

CHAPTER 43

HEALTH AND ENVIRONMENT

SENATE BILL 97-111

BY SENATORS Linkhart, Wham, Reeves, Hopper, Rupert, and Martinez;
also REPRESENTATIVES Mace and Nichol.

AN ACT

CONCERNING CONTINUATION OF STATE AUTHORITY TO IMPOSE SANCTIONS UPON NURSING FACILITIES
COMMITTING VIOLATIONS OF THE FEDERAL MEDICAID REGULATIONS.

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

SECTION 1. The introductory portion to 24-34-104 (22) (c) and 24-34-104 (22) (c) (I) and (26.2), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (22) (c) ~~The following functions of the specified agencies shall terminate on July 1, 1993:~~

(I) ~~The imposition of sanctions, including civil money penalties, upon a nursing facility when such a facility violates a federal regulation for participation in the medicaid program by the department of public health and environment in accordance with section 25-1-107.5, C.R.S., and the department of health care policy and financing in accordance with article 4 of title 26, C.R.S.;~~

(26.2) ~~The following function of the specified agencies shall terminate on July 1, 1997: The imposition of sanctions, including civil money penalties, upon a nursing facility when such a facility violates a federal regulation for participation in the medicaid program by the department of public health and environment in accordance with section 25-1-107.5, C.R.S., and the department of health care policy and financing in accordance with article 4 of title 26, C.R.S.~~

SECTION 2. 25-1-107.5 (5), Colorado Revised Statutes, 1989 Repl. Vol., as

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

amended, is repealed as follows:

25-1-107.5. Additional authority of the department - remedies against nursing facilities - criteria for recommending assessments for civil penalties - cooperation with the department of health care policy and financing - nursing home penalty cash fund. (5) ~~This section is repealed, effective July 1, 1997. Prior to such repeal, this section shall be reviewed as provided in section 24-34-104, C.R.S.~~

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 24, 1997