

# Colorado Center on Law and Policy

## Health Law and Policy Update: January 17, 2014

### **Open enrollment continues**

Individuals and small businesses can now shop for health insurance through [Connect for Health Colorado](#), Colorado's new health insurance marketplace. Sign up for coverage now.

### **This week's updates:**

- [Colorado Legislature now in session](#)
- [Thousands in Colorado and millions nationwide enroll in coverage through marketplaces](#)

### **Colorado Legislature now in session**

The Colorado Legislative session began last week, on January 8th. This is likely to be an interesting session for health care policy. CCLP has already seen several bills introduced that attempt to undermine implementation of the Affordable Care Act (ACA) in Colorado.

This session, CCLP will continue to play our traditional role of protecting, defending and working to increase access to Medicaid. CCLP will also be working to strengthen provisions of the hospital discount program, established by SB11-134. CCLP will support regulation of freestanding emergency rooms and extension of pediatric dental benefits. CCLP will oppose efforts to undermine the ACA.

*Some bills that have already been introduced include:*

Pediatric Dental Benefits (HB14-1053): This bill would permit the commissioner of insurance to adopt rules to ensure that the requirements for pediatric dental benefits in health benefit plans offered in this state are consistent regardless of whether a plan is purchased via the Colorado health benefit exchange or outside the exchange. CCLP strongly supports this bill and any effort to ensure that the same requirements apply inside and outside the marketplace. Variations between the markets could create adverse selection and harm both markets. In addition, the ACA requires people to carry pediatric dental benefits and this provision facilitates compliance with that requirement.

Regulation of Freestanding Emergency Centers (SB14-016): This bill would ensure that any facility that offers emergency medical services would be required to treat all patients regardless of their ability or method of payment. CCLP is concerned that

independent, freestanding emergency centers, that do not contract with private health plans or accept Medicare or Medicaid, will lead to confusion for patients and increase health care costs for all Coloradans. CCLP supports efforts to level the playing field between traditional emergency departments and independent, freestanding emergency centers.

**SB14-050 Financial Assistance in Colorado Hospitals:** SB11-134 required hospitals to (1) charge qualified uninsured patients under 250 percent of the Federal Poverty Level no more than the lowest rate negotiated by that hospital with any health plan, and (2) to notify uninsured patients of available charity care and discount programs. SB14-050 seeks to strengthen the Discount program by extending its reach to all uninsured Coloradans and establishing mechanism to ensure hospital compliance. CCLP strongly supports the bill.

*Anti-ACA Bills - CCLP opposes all of the bills listed below:*

The Health Care Navigator Registration Act (HB14-1134) would require Health Care Navigators, called Health Coverage Guides in Colorado, to register with the Department of Regulatory Agencies and meet certain requirements. This bill would establish a separate and redundant oversight system since Health Coverage Guides must currently undergo rigorous training and certification requirements through Connect for Health Colorado.

HB14-1135 would prohibit General Fund dollars from being used to pay for the Medicaid expansion. We note that the expansion is expected to cover 160,000 low income Coloradans and the federal government is paying 100% of the cost of coverage until Federal Fiscal Year 2017. After that, Colorado will begin to pay a small percentage of the cost which never exceed ten percent. The Hospital Provider Fee is the mechanism by which Colorado will pay that ten percent. Not only is this bill unnecessary, this bill is a vote of no confidence on the ACA and CCLP strongly opposes efforts to undermine the health reform law. Even if general fund money were required, it is more cost effective for our state to devote general fund dollars than to leave hundreds of thousands of low-income Coloradans without health coverage.

HB14-1106 would establish a state income tax deduction for any penalty paid by a Colorado tax filer for failure to comply with the Affordable Care Act's requirement to have health insurance. This bill would undermine the personal responsibility provisions of health reform and could have extremely detrimental effects on the ACA as a whole.

## **Thousands in Colorado and millions nationwide enroll in coverage through marketplaces**

On Monday, the Obama Administration announced that 2.2 million Americans had selected private health insurance plans through the new health insurance marketplaces by December 28th. In Colorado, over 63,000 people signed up for health insurance through Connect for Health Colorado, our state's online health insurance marketplace, as of this week.

Some had expressed concerns about levels of enrollment in the weeks leading up to the end of 2013. But many people seem to have waited until the last minute to sign up for coverage that would begin on January 1. In Colorado, a record setting 5,354 people signed up for coverage on December 23rd, the last day to sign up for coverage to begin in January.

In Colorado, half of all people who have enrolled received tax credits to help them pay their premiums. This includes 35 percent of all enrollees who earn less than 250 percent of the federal poverty level (\$58,875 for a family of four).

Nationally and in Colorado, concerns continue to be raised about the age groups that are signing up for insurance. By December 31st, 35 percent of all enrollees were under 35 years of age. CCLP and others expect enrollments of younger individuals to pick up as the end of open enrollment approaches in March.

Read more about enrollments in Colorado, including the demographic breakdown, from [Connect for Health Colorado](#).