

CHAPTER 6

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 17-1060

BY REPRESENTATIVE(S) Thurlow, Arndt, Hooton, Kraft-Tharp, Lontine, McKean, Rankin, Valdez;
also SENATOR(S) Tate, Kerr, Moreno, Martinez Humenik.

AN ACT

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

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

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

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

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

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

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

~~(d) Providers are using other appropriate measures of access and quality to improve health outcomes and maximize the expenditure of health care resources.~~

SECTION 2. In Colorado Revised Statutes, 25.5-1-115.5, **amend** (1)

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

introductory portion as follows:

25.5-1-115.5. Medical assistance client fraud - report. (1) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), on or before January 15, 2013, and on or before January 15 each year thereafter, the state department shall submit a written report to the judiciary committee and the health and environment committee of the house of representatives, or their successor committees, and to the judiciary committee and the health and human services committee of the senate, or their successor committees, relating to fraudulent receipt of medicaid benefits including, at a minimum:

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

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

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

25.5-1-204. Advisory committee to oversee the all-payer health claims database - legislative declaration - creation - members - duties - creation of all-payer health claims database - rules. (4) The administrator shall seek funding for the creation of the all-payer health claims database and develop a plan for the financial stability of the database. ~~On or before March 1, 2011, the administrator shall report to the governor and the general assembly on the status of the funding effort and on the status of the recommendations of the advisory committee. The report shall include the final data elements recommended by the advisory committee, the final provisions contemplated to comply with the "Health Insurance Portability and Accountability Act of 1996", Pub.L. 104-191, as amended, and any other final recommendations that are ready at the time of the report. If sufficient funding is received through gifts, grants, and donations on or before January 1, 2012, as determined by the executive director, the administrator shall, in consultation with the advisory committee, create the Colorado all-payer claims database. The Colorado all-payer claims database shall be operational no later than January 1, 2013.~~

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

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

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

25.5-1-206. School-based substance abuse prevention and intervention program - creation - reporting - legislative declaration - definitions - repeal.

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

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

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

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

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

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

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

25.5-4-211. Medicaid management information system - appropriation in annual general appropriation act - expenditure in next fiscal year - repeal.

(3) (a) On or before January 2, 2015, and on or before January 2 of each year thereafter, the state department shall report to the joint budget committee the amount of the appropriation from the prior fiscal year that remains available for the current fiscal year and the purpose for which the ~~moneys are~~ MONEY IS being used.

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

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

25.5-4-401.5. Review of provider rates - advisory committee - recommendations - repeal. (2) (a) In the first phase of the review process, the state department shall conduct an analysis of the access, service, quality, and utilization of each service subject to a provider rate review. The state department shall compare the rates paid with available benchmarks, including medicare rates and usual and customary rates paid by private pay parties, and use qualitative tools to assess whether payments are sufficient to allow for provider retention and client access and to support appropriate reimbursement of high-value services. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), on or before May 1, 2016, and each May 1 thereafter, the state department shall provide a report on the analysis required by this paragraph (a) to the advisory committee, the joint budget committee, and any stakeholder groups identified by the state department whose rates are reviewed.

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

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

25.5-10-207.5. Strategic plan for services and supports - joint hearing - reporting - legislative declaration. (2) During each regular session of the general assembly, the joint budget committee and the health and human services committees of the senate and the house of representatives, or any successor committees, shall hold a joint hearing and take public testimony on the status of the waiting lists for persons with intellectual and developmental disabilities who are waiting for enrollment into a home- and community-based services program or a program provided pursuant to this ~~article~~ ARTICLE 10 and the availability of general fund ~~moneys~~ MONEY to reduce the number of persons on the waiting lists and the amount of time eligible persons wait for such services. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), the state department shall present testimony, including the information provided in the report pursuant to subsection (3) of this section, as well as information concerning the ongoing implementation of the strategic plan required pursuant to subsection (4) of this section, including any revisions to the strategic plan. Additionally, the state department, community-centered boards, and providers shall report on the use and effectiveness of any ~~moneys~~ MONEY appropriated in the preceding state fiscal year for increasing system capacity. The goal of the hearing is to propose an appropriation from the general fund to the intellectual and developmental disabilities services cash fund.

(3) (a) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), on or before November 1, 2014, and November 1 of each year thereafter, in accordance with section 24-1-136 (9), ~~C.R.S.~~, the state department shall report to the general assembly the total number of persons with intellectual and developmental disabilities who are waiting at the time of the report for enrollment into a home- and community-based services program or a program provided pursuant to this ~~article~~ ARTICLE 10. The report must also include information concerning the ongoing implementation of the strategic plan required pursuant to subsection (4) of this section, including any revisions to the strategic plan.

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

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

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

Approved: March 1, 2017