

LEGAL UPDATES

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Industry

Healthcare

CO Senate Proposes Bills Expanding Self-Referral Prohibition and Affecting Freestanding ERs

Bill Would Extend Colorado Mini-Stark Law to Services Reimbursed by Private Payors

On January 29, 2018, Colorado State Senator Irene Aguilar introduced SB 18-115, titled “Apply Stark Laws to Medical Referrals Outside Medicaid,” which proposes to extend the prohibition on self-referrals currently applicable to services payable by Colorado Medicaid to include services payable by private health insurers in the state of Colorado. As currently drafted, the bill would not affect healthcare arrangements that do not violate the federal Stark Law regardless of payor classification.

SB 18-115 has been scheduled for hearing on February 14, 2018 before the Colorado Senate State, Veterans, & Military Affairs Committee.

Bill Would Require Freestanding Emergency Departments to Provide Disclosures

On January 29, 2018, several Colorado state senators introduced SB 18-146, which proposes to require, inter alia, that Freestanding Emergency Departments (“FSEDs”) in Colorado post signage indicating whether the FSED accepts government healthcare program beneficiaries, listing the health benefit plans for which the FSED is a participating provider, and specifying the chargemaster or fee schedule price for the 25 most common health care services provided by the FSED. Further, SB 18-146 proposes to require various written disclosures to patients after a medical screening examination determining the no emergency medical condition exists, including but not limited to disclosures regarding the FSED fee schedule, maximum charge

amounts of frequently obtained FSED services, patient financial responsibility for the charges, and financial assistance resources available to the patients.

SB 18-146 has been scheduled for hearing on February 14, 2018 before the Colorado Senate Health & Human Services Committee.

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.