

CHAPTER 398

GOVERNMENT - COUNTY

HOUSE BILL 09-1252

BY REPRESENTATIVE(S) Roberts, Massey, Vigil, Acree, Curry, Gerou, Kerr J., Loooper, Marostica, Priola, Swalm, Todd, Labuda, McFadyen, Merrifield, Schafer S.; also SENATOR(S) Isgar, Boyd.

AN ACT

CONCERNING THE EXPANSION OF THE "LOCAL ACCESS TO HEALTH CARE PILOT PROGRAM ACT" TO ALLOW CREATION OF A PILOT PROGRAM IN THE SAN LUIS VALLEY.

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

SECTION 1. 30-12-102, Colorado Revised Statutes, is amended to read:

30-12-102. Legislative declaration. The general assembly hereby finds, determines, and declares that it is important to establish a pilot program PROGRAMS in a rural county COUNTIES in the state to provide access to health care for individuals and families who may not otherwise have access to health care in order to develop a model that may be used to provide access to health care for similarly situated individuals and families in other parts of the state.

SECTION 2. 30-12-103, Colorado Revised Statutes, is amended to read:

30-12-103. Definitions. As used in this article, unless the context otherwise requires:

(1) ~~"Board of county commissioners" or "board" means the board of county commissioners of Pueblo county~~ "ASSOCIATION" MEANS THE SAN LUIS VALLEY COUNTY COMMISSIONERS ASSOCIATION.

(1.5) "BOARD" MEANS THE BOARD OF COUNTY COMMISSIONERS OF PUEBLO COUNTY.

(2) "Contractor" means the nonprofit corporation with whom the board of county commissioners OR ASSOCIATION contracts to operate the A pilot program.

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

(3) "Eligible individual" means an individual employed by an employer located in Pueblo county OR IN THE SAN LUIS VALLEY who does not have health insurance and is not eligible for the "Colorado Medical Assistance Act", articles 4, 5, and 6 of title 25.5, C.R.S., the "Children's Basic Health Plan Act", article 8 of title 25.5, C.R.S., or medicare pursuant to Title XVIII of the federal "Social Security Act", as amended.

(4) "Employer" ~~located in Pueblo county~~ means a person, firm, corporation, partnership, or association that is actively engaged in business in Pueblo county OR IN THE SAN LUIS VALLEY, employs individuals in that county OR VALLEY, and pays its employees low median wages, as determined by the contractor.

(5) "Pilot program" means ~~the~~ A pilot program for local access to health care authorized by this article.

(6) "SAN LUIS VALLEY" MEANS THE GEOGRAPHIC REGION COMPRISED OF ALAMOSA, CONEJOS, COSTILLA, MINERAL, RIO GRANDE, AND SAGUACHE COUNTIES.

SECTION 3. 30-12-104, Colorado Revised Statutes, is amended to read:

30-12-104. Pilot programs - local access to health care. (1) (a) ~~The board of county commissioners of Pueblo county is~~ AND THE ASSOCIATION ARE authorized to create a pilot program PROGRAMS IN THEIR RESPECTIVE GEOGRAPHICAL AREAS OF GOVERNANCE to provide access to health care services to individuals employed by employers located in Pueblo county OR IN THE SAN LUIS VALLEY, RESPECTIVELY. IF THE BOARD AND ASSOCIATION EACH CREATE A PILOT PROGRAM, THE PILOT PROGRAMS SHALL OPERATE INDEPENDENT OF EACH OTHER, AND AN EMPLOYER AND ELIGIBLE INDIVIDUALS EMPLOYED BY THAT EMPLOYER SHALL BE ALLOWED TO PARTICIPATE ONLY IN THE PILOT PROGRAM OPERATED IN THE GEOGRAPHICAL AREA IN WHICH THE EMPLOYER IS LOCATED. The board ~~of county commissioners~~ OR ASSOCIATION may contract with a nonprofit corporation to operate the pilot program and deliver, either directly or indirectly, health care to eligible individuals and their families. The contractor shall be governed by a board of directors and shall be administered by officers, all of whom shall be appointed with the advice and consent of the board ~~of county commissioners~~ OR ASSOCIATION. The board, ~~of county commissioners~~ THE ASSOCIATION, and the individual members of the board AND THE ASSOCIATION shall not be responsible for any financial obligations of the pilot program.

(b) IN ORDER TO SUPPORT ECONOMIC DEVELOPMENT IN PUEBLO COUNTY AND THE SAN LUIS VALLEY AND TO STRENGTHEN EXISTING EMPLOYERS IN THESE COMMUNITIES, THE CONTRACTOR OPERATING A PILOT PROGRAM IN EITHER PUEBLO COUNTY OR THE SAN LUIS VALLEY MAY GIVE PREFERENCE IN THE SELECTION OF VENDORS TO PERFORM THE VARIOUS FUNCTIONS OF THE APPLICABLE PILOT PROGRAM TO LOCAL ENTITIES WITH INFRASTRUCTURE IN PLACE THAT ARE CAPABLE OF PERFORMING THE DAILY FUNCTIONS OF A PILOT PROGRAM, INCLUDING IMPLEMENTING HEALTH BENEFIT DESIGNS, PAYING HOSPITAL AND PROFESSIONAL CLAIMS FOR SERVICES, PROVIDING EMPLOYER GROUP BILLINGS, PROVIDING ACTUARIAL AND UNDERWRITING EXPERIENCE, AND MANAGING ENROLLMENT AND ELIGIBILITY FOR

PARTICIPATION IN A PILOT PROGRAM.

(2) The contract entered into between the board OR THE ASSOCIATION and ~~the~~ A contractor for the operation of ~~the~~ A pilot program shall clearly state the scope of the contract, the amount of fees that may be charged by the contractor to eligible individuals for participation in the pilot program, and that the contractor is responsible for the operation of the pilot program.

(3) The board, ASSOCIATION, or ~~the~~ contractor, as appropriate, shall direct individuals seeking access to the pilot program who are eligible for the "Colorado Medical Assistance Act", articles 4, 5, and 6 of title 25.5, C.R.S., the "Children's Basic Health Plan Act", article 8 of title 25.5, C.R.S., ~~or~~ medicare pursuant to Title XVIII of the federal "Social Security Act", as amended, OR THE "COLORADO INDIGENT CARE PROGRAM" ESTABLISHED IN PART 1 OF ARTICLE 3 OF TITLE 25.5, C.R.S., to the appropriate state or federal program.

SECTION 4. 30-12-105, Colorado Revised Statutes, is amended to read:

30-12-105. Annual report. By June 1, 2008, ~~and by each June 1 thereafter,~~ the board of directors of the contractor CHOSEN TO OPERATE A PILOT PROGRAM shall provide an annual report to the board OR THE ASSOCIATION, AS APPLICABLE. The annual report shall state the number of individuals served by the pilot program, the cost of providing health care services to those individuals, and the source of funds for the payment of those services. The report shall also include a certified financial statement prepared by a certified public accountant detailing the revenues, expenditures, and other financial information related to operation of the pilot program ADDRESSED IN THE REPORT. The contractor shall provide a copy of the annual report, including the certified financial statement, to the commissioner of insurance.

SECTION 5. 30-12-106, Colorado Revised Statutes, is amended to read:

30-12-106. Division of insurance - participation limited to financial oversight. Notwithstanding any other provision of law, for purposes of this article, the division of insurance shall not have authority to regulate or otherwise oversee the operations of ~~the~~ A pilot program DEVELOPED PURSUANT TO THIS ARTICLE, the contractor that operates ~~the~~ A pilot ~~or~~ PROGRAM, Pueblo county, THE BOARD, THE SAN LUIS VALLEY, OR THE ASSOCIATION. However, the contractor shall be subject to financial oversight by the division of insurance and shall provide copies of its annual report ON THE PILOT PROGRAM IT OPERATES, including certified financial statements, to the division.

SECTION 6. 30-12-107, Colorado Revised Statutes, is amended to read:

30-12-107. Repeal of article - reports. (1) (a) ~~This article~~ THE AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS OF PUEBLO COUNTY TO CREATE A PILOT PROGRAM PURSUANT TO THIS ARTICLE OR TO CONTRACT WITH A CONTRACTOR TO OPERATE A PILOT PROGRAM IN PUEBLO COUNTY is repealed, effective July 1, 2012.

~~(2)~~ (b) No later than March 15, 2012, the board of county commissioners OF PUEBLO COUNTY and the board of directors of the contractor shall submit a report

to the general assembly regarding the activities of the pilot program OPERATED IN PUEBLO COUNTY. The report shall assess whether the pilot program has benefitted Pueblo county, employers located in Pueblo county, and eligible individuals and their families. The report shall also contain any other information deemed appropriate by the board. ~~of county commissioners.~~ The report shall be distributed to the commissioner of insurance, the local government ~~committees of the senate~~ ~~and~~ COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR ITS SUCCESSOR COMMITTEE, THE LOCAL GOVERNMENT AND ENERGY COMMITTEE OF THE SENATE ~~or their~~ ITS SUCCESSOR ~~committees~~ COMMITTEE, and the health and human services committees of the senate and house of representatives, or their successor committees.

(2) (a) THE AUTHORITY OF THE SAN LUIS VALLEY COUNTY COMMISSIONERS ASSOCIATION TO CREATE A PILOT PROGRAM PURSUANT TO THIS ARTICLE OR TO CONTRACT WITH A CONTRACTOR TO OPERATE A PILOT PROGRAM IN THE SAN LUIS VALLEY IS REPEALED, EFFECTIVE JULY 1, 2014.

(b) NO LATER THAN MARCH 15, 2014, THE ASSOCIATION AND THE BOARD OF DIRECTORS OF THE CONTRACTOR SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY REGARDING THE ACTIVITIES OF THE PILOT PROGRAM OPERATED IN THE SAN LUIS VALLEY. THE REPORT SHALL ASSESS WHETHER THE PILOT PROGRAM HAS BENEFITTED THE SAN LUIS VALLEY, EMPLOYERS LOCATED IN THE SAN LUIS VALLEY, AND ELIGIBLE INDIVIDUALS AND THEIR FAMILIES. THE REPORT SHALL SPECIFY THE NUMBER OF ELIGIBLE INDIVIDUALS AND EMPLOYERS PARTICIPATING IN THE PILOT PROGRAM, THE NUMBER OF ELIGIBLE INDIVIDUALS AND EMPLOYERS THAT PLAN TO CONTINUE PARTICIPATING IN THE PILOT PROGRAM, AND THE NUMBER OF MONTHS THAT ELIGIBLE INDIVIDUALS PARTICIPATING IN THE PILOT PROGRAM WERE UNINSURED PRIOR TO ENROLLING IN THE PILOT PROGRAM. THE REPORT SHALL ALSO CONTAIN ANY OTHER INFORMATION DEEMED APPROPRIATE BY THE ASSOCIATION. THE REPORT SHALL BE DISTRIBUTED TO THE COMMISSIONER OF INSURANCE, THE LOCAL GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR ITS SUCCESSOR COMMITTEE, THE LOCAL GOVERNMENT AND ENERGY COMMITTEE OF THE SENATE OR ITS SUCCESSOR COMMITTEE, AND THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES.

(3) THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2014.

SECTION 7. 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: June 2, 2009