

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0655.01 Christy Chase x2008

HOUSE BILL 18-1282

HOUSE SPONSORSHIP

Lontine and Sias,

SENATE SPONSORSHIP

Smallwood and Kefalas,

House Committees

Health, Insurance, & Environment

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT A HEALTH CARE PROVIDER**
102 **INCLUDE CERTAIN IDENTIFYING INFORMATION ON ALL CLAIMS**
103 **FOR REIMBURSEMENT FOR HEALTH CARE SERVICES.**

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://leg.colorado.gov>.)

Section 2 of the bill requires an off-campus location of a hospital to apply for, obtain, and use on claims for reimbursement for health care services provided at the off-campus location a unique national provider identifier, commonly referred to as "NPI". The off-campus location's NPI must be used on all claims related to health care services provided at that

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
March 26, 2018

HOUSE
2nd Reading Unamended
March 23, 2018

location, regardless of whether the claim is filed through the hospital's central billing or claims department or through a health care clearinghouse.

Section 3 requires all medicaid providers that are entities to obtain and use a unique NPI for each site at which they deliver services and for each provider type that the department of health care policy and financing has specified. Entity medicaid providers must use on all claims the unique NPI that identifies both the site where the services were provided and the provider type rendering the services, regardless of whether the claim is filed through the entity's central billing or claims department or through a health care clearinghouse.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Health care spending accounts for over 17% of the United
5 States economy;

6 (b) Health care costs in Colorado continue to increase, and
7 spending on health care is growing faster than the economy as a whole;

8 (c) More accountability for and transparency in health care system
9 costs is needed so that consumers can make better health care decisions
10 and policymakers can find ways to address rising health care costs;

11 (d) In Colorado, 39 cents of every dollar spent on health care is
12 for hospital care;

13 (e) Hospitals and other organization health care providers have
14 expanded to create a number of off-campus or separate physical locations
15 for delivering health care ("off-campus locations"), which include
16 freestanding emergency departments. In 2014, there were 15 freestanding
17 emergency departments in operation in Colorado, and, as of 2018, there
18 are 50 freestanding emergency departments operating in Colorado.

19 (f) When consumers seek nonemergency care for common

1 conditions at freestanding emergency departments, delivery of that level
2 of care in that setting can increase costs in the overall health care system;

3 (g) Coloradans deserve to have information about the costs
4 associated with seeking services at off-campus locations, including
5 freestanding emergency departments;

6 (h) In many cases, off-campus locations share the same identifier
7 for billing purposes as their affiliated hospital or organization health care
8 provider, and because the costs associated with care delivered at
9 off-campus locations are not transparent, it may be impossible for
10 consumers to understand the basis for charges and for policymakers to
11 evaluate the effects of these costs on overall system costs;

12 (i) Under federal regulations, an organization health care provider
13 that has separate physical locations, referred to as "subparts" of the
14 organization provider, may obtain a unique identifier for each subpart,
15 which facilitates identifying the types of health care services and the
16 location where the services are provided; and

17 (j) It is therefore the intent of the General Assembly, through the
18 passage of this act, to require each off-campus location of a hospital and
19 each subpart of an organization health care provider to have a unique
20 identification number so that the costs associated with those facilities are
21 transparent and accountable.

22 **SECTION 2.** In Colorado Revised Statutes, **add** 25-3-118 as
23 follows:

24 **25-3-118. Hospital off-campus location - obtain and use unique**
25 **NPI - definitions.** (1) AN OFF-CAMPUS LOCATION OF A HOSPITAL MUST
26 APPLY FOR, OBTAIN, AND USE ON ALL CLAIMS FOR REIMBURSEMENT OR
27 PAYMENT FOR HEALTH CARE SERVICES PROVIDED AT THE OFF-CAMPUS

1 LOCATION SUBMITTED ON OR AFTER JANUARY 1, 2020, A UNIQUE NPI
2 THAT IS SEPARATE AND DISTINCT FROM THE HOSPITAL'S NPI. THE
3 OFF-CAMPUS LOCATION'S UNIQUE NPI MUST BE INCLUDED ON ANY CLAIM
4 FOR REIMBURSEMENT OR PAYMENT FOR HEALTH CARE SERVICES PROVIDED
5 AT THE OFF-CAMPUS LOCATION, REGARDLESS OF WHETHER THE CLAIM IS
6 FILED OR SUBMITTED BY OR THROUGH A CENTRAL OFFICE OF THE HOSPITAL
7 OR A HEALTH CARE CLEARINGHOUSE.

8 (2) AS USED IN THIS SECTION:

9 (a) "HEALTH CARE CLEARINGHOUSE" HAS THE SAME MEANING AS
10 SET FORTH IN 45 CFR 160.103.

11 (b) "NPI" OR "NATIONAL PROVIDER IDENTIFIER" MEANS THE
12 STANDARD, UNIQUE HEALTH IDENTIFIER FOR HEALTH CARE PROVIDERS
13 THAT IS ISSUED BY THE NATIONAL PROVIDER SYSTEM IN ACCORDANCE
14 WITH 45 CFR PART 162.

15 (c) "OFF-CAMPUS LOCATION" MEANS A FACILITY:

16 (I) WHOSE OPERATIONS ARE DIRECTLY OR INDIRECTLY OWNED OR
17 CONTROLLED BY, IN WHOLE OR IN PART, OR AFFILIATED WITH A HOSPITAL,
18 REGARDLESS OF WHETHER THE OPERATIONS ARE UNDER THE SAME
19 GOVERNING BODY AS THE HOSPITAL;

20 (II) THAT IS LOCATED MORE THAN TWO HUNDRED FIFTY YARDS
21 FROM THE HOSPITAL'S MAIN CAMPUS;

22 (III) THAT PROVIDES SERVICES THAT ARE ORGANIZATIONALLY AND
23 FUNCTIONALLY INTEGRATED WITH THE HOSPITAL; AND

24 (IV) THAT IS AN OUTPATIENT FACILITY PROVIDING PREVENTIVE,
25 DIAGNOSTIC, TREATMENT, OR EMERGENCY SERVICES.

26 **SECTION 3.** In Colorado Revised Statutes, **add** 25.5-4-419 as
27 follows:

1 **25.5-4-419. Providers to obtain unique NPI - service site -**
2 **provider type - definitions.** (1) AS USED IN THIS SECTION:

3 (a) "HEALTH CARE CLEARINGHOUSE" HAS THE SAME MEANING AS
4 SET FORTH IN 45 CFR 160.103.

5 (b) "NPI" OR "NATIONAL PROVIDER IDENTIFIER" MEANS THE
6 STANDARD, UNIQUE HEALTH IDENTIFIER FOR HEALTH CARE PROVIDERS
7 THAT IS ISSUED BY THE NATIONAL PROVIDER SYSTEM IN ACCORDANCE
8 WITH 45 CFR PART 162.

9 (c) "OFF-CAMPUS LOCATION" MEANS A FACILITY:

10 (I) WHOSE OPERATIONS ARE DIRECTLY OR INDIRECTLY OWNED OR
11 CONTROLLED BY, IN WHOLE OR IN PART, OR AFFILIATED WITH A HOSPITAL,
12 REGARDLESS OF WHETHER THE OPERATIONS ARE UNDER THE SAME
13 GOVERNING BODY AS THE HOSPITAL;

14 (II) THAT IS LOCATED MORE THAN TWO HUNDRED FIFTY YARDS
15 FROM THE HOSPITAL'S MAIN CAMPUS;

16 (III) THAT PROVIDES SERVICES THAT ARE ORGANIZATIONALLY AND
17 FUNCTIONALLY INTEGRATED WITH THE HOSPITAL; AND

18 (IV) THAT IS AN OUTPATIENT FACILITY PROVIDING PREVENTIVE,
19 DIAGNOSTIC, TREATMENT, OR EMERGENCY SERVICES.

20 (d) "ORGANIZATION HEALTH CARE PROVIDER" MEANS A PROVIDER
21 THAT IS NOT AN INDIVIDUAL AND INCLUDES A HOSPITAL.

22 (e) "SUBPART" HAS THE SAME MEANING AS THAT TERM IS USED IN
23 45 CFR PART 162 AND MEANS A COMPONENT OR SEPARATE PHYSICAL
24 LOCATION OF AN ORGANIZATION HEALTH CARE PROVIDER THAT MAY BE
25 SEPARATELY LICENSED OR CERTIFIED BY THE STATE.

26 (2) (a) EACH ORGANIZATION HEALTH CARE PROVIDER AND EACH
27 SUBPART THAT IS REQUIRED OR ELIGIBLE TO OBTAIN AN NPI PURSUANT TO

1 45 CFR 162.410 MUST APPLY FOR, OBTAIN, AND USE ON ALL CLAIMS FOR
2 PAYMENT FOR MEDICAL CARE, SERVICES, OR GOODS AUTHORIZED UNDER
3 THIS ARTICLE 4 AND ARTICLES 5 AND 6 OF THIS TITLE 25.5 A UNIQUE NPI
4 FOR EACH SITE AT WHICH THE ORGANIZATION HEALTH CARE PROVIDER OR
5 ITS SUBPARTS DELIVER MEDICAL CARE, SERVICES, OR GOODS.

6 (b) EACH ORGANIZATION HEALTH CARE PROVIDER AND EACH
7 SUBPART THAT IS REQUIRED OR ELIGIBLE TO OBTAIN AN NPI PURSUANT TO
8 45 CFR 162.410 MUST APPLY FOR, OBTAIN, AND USE ON ALL CLAIMS FOR
9 PAYMENT FOR MEDICAL CARE, SERVICES, OR GOODS AUTHORIZED UNDER
10 THIS ARTICLE 4 AND ARTICLES 5 AND 6 OF THIS TITLE 25.5 A UNIQUE NPI
11 FOR EACH PROVIDER TYPE, AS SPECIFIED BY THE STATE DEPARTMENT,
12 UNDER WHICH THE ORGANIZATION HEALTH CARE PROVIDER OR ITS
13 SUBPARTS DELIVER MEDICAL CARE, SERVICES, OR GOODS.

14 (c) AN ORGANIZATION HEALTH CARE PROVIDER OR SUBPART
15 SUBMITTING A CLAIM FOR PAYMENT FOR MEDICAL CARE, SERVICES, OR
16 GOODS RENDERED UNDER THIS ARTICLE 4 OR ARTICLE 5 OR 6 OF THIS TITLE
17 25.5 SHALL INCLUDE ON THE CLAIM THE UNIQUE NPI THAT IDENTIFIES
18 BOTH THE SITE WHERE THE MEDICAL CARE, SERVICES, OR GOODS WERE
19 PROVIDED AND THE PROVIDER TYPE, AS SPECIFIED BY THE STATE
20 DEPARTMENT, REGARDLESS OF WHETHER THE CLAIM IS FILED OR
21 SUBMITTED BY OR THROUGH A CENTRAL OFFICE OF THE ORGANIZATION
22 HEALTH CARE PROVIDER OR A HEALTH CARE CLEARINGHOUSE.

23 (3) (a) FOR AN ORGANIZATION HEALTH CARE PROVIDER THAT IS A
24 LICENSED OR CERTIFIED HOSPITAL CONTRACTING FOR SERVICES UNDER
25 THIS ARTICLE 4 AND ARTICLES 5 AND 6 OF THIS TITLE 25.5, THE HOSPITAL
26 SHALL OBTAIN AND USE A UNIQUE, SEPARATE, AND DISTINCT NPI FOR:

27 (I) ITS MAIN CAMPUS;

1 (II) EACH OFF-CAMPUS LOCATION OF THE HOSPITAL; AND

2 (III) EACH PROVIDER TYPE, IF SPECIFIED BY THE STATE
3 DEPARTMENT, WHEN THE HOSPITAL DELIVERS MEDICAL CARE, SERVICES,
4 OR GOODS AT EITHER THE HOSPITAL'S MAIN CAMPUS OR AT AN
5 OFF-CAMPUS LOCATION.

6 (b) A HOSPITAL SUBMITTING A CLAIM FOR PAYMENT FOR MEDICAL
7 CARE, SERVICES, OR GOODS RENDERED UNDER THIS ARTICLE 4 OR ARTICLE
8 5 OR 6 OF THIS TITLE 25.5 SHALL INCLUDE ON THE CLAIM THE UNIQUE NPI
9 THAT IDENTIFIES BOTH THE SITE WHERE THE MEDICAL CARE, SERVICES, OR
10 GOODS WERE PROVIDED AND THE PROVIDER TYPE, AS SPECIFIED BY THE
11 STATE DEPARTMENT, REGARDLESS OF WHETHER THE CLAIM IS FILED OR
12 SUBMITTED BY OR THROUGH A CENTRAL OFFICE OF THE HOSPITAL OR A
13 HEALTH CARE CLEARINGHOUSE.

14 (4) (a) STARTING JANUARY 1, 2020, AN ORGANIZATION HEALTH
15 CARE PROVIDER APPLYING TO ENROLL AS A NEW PROVIDER UNDER THIS
16 ARTICLE 4 AND ARTICLES 5 AND 6 OF THIS TITLE 25.5 SHALL DEMONSTRATE
17 THAT IT HAS OBTAINED ONE OR MORE NPIS AS REQUIRED BY THIS SECTION,
18 AND UPON ENROLLMENT, SHALL USE ITS UNIQUE NPI ON EVERY CLAIM FOR
19 PAYMENT IN THE MANNER REQUIRED BY THIS SECTION.

20 (b) STARTING JANUARY 1, 2021, AN ORGANIZATION HEALTH CARE
21 PROVIDER ENROLLED AND APPLYING FOR REVALIDATION AS A PROVIDER
22 UNDER THIS ARTICLE 4 AND ARTICLES 5 AND 6 OF THIS TITLE 25.5 SHALL
23 DEMONSTRATE THAT IT HAS OBTAINED ONE OR MORE NPIS AS REQUIRED
24 BY THIS SECTION AS A CONDITION OF RECEIVING REVALIDATION, AND UPON
25 RECEIVING REVALIDATION AS A PROVIDER, SHALL USE ITS UNIQUE NPI ON
26 EVERY CLAIM FOR PAYMENT IN THE MANNER REQUIRED BY THIS SECTION.

27 **SECTION 4. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2018 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.