

Spotlight on State: Colorado

This is part of a [series of summaries](#) that highlight notable legislation and initiatives in health policy and reform of all 50 states. Check back on The Source as we roll out additional states each week.

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Colorado is a state to watch with aggressive and ahead-of-the-curve efforts to contain healthcare costs and promote health system reform in the state. In 2019, Governor Jared Polis signed an [executive order](#) that established the Office of Saving People Money on Health Care, with the goal to study, identify and implement policies that will lower health care costs while ensuring access to affordable, quality care for Coloradans. Colorado also became one of the first states to pass a proposal to [develop a public option](#), which would explore the design, costs, and implementation of a market-based public option insurance plan in Colorado. Additionally, the legislature passed a [reinsurance bill](#) in 2019 to reduce insurance premiums for Coloradans who buy their coverage on the individual market and received Section 1332 waiver approval for federal pass through funding to finance the reinsurance program. Colorado law also requires parity for telehealth services in terms of coverage, reimbursement, and cost-sharing.

A leader in price transparency, Colorado has a working [All-Payer Claims Database](#), which calls itself “the most comprehensive source of health claims data from public and private payers in Colorado.” Indeed, Colorado’s APCD includes a full scope of providers and paid amounts and has an easily accessible website for consumers. Colorado also earns top marks for surprise billing protections for consumers, prohibiting out-of-network facilities from billing outstanding balance for covered services not paid by the carrier, for both emergency and non-emergency healthcare services. Additionally, bipartisan efforts tackled confusing practices and hidden pricing at freestanding emergency departments (FSEDs) by enacting laws that assigns a unique facility identifier to all FSEDs in Colorado for billing purposes and requires FSEDs to provide disclosures to enable patients to make better-informed decisions before incurring charges.

In the market competition realm, Colorado requires pre-transaction notice to the attorney general of all hospital mergers and acquisitions. Colorado law also prohibits most non-compete agreements in employment contracts and further restricts them for contracts with physicians. In notable antitrust enforcement, the operators of four ambulatory surgery centers in Denver (Kissing Camels Surgery Center) sued two hospital systems and several insurance companies (Centura Health) in 2012, alleging defendants had used their market power to convince insurance companies not to contract with independent surgery centers. The private parties ultimately settled after the court denied defendants' motions for dismissal and summary judgment. More recently, Colorado AG Phil Weiser imposed restrictions in a consent judgment that allowed UnitedHealth Group to acquire physician practice DaVita Medical Group, even as the transaction received the greenlight from the FTC in 2019.