

MEMORANDUM

TO: Joint Budget Committee Members

FROM: Megan Davisson, JBC Staff

SUBJECT: Potential Legislation Regarding H.B. 12-1268

DATE: January 18, 2013

In order to fully implement the transfer of staff responsible for certain aspects of the inspections of health facilities as intended in H.B. 12-1268 "Health Facility Inspection Transfer to CDPS" (Acree/Hudak) staff recommends the following two statutory changes:

1. Amend Section 24-33.5-1201 (5) (e), C.R.S., to request permission to transfer the inspection responsibility from the federal Department of Health and Human Services; and
2. Amend the 2012 Session Laws to change the effective date requirements for H.B. 12-1268 to require the Department of Public Safety to notify the Revisor of Statutes that the federal Department of Health and Human Services approved the request to transfer inspection functions.

Change 1 – Amending Section 24-33.5-1201 (5) (e), C.R.S.

(5) (e) BY OCTOBER 1, 2012, THE DIVISION AND THE GOVERNOR SHALL ~~SUBMIT AN APPLICATION TO~~ REQUEST PERMISSION FROM THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, ~~FOR A MODIFICATION TO~~ UNDER SECTION F3 OF THE REVISED AGREEMENT, DATED OCTOBER 1, 1985, ENTERED INTO BETWEEN THE SECRETARY AND THE STATE OF COLORADO PURSUANT TO SECTION 1864 OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395AA, ~~WHICH MODIFICATION ALLOWS~~ DATED OCTOBER 1, 1985, AND PURSUANT TO SECTION 4006A OF THE RELATED STATE OPERATION MANUAL, FOR THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY TO FULFILL THE DUTIES UNDER THAT LAW ASSOCIATED WITH THE ASSESSMENT OF COMPLIANCE WITH THE FEDERAL FIRE SAFETY CODE REQUIREMENTS FOR HEALTH FACILITIES, AND A MODIFICATION TO WAIVERS FOR RESIDENTIAL MEDICAID PROVIDER TYPES TO ALLOW THE DIVISION TO CONDUCT CONSTRUCTION PLANS AND INSPECTIONS.

Change 2- Amending the 2012 Session Laws

Effective date. (1) Except as otherwise provided in subsection (2) of this section, this act takes effect July 1, 2013, only if the division of fire ~~safety~~ prevention and control in the department of public safety notifies the revisor of statutes in writing, by June 30, 2013, that the secretary of the United States department of health and human services has granted a ~~modification to~~ permission under section F3 of the revised agreement, dated October 1, 1985, entered into between said secretary and the state of Colorado pursuant to section 1864 of the federal "Social Security Act", 42 U.S.C. sec. 1395aa, ~~which modification allows said~~ dated October 1, 1985, and pursuant to section 4006A of the related state operations manual, for the division of fire prevention and control in the department of public safety to fulfill the duties under that law associated with the assessment of compliance with the federal fire safety code requirements for health facilities.