

JOINT BUDGET COMMITTEE



SUPPLEMENTAL BUDGET REQUESTS FY 2022-23

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT Public Health Divisions

JBC WORKING DOCUMENT - SUBJECT TO CHANGE
STAFF RECOMMENDATION DOES NOT REPRESENT COMMITTEE DECISION

PREPARED BY:
ABBY MAGNUS, JBC STAFF
JANUARY 19, 2023

JOINT BUDGET COMMITTEE STAFF
200 E. 14TH AVENUE, 3RD FLOOR • DENVER • COLORADO • 80203
TELEPHONE: (303) 866-2061 • TDD: (303) 866-3472
<https://leg.colorado.gov/agencies/joint-budget-committee>

CONTENTS

Department Overview	1
Summary: FY 2022-23 Appropriation and Recommendation	3
Prioritized Supplemental Requests.....	4
S2 HB22-1326 Independent Study Roll Forward.....	4
Previously Approved Interim Supplemental Request	6
ES1 Monkeypox Public Health Response.....	6
Appendix A: Numbers Pages.....	A-1

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

DEPARTMENT OVERVIEW

The Department of Public Health and Environment's public health programming resides in the following divisions:

ADMINISTRATION AND SUPPORT (HEALTH PROGRAMS ONLY)

- Houses the Health Disparities Program, which provides grants for health initiatives aimed at reducing and eliminating disparities in the provision of health services across the state; and
- Houses the Office of Planning, Partnerships, and Improvement, which oversees the distribution of state funds to local public health agencies (LPHAs).

CENTER FOR HEALTH AND ENVIRONMENTAL INFORMATION (CHEIS)

- Maintains a database of all Colorado births, deaths, marriages, and divorces;
- Provides birth and death certificates;
- Gathers and analyzes health data for use by public and private agencies; and
- Operates the Medical Marijuana Registry.

DISEASE CONTROL AND PUBLIC HEALTH RESPONSE (DCPHR)

- Operates the Immunization Program, which includes the Immunization Outreach Program, the Colorado Immunization Information System, and grants to LPHAs for operation of immunization clinics;
- Assesses the threat risk from environmental contaminants on human health, and, when needed, takes action to contain and/or nullify these threats;
- Provides testing, analysis, and results reporting of laboratory tests on specimens and samples submitted by other divisions, departments, and private clients;
- Includes the following laboratory units: Molecular Sciences and Newborn Screening Units, Public Health Microbiology and Environmental Microbiology Units, Organic and Inorganic Units, and Evidential Breath and Alcohol Testing and Certification Units;
- Works with local agencies and other state departments to ensure Colorado is prepared for, and able to respond to, a variety of natural and man-made disasters; and
- Coordinates a statewide network of laboratories, local agencies, hospitals, and other resources that can be utilized during disaster response.

OFFICE OF HIV, VIRAL HEPATITIS AND STI'S (OHVS)

- Identifies, contains, controls, and tracks the spread of communicable diseases, with a focus on hepatitis, tuberculosis, sexually transmitted infections, and HIV/AIDS;
- Houses the Colorado HIV and AIDS Prevention Grant Program (CHAPP); and
- Houses the Ryan White Program.

PREVENTION SERVICES DIVISION (PSD)

Oversees and operates a number of programs including:

- The Tobacco Education, Prevention, and Cessation Program and the Cancer, Cardiovascular Disease, and Chronic Pulmonary Disease Prevention, Early Detection, and Treatment Program;
- The Breast and Cervical Cancer Screening Program;
- Programs for children with special needs and the Genetics Counseling Program;
- The School-Based Health Centers Program;
- Injury and suicide prevention programs;
- The Primary Care Office and Oral Health Program; and
- The Women, Infants, and Children and Child and Adult Care Food federal assistance programs.

HEALTH FACILITIES AND EMERGENCY MEDICAL SERVICES DIVISION (HFEMSD)

- Enforces, through certification and inspections, the standards for the operation of health care facilities, including hospitals and nursing facilities; and
- Inspects and certifies emergency medical and trauma service providers.

SUMMARY: FY 2022-23 APPROPRIATION AND RECOMMENDATION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT: RECOMMENDED CHANGES FOR FY 2022-23						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
Long Bill (H.B. 22-1329)	\$756,286,389	\$156,852,349	\$226,496,227	\$48,494,927	\$324,442,886	1,673.0
Other legislation	157,168,072	42,983,344	85,003,480	29,181,248	0	57.9
CURRENT FY 2022-23 APPROPRIATION:	\$913,454,461	\$199,835,693	\$311,499,707	\$77,676,175	\$324,442,886	1,730.9
RECOMMENDED CHANGES						
Current FY 2022-23 Appropriation	\$913,454,461	199,835,693	\$311,499,707	\$77,676,175	\$324,442,886	1,730.9
S1 Ensuring implementation of HB22-1358	0	0	0	0	0	0.0
S2 HB22-1326 Independent study roll forward	0	0	0	0	0	0.0
S3 Stationary sources roll forward	0	0	0	0	0	0.0
S4 Admin indirect costs	140,096	0	0	140,096	0	1.5
MPX Public health response	3,347,178	3,347,178	0	0	0	0.0
OIT Real time billing*	(1,212,705)	0	0	(1,212,705)	0	0.0
DPA Annual fleet supplemental*	(1,700)	0	(1,546)	(154)	0	0.0
CDPHE Legal supplemental*	190,332	190,332	0	0	0	0.0
RECOMMENDED FY 2022-23 APPROPRIATION:	\$915,917,662	\$203,373,203	\$311,498,161	\$76,603,412	\$324,442,886	1,732.4
RECOMMENDED INCREASE/(DECREASE)	\$2,463,201	\$3,537,510	(\$1,546)	(\$1,072,763)	\$0	1.5
Percentage Change	0.3%	1.8%	(0.0%)	(1.4%)	0.0%	0.1%
FY 2022-23 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

*Reflects the request, pending Committee common policy decision.

Note: This document only covers the decision items highlighted above. All other requests for the Department of Public Health and Environment will be covered in a separate staff supplemental document presented January 19, 2023 by Andrew Forbes.

REQUEST/RECOMMENDATION DESCRIPTIONS

S2 HB22-1326 INDEPENDENT STUDY ROLL FORWARD [LEGISLATION RECOMMENDED]: The request includes roll forward authority for \$300,000 General Fund allocated towards an independent study of the implementation of H.B. 22-1326 (Fentanyl Accountability and Prevention) through FY 2024-25. Staff recommendation is that the Committee sponsor legislation to amend the deadlines in statute as well as authorize roll forward authority in the appropriations clause to ensure funding matches the timeline of the study outlined in the bill.

PREVIOUSLY APPROVED INTERIM SUPPLEMENTAL REQUEST DESCRIPTIONS

MONKEYPOX PUBLIC HEALTH RESPONSE: The request included a one-time increase of \$3.35 million General Fund for the Department to continue to respond to the Monkeypox public health emergency. The Committee approved staff recommendation of the request on September 22, 2022. Staff will include the approved adjustments in the supplemental bill for the Department. No further action is required.

PRIORITIZED SUPPLEMENTAL REQUESTS

S2 HB22-1326 INDEPENDENT STUDY ROLL FORWARD

	REQUEST	RECOMMENDATION
TOTAL	\$0	\$0
FTE	0.0	0.0
General Fund	0	0
Cash Funds	0	0
Federal Funds	0	0

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? YES

[An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]

Explanation: JBC staff and the Department agree that this request is the result a technical error in H.B. 22-1326 which misaligns funding and implementation timelines of the independent study.

DEPARTMENT REQUEST: The Department requests roll forward authority through FY 2024-25 for \$300,000 General Fund appropriated to CDPHE in FY 2022-23 for the purposes of contracting with an independent entity to conduct a study and publish a report concerning the impact and implementation of H.B. 22-1326 (Fentanyl Accountability and Prevention).

STAFF RECOMMENDATION: Staff recommends that the Committee sponsor legislation to amend the current statutory deadline for contracting with an outside entity, as well as allow for roll forward authority through FY 2024-25. Staff requests permission to begin working with the Department and the Office of Legislative Legal Services on a committee bill draft to implement these legislative changes.

STAFF ANALYSIS:

H.B. 22-1326 FENTANYL ACCOUNTABILITY AND PREVENTION INDEPENDENT STUDY

The General Assembly passed H.B. 22-1326 during the 2022 legislative session. The bill appropriated \$300,000 General Fund in FY 2022-23 for CDPHE to contract with an outside entity to conduct an independent study and publish a report on the impact and implementation of the bill. The bill states:

- CDPHE shall contract with an independent entity to conduct the study by January 1, 2023;
- The contracting entity shall identify and report findings regarding available data and information from July 1, 2019 through June 30, 2024;
- The entity shall submit a completed comprehensive report of its findings to the Department in December 2024; and
- The Department will publish the report in January 2025.

INDEPENDENT STUDY

The independent study established in H.B. 22-1326 has the following requirements:

- The Department shall consult with the Judicial Department, the Office of Behavioral Health, and other stakeholders in developing and issuing a request for proposals (RFP) to ensure candidates have necessary and relevant expertise.

- The independent entity shall report findings from July 1, 2019, through June 30, 2024, obtained from the Colorado Judicial Department and treatment providers serving the probation population. Data and information prior to July 1, 2022, must be included in the study to establish a baseline.
- The report shall include number of and outcomes of fentanyl-related cases, as well as available data and information obtained from the Office of Behavioral Health, the Department of Public Health and Environment, managed service organizations, and other agencies and treatment providers regarding the fentanyl-related prevention and education campaign, implementation of medication-assisted treatment, opiate bulk purchasing and detection testing, harm reduction grant, and managed service organizations contracts and training.

The fiscal note indicates that the \$300,000 is an estimate of the cost to contract for the required independent study, and the actual cost will be determined through the procurement process. The Department has not indicated any changes to this estimated amount in this supplemental request.

FUNDING AND STATUTORY DEADLINE MISALIGNMENT

The Department states that in H.B. 22-1326, the requirement that the contracted entity report findings through 2024 conflicts with the current appropriation for CDPHE to contract with that entity; the appropriation is made in FY 2022-23 and does not include roll forward authority. CDPHE reimburses contracting entities on a monthly basis and cannot prepay the independent entity for data they are requesting through December 2024. Staff agrees that the current appropriation clause does not allow funding for CDPHE to contract with an entity through 2024, as appears to be the intent of the bill.

Granting CDPHE roll forward authority would allow the Department to submit a RFP in FY 2023-24, complete the RFP process by October 2023, and contract with an independent entity to produce a report by December 2024. The Department does not currently have any further implementation concerns regarding the RFP process, independent study, or any subsequent statutory deadlines.

The Department did not contract with an independent entity by January 1, 2023 as required in H.B. 22-1326. This occurred because the Department did not have assurance of being able to provide funding to the contracted entity to meet the requirements of the study. For this reason, it held off on the RFP and contracting process until funding is assured. The Department believes a realistic updated deadline for this contract would be October 1, 2023. The Department is planning to complete the RFP process by the end of August 2023, and the additional time will ensure no further statutory deadlines are missed.

RECOMMENDATION

Staff recommends that the Committee sponsor legislation to align funding with statutory deadlines in H.B. 22-1326. Staff requests permission to work with the Department and Legislative Legal Services to draft legislation that would accomplish the following:

- Amend statute to shift the current statutory requirement that the Department contract with an independent entity from January 1, 2023 to October 1, 2023; and
- Amend the appropriation in H.B. 22-1326 to add roll forward authority on the \$300,000 General Fund appropriated to CDPHE to contract with an independent entity through FY 2024-25.

PREVIOUSLY APPROVED INTERIM SUPPLEMENTAL REQUEST

ES1 MONKEYPOX PUBLIC HEALTH RESPONSE

	REQUEST	APPROVED
TOTAL	\$3,347,178	\$3,347,178
FTE	0.0	0.0
General Fund	3,347,178	3,347,178
Cash Funds	0	0
Federal Funds	0	0

DEPARTMENT REQUEST: The Department requested a one-time increase of \$3.35 million General Fund in FY 2022-23 in order to respond to the Monkeypox (MPX) public health emergency.

SUMMARY: The Department requested additional General Fund for FY 2022-23 in order to continue to respond to MPX cases in Colorado from October to December of 2022. The funding was requested to be used for the following purposes:

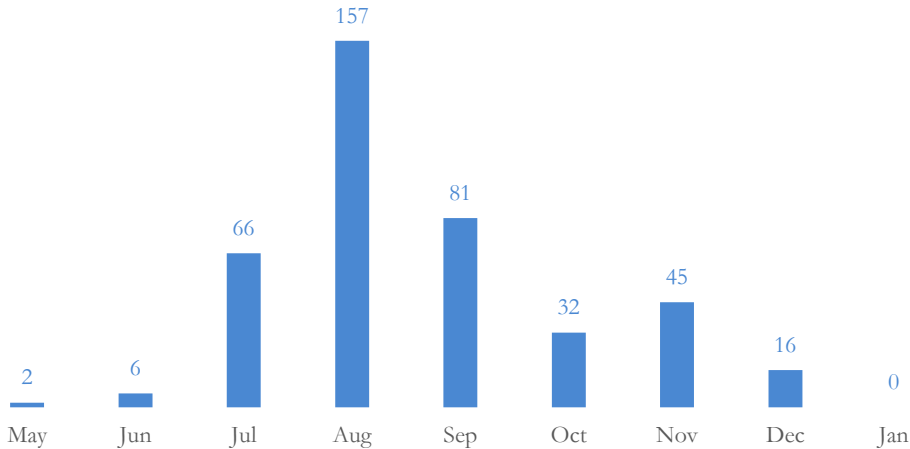
- \$1.0 million to staff vaccine clinics;
- \$900,000 to distribute to Denver Health and other safety net partners;
- \$183,144 for the Immunization Branch;
- \$336,667 for the State Laboratory;
- \$9,667 for the Office of Emergency Preparedness and Response (OEPR);
- \$118,000 for the Office of STI/HIV/VH (OSVH); and
- \$791,700 for three months of CDPHE mobile vaccine units (MVUs).

COMMITTEE ACTION: Staff recommended, and the Committee approved the one-time \$3.35 million General Fund increase for FY 2022-23 on September 22, 2022. Staff will include the approved adjustments in the supplemental bill for the Department. No further action is required.

As of January 11, 2023, a total of 24,130 doses of vaccine have been administered to 14,525 individuals in CO.



Reported monthly cases of MPX in Colorado continue to decrease overall even though the state saw a small uptick of cases in November.



For more information on this supplemental request, see the document presented by JBC staff on September 22, 2022: <https://leg.colorado.gov/sites/default/files/pubhea-09-22-22.pdf>.

JBC Staff Supplemental Recommendations - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2022-23 Requested Change	FY 2022-23 Rec'd Change	FY 2022-23 Total w/Rec'd Change
--	----------------------	-----------------------------	--------------------------------	----------------------------	------------------------------------

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT Jill Ryan, Executive Director
--

S1 Ensuring implementation of HB22-1358

(5) WATER QUALITY CONTROL DIVISION

(D) Drinking Water Program

Operating Expenses	<u>1,016,544</u>	<u>23,271,620</u>	<u>0</u>	<u>23,271,620</u>
General Fund	123,909	1,603,335	0	1,603,335
Cash Funds	458,790	24,815	0	24,815
Reappropriated Funds	0	21,000,000	0	21,000,000
Federal Funds	433,845	643,470	0	643,470

Total for S1 Ensuring implementation of HB22-1358	1,016,544	23,271,620	0	23,271,620
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	123,909	1,603,335	0	1,603,335
Cash Funds	458,790	24,815	0	24,815
Reappropriated Funds	0	21,000,000	0	21,000,000
Federal Funds	433,845	643,470	0	643,470

JBC Staff Supplemental Recommendations - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2022-23 Requested Change	FY 2022-23 Rec'd Change	FY 2022-23 Total w/Rec'd Change
--	----------------------	-----------------------------	--------------------------------	----------------------------	------------------------------------

S2 HB22-1326 Independent study roll forward

(9) PREVENTION SERVICES DIVISION

(A) Administration

Administration	<u>2,062,879</u>	<u>9,066,540</u>	<u>0</u>	<u>9,066,540</u>
FTE	31.9	34.6	0.0	34.6
General Fund	393,241	6,316,891	0	6,316,891
Cash Funds	350,435	1,092,910	0	1,092,910
Reappropriated Funds	(19,633)	26,629	0	26,629
Federal Funds	1,338,836	1,630,110	0	1,630,110

Total for S2 HB22-1326 Independent study roll forward	2,062,879	9,066,540	0	9,066,540
<i>FTE</i>	<u>31.9</u>	<u>34.6</u>	<u>0.0</u>	<u>34.6</u>
General Fund	393,241	6,316,891	0	6,316,891
Cash Funds	350,435	1,092,910	0	1,092,910
Reappropriated Funds	(19,633)	26,629	0	26,629
Federal Funds	1,338,836	1,630,110	0	1,630,110

JBC Staff Supplemental Recommendations - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2022-23 Requested Change	FY 2022-23 Rec'd Change	FY 2022-23 Total w/Rec'd Change
--	----------------------	-----------------------------	--------------------------------	----------------------------	------------------------------------

S3 Stationary sources rollforward

(4) AIR POLLUTION CONTROL DIVISION

(A) Administration

Program Costs	<u>511,230</u>	<u>12,654,987</u>	<u>0</u>	<u>12,654,987</u>
FTE	23.7	54.5	0.0	54.5
General Fund	493,460	10,895,647	0	10,895,647
Cash Funds	(342,795)	1,575,839	0	1,575,839
Reappropriated Funds	0	0	0	0
Federal Funds	360,565	183,501	0	183,501

Total for S3 Stationary sources rollforward	511,230	12,654,987	0	12,654,987
<i>FTE</i>	<u>23.7</u>	<u>54.5</u>	<u>0.0</u>	<u>54.5</u>
General Fund	493,460	10,895,647	0	10,895,647
Cash Funds	(342,795)	1,575,839	0	1,575,839
Reappropriated Funds	0	0	0	0
Federal Funds	360,565	183,501	0	183,501

JBC Staff Supplemental Recommendations - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2022-23 Requested Change	FY 2022-23 Rec'd Change	FY 2022-23 Total w/Rec'd Change
S4 Admin Indirect Costs					
(1) ADMINISTRATION AND SUPPORT					
(A) Administration					
Personal Services	<u>8,731,035</u>	<u>9,896,182</u>	<u>110,993</u>	<u>10,007,175</u>	
FTE	81.2	84.8	1.5	86.3	
General Fund	1,688,649	1,832,273	0	1,832,273	
Cash Funds	9,947	10,889	0	10,889	
Reappropriated Funds	6,997,059	7,873,783	110,993	7,984,776	
Federal Funds	35,380	179,237	0	179,237	
Operating Expenses	<u>2,812,420</u>	<u>2,634,800</u>	<u>29,103</u>	<u>2,663,903</u>	
General Fund	191,918	198,793	0	198,793	
Cash Funds	0	0	0	0	
Reappropriated Funds	2,620,502	2,436,007	29,103	2,465,110	
Federal Funds	0	0	0	0	
Total for S4 Admin Indirect Costs	11,543,455	12,530,982	140,096	12,671,078	
FTE	<u>81.2</u>	<u>84.8</u>	<u>1.5</u>	<u>86.3</u>	
General Fund	1,880,567	2,031,066	0	2,031,066	
Cash Funds	9,947	10,889	0	10,889	
Reappropriated Funds	9,617,561	10,309,790	140,096	10,449,886	
Federal Funds	35,380	179,237	0	179,237	

JBC Staff Supplemental Recommendations - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2022-23 Requested Change	FY 2022-23 Rec'd Change	FY 2022-23 Total w/Rec'd Change
ES1 MPX Public health response					
(3) DIVISION OF DISEASE CONTROL AND PUBLIC HEALTH RESPONSE					
(A) Administration					
Administration and Support	<u>1,274,262</u>	<u>15,241,995</u>	<u>3,229,178</u>	<u>18,471,173</u>	
FTE	58.6	180.0	0.0	180.0	
General Fund	1,396,511	12,566,302	3,229,178	15,795,480	
Cash Funds	11,971	512,711	0	512,711	
Reappropriated Funds	(134,220)	28,987	0	28,987	
Federal Funds	0	2,133,995	0	2,133,995	
R-2 OFFICE OF HIV, VIRAL HEPATITIS AND STI'S					
(A) Administration and Support					
Administration and Support	<u>267,890</u>	<u>271,547</u>	<u>118,000</u>	<u>389,547</u>	
FTE	2.5	2.5	0.0	2.5	
General Fund	267,890	271,547	118,000	389,547	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Total for ES1 MPX Public health response	1,542,152	15,513,542	3,347,178	18,860,720	
FTE	<u>61.1</u>	<u>182.5</u>	<u>0.0</u>	<u>182.5</u>	
General Fund	1,664,401	12,837,849	3,347,178	16,185,027	
Cash Funds	11,971	512,711	0	512,711	
Reappropriated Funds	(134,220)	28,987	0	28,987	
Federal Funds	0	2,133,995	0	2,133,995	

JBC Staff Supplemental Recommendations - FY 2022-23
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2022-23 Requested Change	FY 2022-23 Rec'd Change	FY 2022-23 Total w/Rec'd Change
Totals Excluding Pending Items					
PUBLIC HEALTH AND ENVIRONMENT					
TOTALS for ALL Departmental line items	883,683,995	913,454,461	3,487,274	916,941,735	
<i>FTE</i>	<u>1,554.8</u>	<u>1,730.9</u>	<u>1.5</u>	<u>1,732.4</u>	
General Fund	68,597,594	199,453,895	3,347,178	202,801,073	
General Fund Exempt	0	381,798	0	381,798	
Cash Funds	158,735,328	311,499,707	0	311,499,707	
Reappropriated Funds	43,481,090	77,676,175	140,096	77,816,271	
Federal Funds	612,869,983	324,442,886	0	324,442,886	