

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 26-187

BY SENATOR(S) Amabile and Bridges, Kirkmeyer, Ball, Bright, Catlin, Cutter, Exum, Frizell, Jodeh, Kipp, Marchman, Mullica, Pelton R., Simpson, Snyder, Wallace, Coleman;
also REPRESENTATIVE(S) Brown and Taggart, Sirota, Clifford, Duran, Gilchrist, Marshall, McCormick, Nguyen, Paschal, Rutinel, Rydin, Smith, Stewart K., Titone, McCluskie.

CONCERNING THE CREATION OF A COMMISSION TO STUDY MEDICAID, AND,
IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Medicaid is a critical part of Colorado's social safety net, health-care system, and broader economy. It provides health-care coverage for more than 20% of Coloradans and represents about one-third of the state budget;

(b) Because of medicaid's far-reaching impacts on the state's health-care system, economy, and budget, all Coloradans, whether they have

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

direct connection to medicaid or not, have a shared interest in ensuring the program is stable, strong, and serving Colorado well;

(c) Colorado's department of health care policy and financing leadership has been criticized for their handling of medicaid public health emergency coverage requirements, nonemergency medical transportation, and benefits for children with autism, and state legislators have not had timely or complete information about these issues, which has left them limited in their ability to respond appropriately; and

(d) In order to legislate effectively and fulfill the appropriate oversight role of the general assembly, reliable data, timely information, and a shared understanding of the priorities and work between the legislators and the governor's office are needed.

SECTION 2. In Colorado Revised Statutes, **add** part 26 to article 2 of title 2 as follows:

PART 26
COMMISSION ON MEDICAID

2-2-2601. Commission on medicaid - creation - powers and duties - report - repeal.

(1) NOTWITHSTANDING SECTION 2-3-303.3, THERE IS CREATED IN THE LEGISLATIVE DEPARTMENT THE COMMISSION ON MEDICAID, REFERRED TO IN THIS SECTION AS THE "COMMISSION", FOR THE PURPOSE OF MAKING RECOMMENDATIONS REGARDING IMPLEMENTING FEDERAL MEDICAID POLICY CHANGES IN 2026, 2027, AND 2028 AND APPROPRIATELY SUPPORTING COLORADANS IMPACTED BY THOSE POLICY CHANGES.

(2) (a) THE COMMISSION CONSISTS OF TEN LEGISLATORS AS FOLLOWS:

(I) THE MEMBERS OF THE JOINT BUDGET COMMITTEE ON THE EFFECTIVE DATE OF THIS SECTION;

(II) THE CHAIR OF THE HOUSE OF REPRESENTATIVES HEALTH AND HUMAN SERVICES COMMITTEE ON THE EFFECTIVE DATE OF THIS SECTION;

(III) THE CHAIR OF THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE ON THE EFFECTIVE DATE OF THIS SECTION;

(IV) A MEMBER OF THE HOUSE OF REPRESENTATIVES HEALTH AND HUMAN SERVICES COMMITTEE, APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES; AND

(V) A MEMBER OF THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, APPOINTED BY THE MINORITY LEADER OF THE SENATE.

(b) THE COMMISSION SHALL SELECT A CHAIR AND VICE-CHAIR FROM AMONG ITS MEMBERS.

(c) (I) IF A VACANCY ON THE COMMISSION OCCURS, THE APPROPRIATE APPOINTING AUTHORITY SHALL APPOINT A QUALIFIED REPLACEMENT MEMBER OF THE GENERAL ASSEMBLY TO FILL THE VACANT POSITION NO LATER THAN TEN BUSINESS DAYS AFTER THE DATE THE VACANCY IS DEEMED TO EXIST.

(II) FOR THE PURPOSES OF FILLING A VACANCY OF A COMMISSION MEMBER DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION, THE QUALIFIED REPLACEMENT NEED NOT BE A MEMBER OF THE JOINT BUDGET COMMITTEE AND THE APPROPRIATE APPOINTING AUTHORITY IS:

(A) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, IF THE DEPARTING MEMBER WAS A MEMBER OF THE MAJORITY PARTY OF THE HOUSE OF REPRESENTATIVES;

(B) THE PRESIDENT OF THE SENATE, IF THE DEPARTING MEMBER WAS A MEMBER OF THE MAJORITY PARTY OF THE SENATE;

(C) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, IF THE DEPARTING MEMBER WAS A MEMBER OF THE MINORITY PARTY OF THE HOUSE OF REPRESENTATIVES; AND

(D) THE MINORITY LEADER OF THE SENATE, IF THE DEPARTING MEMBER WAS A MEMBER OF THE MINORITY PARTY OF THE SENATE.

(III) FOR THE PURPOSES OF FILLING A VACANCY OF A COMMISSION MEMBER DESCRIBED IN SUBSECTION (2)(a)(II) OF THIS SECTION, THE

QUALIFIED REPLACEMENT NEED NOT BE THE CHAIR OF THE HOUSE OF REPRESENTATIVES HEALTH AND HUMAN SERVICES COMMITTEE, BUT MUST BE A MEMBER OF THE COMMITTEE, AND THE APPROPRIATE APPOINTING AUTHORITY IS THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

(IV) FOR THE PURPOSES OF FILLING A VACANCY OF A COMMISSION MEMBER DESCRIBED IN SUBSECTION (2)(a)(III) OF THIS SECTION, THE QUALIFIED REPLACEMENT NEED NOT BE THE CHAIR OF THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, BUT MUST BE A MEMBER OF THE COMMITTEE, AND THE APPROPRIATE APPOINTING AUTHORITY IS THE PRESIDENT OF THE SENATE.

(3) NOTWITHSTANDING SECTION 2-2-307 (3)(e), MEMBERS OF THE COMMISSION ARE ENTITLED TO PER DIEM AND TRAVEL EXPENSES FOR THEIR ATTENDANCE AT COMMISSION MEETINGS DURING THE 2026 INTERIM.

(4) (a) AS SOON AS FEASIBLE AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4), THE DIRECTOR OF RESEARCH FOR THE LEGISLATIVE COUNCIL SHALL ISSUE A REQUEST FOR PROPOSALS FOR A TECHNICAL ADVISOR. THE TECHNICAL ADVISOR MUST HAVE EXPERIENCE IN HEALTH-CARE POLICY, HAVE AN UNDERSTANDING OF HOW COLORADO'S DEPARTMENT OF HEALTH CARE POLICY AND FINANCING WORKS, HAVE NO CONFLICTS OF INTEREST, HAVE EXPERIENCE FACILITATING MEETINGS AND PROVIDING TECHNICAL SUPPORT TO WORKING GROUPS, AND HAVE THE ABILITY TO WRITE A REPORT. THE COMMISSION SHALL SELECT A TECHNICAL ADVISOR AND ENTER INTO A CONTRACT WITH THE TECHNICAL ADVISOR TO ASSIST IN WRITING THE RECOMMENDATIONS OF THE COMMISSION AND PROVIDING ASSISTANCE TO THE COMMISSION.

(b) THE LEGISLATIVE COUNCIL STAFF SHALL ASSIST THE COMMISSION IN CARRYING OUT ITS DUTIES REQUIRED IN THIS SECTION.

(5) (a) THE COMMISSION SHALL INVITE REPRESENTATIVES FROM THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE BEHAVIORAL HEALTH ADMINISTRATION, THE COLORADO DEPARTMENT OF HUMAN SERVICES, THE GOVERNOR'S OFFICE, AND OTHER STATE AGENCIES, AS DETERMINED BY THE COMMISSION, TO PRESENT TO OR COLLABORATE WITH THE COMMISSION.

(b) THE COMMISSION MAY INVITE COMMUNITY-BASED MEDICAID

STAKEHOLDERS, INCLUDING MANAGED CARE ENTITIES, OR NATIONALLY RECOGNIZED MEDICAID EXPERTS TO PRESENT TO THE COMMISSION AND PROVIDE FEEDBACK ON COMMISSION RECOMMENDATIONS.

(c) THE COMMISSION MAY REQUEST DATA FROM THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING OR OTHER STATE AGENCIES. THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING OR OTHER STATE AGENCIES SHALL, WITHIN EXISTING RESOURCES, PROVIDE THE COMMISSION WITH THE DATA REQUESTED.

(6) THE COMMISSION SHALL MEET BEGINNING AS SOON AS PRACTICABLE AFTER MAY 13, 2026. THE COMMISSION CHAIR, IN CONSULTATION WITH THE TECHNICAL ADVISOR, SHALL DETERMINE THE COMMISSION'S MEETING FREQUENCY AND DURATION, BUT THE COMMISSION SHALL MEET AT LEAST SIX TIMES AND NO MORE THAN TWELVE TIMES BEFORE DECEMBER 11, 2026.

(7)(a) THE PURPOSE OF THE COMMISSION IS TO IDENTIFY, CONSIDER, AND EVALUATE LEGISLATIVE AND EXECUTIVE BRANCH ACTION OPTIONS TO IMPLEMENT A SUSTAINABLE MEDICAID PROGRAM. THE COMMISSION SHALL IDENTIFY, CONSIDER, AND EVALUATE RECOMMENDATIONS FOR POLICY CHANGE.

(b) THE COMMISSION SHALL UTILIZE EXISTING COLORADO AND NATIONAL STUDIES, REPORTS, ANALYSES, AND AUDITS TO:

(I) ESTABLISH A SHARED UNDERSTANDING OF THE FEDERAL POLICY CHANGES COMING THROUGH THE IMPLEMENTATION OF H.R. 1, 119TH CONGRESS (2025-2026), PUB. L. 119-21, AND RELATED FEDERAL POLICIES; IDENTIFY ADDITIONAL WORKLOAD FOR THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING ASSOCIATED WITH FEDERAL CHANGES; AND IDENTIFY PREPARATIONS TO SUPPORT COLORADANS IMPACTED BY REQUIRED CHANGES COMING IN 2026, 2027, AND 2028;

(II) EXPLORE HOW COLORADO'S ADMINISTRATIVE STRUCTURES OF HEALTH CARE HAVE CHANGED OVER THE PAST TEN YEARS, ESTABLISH A SHARED UNDERSTANDING OF HOW THESE ADMINISTRATIVE STRUCTURES ARE WORKING TOGETHER TODAY, AND IDENTIFY POINTS OF FRICTION AND OPPORTUNITIES FOR EFFICIENCIES;

(III) ANALYZE MEDICAID ELIGIBILITY AND ENROLLMENT, BENEFITS, ADMINISTRATION OF BENEFITS AND DELIVERY SYSTEMS, PROVIDER CONTRACTING, PAYMENT RATES AND METHODOLOGY, CHALLENGES REGARDING MEDICAID ADMINISTRATION STATEWIDE, AND PROGRAM QUALITY FOR EFFICACY AND VALUE; AND

(IV) EXPLORE MEDICAID FINANCING AND EVALUATE HOW COLORADO CAN OPTIMIZE FEDERAL FUNDING TO SUPPORT HEALTH-CARE DELIVERY.

(c) THE COMMISSION SHALL:

(I) SOLICIT AND CONSIDER INPUT FROM MEDICAID MEMBERS, DISABILITY MEMBERS, DISABILITY ADVOCATES, HEALTH-CARE PROVIDERS, AND COMMUNITY-BASED ORGANIZATIONS, INCLUDING THROUGH PUBLIC MEETINGS OR WRITTEN COMMENT; AND

(II) EVALUATE THE IMPACT OF THE COMMISSION'S PROPOSED RECOMMENDATIONS ON MEMBER ACCESS TO CARE, QUALITY OF CARE, AND HEALTH EQUITY, INCLUDING IMPACTS ON INDIVIDUALS WITH DISABILITIES, INDIVIDUALS IN RURAL AREAS, AND OTHER VULNERABLE POPULATIONS.

(8) (a) NO LATER THAN DECEMBER 11, 2026, THE COMMISSION SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY AND THE GOVERNOR DOCUMENTING THE PROCESS OF THE COMMISSION AND ANY RECOMMENDATIONS FOR BOTH SHORT-TERM AND LONG-TERM LEGISLATIVE CHANGES, EXECUTIVE ACTION, AND OTHER POLICY CHANGES.

(b) THE FINAL REPORT MUST INCLUDE A DESCRIPTION OF STAKEHOLDERS THAT PROVIDED INPUT TO THE COMMISSION.

(9) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2027.

SECTION 3. Appropriation. (1) For the 2026-27 state fiscal year, \$500,000 is appropriated to the legislative department. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$28,314 for use by the general assembly; and

(b) \$471,686 for use by the legislative council, which amount is

based on an assumption that the legislative council will require an additional 0.5 FTE.

(2) The legislative department may spend money appropriated for the 2026-27 state fiscal year to implement this act through December 31, 2026. On January 1, 2027, the unexpended and unencumbered money appropriated to the legislative department to implement this act reverts to the general fund.

SECTION 4. Effective date. This act takes effect upon passage; except that section 2-2-2601 (3), Colorado Revised Statutes, as enacted in section 2 of this act, takes effect only if House Bill 26-1331 becomes law, in which case section 2-2-2601 (3) takes effect on the effective date of this act or House Bill 26-1331, whichever is later.

SECTION 5. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate

preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO