
Policy Pulse: Liability caps and professional review confidentiality under attack

1 message

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An urgent call to action:**Liability caps and professional review confidentiality under attack**

Colorado's health care system finds itself at a crucial juncture where the core principles of our medical and business community are under threat from two proposed ballot initiatives filed by the Colorado Trial Lawyers Association that will unravel the very fabric of our state's confidential professional review process and stable liability climate. This attack is bad for patients, bad for the medical community, and bad for Colorado.

The threat

Initiative #149 will remove all confidentiality protections provided in the nearly 50-year-old Colorado Professional Review Act, effectively gutting patient safety systems like peer review, quality assurance programs, risk management and others.

Initiative #150 aims to ***remove all economic and noneconomic damage caps*** for catastrophic injuries, defined as death, dismemberment, permanent injury to the body or mind, or a severe injury that limits activities of normal daily life.

Our response

Shortly after these damaging measures were filed, Coloradans Protecting Patient Access (CPPA) – the broader coalition representing health care in Colorado, of which Colorado Medical Society (CMS) and COPIC are members – filed two countermeasures. Both measures ensure that Colorado is home to transparent legal reforms, with a focus on impacted parties' rights to recover fair compensation for damages.

Initiative #170 caps attorney fees in cases of personal injury and wrongful death at no more than 25% of their client's total damages award.

Initiative #171 requires lawyers in personal injury and wrongful death cases to disclose litigation costs to be borne by clients in civil cases proactively and transparently.

Call to action

This is not just a call to awareness but a call to action to stand with us in safeguarding the integrity of Colorado's health care system and business environment by contributing financial support to the effort.

We need dedicated resources to win this fight. Your contribution will fuel a robust statewide ballot campaign to defeat Initiatives 149 and 150 and pass Initiatives 170 and 171. We must move quickly and amass a war chest to fight this battle. Our health care climate depends on your support immediately!

Send a check today made out to the Colorado Medical Society with Liability Defense Fund written in the memo section, to [7351 E. Lowry Blvd, Suite 110, Denver, CO 80230](#). If you prefer, call the CMS offices at 720-859-1001 Monday through Friday between 8:30 am and 5:00 pm to make a secure contribution using your credit card.

[Read more here.](#)

HB 1410 union authorization reform bill introduced to protect

HB24-1149 prior authorization reform bill introduced to protect patients, reduce costs, ensure access to care



Reducing the burdens of prior authorization on patients, on physicians and on the health care system is a priority for CMS. Prior authorization leads to care delays and treatment abandonment.

Yesterday, legislative champions


Rep. Shannon Bird (D), Rep. Lisa Frizell (R), Sen. Dylan Roberts (D) and Sen. Barbara Kirkmeyer (R) – along with 54 other co-sponsors – introduced a bill ([HB24-1149](#)) that aims to remove unnecessary burdens to care including:

- Preventing disruptions in already approved care, like requiring repeated authorizations for patients taking prescription drugs even after they have already been approved;
- Ensuring that there is continuity of care by extending prior authorizations to last through the course of treatment;
- Protecting patients from disruptions in care by ensuring multiple approvals are not needed as additional treatment is required during surgery;
- Creating transparency in the system so that patients understand their benefits and likelihood of being approved by requiring formularies to be made publicly available; and
- Incentivizing physicians that are consistently providing quality care and referring patients for medically necessary treatments.

Health plans are opposing the bill and CMS is gearing up for an intense legislative battle. Success in the future hinges on active physician engagement and sharing stories that vividly illustrate the direct impact of delayed or denied care due to inappropriate prior authorizations on patients and their families.

[Share your patient stories here.](#)

CMS joins our partners in the Colorado House of Medicine, patient advocacy organizations and many others in applauding the introduction of this commonsense bill to reform prior authorization and calls for its swift passage. Stay tuned for more updates and be ready to respond to action alerts. Review the bill [fact sheet here](#).



**CALL FOR COLORADO
PATIENT STORIES**

Have you or a loved one had a procedure or prescription for medication delayed due to prior authorization?

WE WANT TO HEAR FROM YOU!

Legislators need to hear prior auth horror stories -- especially from patients. [Click here](#) to share your stories with us, and encourage your patients, family and friends as well!

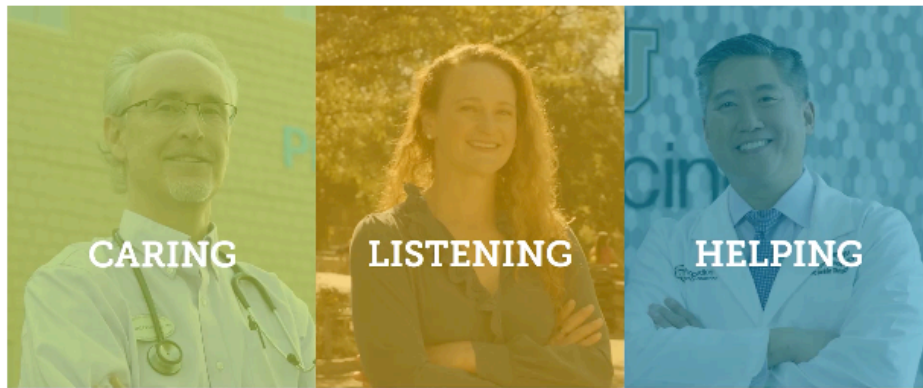
Read the facts about how prior authorization harms patients through this op-ed by CMS President Omar Mubarak, MD, MBA, published in Colorado Politics on Dec. 27.



[Click here](#) to read more

In Your Corner, Colorado - Protecting patient access for all Coloradans

Colorado's medical professionals answer the call to serve every day. They are with us from birth to death in the most vulnerable moments. This is why we are calling attention to this important new campaign: [In Your Corner, Colorado](#).



Learn more at InYourCornerCO.com

Another busy health care policy session in 2024

The Second Regular Session of the 74th Colorado General Assembly convened on Jan. 10, 2024 and is expected to adjourn on May 8. Health care policy has been a major focus of the General Assembly and the governor in recent years and this year is no different. CMS and our partners in physician advocacy expect to see action in tort reform, prior authorization reform, violence against health care workers, substance use disorder and mental health, CME requirements, required health benefit coverage, and network adequacy/primary care payment reform – just to name a few. Watch for future Policy Pulse enewsletters and Code Blue calls to action. This is a very active session and we will need your help!



Advocacy in action: Rep. Cathy Kipp and CMS COMPAC Chair Sean Pauzauskie, MD, discuss strategy on CMS supported [HB24-1058](#) – Protect Privacy of Biological Data before the bill’s committee hearing on January 30. The bill passed out of committee unanimously and is headed to the House floor.

Why get involved in advocacy? Words from COL Vice Chair Ricky Dhaliwal, MD, JD



I think that deep down there is an altruistic reason every physician has when they choose to go into medicine. I think our goal is to fulfill this altruistic passion, and the hardest part is the red tape that makes it more difficult to practice or changes the way you can provide care to patients. Whether it’s directly related to patient care or reimbursement and pay – physicians ask, “can I work in this environment and still pay back my loans or support a family?” With all of the different moving parts, things become complicated.

One of the reasons I’m involved in advocacy is because I know if we’re not the ones creating that message, then it’s going to end up being someone else. That someone else might not understand how medicine works or may be incentivized by something that doesn’t benefit patients. If we don’t own this, someone else will and we’ll be left complaining about how medicine used to be.

Do you know who your legislators are? [Click here to find out!](#)

Legislator meet and greet

Do you have an interest in meeting your legislators? Let us know, and our team could help schedule a meet and greet for you in the future! Click on the button below to fill out the survey.

Legislator Meet and Greet!

The CMS Bill Tracker is your tool to stay up to date with health care legislation and CMS's positions on bills!

Bookmark the Bill Tracker

SUPPORT

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The success of CMS's advocacy work depends on your support



COMPAC
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POLITICAL ACTION COMMITTEE



cms.org/contribute

Any individual 18 and older can contribute. Contribution limits apply. \$50/year to the SDC; \$625/election cycle to COMPAC. If you think you may have met the contribution limit already, contact chet_seward@cms.org.



Three free, one-hour, confidential, pre-clinical peer wellbeing consultation sessions for any Colorado physician or medical student; learn more at cms.org/Doc2Doc



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