

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**BILLPAPER**

LLS NO. 15-0799.01 Kristen Forrestal x4217

**HOUSE BILL**

---

**HOUSE SPONSORSHIP**

**Young,**

**SENATE SPONSORSHIP**

**Sonnenberg,**

---

**House Committees**

**Senate Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING LICENSE REQUIREMENTS FOR DURABLE MEDICAL**  
102 **EQUIPMENT SUPPLIERS.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)*

The bill narrows the definition of "durable medical equipment (DME) supplier" and exempts persons or entities that supply or provide insulin infusion products and products as part of Medicare's national mail-order program. Current law requires a DME supplier to have a physical location within the state or within 50 miles of the state. The bill deletes this requirement and allows an applicant for a DME supplier

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

license to instead attest that he or she is capable of selling and servicing products sold in that state on a 24-hour-per-day, 7-day-per-week basis.

---

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-21-115, **amend**  
3 (1), (3) (b) (I), and (3) (c); and **repeal** (4) as follows:

4 **24-21-115. Durable medical equipment supplier license -**  
5 **definition - rules.** (1) As used in this section:

6 (a) "Durable medical equipment supplier" means a person or  
7 entity that: ~~delivers disposable medical supplies or durable medical~~  
8 ~~equipment products directly to a recipient and that~~

9 (I) Currently bills or plans to bill the Medicare program for  
10 services or products LISTED IN THE CENTERS FOR MEDICARE AND  
11 MEDICAID DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS, AND  
12 SUPPLIES COMPETITIVE BID PRODUCT CATEGORIES IN THIS STATE in the  
13 current calendar year; OR

14 (II) INTENDS TO BID FOR SERVICES OR PRODUCTS LISTED IN THE  
15 CENTERS FOR MEDICARE AND MEDICAID DURABLE MEDICAL EQUIPMENT,  
16 PROSTHETICS, ORTHOTICS, AND SUPPLIES COMPETITIVE BID PRODUCT  
17 CATEGORIES IN THIS STATE IN THE CURRENT CALENDAR YEAR.

18 (b) "Durable medical equipment supplier" does not include a  
19 ~~supplier of~~ PERSON OR ENTITY THAT SUPPLIES OR PROVIDES:

20 (I) Insulin infusion pumps and related supplies or services;

21 (II) PRODUCTS AS A PART OF MEDICARE'S NATIONAL MAIL-ORDER  
22 PROGRAM;

23 (III) A PHARMACY LOCATED IN COLORADO THAT HAS A CURRENT  
24 PHARMACY ACCREDITATION EXEMPTION THAT IS ACCEPTED AND  
25 RECOGNIZED BY THE NATIONAL SUPPLIER CLEARINGHOUSE THAT ENABLES

1 THE PHARMACY TO BE ENROLLED IN MEDICARE TO SUPPLY DURABLE  
2 MEDICAL EQUIPMENT WITHOUT HAVING THE ACCREDITATION; OR

3 (IV) A PRACTITIONER IDENTIFIED IN 42 U.S.C. sec. 1395u (18)  
4 (C), IF THE PRACTITIONER IS SUPPLYING OR PROVIDING DURABLE MEDICAL  
5 EQUIPMENT TO HIS OR HER OWN PATIENTS AS PART OF THE PRACTITIONER'S  
6 OWN SERVICES.

7 (3) An applicant for a durable medical equipment supplier license  
8 must:

9 (b) Submit to the secretary of state a notarized affidavit attesting  
10 that:

11 (I) The applicant ~~has one or more physical locations within the~~  
12 ~~state or within fifty miles of the border of the state~~ IS CAPABLE OF SELLING  
13 OR SERVICING ALL PRODUCTS THAT THE APPLICANT SELLS IN THIS STATE  
14 ON A TWENTY-FOUR-HOUR-PER-DAY, SEVEN-DAY-PER-WEEK BASIS;

15 (c) Provide to the secretary of state a street address and a local  
16 business telephone number IF LOCATED WITHIN THE STATE, OR, IF  
17 LOCATED OUTSIDE OF THE STATE, PROVIDE THE SECRETARY OF STATE AN  
18 ADDRESS AND TOLL-FREE TELEPHONE NUMBER THAT IS ANSWERED ON A  
19 TWENTY-FOUR-HOUR-PER-DAY, SEVEN-DAY-PER-WEEK BASIS; and

20 (4) ~~The durable medical equipment supplier licensee shall~~  
21 ~~prominently display the license at each of its physical business locations.~~  
22 ~~The license may be duplicated for this purpose.~~

23 **SECTION 2. Safety clause.** The general assembly hereby finds,  
24 determines, and declares that this act is necessary for the immediate  
25 preservation of the public peace, health, and safety.