



COLORADO CENTER
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Justice and Economic Security for all Coloradans

ISSUE BRIEF

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What's wrong with Colorado Ballot Initiative 45?

What it does

Colorado Ballot Initiative 45 purports to accomplish at least two things:

- Opt Colorado out of any individual mandate included in national health care reform.
- Prevent Colorado from adopting an individual mandate at any point in the future.

In addition, the language is so broad that it may be interpreted to, among other things:

- Prohibit Colorado from regulating at least the scope of practice of medicine. The state could not “deny, restrict or penalize the right or ability of **any person** to make or **receive** direct payments for lawful health care services.” emphasis added.
- Prohibit the state from ever requiring Medicaid and CHP+ enrollees to participate in managed care or automatically enrolling people in managed care or Accountable Care Collaboratives.
- Prevent the state from prohibiting the practice of “balance billing,” where health care providers collect from patients the cost of a procedure that exceeds the rate negotiated with a health plan.

Who's behind it

Jon Caldera and Linda Gorman of the Independence Institute. There are similar initiatives or legislative efforts in at least 20 other states.

Why you should worry

- We can't get rid of pre-existing condition exclusions without an individual mandate. Why? Because the insurance market place will fail if people can wait until they are sick to buy health insurance. Health insurance only works if people pay in over time, not if they participate only when they need help.
- Colorado could never chose, on its own, to move forward with state-based health care reform that includes an individual mandate.
- The language is very broad, and it's impossible to determine all its hidden effects.

Status

A title has been approved and proponents are collecting signatures. A Petition for Review of the Title was filed with the Colorado Supreme Court on April 14, 2010.

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