MEET THE REQUIREMENTS SET FORTH IN SUBSECTION (3)(b)(I) TO

1 OBTAIN A LICENSE FOR THE FULLY ACCREDITED DMEPOS FACILITY AND
2 TO QUALIFY FOR ACCREDITATION, AS DEFINED IN 42 CFR 424.57 (c);

3 (c) Provide to the COLORADO secretary of state a LOCAL street
4 address and a local business telephone number FOR EACH PHYSICAL
5 LOCATION PROVIDING SERVICES IN COLORADO; and

6 (d) Pay an annual fee established by the COLORADO secretary of
7 state, not to exceed five hundred dollars FOR EACH PHYSICAL LOCATION
8 THAT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN
9 SUBSECTION (3)(b)(I) OF THIS SECTION THAT IS PROVIDING SERVICES IN
10 COLORADO; AND

11 (e) PROVIDE THE COLORADO SECRETARY OF STATE WITH A
12 TELEPHONE NUMBER AND HOME OR BUSINESS ADDRESS FOR THE AFFIANT.

13 (4) The durable medical equipment supplier licensee shall
14 prominently display the license at each of its physical business locations.
15 ~~The license may be duplicated for this purpose.~~

16 (5) The COLORADO secretary of state shall refer all complaints
17 concerning durable medical equipment suppliers, durable medical
18 equipment, or services to the federal centers for medicare and medicaid
19 SERVICES.

20 (6) ~~The secretary of state shall implement this section on or before~~
21 ~~December 31, 2014.~~ The COLORADO secretary of state may promulgate
22 rules to implement this section.

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

26 Page 1, line 101, strike "LICENSING" and substitute "AFFIDAVIT".

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