

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0236.01 Brita Darling x2241

HOUSE BILL 24-1382

HOUSE SPONSORSHIP

Amabile and Brown,

SENATE SPONSORSHIP

(None),

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING REQUIRING HEALTH-CARE COVERAGE FOR PEDIATRIC
102 ACUTE-ONSET NEUROPSYCHIATRIC SYNDROME.

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 requires all individual and group health benefit plans to provide health insurance coverage for pediatric acute-onset neuropsychiatric syndrome (PANS) and includes pediatric autoimmune neuropsychiatric disorder associated with streptococcal infections (PANDAS).

The coverage provided for PANS and PANDAS includes

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

antibiotics, medication and psychological and behavioral therapies to manage neuropsychiatric symptoms, immunomodulating medicines, plasma exchange, and intravenous immunoglobulin therapy if certain conditions are met.

The mandatory coverage provision applies to large group policies and contracts issued or renewed in this state on or after January 1, 2025. For individual and small group policies and contracts issued on or after January 1, 2026, the mandatory coverage provision applies if the division of insurance in the department of regulatory agencies receives confirmation from the federal department of health and human services that the coverage requirement does not require state defrayal of any increased cost for the coverage.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-104, **add** (27)
3 as follows:

4 **10-16-104. Mandatory coverage provisions - definitions - rules**
5 **- applicability. (27) Pediatric acute-onset neuropsychiatric syndrome**
6 **(PANS) and pediatric autoimmune neuropsychiatric disorder**
7 **associated with streptococcal infections (PANDAS). (a) AS USED IN**
8 **THIS SUBSECTION (27), UNLESS THE CONTEXT OTHERWISE REQUIRES:**

9 (I) "PANDAS" MEANS PEDIATRIC AUTOIMMUNE
10 NEUROPSYCHIATRIC DISORDER ASSOCIATED WITH STREPTOCOCCAL
11 INFECTIONS.

12 (II) "PANS" MEANS PEDIATRIC ACUTE-ONSET NEUROPSYCHIATRIC
13 SYNDROME.

14 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (27)(g)(III) OF THIS
15 SECTION, ALL INDIVIDUAL AND GROUP HEALTH BENEFIT PLANS ISSUED OR
16 RENEWED IN THIS STATE SHALL PROVIDE THE PROPHYLAXIS, DIAGNOSIS,
17 AND TREATMENT OF PANS AND PANDAS.

18 (II) COVERAGE FOR PANS AND PANDAS MUST ADHERE TO THE
19 TREATMENT RECOMMENDATIONS DEVELOPED BY A CONSORTIUM OF

1 MEDICAL PROFESSIONALS CONVENED TO RESEARCH, IDENTIFY, AND
2 PUBLISH CLINICAL PRACTICE GUIDELINES AND EVIDENCE-BASED
3 STANDARDS FOR THE DIAGNOSIS AND TREATMENT OF PANS AND
4 PANDAS.

5 (III) THE COVERAGE REQUIRED PURSUANT TO THIS SUBSECTION
6 (27) INCLUDES TREATMENTS AND THERAPIES PRESCRIBED OR ORDERED BY
7 THE TREATING HEALTH-CARE PROVIDER, INCLUDING:

8 (A) ANTIBIOTICS;

9 (B) MEDICATION AND PSYCHOLOGICAL AND BEHAVIORAL
10 THERAPIES TO MANAGE NEUROPSYCHIATRIC SYMPTOMS;

11 (C) IMMUNOMODULATING MEDICINES;

12 (D) PLASMA EXCHANGE; AND

13 (E) INTRAVENOUS IMMUNOGLOBULIN THERAPY.

14 (c) COVERAGE FOR PANS AND PANDAS MUST INCLUDE UP TO SIX
15 IMMUNOMODULATORY COURSES OF INTRAVENOUS IMMUNOGLOBULIN
16 THERAPY FOR THE TREATMENT OF PANS AND PANDAS WHEN THE
17 FOLLOWING CONDITIONS HAVE BEEN MET:

18 (I) CLINICALLY APPROPRIATE TRIALS, WHICH MAY BE DONE
19 CONCURRENTLY, OF TWO OR MORE LESS INTENSIVE TREATMENTS:

20 (A) WERE NOT EFFECTIVE;

21 (B) WERE NOT TOLERATED; OR

22 (C) DID NOT RESULT IN SUSTAINED IMPROVEMENT IN SYMPTOMS,
23 AS MEASURED BY A LACK OF CLINICALLY MEANINGFUL IMPROVEMENT ON
24 A VALIDATED INSTRUMENT DIRECTED AT THE PATIENT'S PRIMARY
25 SYMPTOM COMPLEX; AND

26 (II) THE PATIENT'S TREATING HEALTH-CARE PROVIDER
27 RECOMMENDS THE TREATMENT OR THERAPY OR THE TREATMENT OR

1 THERAPY IS RECOMMENDED BY A PEDIATRIC OR, FOR AN ADOLESCENT
2 PATIENT, AN ADULT SUBSPECIALIST, AFTER CONSULTATION WITH THE
3 TREATING HEALTH-CARE PROVIDER.

4 (d) THE CARRIER MAY REQUIRE THAT THE PATIENT BE CLINICALLY
5 REEVALUATED AT THREE-MONTH INTERVALS.

6 (e) FOR BILLING AND DIAGNOSTIC PURPOSES, PANS AND PANDAS
7 SHALL BE CODED AS AUTOIMMUNE ENCEPHALITIS UNTIL THE AMERICAN
8 MEDICAL ASSOCIATION AND THE FEDERAL CENTERS FOR MEDICARE AND
9 MEDICAID SERVICES CREATE AND ASSIGN A SPECIFIC CODE OR CODES FOR
10 PANS AND PANDAS. AFTER THE CREATION OF THE CODE OR CODES,
11 PANS AND PANDAS MAY BE CODED AS AUTOIMMUNE ENCEPHALITIS,
12 PANS, OR PANDAS. IF PANS OR PANDAS BECOMES KNOWN BY A
13 DIFFERENT COMMON NAME, IT MAY BE CODED UNDER THAT NAME AND
14 THIS SECTION APPLIES TO THAT DISORDER OR SYNDROME.

15 (f) THE CARRIER SHALL NOT:

16 (I) IMPOSE DEDUCTIBLES, COPAYMENTS, COINSURANCE, OR OTHER
17 LIMITATIONS ON COVERAGE FOR PANS OR PANDAS THAT ARE DIFFERENT
18 FROM DEDUCTIBLES, COPAYMENTS, COINSURANCE, OR OTHER LIMITATIONS
19 IMPOSED ON BENEFITS FOR SERVICES COVERED UNDER THE HEALTH
20 BENEFIT PLAN THAT ARE NOT RELATED TO PANS OR PANDAS;

21 (II) DENY OR DELAY COVERAGE FOR PANS OR PANDAS
22 TREATMENTS OR THERAPIES THROUGH A PRE-EXISTING CONDITION
23 EXCLUSION OR BECAUSE THE COVERED INDIVIDUAL PREVIOUSLY RECEIVED
24 TREATMENT OR THERAPY, INCLUDING THE SAME OR SIMILAR TREATMENT
25 OR THERAPY, FOR PANS OR PANDAS, OR BECAUSE THE COVERED
26 INDIVIDUAL WAS DIAGNOSED WITH OR RECEIVED TREATMENT OR THERAPY
27 FOR THE CONDITION UNDER A DIFFERENT DIAGNOSTIC NAME, INCLUDING

1 AUTOIMMUNE ENCEPHALITIS;

2 (III) DELAY TIMELY DETERMINATION OF PRIOR AUTHORIZATION
3 REQUESTS FOR TREATMENTS OR THERAPIES, OR FAIL TO EXPEDITE
4 REQUESTS FOR URGENT HEALTH-CARE SERVICES; OR

5 (IV) LIMIT COVERAGE OF IMMUNOMODULATING THERAPIES FOR
6 PANS OR PANDAS IN A MANNER THAT IS INCONSISTENT WITH THE
7 TREATMENT RECOMMENDATIONS MADE PURSUANT TO SUBSECTION
8 (27)(b)(II) OF THIS SECTION, AND SHALL NOT REQUIRE A TRIAL OF
9 THERAPIES THAT TREAT ONLY NEUROPSYCHIATRIC SYMPTOMS BEFORE
10 AUTHORIZING COVERAGE OF IMMUNOMODULATING THERAPIES PURSUANT
11 TO THIS SECTION.

12 (g) (I) THE DIVISION SHALL SUBMIT TO THE FEDERAL DEPARTMENT
13 OF HEALTH AND HUMAN SERVICES:

14 (A) ITS DETERMINATION AS TO WHETHER THE BENEFIT SPECIFIED
15 IN THIS SUBSECTION (27) IS IN ADDITION TO ESSENTIAL HEALTH BENEFITS
16 AND WOULD BE SUBJECT TO DEFRAID BY THE STATE PURSUANT TO 42
17 U.S.C. SEC. 18031 (d)(3)(B); AND

18 (B) A REQUEST THAT THE FEDERAL DEPARTMENT OF HEALTH AND
19 HUMAN SERVICES CONFIRM THE DIVISION'S DETERMINATION WITHIN SIXTY
20 DAYS AFTER RECEIPT OF THE DIVISION'S REQUEST AND SUBMISSION OF ITS
21 DETERMINATION.

22 (II) THIS SUBSECTION (27) APPLIES TO, AND THE DIVISION SHALL
23 IMPLEMENT THE REQUIREMENTS OF THIS SUBSECTION (27) FOR, LARGE
24 EMPLOYER POLICIES OR CONTRACTS ISSUED OR RENEWED IN THIS STATE ON
25 OR AFTER JANUARY 1, 2025.

26 (III) THIS SUBSECTION (27) APPLIES TO, AND THE DIVISION SHALL
27 IMPLEMENT THE REQUIREMENTS OF THIS SUBSECTION (27) FOR,

1 INDIVIDUAL AND SMALL GROUP POLICIES OR CONTRACTS ISSUED OR
2 RENEWED IN THIS STATE ON OR AFTER JANUARY 1, 2026, IF:

3 (A) THE DIVISION RECEIVES CONFIRMATION FROM THE FEDERAL
4 DEPARTMENT OF HEALTH AND HUMAN SERVICES THAT THE COVERAGE
5 SPECIFIED IN THIS SUBSECTION (27) DOES NOT CONSTITUTE AN ADDITIONAL
6 BENEFIT THAT REQUIRES DEFAYAL BY THE STATE PURSUANT TO 42 U.S.C.
7 SEC. 18031 (d)(3)(B);

8 (B) THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES
9 HAS OTHERWISE INFORMED THE DIVISION THAT THE COVERAGE DOES NOT
10 REQUIRE STATE DEFAYAL PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B);
11 OR

12 (C) MORE THAN THREE HUNDRED SIXTY-FIVE DAYS HAVE PASSED
13 SINCE THE DIVISION SUBMITTED ITS DETERMINATION AND REQUEST FOR
14 CONFIRMATION THAT THE COVERAGE SPECIFIED IN THIS SUBSECTION (27)
15 IS NOT AN ADDITIONAL BENEFIT THAT REQUIRES STATE DEFAYAL
16 PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B), AND THE FEDERAL
17 DEPARTMENT OF HEALTH AND HUMAN SERVICES HAS FAILED TO RESPOND
18 TO THE REQUEST WITHIN THAT PERIOD, IN WHICH CASE THE DIVISION
19 SHALL CONSIDER THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN
20 SERVICES' UNREASONABLE DELAY A PRECLUSION FROM REQUIRING
21 DEFAYAL BY THE STATE.

22 (h) THE COMMISSIONER SHALL ADOPT RULES CONSISTENT WITH
23 AND AS ARE NECESSARY TO IMPLEMENT THIS SUBSECTION (27).

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

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.