

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0773.01 Christy Chase x2008

SENATE BILL 20-022

SENATE SPONSORSHIP

Danielson,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO THE COLORADO HEALTH SERVICE
102 CORPS PROGRAM ADMINISTERED BY THE DEPARTMENT OF
103 PUBLIC HEALTH AND ENVIRONMENT TO EXPAND THE
104 AVAILABILITY OF GERIATRIC CARE PROVIDERS IN SHORTAGE
105 AREAS IN THE STATE.

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>.)

The bill modifies the Colorado health service corps program administered by the primary care office (office) in the department of

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

public health and environment, which includes a loan repayment program, as follows:

- ! Allows geriatric advanced practice providers, which include advanced practice nurses and physician assistants, to participate in the loan repayment program on the condition of committing to provide geriatric care to older adults in health professional shortage areas for a specified period; and
- ! Requires the general assembly to annually and continuously appropriate money from the general fund to the office for the 2020-21 through the 2024-25 fiscal years to help repay loans for geriatric advanced practice providers.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1.5-501, **amend**
3 (1) and (2) as follows:

4 **25-1.5-501. Legislative declaration.** (1) The general assembly
5 hereby finds that there are areas of Colorado that suffer from a lack of
6 health care professionals, GERIATRIC ADVANCED PRACTICE PROVIDERS, or
7 behavioral health care providers to serve, and a lack of nursing or other
8 health care professional faculty to train health care professionals to meet,
9 the medical and behavioral health care needs of communities. The general
10 assembly further finds that the state needs to implement incentives to
11 encourage health care professionals, GERIATRIC ADVANCED PRACTICE
12 PROVIDERS, and behavioral health care providers to practice in these
13 underserved areas and to encourage nursing faculty and other health care
14 professional faculty to teach health care professionals.

15 (2) It is therefore the intent of the general assembly in enacting
16 this part 5 to create a state health service corps program that uses state
17 money, federal money, when permissible, and contributions from
18 communities and private sources to help repay the outstanding education
19 loans that many health care professionals, GERIATRIC ADVANCED

1 PRACTICE PROVIDERS, behavioral health care providers, candidates for
2 licensure, nursing faculty, and health care professional faculty hold. In
3 exchange for repayment of loans incurred for the purpose of obtaining
4 education in their chosen health care, GERIATRIC CARE, and behavioral
5 health care professions, the health care professionals, GERIATRIC
6 ADVANCED PRACTICE PROVIDERS, behavioral health care providers, and
7 candidates for licensure will commit to provide health care, GERIATRIC
8 CARE, or behavioral health care services, as applicable, in communities
9 with underserved health care, GERIATRIC CARE, or behavioral health care
10 needs throughout the state, and the nursing and health care professional
11 faculty will commit to provide a specified period of service in a qualified
12 faculty position.

13 **SECTION 2.** In Colorado Revised Statutes, 25-1.5-502, **amend**
14 (1) and (13); and **add** (1.2), (4.3), (4.5), and (8.5) as follows:

15 **25-1.5-502. Definitions.** As used in this part 5, unless the context
16 otherwise requires:

17 (1) ~~"Advisory council" means the Colorado health service corps~~
18 ~~advisory council created pursuant to section 25-1.5-504~~ "ADVANCED
19 PRACTICE PROVIDER" MEANS AN ADVANCED PRACTICE NURSE, AS DEFINED
20 IN SECTION 12-255-104 (1), OR A PHYSICIAN ASSISTANT LICENSED
21 PURSUANT TO ARTICLE 240 OF TITLE 12.

22 (1.2) "ADVISORY COUNCIL" MEANS THE COLORADO HEALTH
23 SERVICE CORPS ADVISORY COUNCIL CREATED PURSUANT TO SECTION
24 25-1.5-504.

25 (4.3) "GERIATRIC ADVANCED PRACTICE PROVIDER" MEANS AN
26 ADVANCED PRACTICE PROVIDER WHO SATISFIES ONE OF THE FOLLOWING:

27 (a) HAS COMPLETED A FORMAL POSTGRADUATE GERIATRICS

1 TRAINING PROGRAM CONSISTING OF:

2 (I) AT LEAST SIX MONTHS OF INTENSIVE POSTGRADUATE TEACHING
3 IN GERIATRIC SYNDROMES AND THE IMPORTANCE OF PHYSICAL AND
4 COGNITIVE FUNCTION IN THE CARE OF OLDER ADULTS; AND

5 (II) A CLINICAL GERIATRIC EXPERIENCE WITH A PRIMARY CARE
6 PANEL COMPRISED EXCLUSIVELY OF OLDER ADULTS, SEVENTY-FIVE
7 PERCENT OF WHICH CLINICAL EXPERIENCE MUST BE OBTAINED IN
8 OUTPATIENT, POST-ACUTE, OR HOME-BASED SETTINGS AND WHICH MAY
9 INCLUDE NO MORE THAN A TOTAL OF TWENTY-FIVE PERCENT OF THE
10 EXPERIENCE TIME IN THE INPATIENT OR HOSPICE SETTINGS;

11 (b) HAS COMPLETED:

12 (I) FORMAL GERIATRICS TRAINING WITHIN THE ADVANCED
13 PRACTICE PROVIDER TRAINING PROGRAM, WHICH INCLUDES DIDACTIC
14 TEACHING OR TRAINING ABOUT GERIATRIC SYNDROMES AND THE
15 IMPORTANCE OF PHYSICAL AND COGNITIVE FUNCTION IN THE CARE OF
16 OLDER ADULTS; AND

17 (II) AT LEAST TWELVE MONTHS OF POSTGRADUATE CLINICAL
18 EXPERIENCE, WITH AT LEAST FIFTY PERCENT OF CLINICAL TIME SPENT
19 PROVIDING GERIATRIC CARE;

20 (c) HAS COMPLETED AT LEAST TWENTY-FOUR MONTHS OF
21 POSTGRADUATE CLINICAL EXPERIENCE, WITH AT LEAST FIFTY PERCENT OF
22 CLINICAL TIME SPENT PROVIDING GERIATRIC CARE; OR

23 (d) HAS COMPLETED A GERIATRIC TRACK CLINICAL EXPERIENCE
24 DURING THE ADVANCED PRACTICE PROVIDER TRAINING PROGRAM, WITH
25 AT LEAST FIFTY PERCENT OF CLINICAL TRAINING TIME SPENT PROVIDING
26 GERIATRIC CARE.

27 (4.5) "GERIATRIC CARE" MEANS HEALTH CARE THAT IS PROVIDED

1 TO OLDER ADULTS, INCLUDING CARE PROVIDED IN OUTPATIENT,
2 POST-ACUTE, OR HOME-BASED SETTINGS, THAT FOCUSES ON IDENTIFYING
3 AND MANAGING GERIATRIC SYNDROMES AND THE IMPORTANCE OF THE
4 OLDER ADULT'S PHYSICAL AND COGNITIVE FUNCTIONAL STATUS.
5 "GERIATRIC CARE" DOES NOT INCLUDE HOSPICE-ONLY CARE.

6 (8.5) "OLDER ADULT" MEANS AN INDIVIDUAL WHO IS AT LEAST
7 SIXTY-FIVE YEARS OF AGE.

8 (13) "State-designated health professional shortage area" means
9 an area of the state designated by the primary care office, in accordance
10 with state-specific methodologies established by the state board by rule
11 pursuant to section 25-1.5-404 (1)(a), as experiencing a shortage of health
12 care professionals, GERIATRIC ADVANCED PRACTICE PROVIDERS, or
13 behavioral health care providers.

14 **SECTION 3.** In Colorado Revised Statutes, 25-1.5-503, **amend**
15 (1)(a)(I)(B), (1)(a)(I)(C), (1)(a)(II), (1)(b), (1)(c), (2), and (6); and **add**
16 (1)(a)(I)(D), (1)(a)(III)(C), (1)(d)(IV), and (5)(c) as follows:

17 **25-1.5-503. Colorado health service corps - program - creation**
18 **- conditions.** (1) (a) (I) The primary care office shall maintain and
19 administer, subject to available appropriations, the Colorado health
20 service corps. Subject to available appropriations, the Colorado health
21 service corps shall provide loan repayment for certain eligible:

22 (B) Nursing faculty or health care professional faculty members
23 in qualified faculty positions; **and**

24 (C) Behavioral health care providers and candidates for licensure
25 who provide behavioral health care services; **AND**

26 (D) GERIATRIC ADVANCED PRACTICE PROVIDERS.

27 (II) Under the Colorado health service corps, subject to the

1 limitations specified in subsection (2) of this section, upon entering into
2 a loan contract the state may either:

3 (A) Make payments on the education loans of the health care
4 professional, behavioral health care provider, candidate for licensure,
5 GERIATRIC ADVANCED PRACTICE PROVIDER, nursing faculty member, or
6 health care professional faculty member; or

7 (B) Agree to make an advance payment in a lump sum of all or
8 part of the principal, interest, and related expenses of the education loans
9 of health care professionals, behavioral health care providers, candidates
10 for licensure, GERIATRIC ADVANCED PRACTICE PROVIDERS, nursing faculty
11 members, or health care professional faculty members, subject to the
12 limitations specified in subsection (2) of this section.

13 (III) (C) IN CONSIDERATION FOR RECEIVING REPAYMENT OF ALL OR
14 PART OF A GERIATRIC ADVANCED PRACTICE PROVIDER'S EDUCATION LOAN,
15 THE GERIATRIC ADVANCED PRACTICE PROVIDER SHALL AGREE TO SPEND
16 AT LEAST FIFTY PERCENT OF THE PROVIDER'S TIME PROVIDING GERIATRIC
17 CARE IN HEALTH PROFESSIONAL SHORTAGE AREAS IN COLORADO.

18 (b) Repayment of loans under the Colorado health service corps
19 may be made using money in the Colorado health service corps fund. The
20 primary care office is authorized to receive and expend gifts, grants, and
21 donations or money appropriated by the general assembly for the purpose
22 of implementing the Colorado health service corps. In administering the
23 Colorado health service corps, the primary care office shall collaborate
24 with appropriate partners as needed to maximize the federal money
25 available to the state for state loan repayment programs through the
26 federal department of health and human services. The selection of health
27 care professionals, behavioral health care providers, candidates for

1 licensure, GERIATRIC ADVANCED PRACTICE PROVIDERS, nursing faculty
2 members, and health care professional faculty members for participation
3 in the Colorado health service corps is exempt from the competitive
4 bidding requirements of the "Procurement Code", articles 101 to 112 of
5 title 24.

6 (c) The following providers are not eligible for loan repayment
7 through the Colorado health service corps:

8 (I) Health care professionals who are not practicing in primary
9 care specialties or providing primary health services; ~~and~~

10 (II) Behavioral health care providers and candidates for licensure
11 who are not providing behavioral health care services; AND

12 (III) GERIATRIC ADVANCED PRACTICE PROVIDERS WHO ARE NOT
13 PROVIDING GERIATRIC CARE IN ACCORDANCE WITH SUBSECTION
14 (1)(a)(III)(C) OF THIS SECTION.

15 (d) (IV) AS A CONDITION OF RECEIVING A LOAN REPAYMENT
16 THROUGH THE COLORADO HEALTH SERVICE CORPS, A GERIATRIC
17 ADVANCED PRACTICE PROVIDER MUST ENTER INTO A CONTRACT PURSUANT
18 TO WHICH THE GERIATRIC ADVANCED PRACTICE PROVIDER AGREES TO
19 PROVIDE GERIATRIC CARE FOR AT LEAST TWO YEARS IN A COMMUNITY
20 THAT IS LOCATED IN A HEALTH PROFESSIONAL SHORTAGE AREA. THE
21 GERIATRIC ADVANCED PRACTICE PROVIDER, THE PRIMARY CARE OFFICE,
22 AND THE COMMUNITY EMPLOYER WITH WHICH THE GERIATRIC ADVANCED
23 PRACTICE PROVIDER IS PRACTICING MUST BE PARTIES TO THE CONTRACT.

24 (2) Subject to available appropriations, the primary care office
25 shall annually select health care professionals, behavioral health care
26 providers, candidates for licensure, GERIATRIC ADVANCED PRACTICE
27 PROVIDERS, nursing faculty members, and health care professional

1 members from the list provided by the advisory council pursuant to
2 section 25-1.5-504 (5)(a) to participate in the Colorado health service
3 corps.

4 (5)(c) FOR A GERIATRIC ADVANCED PRACTICE PROVIDER APPLYING
5 TO PARTICIPATE IN THE COLORADO HEALTH SERVICE CORPS, THE
6 ADVISORY COUNCIL SHALL PRIORITIZE GERIATRIC ADVANCED PRACTICE
7 PROVIDER APPLICANTS WHO ARE:

8 (I) PROVIDING GERIATRIC CARE IN A RURAL SETTING, BUT THE
9 ADVISORY COUNCIL MAY ALSO CONSIDER APPLICANTS PROVIDING
10 GERIATRIC CARE IN AN UNDERSERVED URBAN SETTING;

11 (II) PRACTICING WITH A NONPROFIT ENTITY, BUT THE ADVISORY
12 COUNCIL MAY ALSO CONSIDER APPLICANTS WHO ARE PRACTICING WITH A
13 FOR-PROFIT ENTITY IF THERE ARE NOT APPROPRIATE POSITIONS AVAILABLE
14 WITH A NONPROFIT ENTITY IN THE AREA BEING SERVED; AND

15 (III) WILLING TO SERVE AS A CLINICAL PRECEPTOR FOR ADVANCED
16 PRACTICE PROVIDERS AND OTHER PROVIDERS SEEKING TRAINING IN
17 GERIATRIC CARE.

18 (6) A contract for loan repayment entered into pursuant to this part
19 5 must not include terms that are more favorable to health care
20 professionals, behavioral health care providers, or candidates for
21 licensure, OR GERIATRIC ADVANCED PRACTICE PROVIDERS than the most
22 favorable terms that the secretary of the federal department of health and
23 human services is authorized to grant under the national health services
24 corps program. In addition, each contract must include penalties for
25 breach of contract that are at least as stringent as those available to the
26 secretary of the federal department of health and human services. In the
27 event of a breach of contract for a loan repayment entered into pursuant

1 to this part 5, the primary care office shall enforce the contract and collect
2 any damages or other penalties owed.

3 **SECTION 4.** In Colorado Revised Statutes, 25-1.5-504, **amend**
4 (2) introductory portion, (2)(n), (2)(o), and (5)(a); and **add** (2)(p) as
5 follows:

6 **25-1.5-504. Colorado health service corps advisory council -**
7 **creation - membership - duties.** (2) The advisory council consists of
8 ~~fifteen~~ SIXTEEN members appointed by the governor as provided in this
9 subsection (2). In appointing members of the advisory council, the
10 governor shall ensure that the advisory council includes at least one
11 representative from each of the following organizations OR PRACTICE
12 AREAS:

13 (n) A membership organization representing substance use
14 disorder service providers; ~~and~~

15 (o) A licensed or certified addiction counselor who has experience
16 in rural health, safety net clinics, or health equity; AND

17 (p) A PHYSICIAN WHO PROVIDES GERIATRIC CARE OR A GERIATRIC
18 ADVANCED PRACTICE PROVIDER.

19 (5) (a) The advisory council shall review applications received
20 from health care professionals, behavioral health care providers,
21 candidates for licensure, GERIATRIC ADVANCED PRACTICE PROVIDERS,
22 nursing faculty members, and health care professional faculty members
23 to participate in the Colorado health service corps. Subject to available
24 appropriations and federal requirements concerning eligibility for federal
25 loan repayment matching funds, the advisory council shall annually select
26 health care professionals, behavioral health care providers, candidates for
27 licensure, GERIATRIC ADVANCED PRACTICE PROVIDERS, nursing faculty

1 members, and health care professional faculty members to participate in
2 the Colorado health service corps and shall forward its list of selected
3 participants to the primary care office.

4 **SECTION 5.** In Colorado Revised Statutes, 25-1.5-505, **amend**
5 (1) introductory portion, (1)(a), and (1)(d) as follows:

6 **25-1.5-505. Advisory council - report.** (1) On or before
7 December 1, 2011, and on or before December 1 every two years
8 thereafter, the primary care office, with assistance from the advisory
9 council, shall submit to the governor, the health and human services
10 committee of the senate, the committees on health AND insurance ~~and~~
11 ~~environment~~ and on public health care and human services of the house
12 of representatives, or any successor committees, a report that includes, at
13 a minimum, the following information:

14 (a) A description of the health care professionals, behavioral
15 health care providers, candidates for licensure, GERIATRIC ADVANCED
16 PRACTICE PROVIDERS, nursing faculty members, and health care
17 professional faculty members participating in the Colorado health service
18 corps program and the scholarship program;

19 (d) An analysis of the effects of the Colorado health service corps
20 program and the scholarship program on addressing the health care,
21 GERIATRIC CARE, and behavioral health care needs of communities in
22 Colorado;

23 **SECTION 6.** In Colorado Revised Statutes, 25-1.5-506, **add** (5)
24 as follows:

25 **25-1.5-506. Colorado health service corps fund - created -**
26 **acceptance of grants and donations - annual appropriation from**
27 **marijuana tax cash fund and general fund - repeal.** (5) (a) FOR THE

1 2020-21 THROUGH THE 2024-25 STATE FISCAL YEARS, THE GENERAL
2 ASSEMBLY SHALL CONTINUOUSLY APPROPRIATE THE FOLLOWING AMOUNTS
3 FROM THE GENERAL FUND TO THE FUND FOR USE IN PROVIDING LOAN
4 REPAYMENTS FOR GERIATRIC ADVANCED PRACTICE PROVIDERS:

5 (I) FOR THE 2020-21 STATE FISCAL YEAR, TWO HUNDRED
6 TWENTY-FIVE THOUSAND DOLLARS;

7 (II) FOR THE 2021-22 STATE FISCAL YEAR, FOUR HUNDRED
8 THOUSAND DOLLARS;

9 (III) FOR THE 2022-23 STATE FISCAL YEAR, FIVE HUNDRED
10 SEVENTY-FIVE THOUSAND DOLLARS;

11 (IV) FOR THE 2023-24 STATE FISCAL YEAR, FOUR HUNDRED FIFTY
12 THOUSAND DOLLARS; AND

13 (V) FOR THE 2024-25 STATE FISCAL YEAR, TWO HUNDRED
14 SEVENTY-FIVE THOUSAND DOLLARS.

15 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE SEPTEMBER 1,
16 2025.

17 **SECTION 7. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2020 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.