

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 15-0799.01 Kristen Forrestal x4217

HOUSE BILL 15-1211

HOUSE SPONSORSHIP

Young,

SENATE SPONSORSHIP

Sonnenberg,

House Committees

Health, Insurance, & Environment
Appropriations

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING LICENSE REQUIREMENTS FOR DURABLE MEDICAL**
102 **EQUIPMENT SUPPLIERS.**

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://www.leg.state.co.us/billsummaries>.)

The bill narrows the definition of "durable medical equipment (DME) supplier" and exempts persons or entities that supply or provide insulin infusion products and products as part of Medicare's national mail-order program. Current law requires a DME supplier to have a physical location within the state or within 50 miles of the state. The bill deletes this requirement and allows an applicant for a DME supplier

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

SENATE
2nd Reading Unamended
March 19, 2015

HOUSE
3rd Reading Unamended
March 10, 2015

HOUSE
Amended 2nd Reading
March 9, 2015

license to instead attest that he or she is capable of selling and servicing products sold in that state on a 24-hour-per-day, 7-day-per-week basis.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-21-115, **amend**
3 **(1), (2), and (3) (b) (I) as follows:**

4 **24-21-115. Durable medical equipment supplier license -**
5 **definition - rules.** (1) As used in this section:

6 (a) "Durable medical equipment supplier" means a person or
7 entity that: ~~delivers disposable medical supplies or durable medical~~
8 ~~equipment products directly to a recipient and that~~

9 (I) Currently bills or plans to bill the Medicare program for
10 services or products LISTED IN THE CENTERS FOR MEDICARE AND
11 MEDICAID DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS, AND
12 SUPPLIES COMPETITIVE BID PRODUCT CATEGORIES IN THIS STATE in the
13 current calendar year; OR

14 (II) INTENDS TO BID FOR SERVICES OR PRODUCTS LISTED IN THE
15 CENTERS FOR MEDICARE AND MEDICAID DURABLE MEDICAL EQUIPMENT,
16 PROSTHETICS, ORTHOTICS, AND SUPPLIES COMPETITIVE BID PRODUCT
17 CATEGORIES IN THIS STATE IN THE CURRENT CALENDAR YEAR.

18 (b) "Durable medical equipment supplier" does not **include:**

19 **(I) A supplier of PERSON OR ENTITY THAT SUPPLIES OR PROVIDES**
20 **insulin infusion pumps and related supplies or services;**

21 **(II) A PERSON OR ENTITY THAT SUPPLIES OR PROVIDES PRODUCTS**
22 **THAT ARE PART OF MEDICARE'S NATIONAL MAIL ORDER PROGRAM;**

23 **(III) A PHARMACY LOCATED IN COLORADO THAT HAS A CURRENT**
24 **PHARMACY ACCREDITATION EXEMPTION THAT IS ACCEPTED AND**
25 **RECOGNIZED BY THE NATIONAL SUPPLIER CLEARINGHOUSE THAT ENABLES**

1 THE PHARMACY TO BE ENROLLED IN MEDICARE TO SUPPLY DURABLE
2 MEDICAL EQUIPMENT WITHOUT HAVING THE ACCREDITATION; OR

3 (IV) A PRACTITIONER IDENTIFIED IN 42 U.S.C. sec. 1395u (18) (C)
4 OR A PHYSICIAN, IF THE PRACTITIONER OR THE PHYSICIAN IS SUPPLYING OR
5 PROVIDING DURABLE MEDICAL EQUIPMENT TO HIS OR HER OWN PATIENTS
6 AS PART OF THE PRACTITIONER'S OR PHYSICIAN'S OWN SERVICES; OR

7 (V) A PERSON OR ENTITY THAT SUPPLIES OR PROVIDES DEVICES
8 DIRECTLY TO A PRACTITIONER IDENTIFIED IN 42 U.S.C. SEC. 1395u (18)
9 (C) OR A PHYSICIAN THAT REQUIRE A PRESCRIPTION FOR DISPENSING TO
10 THE PATIENT AS PART OF HIS OR HER OWN SERVICES, WHETHER MAILED TO
11 THE PRACTITIONER OR PHYSICIAN FOR FITTING OR DIRECTLY MAILED TO
12 THE PATIENT.

13 (2) (a) In order to do business in Colorado, a durable medical
14 equipment supplier must be licensed by the secretary of state.

15 (b) A DURABLE MEDICAL EQUIPMENT SUPPLIER LICENSE IS NOT
16 REQUIRED AS A CONDITION OF ENROLLMENT AS A PROVIDER IN THE
17 MEDICAL ASSISTANCE PROGRAM DESCRIBED IN TITLE 25.5, C.R.S.

18 (3) An applicant for a durable medical equipment supplier license
19 must:

20 (b) Submit to the secretary of state a notarized affidavit attesting
21 that:

22 (I) The applicant ~~has one or more physical locations within the~~
23 ~~state or within fifty miles of the border of the state~~ HAS AT LEAST ONE
24 ACCREDITED PHYSICAL FACILITY THAT IS STAFFED DURING REASONABLE
25 BUSINESS HOURS AND IS WITHIN ONE HUNDRED MILES OF ANY COLORADO
26 RESIDENT MEDICARE BENEFICIARY BEING SERVED BY THE APPLICANT.

27 **SECTION 2. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.