

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0784.01 Shelby Ross x4510

HOUSE BILL 20-1140

HOUSE SPONSORSHIP

Buck,

SENATE SPONSORSHIP

Ginal,

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ACCESS TO DIRECT PRIMARY CARE SERVICES FOR
102 COLORADO MEDICAID RECIPIENTS.

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>.)

The bill prohibits the department of health care policy and financing (department) from denying a medicaid recipient the right to purchase direct primary care services or enter into a direct primary care agreement. On or before July 1, 2025, the department shall submit a report to the joint budget committee on whether allowing medicaid recipients to purchase direct primary care services or enter into a direct

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.

primary care agreement resulted in any direct or indirect cost-savings to the state and federal medicaid programs and whether there has been an increase or decrease in overall access to care for medicaid recipients.

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

2 **SECTION 1.** In Colorado Revised Statutes, 6-23-104, **repeal** (2)
3 as follows:

4 **6-23-104. Direct primary health care providers - prohibitions.**

5 ~~(2) Direct primary health care providers are subject to section~~
6 ~~25.5-4-301.~~

7 **SECTION 2.** In Colorado Revised Statutes, **add** 6-23-106 as
8 follows:

9 **6-23-106. Direct primary care - medicaid recipients - report**

10 **- repeal.** (1) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
11 MAY ENCOURAGE, BUT SHALL NOT REQUIRE, THE PRO BONO LABORS OF
12 ANY DIRECT PRIMARY HEALTH CARE PROVIDER TO MEDICAID RECIPIENTS.

13 (2) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
14 SHALL NOT DENY A MEDICAID RECIPIENT THE RIGHT TO PURCHASE DIRECT
15 PRIMARY CARE SERVICES OR ENTER INTO A DIRECT PRIMARY CARE
16 AGREEMENT. THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
17 SHALL SEEK ANY FEDERAL WAIVER NECESSARY TO IMPLEMENT THIS
18 SECTION.

19 (3) ON OR BEFORE JULY 1, 2025, THE DEPARTMENT OF HEALTH
20 CARE POLICY AND FINANCING SHALL SUBMIT A REPORT TO THE JOINT
21 BUDGET COMMITTEE OF THE GENERAL ASSEMBLY ON WHETHER THIS
22 SECTION AND SECTION 25.5-4-301 (1)(a)(III)(B) RESULTED IN ANY DIRECT
23 OR INDIRECT COST-SAVINGS TO THE STATE AND FEDERAL MEDICAID
24 PROGRAMS AND WHETHER THERE WAS AN INCREASE OR DECREASE IN

1 OVERALL ACCESS TO CARE FOR MEDICAID RECIPIENTS SINCE THE
2 EFFECTIVE DATE OF THIS SECTION.

3 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

4 **SECTION 3.** In Colorado Revised Statutes, 25.5-4-301, **amend**
5 (1)(a)(III)(B) as follows:

6 **25.5-4-301. Recoveries - overpayments - penalties - interest -**
7 **adjustments - liens - review or audit procedures.** (1) (a) (III) (B) A
8 recipient may enter into a written agreement with a third party or
9 provider, INCLUDING A DIRECT PRIMARY CARE AGREEMENT AS DEFINED IN
10 SECTION 6-23-101 (1), under which the recipient agrees to pay for items
11 provided or services rendered that are outside of the network or plan
12 protocols, INCLUDING DIRECT PRIMARY CARE RETAINER PAYMENTS MADE
13 ON BEHALF OF THE RECIPIENT. The recipient's agreement to be personally
14 liable for such nonemergency, nonreimbursable items ~~shall~~ MUST be
15 recorded on forms approved by the state board and signed and dated by
16 both the recipient and the provider in advance of the services being
17 rendered.

18 **SECTION 4. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2020 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.