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Colorado Secretary of State

BEFORE COLORADO STATE TITLE SETTING BOARD

In re Ballot Title and Submission Clause for 2017-2018 Initiative #147 (“Transparency in Health Insurance Carrier Billing”)

Deborah Farrell, Objector.

MOTION FOR REHEARING

Pursuant to C.R.S. § 1-40-107, Objector, Deborah Farrell, a registered elector of the State of Colorado, through her legal counsel, Lewis Roca Rothgerber Christie LLP, submits this Motion for Rehearing of the Title Board’s March 7, 2018 decision to set the title of 2017-2018 Initiative #147 (“Initiative”), and states:

I. The Initiative impermissibly contains multiple separate and distinct subjects in violation of the constitutional single-subject requirement.

While the Initiative purports to address only the subject of transparency in health care insurance carrier billing, several other subjects are impermissibly woven into the Initiative, including:

- Requiring broad disclosure by insurance carriers of “all forms of remuneration derived from rebates or other forms of incentive received as the result of healthcare services or purchases of prescription drugs or medical devices.” (Initiative § 10-16-147(4) (emphasis added).) Because many payments made to insurance carriers are related in some way to healthcare services, prescription drugs, or medical devices, this catch-all provision requires insurance carriers to disclose a large percentage of all payments or other compensation they receive, regardless of whether or not those activities are reasonably related to billing transparency.

These additional subjects represent distinct and additional purposes of the Initiative, thus violating the single-subject requirement. *See* C.R.S. § 1-40-106.5.

II. The title set by the Title Board is unfair and does not fairly express the true meaning and intent of the proposed constitutional amendment.

The title set for the Initiative by the Title Board fails to fairly, clearly, and accurately convey the central features of the measure because it does not:

- Explain that the initiative affects a very broad range of providers, including many that may not commonly be considered to be “health care” providers by the public, such as athletic trainers, massage therapists, psychologists, social workers, and professional counselors. (Initiative § 10-16-147(8)(n).) Instead, the title refers only to “a broad range of health care providers.”

WHEREFORE, Objector respectfully requests that the Title Board set Initiative 147 for rehearing pursuant to C.R.S. § 1-40-107(1).

DATED: March 14, 2018.

s/ Thomas M. Rogers III

Thomas M. Rogers III

Dietrich C. Hoefner

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CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2018, a true and correct copy of this **MOTION FOR REHEARING** was served on proponents via email as follows:

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s/ Robin A. Newcomer _____