SENATE COMMITTEE OF REFERENCE REPORT

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB19-1168 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1. Amend reengrossed bill, page 7, line 2, after "FEDERAL" insert "OR STATE".

2. Page 7, line 11, after "(2)" insert "(a)".

3. Page 7, strike line 17 and substitute "CONSUMERS. (b) AFTER".

4. Page 7, line 18, strike the first "OF".

5. Page 7, line 19, strike "OF AND ISSUE A REPORT ON THE" and substitute "THAT EVALUATES: (I) THE".

6. Page 7, lines 22 and 23, strike "REDUCTIONS. THE COMMISSIONER SHALL" and substitute "REDUCTIONS; AND (II) HEALTH PLAN AFFORDABILITY, INCLUDING COST SHARING AND PREMIUMS. (c) THE COMMISSIONER SHALL ISSUE A REPORT ON THE STUDY WITHIN ONE HUNDRED TWENTY DAYS AFTER THE END OF THE SECOND FULL YEAR OF OPERATION OF THE PROGRAM,".

7. Page 7, line 23, strike "WEBSITE AND" and substitute "WEBSITE, AND".

8. Page 10, lines 17 and 18, strike "YEAR AND EACH BENEFIT YEAR
THEREAFTER," and substitute "YEAR,".

Page 10, line 19, strike "THE APPLICABLE".

Page 10, strike lines 20 and 21 and substitute "THAT BENEFIT YEAR BY MARCH 15, 2020. IN SETTING THE PAYMENT PARAMETERS.".

Page 11, line 6, strike "APPROVED".

Page 13, line 26, strike "APPROPRIATED" and substitute "EXPENDED".

Page 14, line 18, strike "1 EACH YEAR THEREAFTER," and substitute "1, 2021,".

Page 15, line 3, strike "AND".

Page 15, line 5, strike "10-16-1108." and substitute "10-16-1108; (III) THE FOLLOWING AMOUNTS TRANSFERRED FROM THE GENERAL FUND TO THE REINSURANCE PROGRAM CASH FUND, BUT ONLY IF HOUSE BILL 19-1245 IS ENACTED AT THE FIRST REGULAR SESSION OF THE SEVENTY-SECOND GENERAL ASSEMBLY AND BECOMES LAW: (A) FIFTEEN MILLION DOLLARS, TRANSFERRED TO THE FUND ON JUNE 30, 2020; AND (B) FORTY MILLION DOLLARS, TRANSFERRED TO THE FUND ON JUNE 30, 2021; (IV) AN AMOUNT OF PREMIUM TAX REVENUES DEPOSITED IN THE FUND PURSUANT TO SECTION 10-3-209 (4)(a)(III); AND (V) ANY MONEY THE GENERAL ASSEMBLY APPROPRIATES TO THE FUND FOR THE PROGRAM.".

Page 15, line 6, after "INTO" insert "OR APPROPRIATED TO".

Page 15, line 27, strike "BENEFIT YEAR," and substitute "AND 2021 BENEFIT YEARS, AS APPLICABLE,".

Page 16, strike lines 1 through 23 and substitute "COMMISSIONER MAY ASSESS SPECIAL FEES AGAINST HOSPITALS, SUBJECT TO THE FOLLOWING: (A) FEES ASSESSED AGAINST HOSPITALS MUST COMPLY WITH AND NOT VIOLATE 42 CFR 433.68 AND, IN ANY YEAR, MUST NOT EXCEED THE LESSER OF FORTY MILLION DOLLARS OR THE MAXIMUM AMOUNT ALLOWED UNDER 42 CFR 433.68;". 
Page 16, strike line 27.

Page 17, strike lines 1 through 4.

Renumber succeeding subparagraph accordingly.

Page 17, strike lines 19 through 25 and substitute "SECTION 9010 OF THE FEDERAL ACT."

Page 18, after line 1 insert:

"(c) THE COMMISSIONER SHALL USE THE SPECIAL FEES ASSESSED PURSUANT TO THIS SUBSECTION (1) TO PAY THE ADMINISTRATIVE AND OPERATING EXPENSES OF THE REINSURANCE PROGRAM, INCLUDING REINSURANCE PAYMENTS AND EXPENSES OF THE PROGRAM, THE COMMISSIONER, AND THE DIVISION."

Reletter succeeding paragraph accordingly.

Page 19, after line 13 insert:

"(4) PRIOR TO ASSESSING SPECIAL FEES AGAINST HOSPITALS PURSUANT TO THIS SECTION, THE STATE SHALL REQUEST THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DETERMINE IF THE SPECIAL FEES ASSESSED ON HOSPITALS PURSUANT TO THIS SECTION, IN COMBINATION WITH ANY OTHER HEALTH-CARE-RELATED FEES, TAXES, AND ASSESSMENTS IMPOSED ON HOSPITALS BY THE STATE THAT ARE SUBJECT TO 42 CFR 433.55, COMPLY WITH 42 CFR 433. IF THE SECRETARY DECLINES OR OTHERWISE FAILS TO AFFIRM COMPLIANCE WITH 42 CFR 433 IN WRITING SUCH THAT FEDERAL FINANCIAL PARTICIPATION IN THE COLORADO MEDICAID PROGRAM PURSUANT TO 42 CFR 433 MAY BE AT RISK, THE COMMISSIONER SHALL NOT ASSESS SPECIAL FEES AGAINST HOSPITALS PURSUANT TO THIS SECTION."

Renumber succeeding subsection accordingly.

Page 19, line 25, strike "FIVE-YEAR" and substitute "TWO-YEAR".

Page 21, line 18, strike "2024." and substitute "2023.".

Page 21, strike lines 19 through 27.
"SECTION 2. In Colorado Revised Statutes, 10-3-209, amend (4)(a) as follows:

10-3-209. Tax on premiums collected - exemptions - penalties.
(4) (a) The division of insurance shall transmit all taxes, penalties, and fines it collects under this section to the state treasurer for deposit in the general fund; except that the state treasurer shall deposit amounts in the specified cash funds as follows:

(I) In the division of insurance cash fund created in section 10-1-103 (3), an amount that is equal to the general assembly's appropriation from the fund to the division for its direct and indirect expenditures less the total fee revenue that is deposited in the fund; except that the amount deposited in the fund under this subparagraph (I) may not exceed five percent of all taxes collected under this section; and

(II) In the wildfire emergency response fund created in section 24-33.5-1226 C.R.S., and the wildfire preparedness fund created in section 24-33.5-1227, C.R.S., the amount of the taxes, penalties, and fines that the general assembly appropriates to each of the cash funds;

(III) For the 2020-21 fiscal year, in the reinsurance program cash fund created in section 10-16-1107, the amount of premium taxes collected pursuant to this section in the 2020 calendar year that exceeds the amount of premium taxes collected pursuant to this section in the 2019 calendar year; and

(IV) For the 2021-22 fiscal year, in the reinsurance program cash fund created in section 10-16-1107, the amount of premium taxes collected pursuant to this section in the 2021 calendar year that exceeds the amount of premium taxes collected pursuant to this section in the 2020 calendar year.".

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