

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 22-0413.01 Shelby Ross x4510

HOUSE BILL 22-1114

HOUSE SPONSORSHIP

Larson and Valdez A., Bernett, Bird, Boesenecker, Carver, Exum, Herod, Hooton, Jodeh,
Lindsay, McCluskie, Michaelson Jenet, Mullica, Ricks, Titone, Woodrow, Young

SENATE SPONSORSHIP

Zenzinger and Kirkmeyer,

House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

Transportation & Energy
Appropriations

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZING A TRANSPORTATION NETWORK COMPANY**
102 **TO PROVIDE NONMEDICAL TRANSPORTATION SERVICES TO**
103 **PERSONS WHO ARE ENROLLED IN CERTAIN MEDICAID WAIVER**
104 **PROGRAMS, AND, IN CONNECTION THEREWITH, MAKING AN**
105 **APPROPRIATION.**

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>.)

Beginning July 1, 2024, the bill authorizes a transportation network company to provide nonmedical transportation services to

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.

HOUSE
3rd Reading Unamended
April 25, 2022

HOUSE
Amended 2nd Reading
April 22, 2022

persons enrolled in certain medicaid waiver programs, including home- and community-based services for the elderly, blind, and disabled; home- and community-based services for persons with intellectual and developmental disabilities; home- and community-based services for persons with major mental health disorders; home- and community-based services for persons with brain injury; and complementary and alternative medicine for a person with a spinal cord injury.

No later than January 2024, the bill requires the department of health care policy and financing to submit a report to specified committees of the general assembly identifying a reimbursement system with a goal to incentivize and increase transportation provider participation.

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) Adults with disabilities deserve an opportunity to live, work,
5 and perform everyday activities in a community of their choice, at the
6 time of their choosing, wherever and whenever possible;

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

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

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

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

1 (f) Many adults with disabilities are reliant on transportation
2 available through home- and community-based services waivers to gain
3 access to the community, including employment;

4 (g) Traditional methods of transportation outlined in the waivers
5 are often inefficient and overburdened;

6 (h) For the past decade, Colorado, following national trends, has
7 experienced a shortage in direct service providers, including
8 transportation service providers;

9 (i) Even where accessible public transportation exists, adults with
10 disabilities and service providers consider current transportation options
11 inadequate; and

12 (j) Adults with disabilities require workplace and day habilitation
13 transportation that is safe, efficient, and cost effective.

14 (2) The general assembly further finds that many adults with
15 disabilities are reliant on transportation available through the home- and
16 community-based services for the elderly, blind, and disabled waiver; the
17 home- and community-based services for persons with intellectual and
18 developmental disabilities waiver; the home- and community-based
19 services for persons with major mental health disorders waiver; the home-
20 and community-based services for persons with brain injury waiver; the
21 home- and community-based supported living services waiver; and the
22 complementary and alternative medicine for a person with a spinal cord
23 injury waiver, to gain access to the community, including employment.

24 (3) Therefore, the general assembly declares that it is imperative
25 that Colorado allow for flexibility and growth in available transportation
26 options for adults with disabilities at comparable costs and funded as an
27 alternative to mass transportation in a way that maintains safety and

1 fosters community living and independence for adults with disabilities.

2 **SECTION 2.** In Colorado Revised Statutes, 25.5-6-307, **add** (5)

3 as follows:

4 **25.5-6-307. Services for the elderly, blind, and disabled - rules.**

5 (5) (a) NO LATER THAN JANUARY 2024, THE STATE DEPARTMENT
6 SHALL SUBMIT A REPORT TO THE SENATE HEALTH AND HUMAN
7 SERVICES COMMITTEE, THE HOUSE OF REPRESENTATIVES PUBLIC AND
8 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE, AND THE HOUSE
9 OF REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE, OR ANY
10 SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR
11 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
12 GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. AT A
13 MINIMUM, THE REPORT MUST IDENTIFY:

14 (I) A REIMBURSEMENT SYSTEM WITH A GOAL TO INCENTIVIZE AND
15 INCREASE TRANSPORTATION PROVIDER PARTICIPATION;

16 (II) HOW THE STATE DEPARTMENT WILL ENSURE COMPLIANCE
17 WITH APPLICABLE FEDERAL LAWS AND WAIVER REQUIREMENTS;

18 (III) A SYSTEM OF COMMON REPORTING TO ENSURE A RECIPIENT
19 DOES NOT EXCEED THE MEDICAID BENEFIT IN A MULTI-PROVIDER
20 SCENARIO; AND

21 (IV) BEST PRACTICES BASED ON WHAT OTHER STATES HAVE DONE
22 TO ALLOW TRANSPORTATION NETWORK COMPANIES TO PROVIDE
23 NONMEDICAL TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING
24 SERVICES, INCLUDING BUT NOT LIMITED TO, REIMBURSEMENT RATES;
25 DRIVER COMPENSATION; AND INTEGRATION WITH PROGRAMS THAT
26 PROVIDE NONMEDICAL TRANSPORTATION SERVICES.

27 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL

1 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH
2 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,
3 INDIVIDUALS WITH DISABILITIES, AND TRANSPORTATION NETWORK
4 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE
5 REPORTING REQUIREMENT IN SECTIONS 25.5-6-409 (6), 25.5-6-606 (9),
6 25.5-6-704 (8), AND 25.5-6-1303 (9).

7 (c) (I) UPON COMPLETION OF THE REPORT DESCRIBED IN
8 SUBSECTION (5)(a) OF THIS SECTION, THE STATE DEPARTMENT SHALL
9 ANALYZE AND REVIEW EACH OPERATIONAL TRANSPORTATION NETWORK
10 COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3). THE STATE
11 DEPARTMENT SHALL VERIFY EACH TRANSPORTATION NETWORK
12 COMPANY'S VIABILITY TO ENSURE THE HEALTH, SAFETY, WELFARE, COST
13 EFFECTIVENESS, AND CAPABILITY IN EXPANDING NONMEDICAL
14 TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING SERVICES
15 PURSUANT TO THIS SECTION AND COMPLY WITH ALL RULES PROMULGATED
16 PURSUANT TO SUBSECTION (5)(e)(I) OF THIS SECTION.

17 (II) NO LATER THAN JULY 1, 2024, THE STATE DEPARTMENT SHALL
18 AUTHORIZE VERIFIED TRANSPORTATION NETWORK COMPANIES TO PROVIDE
19 NONMEDICAL TRANSPORTATION SERVICES IF THE STATE DEPARTMENT
20 FINDS THE TRANSPORTATION NETWORK COMPANY VIABLE UNDER FEDERAL
21 REQUIREMENTS AND WITHIN BUDGETARY CONSTRAINTS.

22 (III) FOR THE PURPOSES OF THIS SUBSECTION (5)(c), "VERIFY"
23 MEANS A TRANSPORTATION NETWORK COMPANY MEETS ALL
24 REQUIREMENTS RESULTING FROM THE REPORT DESCRIBED IN SUBSECTION
25 (5)(a) OF THIS SECTION.

26 (d) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
27 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (5).

1 (e) (I) THE STATE DEPARTMENT SHALL PROMULGATE ANY
2 NECESSARY RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES
3 COMPLY WITH FEDERAL AND STATE OVERSIGHT REQUIREMENTS AND SHALL
4 INCLUDE ALL RELEVANT STAKEHOLDERS, INCLUDING MEDICAID
5 RECIPIENTS, TRANSPORTATION NETWORK COMPANIES, CURRENT
6 PROVIDERS AND DRIVERS FOR NONMEDICAL TRANSPORTATION SERVICES,
7 AND OTHER INTERESTED PARTIES IN THE DEVELOPMENT OF SUCH
8 REQUIREMENTS.

9 (II) PURSUANT TO SECTION 40-10.1-105 (1)(I), TRANSPORTATION
10 NETWORK COMPANIES ARE NOT SUBJECT TO REGULATION BY THE PUBLIC
11 UTILITIES COMMISSION WHEN PROVIDING NONMEDICAL TRANSPORTATION
12 SERVICES PURSUANT TO THIS SECTION AND ARE INSTEAD SUBJECT TO
13 RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO THIS
14 SUBSECTION (5)(e).

15 (f) THIS SUBSECTION (5) DOES NOT APPLY TO A PROVIDER
16 AUTHORIZED TO PROVIDE TRANSPORTATION SERVICES PURSUANT TO PART
17 8 OF ARTICLE 1 OF TITLE 25.5 PRIOR TO THE EFFECTIVE DATE OF THIS
18 SUBSECTION (5).

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

21 **25.5-6-409. Services for persons with intellectual and**
22 **developmental disabilities - rules.** (5) (a) NO LATER THAN JANUARY
23 2024, THE STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE
24 SENATE HEALTH AND HUMAN SERVICES COMMITTEE, THE HOUSE OF
25 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
26 SERVICES COMMITTEE, AND THE HOUSE OF REPRESENTATIVES HEALTH AND
27 INSURANCE COMMITTEE, OR ANY SUCCESSOR COMMITTEES, AS PART OF ITS

1 "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
2 TRANSPARENT (SMART) GOVERNMENT ACT" PRESENTATION REQUIRED
3 BY SECTION 2-7-203. AT A MINIMUM, THE REPORT MUST IDENTIFY:

4 (I) A REIMBURSEMENT SYSTEM WITH A GOAL TO INCENTIVIZE AND
5 INCREASE TRANSPORTATION PROVIDER PARTICIPATION;

6 (II) HOW THE STATE DEPARTMENT WILL ENSURE COMPLIANCE
7 WITH APPLICABLE FEDERAL LAWS AND WAIVER REQUIREMENTS;

8 (III) A SYSTEM OF COMMON REPORTING TO ENSURE A RECIPIENT
9 DOES NOT EXCEED THE MEDICAID BENEFIT IN A MULTI-PROVIDER
10 SCENARIO; AND

11 (IV) BEST PRACTICES BASED ON WHAT OTHER STATES HAVE DONE
12 TO ALLOW TRANSPORTATION NETWORK COMPANIES TO PROVIDE
13 NONMEDICAL TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING
14 SERVICES, INCLUDING BUT NOT LIMITED TO, REIMBURSEMENT RATES;
15 DRIVER COMPENSATION; AND INTEGRATION WITH PROGRAMS THAT
16 PROVIDE NONMEDICAL 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, AND TRANSPORTATION NETWORK
21 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE
22 REPORTING REQUIREMENT IN SECTIONS 25.5-6-307 (6), 25.5-6-606 (9),
23 25.5-6-704 (8), AND 25.5-6-1303 (9).

24 (c) (I) UPON COMPLETION OF THE REPORT DESCRIBED IN
25 SUBSECTION (5)(a) OF THIS SECTION, THE STATE DEPARTMENT SHALL
26 ANALYZE AND REVIEW EACH OPERATIONAL TRANSPORTATION NETWORK
27 COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3). THE STATE

1 DEPARTMENT SHALL VERIFY EACH TRANSPORTATION NETWORK
2 COMPANY'S VIABILITY TO ENSURE THE HEALTH, SAFETY, WELFARE, COST
3 EFFECTIVENESS, AND CAPABILITY IN EXPANDING NONMEDICAL
4 TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING SERVICES
5 PURSUANT TO THIS SECTION AND COMPLY WITH ALL RULES PROMULGATED
6 PURSUANT TO SUBSECTION (5)(e)(I) OF THIS SECTION.

7 (II) NO LATER THAN JULY 1, 2024, THE STATE DEPARTMENT SHALL
8 AUTHORIZE VERIFIED TRANSPORTATION NETWORK COMPANIES TO PROVIDE
9 NONMEDICAL TRANSPORTATION SERVICES IF THE STATE DEPARTMENT
10 FINDS THE TRANSPORTATION NETWORK COMPANY VIABLE UNDER FEDERAL
11 REQUIREMENTS AND WITHIN BUDGETARY CONSTRAINTS.

12 (III) FOR THE PURPOSES OF THIS SUBSECTION (5)(c), "VERIFY"
13 MEANS A TRANSPORTATION NETWORK COMPANY MEETS ALL
14 REQUIREMENTS RESULTING FROM THE REPORT DESCRIBED IN SUBSECTION
15 (5)(a) OF THIS SECTION.

16 (d) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
17 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (5).

18 (e) (I) THE STATE DEPARTMENT SHALL PROMULGATE ANY
19 NECESSARY RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES
20 COMPLY WITH FEDERAL AND STATE OVERSIGHT REQUIREMENTS AND SHALL
21 INCLUDE ALL RELEVANT STAKEHOLDERS, INCLUDING MEDICAID
22 RECIPIENTS, TRANSPORTATION NETWORK COMPANIES, CURRENT
23 PROVIDERS AND DRIVERS FOR NONMEDICAL TRANSPORTATION SERVICES,
24 AND OTHER INTERESTED PARTIES IN THE DEVELOPMENT OF SUCH
25 REQUIREMENTS.

26 (II) PURSUANT TO SECTION 40-10.1-105 (1)(I), TRANSPORTATION
27 NETWORK COMPANIES ARE NOT SUBJECT TO REGULATION BY THE PUBLIC

1 UTILITIES COMMISSION WHEN PROVIDING NONMEDICAL TRANSPORTATION
2 SERVICES PURSUANT TO THIS SECTION AND ARE INSTEAD SUBJECT TO
3 RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO THIS
4 SUBSECTION (5)(e).

5 (f) THIS SUBSECTION (5) DOES NOT APPLY TO A PROVIDER
6 AUTHORIZED TO PROVIDE TRANSPORTATION SERVICES PURSUANT TO PART
7 8 OF ARTICLE 1 OF TITLE 25.5 PRIOR TO THE EFFECTIVE DATE OF THIS
8 SUBSECTION (5).

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

11 25.5-6-606. Implementation of program for persons with
12 mental health disorders authorized - federal waiver - duties of the
13 department of health care policy and financing and the department
14 of human services - rules. (8) (a) NO LATER THAN JANUARY 2024, THE
15 STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE SENATE HEALTH
16 AND HUMAN SERVICES COMMITTEE, THE HOUSE OF REPRESENTATIVES
17 PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE, AND
18 THE HOUSE OF REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE, OR
19 ANY SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR
20 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
21 GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. AT A
22 MINIMUM, THE REPORT MUST IDENTIFY:

23 (I) A REIMBURSEMENT SYSTEM WITH A GOAL TO INCENTIVIZE AND
24 INCREASE TRANSPORTATION PROVIDER PARTICIPATION;

25 (II) HOW THE STATE DEPARTMENT WILL ENSURE COMPLIANCE
26 WITH APPLICABLE FEDERAL LAWS AND WAIVER REQUIREMENTS;

27 (III) A SYSTEM OF COMMON REPORTING TO ENSURE A RECIPIENT

1 DOES NOT EXCEED THE MEDICAID BENEFIT IN A MULTI-PROVIDER
2 SCENARIO; AND

3 (IV) BEST PRACTICES BASED ON WHAT OTHER STATES HAVE DONE
4 TO ALLOW TRANSPORTATION NETWORK COMPANIES TO PROVIDE
5 NONMEDICAL TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING
6 SERVICES, INCLUDING BUT NOT LIMITED TO, REIMBURSEMENT RATES;
7 DRIVER COMPENSATION; AND INTEGRATION WITH PROGRAMS THAT
8 PROVIDE NONMEDICAL TRANSPORTATION SERVICES.

9 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL
10 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH
11 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,
12 INDIVIDUALS WITH DISABILITIES, AND TRANSPORTATION NETWORK
13 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE
14 REPORTING REQUIREMENT IN SECTIONS 25.5-6-307(6), 25.5-6-409 (6),
15 25.5-6-704 (8), AND 25.5-6-1303 (9).

16 (c) (I) UPON COMPLETION OF THE REPORT DESCRIBED IN
17 SUBSECTION (8)(a) OF THIS SECTION, THE STATE DEPARTMENT SHALL
18 ANALYZE AND REVIEW EACH OPERATIONAL TRANSPORTATION NETWORK
19 COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3). THE STATE
20 DEPARTMENT SHALL VERIFY EACH TRANSPORTATION NETWORK
21 COMPANY'S VIABILITY TO ENSURE THE HEALTH, SAFETY, WELFARE, COST
22 EFFECTIVENESS, AND CAPABILITY IN EXPANDING NONMEDICAL
23 TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING SERVICES
24 PURSUANT TO THIS SECTION AND COMPLY WITH ALL RULES PROMULGATED
25 PURSUANT TO SUBSECTION (8)(e)(I) OF THIS SECTION.

26 (II) NO LATER THAN JULY 1, 2024, THE STATE DEPARTMENT SHALL
27 AUTHORIZE VERIFIED TRANSPORTATION NETWORK COMPANIES TO PROVIDE

1 NONMEDICAL TRANSPORTATION SERVICES IF THE STATE DEPARTMENT
2 FINDS THE TRANSPORTATION NETWORK COMPANY VIABLE UNDER FEDERAL
3 REQUIREMENTS AND WITHIN BUDGETARY CONSTRAINTS.

4 (III) FOR THE PURPOSES OF THIS SUBSECTION (8)(c), "VERIFY"
5 MEANS A TRANSPORTATION NETWORK COMPANY MEETS ALL
6 REQUIREMENTS RESULTING FROM THE REPORT DESCRIBED IN SUBSECTION
7 (8)(a) OF THIS SECTION.

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

10 (e) (I) THE STATE DEPARTMENT SHALL PROMULGATE ANY
11 NECESSARY RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES
12 COMPLY WITH FEDERAL AND STATE OVERSIGHT REQUIREMENTS AND SHALL
13 INCLUDE ALL RELEVANT STAKEHOLDERS, INCLUDING MEDICAID
14 RECIPIENTS, TRANSPORTATION NETWORK COMPANIES, CURRENT
15 PROVIDERS AND DRIVERS FOR NONMEDICAL TRANSPORTATION SERVICES,
16 AND OTHER INTERESTED PARTIES IN THE DEVELOPMENT OF SUCH
17 REQUIREMENTS.

18 (II) PURSUANT TO SECTION 40-10.1-105 (1)(I), TRANSPORTATION
19 NETWORK COMPANIES ARE NOT SUBJECT TO REGULATION BY THE PUBLIC
20 UTILITIES COMMISSION WHEN PROVIDING NONMEDICAL TRANSPORTATION
21 SERVICES PURSUANT TO THIS SECTION AND ARE INSTEAD SUBJECT TO
22 RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO THIS
23 SUBSECTION (8)(e).

24 (f) THIS SUBSECTION (8) DOES NOT APPLY TO A PROVIDER
25 AUTHORIZED TO PROVIDE TRANSPORTATION SERVICES PURSUANT TO PART
26 8 OF ARTICLE 1 OF TITLE 25.5 PRIOR TO THE EFFECTIVE DATE OF THIS
27 SUBSECTION (8).

1 **SECTION 5.** In Colorado Revised Statutes, 25.5-6-704, **add** (7)
2 █ as follows:

3 **25.5-6-704. Implementation of home- and community-based**
4 **services program for persons with brain injury authorized - federal**
5 **waiver - duties of the department - rules.** (7) (a) NO LATER THAN
6 JANUARY 2024, THE STATE DEPARTMENT SHALL SUBMIT A REPORT █ TO
7 THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, THE HOUSE OF
8 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
9 SERVICES COMMITTEE, AND THE HOUSE OF REPRESENTATIVES HEALTH AND
10 INSURANCE COMMITTEE, OR ANY SUCCESSOR COMMITTEES, AS PART OF ITS
11 "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
12 TRANSPARENT (SMART) GOVERNMENT ACT" PRESENTATION REQUIRED
13 BY SECTION 2-7-203. AT A MINIMUM, THE REPORT MUST IDENTIFY:

14 (I) A REIMBURSEMENT SYSTEM WITH A GOAL TO INCENTIVIZE AND
15 INCREASE TRANSPORTATION PROVIDER PARTICIPATION;

16 (II) HOW THE STATE DEPARTMENT WILL ENSURE COMPLIANCE
17 WITH APPLICABLE FEDERAL LAWS AND WAIVER REQUIREMENTS;

18 (III) A SYSTEM OF COMMON REPORTING TO ENSURE A RECIPIENT
19 DOES NOT EXCEED THE MEDICAID BENEFIT IN A MULTI-PROVIDER
20 SCENARIO; AND

21 (IV) BEST PRACTICES BASED ON WHAT OTHER STATES HAVE DONE
22 TO ALLOW TRANSPORTATION NETWORK COMPANIES TO PROVIDE
23 NONMEDICAL TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING
24 SERVICES, INCLUDING BUT NOT LIMITED TO, REIMBURSEMENT RATES;
25 DRIVER COMPENSATION; AND INTEGRATION WITH PROGRAMS THAT
26 PROVIDE NONMEDICAL TRANSPORTATION SERVICES.

27 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL

1 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH
2 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,
3 INDIVIDUALS WITH DISABILITIES, AND TRANSPORTATION NETWORK
4 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE
5 REPORTING REQUIREMENT IN SECTIONS 25.5-6-307 (6), 25.5-6-409 (6),
6 25.5-6-606 (9), AND 25.5-6-1303 (9).

7 (c) (I) UPON COMPLETION OF THE REPORT DESCRIBED IN
8 SUBSECTION (7)(a) OF THIS SECTION, THE STATE DEPARTMENT SHALL
9 ANALYZE AND REVIEW EACH OPERATIONAL TRANSPORTATION NETWORK
10 COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3). THE STATE
11 DEPARTMENT SHALL VERIFY EACH TRANSPORTATION NETWORK
12 COMPANY'S VIABILITY TO ENSURE THE HEALTH, SAFETY, WELFARE, COST
13 EFFECTIVENESS, AND CAPABILITY IN EXPANDING NONMEDICAL
14 TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING SERVICES
15 PURSUANT TO THIS SECTION AND COMPLY WITH ALL RULES PROMULGATED
16 PURSUANT TO SUBSECTION (7)(e)(I) OF THIS SECTION.

17 (II) NO LATER THAN JULY 1, 2024, THE STATE DEPARTMENT SHALL
18 AUTHORIZE VERIFIED TRANSPORTATION NETWORK COMPANIES TO PROVIDE
19 NONMEDICAL TRANSPORTATION SERVICES IF THE STATE DEPARTMENT
20 FINDS THE TRANSPORTATION NETWORK COMPANY VIABLE UNDER FEDERAL
21 REQUIREMENTS AND WITHIN BUDGETARY CONSTRAINTS.

22 (III) FOR THE PURPOSES OF THIS SUBSECTION (7)(c), "VERIFY"
23 MEANS A TRANSPORTATION NETWORK COMPANY MEETS ALL
24 REQUIREMENTS RESULTING FROM THE REPORT DESCRIBED IN SUBSECTION
25 (7)(a) OF THIS SECTION.

26 (d) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
27 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (7).

1 (e) (I) THE STATE DEPARTMENT SHALL PROMULGATE ANY
2 NECESSARY RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES
3 COMPLY WITH FEDERAL AND STATE OVERSIGHT REQUIREMENTS AND SHALL
4 INCLUDE ALL RELEVANT STAKEHOLDERS, INCLUDING MEDICAID
5 RECIPIENTS, TRANSPORTATION NETWORK COMPANIES, CURRENT
6 PROVIDERS AND DRIVERS FOR NONMEDICAL TRANSPORTATION SERVICES,
7 AND OTHER INTERESTED PARTIES IN THE DEVELOPMENT OF SUCH
8 REQUIREMENTS.

9 (II) PURSUANT TO SECTION 40-10.1-105 (1)(I), TRANSPORTATION
10 NETWORK COMPANIES ARE NOT SUBJECT TO REGULATION BY THE PUBLIC
11 UTILITIES COMMISSION WHEN PROVIDING NONMEDICAL TRANSPORTATION
12 SERVICES PURSUANT TO THIS SECTION AND ARE INSTEAD SUBJECT TO
13 RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO THIS
14 SUBSECTION (7)(e).

15 (f) THIS SUBSECTION (7) DOES NOT APPLY TO A PROVIDER
16 AUTHORIZED TO PROVIDE TRANSPORTATION SERVICES PURSUANT TO PART
17 8 OF ARTICLE 1 OF TITLE 25.5 PRIOR TO THE EFFECTIVE DATE OF THIS
18 SUBSECTION (7).

19 **SECTION 6.** In Colorado Revised Statutes, 25.5-6-1303, **add** (8)
20 as follows:

21 **25.5-6-1303. Pilot program - complementary or alternative**
22 **medicine - rules.** (8) (a) NO LATER THAN JANUARY 2024, THE STATE
23 DEPARTMENT SHALL SUBMIT A REPORT TO THE SENATE HEALTH AND
24 HUMAN SERVICES COMMITTEE, THE HOUSE OF REPRESENTATIVES PUBLIC
25 AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE, AND THE
26 HOUSE OF REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE, OR
27 ANY SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR

1 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
2 GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. AT A
3 MINIMUM, THE REPORT MUST IDENTIFY:

4 (I) A REIMBURSEMENT SYSTEM WITH A GOAL TO INCENTIVIZE AND
5 INCREASE TRANSPORTATION PROVIDER PARTICIPATION;

6 (II) HOW THE STATE DEPARTMENT WILL ENSURE COMPLIANCE
7 WITH APPLICABLE FEDERAL LAWS AND WAIVER REQUIREMENTS;

8 (III) A SYSTEM OF COMMON REPORTING TO ENSURE A RECIPIENT
9 DOES NOT EXCEED THE MEDICAID BENEFIT IN A MULTI-PROVIDER
10 SCENARIO; AND

11 (IV) BEST PRACTICES BASED ON WHAT OTHER STATES HAVE DONE
12 TO ALLOW TRANSPORTATION NETWORK COMPANIES TO PROVIDE
13 NONMEDICAL TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING
14 SERVICES, INCLUDING BUT NOT LIMITED TO, REIMBURSEMENT RATES;
15 DRIVER COMPENSATION; AND INTEGRATION WITH PROGRAMS THAT
16 PROVIDE NONMEDICAL 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, AND TRANSPORTATION NETWORK
21 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE
22 REPORTING REQUIREMENT IN SECTIONS 25.5-6-307 (6), 25.5-6-409 (6),
23 25.5-6-606 (9), AND 25.5-6-704 (8).

24 (c) (I) UPON COMPLETION OF THE REPORT DESCRIBED IN
25 SUBSECTION (8)(a) OF THIS SECTION, THE STATE DEPARTMENT SHALL
26 ANALYZE AND REVIEW EACH OPERATIONAL TRANSPORTATION NETWORK
27 COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3). THE STATE

1 DEPARTMENT SHALL VERIFY EACH TRANSPORTATION NETWORK
2 COMPANY'S VIABILITY TO ENSURE THE HEALTH, SAFETY, WELFARE, COST
3 EFFECTIVENESS, AND CAPABILITY IN EXPANDING NONMEDICAL
4 TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING SERVICES
5 PURSUANT TO THIS SECTION AND COMPLY WITH ALL RULES PROMULGATED
6 PURSUANT TO SUBSECTION (8)(e)(I) OF THIS SECTION.

7 (II) NO LATER THAN JULY 1, 2024, THE STATE DEPARTMENT SHALL
8 AUTHORIZE VERIFIED TRANSPORTATION NETWORK COMPANIES TO PROVIDE
9 NONMEDICAL TRANSPORTATION SERVICES IF THE STATE DEPARTMENT
10 FINDS THE TRANSPORTATION NETWORK COMPANY VIABLE UNDER FEDERAL
11 REQUIREMENTS AND WITHIN BUDGETARY CONSTRAINTS.

12 (III) FOR THE PURPOSES OF THIS SUBSECTION (8)(c), "VERIFY"
13 MEANS A TRANSPORTATION NETWORK COMPANY MEETS ALL
14 REQUIREMENTS RESULTING FROM THE REPORT DESCRIBED IN SUBSECTION
15 (8)(a) OF THIS SECTION.

16 (d) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
17 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (8).

18 (e) (I) THE STATE DEPARTMENT SHALL PROMULGATE ANY
19 NECESSARY RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES
20 COMPLY WITH FEDERAL AND STATE OVERSIGHT REQUIREMENTS AND SHALL
21 INCLUDE ALL RELEVANT STAKEHOLDERS, INCLUDING MEDICAID
22 RECIPIENTS, TRANSPORTATION NETWORK COMPANIES, CURRENT
23 PROVIDERS AND DRIVERS FOR NONMEDICAL TRANSPORTATION SERVICES,
24 AND OTHER INTERESTED PARTIES IN THE DEVELOPMENT OF SUCH
25 REQUIREMENTS.

26 (II) PURSUANT TO SECTION 40-10.1-105 (1)(I), TRANSPORTATION
27 NETWORK COMPANIES ARE NOT SUBJECT TO REGULATION BY THE PUBLIC

1 UTILITIES COMMISSION WHEN PROVIDING NONMEDICAL TRANSPORTATION
2 SERVICES PURSUANT TO THIS SECTION AND ARE INSTEAD SUBJECT TO
3 RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO THIS
4 SUBSECTION (8)(e).

5 (f) THIS SUBSECTION (8) DOES NOT APPLY TO A PROVIDER
6 AUTHORIZED TO PROVIDE TRANSPORTATION SERVICES PURSUANT TO PART
7 8 OF ARTICLE 1 OF TITLE 25.5 PRIOR TO THE EFFECTIVE DATE OF THIS
8 SUBSECTION (8).

9 **SECTION 7.** In Colorado Revised Statutes, **amend 40-10.1-603**
10 **as follows:**

11 **40-10.1-603. Limited regulation.** ~~Notwithstanding any other~~
12 ~~provision of law,~~ Transportation network companies are governed
13 exclusively by this part 6, EXCEPT AS OTHERWISE PROVIDED IN ARTICLE 6
14 OF TITLE 25.5. A transportation network company is not subject to the
15 commission's rate, entry, operational, or common carrier requirements,
16 other than those requirements expressly set forth in this part 6.

17 **SECTION 8. Appropriation.** (1) For the 2022-23 state fiscal
18 year, \$110,811 is appropriated to the department of health care policy and
19 financing. This appropriation consists of \$88,411 from the general fund,
20 \$16,726 from the healthcare affordability and sustainability fee cash fund
21 created in section 25.5-4-402.4 (5)(a), C.R.S., and \$5,674 from the
22 children's basic health plan trust created in section 25.5-8-105 (a), C.R.S.
23 To implement this act, the department may use this appropriation as
24 follows:

25 (a) \$62,115 from the general fund for use by the executive
26 director's office for general professional services and special projects; and

27 (b) \$48,686, which consists of \$26,296 from the general fund,

1 \$16,726 from the healthcare affordability and sustainability fee cash fund
2 created in section 25.5-4-402.4 (5)(a), C.R.S., and \$5,674 from the
3 children's basic health plan trust created in section 25.5-8-105 (a), C.R.S.,
4 for use by the executive director's office for medicaid management
5 information system maintenance and projects.

6 (2) For the 2022-23 state fiscal year, the general assembly
7 anticipates that the department of health care policy and financing will
8 receive \$436,863 in federal funds. The appropriation in subsection (1) of
9 this section is based on the assumption that the office will receive this
10 amount of federal funds to be used as follows:

11 (a) \$62,115 for use by the executive director's office for general
12 professional services and special projects, which amount is subject to the
13 "(I)" notation as defined in the annual general appropriation act for the
14 same fiscal year;

15 (b) \$374,748 for use by the executive director's office for medicaid
16 management information system maintenance and projects, which amount
17 is subject to the "(I)" notation as defined in the annual general
18 appropriation act for the same fiscal year.

19 **SECTION 9. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2022 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.