

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0759.01 Bart Miller

HOUSE BILL 10-1227

HOUSE SPONSORSHIP

DelGrosso,

SENATE SPONSORSHIP

Tochtrop,

House Committees

Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING COMPLIANCE WITH FINANCIAL RESPONSIBILITY
102 REQUIREMENTS OF THE "HEALTH CARE AVAILABILITY ACT" BY
103 MAINTAINING INSURANCE THROUGH APPROVED NONADMITTED
104 INSURERS AUTHORIZED BY LAW TO INSURE IN COLORADO.

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>.)

Current law requires physicians, dentists, and health care institutions to comply with minimum financial responsibility requirements

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.

for professional liability insurance coverage as a condition of active licensure or authority to practice in Colorado. **Section 1** of the bill clarifies that this financial responsibility requirement may be satisfied by maintaining insurance through approved nonadmitted insurers authorized by law to insure in Colorado. **Section 2** makes a conforming amendment contingent on the possible passage of other legislation affecting this law.

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

2 **SECTION 1.** 13-64-301 (1) (a) and (1) (b), Colorado Revised
3 Statutes, are amended to read:

4 **13-64-301. Financial responsibility.** (1) Every physician or
5 dentist, and every health care institution as defined in section 13-64-202,
6 except as provided in section 13-64-303.5, which provide health care
7 services shall establish financial responsibility, as follows:

8 (a) If a physician or dentist, by maintaining, ~~no later than January~~
9 ~~1, 1990,~~ as a condition of active licensure or authority to practice in this
10 state, commercial professional liability insurance coverage with an
11 insurance company authorized to do business in this state, INCLUDING AN
12 APPROVED NONADMITTED INSURER ALLOWED TO INSURE IN COLORADO
13 PURSUANT TO ARTICLE 5 OF TITLE 10, C.R.S., in a minimum indemnity
14 amount of five hundred thousand dollars per incident and one million five
15 hundred thousand dollars annual aggregate per year; except that this
16 requirement is not applicable to a health care professional who is a public
17 employee under the "Colorado Governmental Immunity Act". The board
18 of medical examiners and the board of dental examiners may by rule
19 exempt from or establish lesser financial responsibility standards than
20 those prescribed in this section for classes of license holders who perform
21 medical or dental services as employees of the United States government;
22 who render limited or occasional medical or dental services; who perform

1 less than full-time active medical or dental services because of
2 administrative or other nonclinical duties or partial or complete
3 retirement; or who provide uncompensated health care to patients but do
4 not otherwise provide any compensated health care to patients; or for
5 other reasons that render the limits provided in this paragraph (a)
6 unreasonable or unattainable, but nothing in this paragraph (a) shall
7 preclude or otherwise prohibit a licensed physician or dentist from
8 rendering appropriate patient care on an occasional basis when the
9 circumstances surrounding the need for care so warrant.

10 (b) If a health care institution, by maintaining, as a condition of
11 licensure, certification, or other authority to render health care services in
12 this state, commercial professional liability insurance coverage with an
13 insurance company authorized to do business in this state, INCLUDING AN
14 APPROVED NONADMITTED INSURER ALLOWED TO INSURE IN COLORADO
15 PURSUANT TO ARTICLE 5 OF TITLE 10, C.R.S., in a minimum indemnity
16 amount of five hundred thousand dollars per incident and three million
17 dollars annual aggregate per year; except that this requirement is not
18 applicable to a certified health care institution ~~which~~ THAT is a public
19 entity under the "Colorado Governmental Immunity Act";

20 **SECTION 2.** 13-64-301 (1) (a.5) (I), Colorado Revised Statutes,
21 as enacted by House Bill 10-____, is amended to read:

22 **13-64-301. Financial responsibility.** (1) As a condition of active
23 licensure or authority to practice in this state, every physician or dentist,
24 and every health care institution as defined in section 13-64-202, except
25 as provided in section 13-64-303.5, that provides health care services
26 shall establish financial responsibility, as follows:

27 (a.5) (I) If a physician, by maintaining commercial professional

1 liability insurance coverage with an insurance company authorized to do
2 business in this state, INCLUDING AN APPROVED NONADMITTED INSURER
3 ALLOWED TO INSURE IN COLORADO PURSUANT TO ARTICLE 5 OF TITLE 10,
4 C.R.S., in a minimum indemnity amount of one million dollars per
5 incident and three million dollars annual aggregate per year; except that
6 this requirement is not applicable to a physician who is a public employee
7 under the "Colorado Governmental Immunity Act", article 10 of title 24,
8 C.R.S.

9 **SECTION 3. Specified effective date.** This act shall take effect
10 upon passage; except that section 2 of this act shall take effect July 1,
11 2010, only if House Bill 10-_____ is enacted at the Second Regular
12 Session of the Sixty-seventh General Assembly and becomes law.

13 **SECTION 4. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.