

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0194.01 Anna Petrini x5497

SENATE BILL 25-084

SENATE SPONSORSHIP

Mullica and Simpson,

HOUSE SPONSORSHIP

Bradfield and Rydin,

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ADEQUACY OF THE INFUSION PHARMACY NETWORK**
102 **SUPPLYING PARENTERAL NUTRITION TO MEDICAID MEMBERS.**

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://leg.colorado.gov>.)

Infusion pharmacies supply medicaid members with parenteral nutrition, which provides patients with essential nutrients through an intravenous infusion.

The bill requires the state department of health care policy and financing (state department) to ensure policies and reimbursement levels for infusion pharmacies for the preparation and dispensing of parenteral

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

nutrition are sufficient to encourage an adequate level of market participation among infusion pharmacies.

The bill requires the state department to annually report on the adequacy of the infusion pharmacy network that supplies parenteral nutrition to medicaid members.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Parenteral nutrition is a feeding method that bypasses the gastrointestinal tract and delivers nutrition directly into a patient's veins. Parenteral nutrition is the only way for some patients with significant feeding and digestion disabilities to survive. Children who need parenteral nutrition may need it their entire lives.

(b) Because parenteral nutrition is highly regulated and specially formulated for each individual patient, it is expensive to produce and store, according to data from the American Society for Parenteral and Enteral Nutrition. Infusion pharmacies that make parenteral nutrition and other in-home infusion medications must dedicate time, training, and facilities to their formulation. Infusion pharmacies must produce parenteral nutrition daily, with frequent formulation changes, and must ensure that the parenteral nutrition meets all safety and quality regulations.

(c) According to recent data from the American Society for Parenteral and Enteral Nutrition, because of recent financial pressures, many infusion pharmacies have stopped supplying parenteral nutrition across the nation, particularly for children. As a result, medical providers spend more time locating infusion pharmacies that will agree to serve the medical providers' patients, who risk losing access to medically necessary

1 and life-saving parenteral nutrition treatment.

2 (d) Federal law establishes early and periodic screening,
3 diagnosis, and treatment requirements as the cornerstone medicaid health
4 coverage for children. Pursuant to 42 U.S.C. sec. 1396 and sec. 1396d
5 (r)(5), children enrolled in medicaid are eligible for early and periodic
6 screening, diagnosis, and treatment benefits. As a result, the state must
7 ensure that children enrolled in medicaid have timely access to medically
8 necessary health care in the most appropriate setting.

9 (e) It is not clear if the medicaid reimbursement methodologies
10 that are currently in place in Colorado are sufficient to cover the extensive
11 costs of producing parenteral nutrition and other specialty
12 pharmaceuticals.

13 (2) Therefore, the general assembly declares that it is necessary to
14 ensure that Colorado medicaid members have access to an adequate
15 network of infusion pharmacies supplying parenteral nutrition.

16 **SECTION 2.** In Colorado Revised Statutes, **add** 25.5-5-519 as
17 follows:

18 **25.5-5-519. Pharmacy reimbursement - parenteral nutrition**
19 **- report - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
20 CONTEXT OTHERWISE REQUIRES:

21 (a) "INFUSION PHARMACY" MEANS A PRESCRIPTION DRUG OUTLET
22 THAT PREPARES AND DISPENSES A SOLUTION THAT INCLUDES PARENTERAL
23 NUTRITION FOR DIRECT ADMINISTRATION INTO A PATIENT'S BLOODSTREAM.
24 THE SOLUTION MAY CONTAIN MEDICATIONS OR OTHER TREATMENTS AND
25 MAY BE ADMINISTERED IN A PATIENT'S HOME OR IN A HEALTH-CARE
26 FACILITY.

27 (b) "PARENTERAL NUTRITION" MEANS A FORM OF NUTRITIONAL

1 SUPPORT THAT PROVIDES A PATIENT WITH NEEDED NUTRIENTS, INCLUDING,
2 AT A MINIMUM, CARBOHYDRATES, AMINO ACIDS, AND LIPIDS, THROUGH AN
3 INTRAVENOUS INFUSION.

4 (2) BEGINNING ON OR BEFORE OCTOBER 1, 2025, THE STATE
5 DEPARTMENT SHALL CREATE SPECIFIC PROFESSIONAL DISPENSING FEES FOR
6 THE PREPARATION AND DISPENSING OF PARENTERAL NUTRITION TO
7 ENCOURAGE AN ADEQUATE LEVEL OF MARKET PARTICIPATION AMONG
8 INFUSION PHARMACIES.

9 (3) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR
10 BEFORE NOVEMBER 1, 2025, AND ON OR BEFORE EVERY NOVEMBER 1
11 THEREAFTER, THE STATE DEPARTMENT SHALL, WITHIN EXISTING
12 APPROPRIATIONS, REPORT IN ITS PRESENTATION TO THE JOINT BUDGET
13 COMMITTEE AND ITS "SMART ACT" HEARING HELD PURSUANT TO
14 SECTION 2-7-203 ON:

15 (a) THE TOTAL NUMBER AND GEOGRAPHIC DISTRIBUTION OF
16 INFUSION PHARMACIES THROUGHOUT COLORADO THAT PROVIDE
17 PARENTERAL NUTRITION TO MEMBERS;

18 (b) SEPARATE DATA ON THE PARENTERAL NUTRITION NEEDS OF
19 ADULT AND CHILD MEMBERS AND THE SUFFICIENCY OF THE INFUSION
20 PHARMACY NETWORK TO SERVE EACH; AND

21 (c) ANY REGULATORY OR REIMBURSEMENT CHANGES THE STATE
22 DEPARTMENT HAS UNDERTAKEN TO ENCOURAGE AN ADEQUATE LEVEL OF
23 MARKET PARTICIPATION AMONG INFUSION PHARMACIES TO MEET THE
24 PARENTERAL NUTRITION NEEDS OF MEMBERS.

25 **SECTION 3. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V
2 of the state constitution against this act or an item, section, or part of this
3 act within such period, then the act, item, section, or part will not take
4 effect unless approved by the people at the general election to be held in
5 November 2026 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.