

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 23, 2023
Date

Committee on Health & Human Services.

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

SB23-093 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

- 1 Amend printed bill, page 3, lines 3 and 4, strike "(10.3) and".
- 2 Page 3, strike lines 7 through 11 and substitute:
3 "(10.5) "MEDICAL DEBT" MEANS DEBT ARISING FROM
4 HEALTH-CARE SERVICES, AS DEFINED IN SECTION 10-16-102 (33), OR
5 HEALTH-CARE GOODS, INCLUDING PRODUCTS, DEVICES, DURABLE MEDICAL
6 EQUIPMENT, AND PRESCRIPTION DRUGS."
- 7 Page 3, line 25, strike "NOTICE OR" and substitute "NOTICE,".
- 8 Page 3, strike lines 26 and 27.
- 9 Page 4, line 3, strike "OR ORAL".
- 10 Page 4, line 3, after "BY" insert "THE CONSUMER".
- 11 Page 4, line 5, after "SHALL" insert "CEASE COLLECTION UNTIL IT CAN".
- 12 Page 4, line 6, strike "WITHIN THIRTY DAYS".
- 13 Page 4, line 10, strike "INCURRED, IF" and substitute "INCURRED;".
- 14 Page 4, strike line 11.
- 15 Page 4, strike lines 14 and 15 and substitute:
16 "(e) THE NAME OF THE FACILITY WHERE HEALTH-CARE SERVICES

1 WERE PROVIDED OR THE NAME OF THE MERCHANT WHERE THE CONSUMER
2 PURCHASED MEDICAL PRODUCTS, DEVICES, OR DURABLE MEDICAL
3 GOODS;".

4 Page 4, line 18, strike "ANY ADJUSTMENT TO THE BILL," and substitute
5 "AN ITEMIZATION OF THE CURRENT AMOUNT OF THE DEBT DUE AT THE
6 TIME THE ITEMIZED STATEMENT IS GENERATED, REFLECTING INTEREST,
7 FEES, PAYMENTS, AND CREDITS SINCE THE DATES DESCRIBED IN
8 SUBSECTIONS (5)(b) AND (5)(c) OF THIS SECTION, AND".

9 Page 4, line 19, strike "RATES" and substitute "RATES, FINANCIAL
10 ASSISTANCE APPLIED," and strike "DISCOUNTS;" and substitute
11 "DISCOUNTS; AND".

12 Page 4, strike lines 20 through 24.

13 Reletter succeeding paragraphs accordingly.

14 Page 4, line 25, strike "WHETHER" and substitute "FOR MEDICAL DEBT
15 FROM A HEALTH-CARE FACILITY, AS DEFINED IN SECTION 25.5-3-501 (1),
16 WHETHER".

17 Page 4, line 27, strike "WHETHER" and substitute "FOR MEDICAL DEBT
18 FROM A HEALTH-CARE FACILITY, AS DEFINED IN SECTION 25.5-3-501 (1),
19 WHETHER".

20 Page 5, line 7, strike "MEDICAL CREDITOR," and strike "COLLECTOR," and
21 substitute "COLLECTOR".

22 Page 5, line 9, after "PLAN" insert "WITH A CONSUMER" and after "DEBT"
23 insert "THAT IS PAYABLE IN FOUR OR MORE INSTALLMENTS".

24 Page 5, line 12, after "RATE" insert "OR RATES".

25 Page 5, line 14, strike "INTERRUPTION." and substitute "INTERRUPTION OR
26 THAT THE PLAN IS A TEMPORARY ARRANGEMENT THAT WILL NOT PAY OFF
27 THE DEBT IN FULL."

28 Page 5, strike lines 15 through 21 and substitute:
29 "(b) BEFORE ACCELERATING OR DECLARING THE PAYMENT PLAN
30 NO LONGER OPERATIVE, IF THE CONSUMER HAS NOT INVOKED THE RIGHT
31 TO CEASE COMMUNICATION, THE DEBT COLLECTOR OR".

- 1 Page 5, line 23, strike "(A)" and substitute "(I)".
- 2 Page 5, line 24, strike "OTHER METHOD" and substitute "IN WRITING,
3 WHICHEVER IS".
- 4 Page 5, line 26, strike "(B)" and substitute "(II)".
- 5 Page 5, line 27, strike "INOPERATIVE AND" and substitute "INOPERATIVE.".
- 6 Page 6, strike lines 1 through 13.
- 7 Reletter succeeding paragraph accordingly.
- 8 Page 6, lines 14 and 15, strike "AND TELEPHONE CALLS".
- 9 Page 6, line 15, after "CONSUMER" insert "PURSUANT TO SUBSECTION
10 (1)(b)(II) OF THIS SECTION".
- 11 Page 6, lines 15 and 16, strike "AND TELEPHONE NUMBER".
- 12 Page 6, line 17, strike "MEDICAL CREDITOR, DEBT COLLECTOR," and
13 substitute "DEBT COLLECTOR".
- 14 Page 7, strike line 1 and substitute "CHARGES, UNLESS REQUESTED BY THE
15 CONSUMER;".
- 16 Page 7, line 7, after "AGENCY" insert "OR A LEGAL ACTION OR
17 ARBITRATION PROCEEDING HAS ALREADY BEEN INITIATED," and strike
18 "MEDICAL CREDITOR,".
- 19 Page 7, line 8, strike "COLLECTOR," and substitute "COLLECTOR".
- 20 Page 7, line 20, strike "CREDITOR, OR A".
- 21 Page 7, line 22, strike "FORM A COPY OF" and substitute "FORM:
22 (I) A COPY OF".
- 23 Page 7, line 24, strike "DEBT." and substitute "DEBT;
24 (II) THE NAME AND ADDRESS OF THE MEDICAL CREDITOR;
25 (III) THE AMOUNT OF DEBT OWED; AND
26 (IV) A DATE OF SERVICE THE MEDICAL DEBT WAS INCURRED.".
- 27 Page 7, lines 25 and 26, strike "THE NAMED PLAINTIFF IN A LEGAL ACTION"

1 and substitute "NAMED IN THE PLEADINGS IN A LEGAL ACTION".

2 Page 7, line 27, strike "ON ITS OWN BEHALF" and substitute "IN ITS OWN
3 NAME".

4 Page 8, line 1, strike "ONLY FOR COLLECTION PURPOSES".

5 Page 8, line 2, strike "ON BEHALF OF THE CREDITOR." and substitute "IN ITS
6 OWN NAME".

7 Page 9, line 13, strike "**practice.**" and substitute "**practice - definition.**".

8 Page 9, strike line 24 and substitute "ESTIMATE OR FOUR HUNDRED
9 DOLLARS, WHICHEVER IS LESS".

10 Page 9, line 27, after "ESTIMATE" insert "OR FOUR HUNDRED DOLLARS".

11 Page 10, line 9, strike "ESTIMATE." and substitute "ESTIMATE OR FOUR
12 HUNDRED DOLLARS, WHICHEVER IS LESS".

13 Page 11, line 8, strike "AND".

14 Page 11, line 11, strike "SKILLS." and substitute "SKILLS;
15 (d) BE PROVIDED IN ENGLISH OR SPANISH, IF REQUESTED BY THE
16 CONSUMER; AND
17 (e) BE PROVIDED WITHIN THE FOLLOWING TIME FRAMES:
18 (I) NOT LATER THAN ONE BUSINESS DAY AFTER THE DATE THE
19 PRIMARY ITEM OR SERVICE IS SCHEDULED IF A PRIMARY ITEM OR SERVICE
20 IS SCHEDULED AT LEAST THREE DAYS BEFORE THE PRIMARY ITEM OR
21 SERVICE IS PROVIDED;
22 (II) NOT LATER THAN THREE BUSINESS DAYS AFTER THE DATE THE
23 PRIMARY ITEM OR SERVICE IS SCHEDULED IF THE PRIMARY ITEM OR
24 SERVICE IS SCHEDULED AT LEAST TEN BUSINESS DAYS BEFORE THE
25 PRIMARY ITEM OR SERVICE IS PROVIDED; OR
26 (III) NOT LATER THAN THREE DAYS AFTER A REQUEST FOR A
27 SELF-PAY ESTIMATE.
28 (4) A PROVIDER OR HEALTH-CARE FACILITY THAT IS IN
29 COMPLIANCE WITH SECTION 112 OF TITLE I OF DIVISION BB OF THE
30 FEDERAL "NO SURPRISES ACT", AND RULES PROMULGATED AND
31 DETERMINED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID
32 SERVICES UNDER THAT ACT IN 45 CFR 149.610, OR ANY SUCCESSOR LAWS
33 AND REGULATIONS, IS IN COMPLIANCE WITH THIS SECTION."

1 Renumber succeeding subsection accordingly.

2 Page 11, after line 13 insert:

3 "(6) AS USED IN THIS SECTION, "FEDERAL 'NO SURPRISES ACT'"
4 MEANS THE FEDERAL "NO SURPRISES ACT", PUB.L. 116-260, AS
5 AMENDED."

6 Page 12, after line 10 insert:

7 "**SECTION 13. Applicability.** This act applies to contracts
8 entered into after the effective date of this act."

9 Renumber succeeding section accordingly.

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