

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0955.01 Anna Petrini x5497

HOUSE BILL 26-1367

HOUSE SPONSORSHIP

Brown and Taggart, Sirota

SENATE SPONSORSHIP

Bridges and Kirkmeyer, Amabile

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING FEDERAL MONEY PAYABLE AS REIMBURSEMENT OF A
102 PUBLIC EXPENDITURE WHEN THE FEDERAL MONEY EXCEEDS
103 FIFTY PERCENT OF THE EXPENDITURE AMOUNT.

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/>.)

Joint Budget Committee. The bill recreates a provision that authorizes the state to retain the percentage of reimbursement that is in excess of the 50% federal match received for certain medicaid services provided (enhanced federal financial participation) during the COVID-19 pandemic.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

The provision is repealed once the reconciliation of all reimbursements and payments for services delivered during the period of enhanced federal financial participation has been completed.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25.5-4-217 as
3 follows:

4 **25.5-4-217. Federal reimbursement for public expenditures -**
5 **excess to general fund - repeal.**

6 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR THE
7 STATE FISCAL YEAR STARTING JULY 1, 2021, AND ANY SUBSEQUENT FISCAL
8 YEARS, IF A PROVIDER SUBMITS A CERTIFICATION OF PUBLIC EXPENDITURES
9 PURSUANT TO 42 CFR 433.51 (b), THE STATE DEPARTMENT SHALL RETAIN
10 ANY FEDERAL MONEY PAYABLE AS REIMBURSEMENT FOR THE
11 EXPENDITURE IN EXCESS OF FIFTY PERCENT OF THE EXPENDITURE AMOUNT;
12 EXCEPT THAT THE STATE DEPARTMENT SHALL ONLY RETAIN THE FEDERAL
13 MONEY BASED ON THE DATE OF SERVICE AS LONG AS THE INCREASED
14 REIMBURSEMENTS AND PAYMENTS MADE PURSUANT TO THE FEDERAL
15 "FAMILIES FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127 AND
16 THE FEDERAL "CONSOLIDATED APPROPRIATIONS ACT, 2023", PUB.L.
17 117-328 ARE STILL AVAILABLE. THE STATE TREASURER SHALL TRANSFER
18 THE MONEY TO THE GENERAL FUND CREATED IN SECTION 24-75-201 FOR
19 APPROPRIATION TO THE STATE MEDICAL ASSISTANCE PROGRAM.

20 (2) THIS SECTION WILL BE REPEALED IF THE RECONCILIATION OF
21 ALL REIMBURSEMENTS AND PAYMENTS FOR SERVICES DELIVERED DURING
22 THE PERIOD OF INCREASED REIMBURSEMENT AND PAYMENT DESCRIBED IN
23 SUBSECTION (1) OF THIS SECTION IS COMPLETED. THE EXECUTIVE
24 DIRECTOR OF THE STATE DEPARTMENT SHALL NOTIFY THE REVISOR OF

1 STATUTES IN WRITING OF THE DATE WHEN THE CONDITION SPECIFIED IN
2 THIS SUBSECTION (2) HAS OCCURRED BY EMAILING THE NOTICE TO
3 REVISOROFSTATUTES.GA@COLEG.GOV. THIS SECTION IS REPEALED,
4 EFFECTIVE UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE
5 COMPLETION OF THE APPLICABLE RECONCILIATIONS OCCURRED OR, IF THE
6 NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO
7 THE REVISOR OF STATUTES.

8 **SECTION 2. Safety clause.** The general assembly finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, or safety or for appropriations for
11 the support and maintenance of the departments of the state and state
12 institutions.