

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0873.01 Shelby Ross x4510

HOUSE BILL 20-1331

HOUSE SPONSORSHIP

Larson and Duran,

SENATE SPONSORSHIP

(None),

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING TRANSPORTATION SERVICES FOR PERSONS WHO ARE
102 ENROLLED IN A MEDICAID WAIVER PROGRAM.

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 requires the department of health care policy and financing (department) to create and implement an expedited provider enrollment approval process and an expedited review of qualifications for transportation service providers for medicaid waiver recipients (providers) no later than July 1, 2021.

The bill requires the department to engage in a stakeholder process

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.

to develop a report that identifies barriers and potential solutions to medicaid waiver recipients accessing transportation services within the long-term support and services system and to submit the report to specified committees of the general assembly no later than January 15, 2021.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Individuals with intellectual and developmental disabilities
5 (IDD) deserve an opportunity to live, work, play, and perform everyday
6 activities in a community of their choice, at the time of their choosing,
7 wherever and whenever possible;

8 (b) Coloradans with IDD are unemployed and underemployed at
9 a higher rate than the general population and often live in relative
10 isolation due to myriad barriers and disincentives despite their interest
11 and eagerness to work and engage in the community;

12 (c) Colorado is an employment first state committed to addressing
13 barriers and disincentives to employment to ensure that all Coloradans
14 can access meaningful, competitive integrated employment;

15 (d) Meaningful employment and day habilitation services, whether
16 accessed separately or jointly, foster independence and allow adults with
17 IDD to make meaningful connections in their community;

18 (e) For adults with IDD, transportation represents a significant
19 barrier to accessing employment in the community and day habilitation
20 services;

21 (f) Many adults with IDD are reliant on transportation available
22 through the home and community-based developmental disabilities
23 waiver or the home and community-based supported living services

- 1 waiver to gain access to the community, including employment;
- 2 (g) Traditional methods of transportation outlined in the waivers
3 are often inefficient and overburdened;
- 4 (h) For the past decade, Colorado, following national trends, has
5 experienced a shortage in direct service providers, including
6 transportation service providers;
- 7 (i) Even where accessible public transportation exists, adults with
8 IDD and service providers consider current transportation options
9 inadequate;
- 10 (j) The current enrollment and approval process for contracting
11 with new transportation service providers is inefficient and adds further
12 barriers to sufficient, safe, and timely service delivery;
- 13 (k) The current reimbursement methodology for transportation
14 services is complex and insufficient for improving provider capacity; and
- 15 (l) Adults with IDD require workplace and day habilitation
16 transportation that is safe, efficient, and cost effective.
- 17 (2) Therefore, the general assembly declares that it is imperative
18 that Colorado allow for flexibility and growth in available transportation
19 options for adults with IDD at comparable costs and funded as an
20 alternative to mass transportation in a way that maintains safety and
21 fosters community living and independence for adults with IDD.

22 **SECTION 2.** In Colorado Revised Statutes, 25.5-6-307, **add** (5)
23 and (6) as follows:

24 **25.5-6-307. Services for the elderly, blind, and disabled.**

25 (5) (a) NO LATER THAN JULY 1, 2021, THE STATE DEPARTMENT SHALL
26 CREATE AND IMPLEMENT AN EXPEDITED PROVIDER ENROLLMENT
27 APPROVAL PROCESS AND AN EXPEDITED REVIEW OF QUALIFICATIONS FOR

1 TRANSPORTATION SERVICE PROVIDERS. THE EXPEDITED PROCESS MUST
2 COMPLY WITH ANY NECESSARY BACKGROUND CHECKS, DRUG TESTS,
3 TRAINING, AND VEHICLE INSPECTIONS REQUIRED BY THE STATE
4 DEPARTMENT.

5 (b) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
6 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (5).

7 (6) (a) THE STATE DEPARTMENT SHALL DEVELOP A REPORT THAT
8 IDENTIFIES BARRIERS AND POTENTIAL SOLUTIONS TO ACCESSING
9 TRANSPORTATION SERVICES WITHIN THE LONG-TERM SUPPORT AND
10 SERVICES SYSTEM. THE REPORT MUST ADDRESS THE FOLLOWING ISSUES
11 WITH A GOAL TO INCENTIVIZE AND INCREASE PROVIDER PARTICIPATION:

12 (I) METHOD OF DETERMINING RATES AND PAYMENT STRUCTURE
13 FOR TRANSPORTATION SERVICES;

14 (II) TRANSPORTATION SERVICE PROVIDER QUALIFICATIONS; AND

15 (III) THE TRANSPORTATION SERVICE PROVIDER APPROVAL PROCESS
16 FOR CONTRACTING FOR TRANSPORTATION SERVICES.

17 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL
18 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH
19 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,
20 INDIVIDUALS WITH DISABILITIES, PROVIDERS OF TRANSPORTATION
21 SERVICES FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL
22 DISABILITIES, TRANSPORTATION NETWORK COMPANIES, AND
23 REPRESENTATIVES OF THE REGIONAL TRANSPORTATION DISTRICT'S
24 ACCESS-A-RIDE PROGRAM.

25 (c) NO LATER THAN JANUARY 15, 2021, THE STATE DEPARTMENT
26 SHALL SUBMIT THE REPORT DESCRIBED IN THIS SUBSECTION (6) TO THE
27 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE

1 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE AND HEALTH
2 AND INSURANCE COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY
3 SUCCESSOR COMMITTEES.

4 **SECTION 3.** In Colorado Revised Statutes, 25.5-6-409, **add** (5)
5 and (6) as follows:

6 **25.5-6-409. Services for persons with intellectual and**
7 **developmental disabilities.** (5) (a) NO LATER THAN JULY 1, 2021, THE
8 STATE DEPARTMENT SHALL CREATE AND IMPLEMENT AN EXPEDITED
9 PROVIDER ENROLLMENT APPROVAL PROCESS AND AN EXPEDITED REVIEW
10 OF QUALIFICATIONS FOR TRANSPORTATION SERVICE PROVIDERS. THE
11 EXPEDITED PROCESS MUST COMPLY WITH ANY NECESSARY BACKGROUND
12 CHECKS, DRUG TESTS, TRAINING, AND VEHICLE INSPECTIONS REQUIRED BY
13 THE STATE DEPARTMENT.

14 (b) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
15 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (5).

16 (6) (a) THE STATE DEPARTMENT SHALL DEVELOP A REPORT THAT
17 IDENTIFIES BARRIERS AND POTENTIAL SOLUTIONS TO ACCESSING
18 TRANSPORTATION SERVICES WITHIN THE LONG-TERM SUPPORT AND
19 SERVICES SYSTEM. THE REPORT MUST ADDRESS THE FOLLOWING ISSUES
20 WITH A GOAL TO INCENTIVIZE AND INCREASE PROVIDER PARTICIPATION:

21 (I) METHOD OF DETERMINING RATES AND PAYMENT STRUCTURE
22 FOR TRANSPORTATION SERVICES;

23 (II) TRANSPORTATION SERVICE PROVIDER QUALIFICATIONS; AND

24 (III) THE TRANSPORTATION SERVICE PROVIDER APPROVAL PROCESS
25 FOR CONTRACTING FOR TRANSPORTATION SERVICES.

26 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL
27 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH

1 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,
2 INDIVIDUALS WITH DISABILITIES, PROVIDERS OF TRANSPORTATION
3 SERVICES FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL
4 DISABILITIES, TRANSPORTATION NETWORK COMPANIES, AND
5 REPRESENTATIVES OF THE REGIONAL TRANSPORTATION DISTRICT'S
6 ACCESS-A-RIDE PROGRAM.

7 (c) NO LATER THAN JANUARY 15, 2021, THE STATE DEPARTMENT
8 SHALL SUBMIT THE REPORT DESCRIBED IN THIS SUBSECTION (6) TO THE
9 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE
10 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE AND HEALTH
11 AND INSURANCE COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY
12 SUCCESSOR COMMITTEES.

13 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-606, **add** (8)
14 and (9) as follows:

15 **25.5-6-606. Implementation of program for persons with**
16 **mental health disorders authorized - federal waiver - duties of the**
17 **department of health care policy and financing and the department**
18 **of human services.** (8) (a) NO LATER THAN JULY 1, 2021, THE STATE
19 DEPARTMENT SHALL CREATE AND IMPLEMENT AN EXPEDITED PROVIDER
20 ENROLLMENT APPROVAL PROCESS AND AN EXPEDITED REVIEW OF
21 QUALIFICATIONS FOR TRANSPORTATION SERVICE PROVIDERS. THE
22 EXPEDITED PROCESS MUST COMPLY WITH ANY NECESSARY BACKGROUND
23 CHECKS, DRUG TESTS, TRAINING, AND VEHICLE INSPECTIONS REQUIRED BY
24 THE STATE DEPARTMENT.

25 (b) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
26 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (8).

27 (9) (a) THE STATE DEPARTMENT SHALL DEVELOP A REPORT THAT

1 IDENTIFIES BARRIERS AND POTENTIAL SOLUTIONS TO ACCESSING
2 TRANSPORTATION SERVICES WITHIN THE LONG-TERM SUPPORT AND
3 SERVICES SYSTEM. THE REPORT MUST ADDRESS THE FOLLOWING ISSUES
4 WITH A GOAL TO INCENTIVIZE AND INCREASE PROVIDER PARTICIPATION:

5 (I) METHOD OF DETERMINING RATES AND PAYMENT STRUCTURE
6 FOR TRANSPORTATION SERVICES;

7 (II) TRANSPORTATION SERVICE PROVIDER QUALIFICATIONS; AND

8 (III) THE TRANSPORTATION SERVICE PROVIDER APPROVAL PROCESS
9 FOR CONTRACTING FOR TRANSPORTATION SERVICES.

10 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL
11 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH
12 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,
13 INDIVIDUALS WITH DISABILITIES, PROVIDERS OF TRANSPORTATION
14 SERVICES FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL
15 DISABILITIES, TRANSPORTATION NETWORK COMPANIES, AND
16 REPRESENTATIVES OF THE REGIONAL TRANSPORTATION DISTRICT'S
17 ACCESS-A-RIDE PROGRAM.

18 (c) NO LATER THAN JANUARY 15, 2021, THE STATE DEPARTMENT
19 SHALL SUBMIT THE REPORT DESCRIBED IN THIS SUBSECTION (9) TO THE
20 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE
21 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE AND HEALTH
22 AND INSURANCE COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY
23 SUCCESSOR COMMITTEES.

24 **SECTION 5.** In Colorado Revised Statutes, 25.5-6-704, **add** (7)
25 and (8) as follows:

26 **25.5-6-704. Implementation of home- and community-based**
27 **services program for persons with brain injury authorized - federal**

1 **waiver - duties of the department.** (7) (a) NO LATER THAN JULY 1,
2 2021, THE STATE DEPARTMENT SHALL CREATE AND IMPLEMENT AN
3 EXPEDITED PROVIDER ENROLLMENT APPROVAL PROCESS AND AN
4 EXPEDITED REVIEW OF QUALIFICATIONS FOR TRANSPORTATION SERVICE
5 PROVIDERS. THE EXPEDITED PROCESS MUST COMPLY WITH ANY
6 NECESSARY BACKGROUND CHECKS, DRUG TESTS, TRAINING, AND VEHICLE
7 INSPECTIONS REQUIRED BY THE STATE DEPARTMENT.

8 (b) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
9 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (7).

10 (8) (a) THE STATE DEPARTMENT SHALL DEVELOP A REPORT THAT
11 IDENTIFIES BARRIERS AND POTENTIAL SOLUTIONS TO ACCESSING
12 TRANSPORTATION SERVICES WITHIN THE LONG-TERM SUPPORT AND
13 SERVICES SYSTEM. THE REPORT MUST ADDRESS THE FOLLOWING ISSUES
14 WITH A GOAL TO INCENTIVIZE AND INCREASE PROVIDER PARTICIPATION:

15 (I) METHOD OF DETERMINING RATES AND PAYMENT STRUCTURE
16 FOR TRANSPORTATION SERVICES;

17 (II) TRANSPORTATION SERVICE PROVIDER QUALIFICATIONS; AND

18 (III) THE TRANSPORTATION SERVICE PROVIDER APPROVAL PROCESS
19 FOR CONTRACTING FOR TRANSPORTATION SERVICES.

20 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL
21 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH
22 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,
23 INDIVIDUALS WITH DISABILITIES, PROVIDERS OF TRANSPORTATION
24 SERVICES FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL
25 DISABILITIES, TRANSPORTATION NETWORK COMPANIES, AND
26 REPRESENTATIVES OF THE REGIONAL TRANSPORTATION DISTRICT'S
27 ACCESS-A-RIDE PROGRAM.

1 (c) NO LATER THAN JANUARY 15, 2021, THE STATE DEPARTMENT
2 SHALL SUBMIT THE REPORT DESCRIBED IN THIS SUBSECTION (8) TO THE
3 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE
4 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE AND HEALTH
5 AND INSURANCE COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY
6 SUCCESSOR COMMITTEES.

7 **SECTION 6.** In Colorado Revised Statutes, 25.5-6-804, **add** (11)
8 and (12) as follows:

9 **25.5-6-804. Services - duties of the state department - rules.**

10 (11) (a) NO LATER THAN JULY 1, 2021, THE STATE DEPARTMENT SHALL
11 CREATE AND IMPLEMENT AN EXPEDITED PROVIDER ENROLLMENT
12 APPROVAL PROCESS AND AN EXPEDITED REVIEW OF QUALIFICATIONS FOR
13 TRANSPORTATION SERVICE PROVIDERS. THE EXPEDITED PROCESS MUST
14 COMPLY WITH ANY NECESSARY BACKGROUND CHECKS, DRUG TESTS,
15 TRAINING, AND VEHICLE INSPECTIONS REQUIRED BY THE STATE
16 DEPARTMENT.

17 (b) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
18 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (11).

19 (12) (a) THE STATE DEPARTMENT SHALL DEVELOP A REPORT THAT
20 IDENTIFIES BARRIERS AND POTENTIAL SOLUTIONS TO ACCESSING
21 TRANSPORTATION SERVICES WITHIN THE LONG-TERM SUPPORT AND
22 SERVICES SYSTEM. THE REPORT MUST ADDRESS THE FOLLOWING ISSUES
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9 ACCESS-A-RIDE PROGRAM.

10 (c) NO LATER THAN JANUARY 15, 2021, THE STATE DEPARTMENT
11 SHALL SUBMIT THE REPORT DESCRIBED IN THIS SUBSECTION (12) TO THE
12 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE
13 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE AND HEALTH
14 AND INSURANCE COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY
15 SUCCESSOR COMMITTEES.

16 **SECTION 7.** In Colorado Revised Statutes, 25.5-6-902, **add** (11)
17 and (12) as follows:

18 **25.5-6-902. Children's personal assistance services and family**
19 **support program.** (11) (a) NO LATER THAN JULY 1, 2021, THE STATE
20 DEPARTMENT SHALL CREATE AND IMPLEMENT AN EXPEDITED PROVIDER
21 ENROLLMENT APPROVAL PROCESS AND AN EXPEDITED REVIEW OF
22 QUALIFICATIONS FOR TRANSPORTATION SERVICE PROVIDERS. THE
23 EXPEDITED PROCESS MUST COMPLY WITH ANY NECESSARY BACKGROUND
24 CHECKS, DRUG TESTS, TRAINING, AND VEHICLE INSPECTIONS REQUIRED BY
25 THE STATE DEPARTMENT.

26 (b) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
27 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (11).

1 (12) (a) THE STATE DEPARTMENT SHALL DEVELOP A REPORT THAT
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22 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE AND HEALTH
23 AND INSURANCE COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY
24 SUCCESSOR COMMITTEES.

25 **SECTION 8.** In Colorado Revised Statutes, 25.5-6-1303, **add** (8)
26 and (9) as follows:

27 **25.5-6-1303. Pilot program - complementary or alternative**

1 **medicine - rules.** (8) (a) NO LATER THAN JULY 1, 2021, THE STATE
2 DEPARTMENT SHALL CREATE AND IMPLEMENT AN EXPEDITED PROVIDER
3 ENROLLMENT APPROVAL PROCESS AND AN EXPEDITED REVIEW OF
4 QUALIFICATIONS FOR TRANSPORTATION SERVICE PROVIDERS. THE
5 EXPEDITED PROCESS MUST COMPLY WITH ANY NECESSARY BACKGROUND
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24 SERVICES FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL
25 DISABILITIES, TRANSPORTATION NETWORK COMPANIES, AND
26 REPRESENTATIVES OF THE REGIONAL TRANSPORTATION DISTRICT'S
27 ACCESS-A-RIDE PROGRAM.

1 (c) NO LATER THAN JANUARY 15, 2021, THE STATE DEPARTMENT
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3 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE
4 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE AND HEALTH
5 AND INSURANCE COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY
6 SUCCESSOR COMMITTEES.

7 **SECTION 9. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2020 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.