



## 2019 Legislative Wrap-up: CCLP's Health Program

The core work of CCLP's Health Program includes increasing access to health care, reducing racial and economic disparities in health, and ensuring that commercial coverage is affordable, comprehensive and nondiscriminatory.

In 2019, we had a diverse set of goals that included addressing the costs of health care and coverage at the systems level, removing obstacles and expanding access to behavioral health services, improving transparency and community accountability for tax-exempt hospitals, and creating a program that assists individuals in navigating the Social Security disability application process. We took the lead on two bills, both of which passed into law; testified on 14 and successfully amended as many; and supported our partners on a range of strategic and defensive efforts.

Here's a brief recap of CCLP's health care work during the 2019 legislative session:

### CCLP-led bills:

**Social Security Application Assistance** – CCLP fought hard to pass **House Bill 1223**, legislation that helps Aid to the Needy Disabled (AND) clients navigate the process of applying for federal disability support programs. With only \$217 in monthly income, AND clients are often homeless. The significantly more generous federal programs for people with disabilities are notoriously hard to apply for – especially for people that need the support most. We were able to make the bill a legislative priority and secure enough funds to ensure a successful roll-out.

CCLP helped craft, build support for, and pass **HB 1320**, the Hospital Community Benefit bill. Colorado's nonprofit hospitals receive federal, state and local tax exemptions that provide hundreds of millions of dollars in financial benefit to them. In exchange, they are expected to invest those funds in services that improve the health of the communities they serve. Passed with the support of the Colorado Hospital Association, this legislation will ensure that Colorado policymakers and communities can ascertain whether that spending is commensurate with the tax benefits hospitals receive, and how it addresses the health needs of those populations who are experiencing health disparities.

With the Colorado Consumer Health Initiative, the Bell Policy Center and Healthier Colorado, CCLP worked to secure passage of **HB 1004**, which tasks the Division of Insurance and Department of Health Care Policy and Financing with developing an affordable state coverage option that utilizes state infrastructure and increases competition in areas of the state with limited options. **Senate Bill 4**, a companion bill, was intended to provide faster relief to those in the highest-cost regions. It passed with

amendments that limited its scope but helped modernize the law regarding health care co-ops, a mechanism that may provide a route to more affordable coverage for state residents.

#### **Affordability, transparency and access:**

Led by the Colorado Consumer Health Initiative, **HB 1174**, addressing out-of-network health care services, passed with CCLP as a core supporter. Too often, individuals are faced with bills they aren't legally required to pay – like a bill for neuro-monitoring raised in witness testimony that was close to 100 times the in-network amount. This long-overdue law prevents out-of-network providers who deliver services in emergency or in-network settings from billing enrollees directly and creates a reasonable reimbursement mechanism that should rein in the most egregious practices.

The reinsurance program, **HB 1168**, sets up a mechanism that should push down on rising premium prices statewide by using a state fund to defray the costs of the most-expensive enrollees. An administration priority, the bill prevailed despite encountering a series of funding obstacles. With no general fund dollars available and with limits on contributions from hospitals, the final arrangement includes a smaller hospital contribution, a portion of vendor fees, some revenue received from insurance premium taxes, along with federal “pass-through” dollars. CCLP helped amend the bill so that any negative effects of the program on lower-income Coloradans are minimized and carefully assessed.

A hospital transparency bill passed this year on its second outing. **HB 1001** requires comprehensive reporting that includes hospital costs, uncompensated care, utilization and capacity, and acquisitions. The legislation should provide a window into the cost drivers that have made Colorado one of the most expensive states in the nation for hospital charges.

Revised versions of last year's bill on insulin costs passed this year, with **HB 1216** capping insulin cost-sharing for enrollees and authorizing the state Attorney General to investigate pricing practices by the three main manufacturers. CCLP's Bethany Pray testified in support of the bill.

#### **Behavioral health:**

Over 30 bills focused on behavioral health -- with the majority aiming to address current deficits or barriers to care. The bills focused on particular populations such as children, pregnant and parenting women, and people involved with the criminal justice system. CCLP provided substantial input into the development and passage of **HB 1269**, which will improve enforcement of parity between behavioral and medical benefits in commercial and Medicaid coverage and addresses gaps in care and coverage.

**SB 195** grew out of months of stakeholder meetings last summer with CCLP and many other groups, and initially aimed at creating a commission that could oversee and make recommendations to streamline and coordinate our fractured, multi-agency behavioral health system. Although pared down from its original form, it likely influenced a new task force announced near the end of session by Gov. Jared Polis. In the end, the bill provides needed wraparound services in Medicaid for high-needs children and youth and standardizes screening for behavioral health. Another important bill, **HB 1193**, focused on expanding Special Connections, a substance-use-disorder treatment for individuals who are pregnant and parenting.

### Health equity

In addition to the Community Benefit bill, several CCLP-supported bills have the potential to improve health equity, among them **HB 1184**, which allows majority and minority leadership of the House and Senate to request information regarding a proposed policy's impact on existing racial disparities be presented to legislators. **SB 238** improves compensation for low-wage home health workers, an important factor in ensuring that enrollees continue to have access to those services in Medicaid, and a step toward improving conditions for a workforce that is predominantly women of color, and without which Colorado will be unable to meet the needs of our aging population.

Led by the Children's Campaign and the All Kids Covered coalition, of which CCLP is a part, **HB 1038** adds dental coverage for pregnant women, bringing the Child Health Plan *Plus* (CHP+) into step with Medicaid coverage; **HB 1326** will allow the state to provide dental care to more low-income seniors; **HB 1171** improves access to good nutrition by expanding access to fully subsidized school lunches through 8<sup>th</sup> grade.

At long last, One Colorado was able to usher two bills into law, **HB1039** and **HB1129**, giving transgender Coloradans the ability to change the gender designation on a birth certificate and prohibiting conversion therapy for minors.

The Maternal Mortality Review process -- which plays a vital role in addressing the disparate outcomes for African-American women, American Indian and rural women -- was strengthened through creation of a commission in **HB 1122**.

As Colorado's unrestricted legal services provider, CCLP continues to defend against program reductions and challenges to due process. We were instrumental in ensuring that proposed changes to appeals timelines in **SB 245** did not harm beneficiaries' ability to pursue SNAP appeals, and will be working closely over the coming months with the Department of Human Services to develop regulatory or statutory ways to address the state's lagging appeals processes.

### Challenges and opportunities

Passing legislation is just the first step, and CCLP will be engaged in state agency implementation of a long list of bills in coming months:

- Several bills passed this session will require a federal waiver of either the Medicaid Act or the Affordable Care Act, including the public option (HB 1004), reinsurance (HB 1168) and Medicaid wrap-around services for children with complex behavioral health needs (SB 195). On top of that, a 2018 bill to add residential substance use disorder benefits (HB 1136) is still in the planning stages.
- For others, the focus will be on rule-making and administrative actions at the Division of Insurance and the Department of Health Care Policy and Financing. Parity (HB 1269), community

benefit accountability (HB 1320) and primary care investment (HB 1233) are on that list.

- CCLP will be working to ensure that the Social Security application assistance bill, (HB 1223) is successfully launched in the first round of counties.

That work will move forward alongside the health team's continuing work to address punitive federal action that threatens the ability of immigrant populations to live healthy, productive lives and advance economically.

We will also continue to work to improve access in Colorado for those who are lawfully present and eligible for coverage under Medicaid or Connect for Health Colorado, but nonetheless face major obstacles to enrollment. With the help of new CCLP staff focused on Supplemental Nutrition Assistance Program benefits and health research, we'll be forging ahead with projects involving children's benefits, behavioral health, the functioning of the Regional Accountable Entities and how they engage members, and access to SNAP. Both the SNAP and Medicaid programs have recently launched comprehensive reviews of hundreds of pages of state regulations, and CCLP will be at the table to advocate for improving, correcting and streamlining rules.