

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

SB23-298 be amended as follows:

1 Amend printed bill, page 10, after line 1 insert:

2           "(b) (I) EXCEPT AS PROVIDED IN SUBSECTION (8)(b)(III) OF THIS  
3 SECTION, IF A PROPOSED COLLABORATIVE AGREEMENT IS DENIED, THE  
4 HOSPITALS OR HOSPITAL AFFILIATES MAY REQUEST RECONSIDERATION BY  
5 RESUBMITTING THE PROPOSED AGREEMENT TO THE ATTORNEY GENERAL  
6 WITHIN THIRTY DAYS AFTER THE DENIAL ALONG WITH ADDITIONAL  
7 MATERIALS, INFORMATION, OR OTHER EVIDENCE THAT WAS NOT  
8 PREVIOUSLY SUBMITTED RELATING TO THE DETERMINATION OF THE  
9 BENEFITS OR ANTICOMPETITIVE HARM ASSOCIATED WITH THE PROPOSED  
10 COLLABORATIVE AGREEMENT.

11           (II) THE ATTORNEY GENERAL HAS FORTY-FIVE DAYS FROM THE  
12 DATE OF THE REQUEST TO RECONSIDER THE DENIAL AND MAY CONSULT  
13 WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING OR THE  
14 DIVISION OF INSURANCE IN THE DEPARTMENT OF REGULATORY AGENCIES  
15 AS PART OF THE RECONSIDERATION. THE PROPOSED COLLABORATIVE  
16 AGREEMENT IS NOT DEEMED APPROVED IF THE ATTORNEY GENERAL FAILS  
17 TO RESPOND WITHIN THE FORTY-FIVE DAY RECONSIDERATION PERIOD.

18           (III) A REQUEST FOR RECONSIDERATION OF A PROPOSED  
19 COLLABORATIVE AGREEMENT MAY BE MADE ONLY ONCE WITHIN THE  
20 THIRTY DAY PERIOD FOLLOWING THE DENIAL OF THE PROPOSED  
21 COLLABORATIVE AGREEMENT. THE ATTORNEY GENERAL'S DECISION ON A  
22 PROPOSED COLLABORATIVE AGREEMENT THAT IS NOT SUBMITTED FOR  
23 RECONSIDERATION WITHIN THIRTY DAYS OR THAT IS DENIED UPON  
24 RECONSIDERATION IS FINAL AND NON-APPEALABLE."

25 Page 10, line 2, strike "(b)" and substitute "(c)".

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