

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 17-0268.01 Kip Kolkmeier x4510 & Kristen Forrestal x4217 **HOUSE BILL17-1060**

HOUSE SPONSORSHIP

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House Committees

Public Health Care & Human Services

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING THE SCHEDULED REPEAL OF REPORTS BY THE**
102 **DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO THE**
103 **GENERAL ASSEMBLY.**

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/>.)

Statutory Revision Committee. Pursuant to section 24-1-136 (11)(a)(I), Colorado Revised Statutes, any report that is required to be made to the general assembly by an executive agency or the judicial branch on a periodic basis expires on the day after the third anniversary of the date on which the first report was due unless the general assembly,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
February 14, 2017

SENATE
2nd Reading Unamended
February 13, 2017

HOUSE
3rd Reading Unamended
January 31, 2017

HOUSE
Amended 2nd Reading
January 30, 2017

acting by bill, continues the requirement.

Sections 2, 6, 7, 9, and 10 continue indefinitely the reporting requirements contained in those statutory sections.

Sections 1, 3, and 4 of the bill repeal reports from the state department and subsidiary officials that were scheduled to repeal according to section 24-1-136 (11)(a)(I). Currently there is no repeal date listed in the organic statute.

Sections 5 and 8 add a repeal date in the organic statute that coincides with the scheduled repeal date specified in section 24-1-136 (11)(a)(I).

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal 25.5-1-113.5**
3 as follows:

4 **25.5-1-113.5. Children's access to health care - reports.** ~~(1) On~~
5 ~~or before January 1, 2008, and on or before each January 1 thereafter, the~~
6 ~~state department shall submit a report to the health and human services~~
7 ~~committees of the senate and the house of representatives, or any~~
8 ~~successor committees, on measures of access to and quality of health care~~
9 ~~for children eligible for programs pursuant to this title, including but not~~
10 ~~limited to data showing whether:~~

11 (a) ~~Providers for children are participating in the programs and are~~
12 ~~accepting eligible children as patients on a regular basis;~~

13 (b) ~~Eligible children are enrolling in programs under this title and~~
14 ~~are remaining enrolled so that the children have continuity of care;~~

15 (c) ~~Eligible children are receiving the early and periodic~~
16 ~~screening, diagnosis, and treatment services required by federal law,~~
17 ~~including but not limited to regular preventive care and, when~~
18 ~~appropriate, timely specialty care, and that providers are accurately~~
19 ~~reporting the data from these visits; and~~

20 (d) ~~Providers are using other appropriate measures of access and~~

1 ~~quality to improve health outcomes and maximize the expenditure of~~
2 ~~health care resources.~~

3 **SECTION 2.** In Colorado Revised Statutes, 25.5-1-115.5, **amend**
4 (1) introductory portion as follows:

5 **25.5-1-115.5. Medical assistance client fraud - report.**

6 (1) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I),
7 on or before January 15, 2013, and on or before January 15 each year
8 thereafter, the state department shall submit a written report to the
9 judiciary committee and the health and environment committee of the
10 house of representatives, or their successor committees, and to the
11 judiciary committee and the health and human services committee of the
12 senate, or their successor committees, relating to fraudulent receipt of
13 medicaid benefits including, at a minimum:

14 **SECTION 3.** In Colorado Revised Statutes, 25.5-1-123, **repeal**
15 (3) as follows:

16 **25.5-1-123. Medical homes for children - legislative**
17 **declaration - duties of the department.** (3) ~~On or before January 30,~~
18 ~~2008, and every January 30 thereafter, the state department shall report~~
19 ~~to the health and human services committees of the house of~~
20 ~~representatives and the senate, or any successor committees, on progress~~
21 ~~made toward maximizing the number of children with a medical home~~
22 ~~who are enrolled in the state medical assistance program or the children's~~
23 ~~basic health plan.~~

24 **SECTION 4.** In Colorado Revised Statutes, 25.5-1-204, **amend**
25 (4); and **repeal** (5)(h) as follows:

26 **25.5-1-204. Advisory committee to oversee the all-payer health**
27 **claims database - legislative declaration - creation - members - duties**

1 - **creation of all-payer health claims database - rules.** (4) The
2 administrator shall seek funding for the creation of the all-payer health
3 claims database and develop a plan for the financial stability of the
4 database. ~~On or before March 1, 2011, the administrator shall report to~~
5 ~~the governor and the general assembly on the status of the funding effort~~
6 ~~and on the status of the recommendations of the advisory committee. The~~
7 ~~report shall include the final data elements recommended by the advisory~~
8 ~~committee, the final provisions contemplated to comply with the "Health~~
9 ~~Insurance Portability and Accountability Act of 1996", Pub.L. 104-191,~~
10 ~~as amended, and any other final recommendations that are ready at the~~
11 ~~time of the report.~~ If sufficient funding is received through gifts, grants,
12 and donations on or before January 1, 2012, as determined by the
13 executive director, the administrator shall, in consultation with the
14 advisory committee, create the Colorado all-payer claims database. The
15 Colorado all-payer claims database shall be operational no later than
16 January 1, 2013.

17 (5) If sufficient funding is received, the executive director shall
18 direct the administrator to create the database and the administrator shall:

19 (h) ~~Report to the governor and the general assembly on or before~~
20 ~~March 1 of each year on the status of implementing the database and any~~
21 ~~recommendations for statutory or regulatory changes, with input from the~~
22 ~~advisory committee or its successor governance entity, that would~~
23 ~~advance the purposes of this section;~~

24 **SECTION 5.** In Colorado Revised Statutes, 25.5-1-206, **amend**
25 (6) as follows:

26 **25.5-1-206. School-based substance abuse prevention and**
27 **intervention program - creation - reporting - legislative declaration**

1 **- definitions - repeal.** (6) (a) On or before November 1 in any fiscal year
2 in which the state department awards grants pursuant to this section, the
3 state department shall submit a report to the joint budget committee; the
4 public health care and human services and the health, insurance, and
5 environment committees of the house of representatives, or any successor
6 committees; and the health and human services committee of the senate,
7 or any successor committee, summarizing all grants awarded pursuant to
8 the grant program. At a minimum, the report must include the grant
9 recipient and the amount of the grant, a description of the program or
10 strategies delivered by the grant recipient, the outcomes achieved or
11 proposed to be achieved by the program or strategies, and any other
12 information relating to the success of the grant program in reducing or
13 preventing the use of marijuana and alcohol and the misuse of
14 prescription drugs by youth who are twelve to nineteen years of age.

15 (b) PURSUANT TO SECTION 24-1-136 (11)(a)(I), THIS SUBSECTION
16 (6) IS REPEALED, EFFECTIVE NOVEMBER 2, 2017.

17 **SECTION 6.** In Colorado Revised Statutes, **amend** 25.5-3-107
18 as follows:

19 **25.5-3-107. Report concerning the program.**
20 NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), the
21 executive director shall prepare an annual report concerning the status of
22 the medically indigent program to be submitted to the health and human
23 services committees of the senate and the house of representatives, or any
24 successor committees, no later than February 1 of each year. The report
25 shall be prepared following consultation with providers in the program,
26 state department personnel, and other agencies, organizations, or
27 individuals as the executive director deems appropriate in order to obtain

1 comprehensive and objective information about the program.

2 **SECTION 7.** In Colorado Revised Statutes, 25.5-3-405, **amend**
3 (2) as follows:

4 **25.5-3-405. Program reporting.** (2) NOTWITHSTANDING THE
5 PROVISIONS OF SECTION 24-1-136 (11)(a)(I), on or before November 1,
6 2016, and each November 1 thereafter, the state department shall submit
7 a report to the joint budget committee of the general assembly and to the
8 health and human services committee of the senate and the public health
9 care and human services committee of the house of representatives, or
10 any successor committees, on the operation and effectiveness of the
11 program, including an itemization of the department's administrative
12 expenditures in implementing and administering the program and any
13 recommendations for legislative changes to the program.

14 **SECTION 8.** In Colorado Revised Statutes, 25.5-4-211, **amend**
15 (3) as follows:

16 **25.5-4-211. Medicaid management information system -**
17 **appropriation in annual general appropriation act - expenditure in**
18 **next fiscal year - repeal.** (3) (a) On or before January 2, 2015, and on
19 or before January 2 of each year thereafter, the state department shall
20 report to the joint budget committee the amount of the appropriation from
21 the prior fiscal year that remains available for the current fiscal year and
22 the purpose for which the money are being used.

23 (b) PURSUANT TO SECTION 24-1-136 (11)(a)(I), THIS SUBSECTION
24 (3) IS REPEALED, EFFECTIVE JANUARY 3, 2018.

25 **SECTION 9.** In Colorado Revised Statutes, 25.5-4-401.5, **amend**
26 (2)(a) and (2)(d) as follows:

27 **25.5-4-401.5. Review of provider rates - advisory committee**

1 **- recommendations - repeal.** (2) (a) In the first phase of the review
2 process, the state department shall conduct an analysis of the access,
3 service, quality, and utilization of each service subject to a provider rate
4 review. The state department shall compare the rates paid with available
5 benchmarks, including medicare rates and usual and customary rates paid
6 by private pay parties, and use qualitative tools to assess whether
7 payments are sufficient to allow for provider retention and client access
8 and to support appropriate reimbursement of high-value services.
9 NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), on
10 or before May 1, 2016, and each May 1 thereafter, the state department
11 shall provide a report on the analysis required by this paragraph (a) to the
12 advisory committee, the joint budget committee, and any stakeholder
13 groups identified by the state department whose rates are reviewed.

14 (d) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136
15 (11)(a)(I), on or before November 1, 2016, and each November 1
16 thereafter, the state department shall submit a written report to the joint
17 budget committee and the advisory committee containing its
18 recommendations on all of the provider rates reviewed pursuant to this
19 section and all of the data relied upon by the state department in making
20 its recommendations. The joint budget committee shall consider the
21 recommendations in formulating the budget for the state department.

22 **SECTION 10.** In Colorado Revised Statutes, 25.5-10-207.5,
23 **amend** (2) and (3)(a) as follows:

24 **25.5-10-207.5. Strategic plan for services and supports - joint**
25 **hearing - reporting - legislative declaration.** (2) During each regular
26 session of the general assembly, the joint budget committee and the health
27 and human services committees of the senate and the house of

1 representatives, or any successor committees, shall hold a joint hearing
2 and take public testimony on the status of the waiting lists for persons
3 with intellectual and developmental disabilities who are waiting for
4 enrollment into a home- and community-based services program or a
5 program provided pursuant to this ~~article~~ ARTICLE 10 and the availability
6 of general fund money to reduce the number of persons on the waiting
7 lists and the amount of time eligible persons wait for such services.
8 NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), the
9 state department shall present testimony, including the information
10 provided in the report pursuant to subsection (3) of this section, as well
11 as information concerning the ongoing implementation of the strategic
12 plan required pursuant to subsection (4) of this section, including any
13 revisions to the strategic plan. Additionally, the state department,
14 community-centered boards, and providers shall report on the use and
15 effectiveness of any money appropriated in the preceding state fiscal year
16 for increasing system capacity. The goal of the hearing is to propose an
17 appropriation from the general fund to the intellectual and developmental
18 disabilities services cash fund.

19 (3) (a) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136
20 (11)(a)(I), on or before November 1, 2014, and November 1 of each year
21 thereafter, in accordance with section 24-1-136 (9), ~~C.R.S.~~, the state
22 department shall report to the general assembly the total number of
23 persons with intellectual and developmental disabilities who are waiting
24 at the time of the report for enrollment into a home- and
25 community-based services program or a program provided pursuant to
26 this ~~article~~ ARTICLE 10. The report must also include information
27 concerning the ongoing implementation of the strategic plan required

1 pursuant to subsection (4) of this section, including any revisions to the
2 strategic plan.

3 **SECTION 11. Effective date.** (1) Except as otherwise provided
4 in this section, this act takes effect upon passage.

5 (2) Section 10 of this act takes effect November 2, 2017.

6 **SECTION 12. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.