

LEGAL UPDATES

PUBLISHED: FEBRUARY 19, 2018

Industry

Healthcare

Colorado Mini-Stark Bill Indefinitely Postponed; FSED Bill Amended

On February 14, 2018, the Colorado Senate State, Veterans, & Military Affairs Committee unanimously voted to indefinitely postpone consideration of SB18-115, which proposed to extend the prohibition on self-referrals that currently applies to services payable by Colorado Medicaid to include services payable by private health insurers in the state of Colorado. (Read our previous alert [here](#).)

FSED Bill Revised to Exclude Certain Facilities

Also on February 14, 2018, the Colorado Senate Committee on Health & Human Services referred an amended version of SB18-146, which proposes to require certain disclosures of Freestanding Emergency Departments (FSEDs), to the Senate Finance Committee. The amendments reduce the information to be included on posted signs by moving some required disclosures from the sign to the written disclosure provided to the patient following medical screening (and a determination that the patient does not have an emergent medical condition). The amended bill would now require that the written disclosure, rather than the sign, include information about the facility's fees and participation in government healthcare programs and private health plans.

Additionally, the Committee's amendments would exempt from this legislation's definition of "Freestanding Emergency Department" a facility providing emergency services if it serves a rural community or a ski area and was licensed as a Community Clinic by the Colorado Department of Public Health and Environment prior to July 1, 2010. Any facility meeting these criteria would not be required to comply with the disclosures set forth in SB18-146.

Husch Blackwell Will Advise You of Further Developments

Husch Blackwell's Healthcare team is monitoring the status of both bills and will keep you updated as they evolve.

For more information on how the proposed bills could affect your practice or healthcare facility, please contact your attorney on Husch Blackwell's Healthcare team in Denver.