

SENATE COMMITTEE OF REFERENCE AMENDMENT
Committee on Finance.

SB25-290 be amended as follows:

- 1 Amend printed bill, page 4, strike lines 10 through 27.
- 2 Strike pages 5 through 14.
- 3 Page 15, strike lines 1 through 16 and substitute:

4 **"SECTION 2.** In Colorado Revised Statutes, **add** part 6 to article
5 3 of title 25.5 as follows:

PART 6

SAFETY NET PROVIDER STABILIZATION

8 **25.5-3-601. Legislative declaration.** (1) THE GENERAL
9 ASSEMBLY FINDS AND DECLARES THAT:

10 (a) SAFETY NET PROVIDERS IN THE STATE INCUR SIGNIFICANT
11 COSTS BY PROVIDING SERVICES TO A LARGE PORTION OF THE STATE'S
12 LOW-INCOME, UNINSURED POPULATIONS AND INDIVIDUALS AND FAMILIES
13 ENROLLED IN MEDICAID OR THE CHILDREN'S BASIC HEALTH PLAN; AND

14 (b) THIS PART 6 IS ENACTED TO LEVERAGE MONEY LOANED FROM
15 THE UNCLAIMED PROPERTY TRUST FUND TO THE PROVIDER STABILIZATION
16 FUND TO OBTAIN FEDERAL MATCHING MONEY TO MAKE PROVIDER
17 STABILIZATION PAYMENTS TO ELIGIBLE SAFETY NET PROVIDERS IN ORDER
18 TO:

19 (I) REDUCE THE UNDERPAYMENT TO SAFETY NET PROVIDERS
20 PARTICIPATING IN MEDICAID OR THE CHILDREN'S BASIC HEALTH PLAN AND
21 TO PROVIDE COMPENSATION TO SAFETY NET PROVIDERS THAT PROVIDE
22 SERVICES TO LOW-INCOME, UNINSURED INDIVIDUALS ON A SLIDING-FEE
23 SCHEDULE OR FOR FREE;

24 (II) ENSURE ACCESS TO HIGH-QUALITY, AFFORDABLE HEALTH CARE
25 FOR LOW-INCOME AND UNINSURED POPULATIONS; AND

26 (III) MAINTAIN THE QUALITY AND CONTINUITY OF SERVICES
27 DELIVERED BY SAFETY NET PROVIDERS TO LOW-INCOME, UNINSURED
28 INDIVIDUALS AND INDIVIDUALS AND FAMILIES ENROLLED IN MEDICAID OR
29 THE CHILDREN'S BASIC HEALTH PLAN.

30 **25.5-3-602. Definitions.** AS USED IN THIS PART 6, UNLESS THE
31 CONTEXT OTHERWISE REQUIRES:

32 (1) "CHILDREN'S BASIC HEALTH PLAN" HAS THE SAME MEANING AS
33 SET FORTH IN SECTION 25.5-8-103 (2).

34 (2) "ELIGIBLE SAFETY NET PROVIDER" MEANS A SAFETY NET
35 PROVIDER DETERMINED, PURSUANT TO SECTION 25.5-3-604 (2), TO BE
36 ELIGIBLE FOR A PROVIDER STABILIZATION PAYMENT.

37 (3) "LOW-INCOME, UNINSURED INDIVIDUAL" MEANS AN

1 INDIVIDUAL:

2 (a) RECEIVING SERVICES FROM A SAFETY NET PROVIDER;

3 (b) WHOSE ANNUAL HOUSEHOLD INCOME IS AT OR BELOW TWO

4 HUNDRED PERCENT OF THE FEDERAL POVERTY GUIDELINE;

5 (c) WHO IS NOT ENROLLED IN MEDICAID, MEDICARE, OR THE

6 CHILDREN'S BASIC HEALTH PLAN; AND

7 (d) FOR WHOM A THIRD PARTY IS NOT PAYING OR REIMBURSING

8 THE SAFETY NET PROVIDER FOR ALL OR A PORTION OF THE AMOUNT

9 CHARGED FOR THE SERVICES PROVIDED TO THE INDIVIDUAL.

10 (4) "MEDICAID" MEANS A MEDICAL ASSISTANCE PROGRAM UNDER

11 ARTICLES 4 TO 6 OF THIS TITLE 25.5.

12 (5) "MEDICARE" MEANS THE "HEALTH INSURANCE FOR THE AGED

13 ACT", TITLE XVIII OF THE FEDERAL "SOCIAL SECURITY ACT", AS

14 AMENDED.

15 (6) "PROVIDER STABILIZATION FUND" OR "FUND" MEANS THE

16 PROVIDER STABILIZATION FUND CREATED IN SECTION 25.5-3-603.

17 (7) "PROVIDER STABILIZATION FUND ADVISORY BOARD" OR

18 "ADVISORY BOARD" MEANS THE PROVIDER STABILIZATION FUND ADVISORY

19 BOARD CREATED IN SECTION 25.5-3-605.

20 (8) "SAFETY NET PROVIDER" MEANS:

21 (a) A COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH

22 PROVIDER, AS DEFINED IN SECTION 27-50-101 (11);

23 (b) A RURAL HEALTH CLINIC, AS DEFINED IN 42 U.S.C. SEC. 1395x

24 (aa)(2);

25 (c) A FEDERALLY QUALIFIED HEALTH CENTER, AS DEFINED IN 42

26 U.S.C. SEC. 1395x (aa)(4); OR

27 (d) A HEALTH-CARE PROVIDER THAT IS DELIVERING PRIMARY CARE

28 SERVICES AND AT LEAST FIFTY PERCENT OF WHOSE CLIENT CASELOAD IS

29 INDIVIDUALS WHO ARE ENROLLED IN MEDICAID, MEDICARE, OR THE

30 CHILDREN'S BASIC HEALTH PLAN OR WHO ARE LOW-INCOME, UNINSURED

31 INDIVIDUALS, OR ANY COMBINATION OF SUCH ENROLLEES OR

32 LOW-INCOME, UNINSURED INDIVIDUALS.

33 (9) "UNCLAIMED PROPERTY TRUST FUND" MEANS THE UNCLAIMED

34 PROPERTY TRUST FUND CREATED IN SECTION 38-13-801 (1).

35 **25.5-3-603. Provider stabilization fund - creation - use.**

36 (1) (a) THE PROVIDER STABILIZATION FUND IS CREATED IN THE STATE

37 TREASURY. THE PROVIDER STABILIZATION FUND CONSISTS OF:

38 (I) MONEY CREDITED TO THE FUND AS A LOAN FROM THE

39 UNCLAIMED PROPERTY TRUST FUND PURSUANT TO SECTION 38-13-801 (6);

40 (II) ANY OTHER MONEY THE GENERAL ASSEMBLY MAY

41 APPROPRIATE, TRANSFER, OR CREDIT TO THE FUND; AND

42 (III) ANY GIFTS, GRANTS, OR DONATIONS THE STATE DEPARTMENT

43 MAY RECEIVE FROM PUBLIC OR PRIVATE SOURCES FOR THE FUND.

1 (b) (I) (A) MONEY CREDITED TO THE FUND PURSUANT TO SECTION
2 38-13-801 (6) IS AN INTEREST-FREE LOAN FROM THE UNCLAIMED
3 PROPERTY TRUST FUND TO THE FUND. THE STATE DEPARTMENT MAY
4 ACCEPT AND EXPEND THE MONEY SO CREDITED AND, EXCEPT AS PROVIDED
5 IN SUBSECTION (1)(b)(I)(B) OF THIS SECTION, SHALL REPAY THE LOAN
6 RECEIVED PURSUANT TO SECTION 38-13-801 (6) NO LATER THAN JANUARY
7 1, 2045.

16 (II) A LOAN MADE FROM THE UNCLAIMED PROPERTY TRUST FUND
17 TO A SEPARATE FUND ASSOCIATED WITH A STATE DEPARTMENT:

18 (A) IS AN INTERFUND LOAN ACCORDING TO GOVERNMENTAL
19 ACCOUNTING STANDARDS BOARD CODIFICATION 1800.102, MEANING THAT
20 THE LOAN IS NOT CLASSIFIED AS REVENUE AND IS BOOKED AS AN
21 INTERFUND RECEIVABLE OR PAYABLE; AND

22 (B) IS NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION
23 24-77-102(17), OR STATE REVENUES, AS DEFINED IN SECTION 24-77-103.6
24 (6)(c), AND DOES NOT COUNT AGAINST EITHER THE STATE FISCAL YEAR
25 SPENDING LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE
26 CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED IN
27 SECTION 24-77-103.6 (6)(b)(I)(G).

28 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
29 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
30 PROVIDER STABILIZATION FUND TO THE FUND. THE STATE TREASURER
31 SHALL INVEST, AS PROVIDED BY LAW, ANY MONEY IN THE FUND NOT
32 EXPENDED FOR THE PURPOSES SPECIFIED IN SECTION 25.5-3-604. MONEY
33 IN THE FUND SHALL NOT BE TRANSFERRED TO ANY OTHER FUND AND SHALL
34 NOT BE USED FOR ANY PURPOSE OTHER THAN THE PURPOSES SPECIFIED IN
35 SECTION 25.5-3-604.

36 (3) ALL MONEY IN THE FUND IS SUBJECT TO FEDERAL MATCHING AS
37 AUTHORIZED UNDER FEDERAL LAW AND, SUBJECT TO ANNUAL
38 APPROPRIATION BY THE GENERAL ASSEMBLY, THE STATE DEPARTMENT
39 SHALL EXPEND THE MONEY IN THE FUND AND FEDERAL MATCHING MONEY,
40 IN ACCORDANCE WITH SECTION 25.5-3-604 (1), TO DISTRIBUTE PROVIDER
41 STABILIZATION PAYMENTS TO SAFETY NET PROVIDERS DETERMINED
42 ELIGIBLE FOR PAYMENTS IN ACCORDANCE WITH SECTION 25.5-3-604 (2).

43 (4) THE STATE DEPARTMENT, IN COLLABORATION WITH THE

1 PROVIDER STABILIZATION FUND ADVISORY BOARD, MAY SEEK, ACCEPT,
2 AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC
3 SOURCES FOR THE PURPOSES OF SECTION 25.5-3-604. THE STATE
4 DEPARTMENT SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS,
5 GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT
6 THE MONEY TO THE PROVIDER STABILIZATION FUND.

7 (5) THE STATE DEPARTMENT, IN CONSULTATION WITH THE
8 PROVIDER STABILIZATION FUND ADVISORY BOARD, SHALL LEVERAGE
9 MONEY IN THE FUND TO OBTAIN FEDERAL MATCHING MONEY, WORKING
10 WITH OR THROUGH THE STATE BOARD TO THE EXTENT REQUIRED BY
11 FEDERAL LAW OR OTHERWISE NECESSARY.

12 **25.5-3-604. Provider stabilization payments - eligibility.**
13 (1)(a) THE STATE DEPARTMENT, IN COLLABORATION WITH THE PROVIDER
14 STABILIZATION FUND ADVISORY BOARD, SHALL ANNUALLY ALLOCATE
15 MONEY APPROPRIATED BY THE GENERAL ASSEMBLY FROM THE PROVIDER
16 STABILIZATION FUND AS PROVIDER STABILIZATION PAYMENTS TO SAFETY
17 NET PROVIDERS IN THE STATE THAT COMPLY WITH THE REQUIREMENTS OF
18 SUBSECTION (2) OF THIS SECTION AND ARE DETERMINED TO BE ELIGIBLE
19 FOR A PROVIDER STABILIZATION PAYMENT. THE STATE DEPARTMENT
20 SHALL ALLOCATE THE PROVIDER STABILIZATION PAYMENTS IN AMOUNTS
21 PROPORTIONATE TO THE NUMBER OF LOW-INCOME, UNINSURED
22 INDIVIDUALS SERVED BY AN ELIGIBLE SAFETY NET PROVIDER RELATIVE TO
23 THE TOTAL NUMBER OF LOW-INCOME, UNINSURED INDIVIDUALS SERVED BY
24 ALL ELIGIBLE SAFETY NET PROVIDERS.

25 (b) THE STATE DEPARTMENT, IN CONSULTATION WITH THE
26 ADVISORY BOARD, SHALL ESTABLISH A SCHEDULE FOR ALLOCATING THE
27 MONEY APPROPRIATED FROM THE PROVIDER STABILIZATION FUND FOR
28 ELIGIBLE SAFETY NET PROVIDERS. THE DISBURSEMENT OF MONEY IN THE
29 PROVIDER STABILIZATION FUND TO ELIGIBLE SAFETY NET PROVIDERS
30 PURSUANT TO THIS SECTION IS EXEMPT FROM THE PROVISIONS OF THE
31 "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24.

32 (c) PROVIDER STABILIZATION PAYMENTS FROM THE PROVIDER
33 STABILIZATION FUND PURSUANT TO THIS SUBSECTION (1) ARE MADE TO
34 SUPPLEMENT, NOT SUPPLANT, GENERAL FUND APPROPRIATIONS TO
35 SUPPORT SAFETY NET PROVIDER REIMBURSEMENTS.

36 (2) (a) FOR A SAFETY NET PROVIDER TO BE ELIGIBLE FOR A
37 PROVIDER STABILIZATION PAYMENT PURSUANT TO SUBSECTION (1)(a) OF
38 THIS SECTION, THE SAFETY NET PROVIDER SHALL PROVIDE SUFFICIENT
39 INFORMATION TO THE STATE DEPARTMENT, AS SPECIFIED IN SUBSECTION
40 (2)(b) OF THIS SECTION, TO ESTABLISH THAT THE PROVIDER PROVIDES
41 SERVICES TO LOW-INCOME, UNINSURED INDIVIDUALS:

42 (I) AT NO COST; OR
43 (II) ON A SLIDING-FEE SCHEDULE.

1 (b) A SAFETY NET PROVIDER APPLYING FOR A PROVIDER
2 STABILIZATION PAYMENT SHALL ANNUALLY SUBMIT TO THE STATE
3 DEPARTMENT INFORMATION THAT THE STATE DEPARTMENT, IN
4 CONSULTATION WITH THE ADVISORY BOARD, DETERMINES NECESSARY TO
5 ESTABLISH THE PROVIDER'S ELIGIBILITY FOR A PROVIDER STABILIZATION
6 PAYMENT PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION. THE SAFETY
7 NET PROVIDER SHALL PROVIDE THE FOLLOWING:

12 (II) FOR A SAFETY NET PROVIDER DESCRIBED IN SECTION
13 25.5-3-602 (8)(d), THE TOTAL NUMBER OF PATIENTS SERVED, THE NUMBER
14 OF LOW-INCOME, UNINSURED INDIVIDUALS THAT THE PROVIDER SERVED,
15 AND THE NUMBER OF ENROLLEES IN MEDICAID, MEDICARE, OR THE
16 CHILDREN'S BASIC HEALTH PLAN THAT THE PROVIDER SERVED; AND

17 (III) INFORMATION TO DEMONSTRATE THAT THE PROVIDER
18 PROVIDES SERVICES IN COMPLIANCE WITH SUBSECTION (2)(a)(I) OR
19 (2)(a)(II) OF THIS SECTION, AS APPLICABLE.

20 (c) FOR PURPOSES OF THIS SUBSECTION (2), THE NUMBER OF
21 PATIENTS SERVED IS THE NUMBER OF UNDUPPLICATED USERS OF
22 HEALTH-CARE SERVICES AND IS NOT THE NUMBER OF VISITS BY A PATIENT.

25.5-3-605. Provider stabilization fund advisory board - creation - membership - duties - repeal. (1) (a) THE PROVIDER STABILIZATION FUND ADVISORY BOARD IS CREATED TO SUPPORT THE STATE DEPARTMENT WITH THE IMPLEMENTATION OF THIS PART 6. THE ADVISORY BOARD CONSISTS OF NINE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

29 (I) FIVE MEMBERS WHO ARE ELIGIBLE SAFETY NET PROVIDERS OR
30 WHO REPRESENT ASSOCIATIONS OF ELIGIBLE SAFETY NET PROVIDERS;

31 (II) THREE MEMBERS WHO ARE LOW-INCOME, UNINSURED
32 INDIVIDUALS WHO RELY ON SAFETY NET PROVIDERS FOR HEALTH CARE OR
33 WHO ARE REPRESENTATIVES FROM COLORADO-BASED CONSUMER
34 ADVOCACY ORGANIZATIONS THAT WORK ON SAFETY NET HEALTH-CARE
35 MATTERS; AND

36 (III) ONE MEMBER WHO IS AN EMPLOYEE OF THE STATE
37 DEPARTMENT.

38 (b) (I) THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS TO
39 THE ADVISORY BOARD AS SOON AS POSSIBLE AFTER THE EFFECTIVE DATE
40 OF THIS PART 6, BUT NO LATER THAN AUGUST 1, 2025.

41 (II) MEMBERS OF THE ADVISORY BOARD SERVE AT THE PLEASURE
42 OF THE GOVERNOR. THE TERM OF APPOINTMENT IS THREE YEARS.

43 (c) MEMBERS OF THE ADVISORY BOARD SERVE WITHOUT

1 COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

2 (d) THE ADVISORY BOARD SHALL ELECT A CHAIR AND VICE-CHAIR
3 FROM AMONG ITS PROVIDER AND CONSUMER MEMBERS AND SHALL MEET
4 AS NECESSARY AT THE CALL OF THE CHAIR TO PERFORM ITS FUNCTIONS AS
5 SPECIFIED IN THIS PART 6.

6 (2) THE ADVISORY BOARD SHALL CONSULT WITH THE STATE
7 DEPARTMENT, AS WELL AS THE STATE BOARD AS NECESSARY, IN
8 IMPLEMENTING THIS PART 6, INCLUDING ASSISTING THE STATE
9 DEPARTMENT IN ADMINISTERING AND PROVIDING OVERSIGHT OF THE
10 PROVIDER STABILIZATION FUND AND IN LEVERAGING THE FUND TO OBTAIN
11 FEDERAL MATCHING MONEY.

12 (3) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2031.
13 BEFORE THE REPEAL, THE COMMITTEE IS SCHEDULED FOR REVIEW IN
14 ACCORDANCE WITH SECTION 2-3-1203.

15 **25.5-3-606. Provider stabilization fund report** (1) BEGINNING
16 SEPTEMBER 1, 2026, AND BY EACH SEPTEMBER 1 THEREAFTER, THE STATE
17 DEPARTMENT, WITH ASSISTANCE FROM THE ADVISORY BOARD, SHALL
18 PREPARE AND SUBMIT AN ANNUAL REPORT CONCERNING THE PROVIDER
19 STABILIZATION FUND TO:

20 (a) THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE
21 OF REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE
22 OF THE SENATE, OR THEIR SUCCESSOR COMMITTEES;

23 (b) THE JOINT BUDGET COMMITTEE;

24 (c) THE GOVERNOR; AND

25 (d) THE STATE BOARD.

26 (2) AT A MINIMUM, THE REPORT MUST INCLUDE:

27 (a) THE NUMBER OF LOW-INCOME, UNINSURED INDIVIDUALS AND
28 THE NUMBER OF MEDICAID, MEDICARE, AND CHILDREN'S BASIC HEALTH
29 PLAN ENROLLEES SERVED BY ELIGIBLE SAFETY NET PROVIDERS THAT
30 RECEIVED PROVIDER STABILIZATION PAYMENTS IN THE IMMEDIATELY
31 PRECEDING FISCAL YEAR;

32 (b) THE ALLOCATION OF MONEY TO ELIGIBLE SAFETY NET
33 PROVIDERS, INCLUDING AN ITEMIZATION OF THE TOTAL AMOUNT OF
34 PROVIDER STABILIZATION PAYMENTS ALLOCATED TO EACH ELIGIBLE
35 SAFETY NET PROVIDER; AND

36 (c) ANY OTHER INFORMATION THAT THE STATE DEPARTMENT, IN
37 CONSULTATION WITH THE ADVISORY BOARD, DEEMS NECESSARY OR
38 APPROPRIATE.

39 (3) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
40 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS
41 SECTION CONTINUES INDEFINITELY.

42 **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **add**
43 (22)(a)(VII) as follows:

1 **2-3-1203. Sunset review of advisory committees - legislative**
2 **declaration - definition - repeal.** (22) (a) The following statutory
3 authorizations for the designated advisory committees will repeal on
4 September 1, 2031:

5 (VII) THE PROVIDER STABILIZATION FUND ADVISORY BOARD
6 CREATED IN SECTION 25.5-3-605.".

7 Renumber succeeding sections accordingly.

8 Page 15, line 26, after "INTEREST" insert "AND, IF NECESSARY,
9 PRINCIPAL".

10 Page 15, line 27, after "SECTION," insert "AS A LOAN".

11 Page 16, line 1, strike "25.5-4-402.4 (5.3)(a)" and substitute "25.5-3-603
12 (1)".

13 Page 16, strike line 4 and substitute:

14 "(6) (a) EXCEPT AS PROVIDED IN SUBSECTION (6)(b) OF THIS
15 SECTION, THE STATE TREASURER SHALL MAKE AN INTEREST-FREE LOAN OF
16 INTEREST DERIVED FROM".

17 Page 16, line 7, strike "25.5-4-402.4 (5.3)(a)" and substitute "25.5-3-603
18 (1)".

19 Page 16, line 8, strike "(a)" and substitute "(I)".

20 Page 16, line 9, strike "(b)" and substitute "(II)".

21 Page 16, strike lines 10 through 19 and substitute:

22 "(III) ON JULY 1, 2027, JULY 1, 2028, AND JULY 1, 2029, FIFTEEN
23 MILLION DOLLARS.

24 (b) IF THERE IS AN INSUFFICIENT AMOUNT OF INTEREST IN THE
25 UNCLAIMED PROPERTY TRUST FUND TO ENABLE THE STATE TREASURER TO
26 CREDIT THE FULL AMOUNT REQUIRED FOR A PARTICULAR STATE FISCAL
27 YEAR FROM INTEREST ALONE, THE STATE TREASURER SHALL CREDIT AN
28 AMOUNT OF PRINCIPAL IN THE TRUST FUND THAT IS SUFFICIENT TO ENABLE
29 THE STATE TREASURER TO CREDIT TO THE PROVIDER STABILIZATION FUND
30 THE FULL AMOUNT REQUIRED FOR THAT STATE FISCAL YEAR.".

31 Renumber succeeding section accordingly.

- 1 Page 1, strike lines 102 and 103 and substitute "**TO MAKE PROVIDER**".
- 2 Page 1, line 107, strike "**TO SUPPORT THE OPERATIONS OF THE**
ENTERPRISE." and substitute "**STABILIZE THE HEALTH-CARE SAFETY**
NET.".

*** *** *** *** ***