

CHAPTER 222

HEALTH AND ENVIRONMENT

SENATE BILL 18-024

BY SENATOR(S) Jahn and Tate, Aguilar, Lambert, Priola, Court, Crowder, Fields, Garcia, Guzman, Jones, Kefalas, Kerr, Martinez Humenik, Merrifield, Moreno, Todd, Williams A., Zenzinger;
also REPRESENTATIVE(S) Singer and Pettersen, Kennedy, Arndt, Bridges, Esgar, Exum, Ginal, Gray, Herod, Hooton, Jackson, Kraft-Tharp, Lee, Lontine, Melton, Michaelson Jenet, Salazar, Weissman, Winter, Young, Duran.

AN ACT

CONCERNING MODIFICATIONS TO THE COLORADO HEALTH SERVICE CORPS PROGRAM ADMINISTERED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO EXPAND THE AVAILABILITY OF BEHAVIORAL HEALTH CARE PROVIDERS IN SHORTAGE AREAS IN THE STATE, 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 determines that:

(a) Colorado faces a health care workforce shortage in many health care areas, including a shortage in behavioral health care providers who work with patients with mental health and substance use disorders;

(b) With an opioid epidemic and increasing overdose rates affecting all corners of the state, the need for health professionals who can treat patients with substance use disorders is particularly acute;

(c) Additionally, providers who seek to hire mental health and substance use disorder professionals report difficulty in filling positions, leading to reduced services despite having the physical space for beds or outpatient treatment rooms;

(d) The state currently operates a loan repayment program, known as the Colorado health service corps, that targets the need for primary care services in health professional shortage areas throughout the state by providing loan repayment to a health care professional who commits to practicing and providing primary care in a shortage area for a minimum period;

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

(e) The Colorado health service corps program, in its current form, is limited to specific providers providing primary or psychiatric care in areas of the state designated as health professional shortage areas under federal guidelines;

(f) Further, the existing loan repayment program is available only to providers who have already obtained a license, which can require at least one to two years of supervised practice, depending on the license type, after completion of a master's or doctorate degree, yet the need for assistance with repaying student loans is often greatest during this supervised practice period since salary earnings are lower;

(g) While the current program requirements are well suited for providing greater access to primary and psychiatric care, they do not address the increasing demand for behavioral health care services to treat other mental health or substance use disorders and the financial burdens faced by candidates for licensure who are progressing to licensure but are not eligible for loan repayment and are often working at an entry-level salary;

(h) Moreover, the federal guidelines for determining a health professional shortage area do not adequately measure the shortage of other mental health or substance use disorder professionals in areas of the state experiencing an increased need for behavioral health care services;

(i) In order to expand access to behavioral health care providers and behavioral health care services in areas of the state where the need for behavioral health care is great and the access to care is limited, it is important to:

(I) Allow behavioral health care providers and candidates for licensure as a behavioral health care provider to participate in the loan repayment program through the Colorado health service corps to provide incentives to those providers and candidates to deliver behavioral health care services in health professional shortage areas in the state and to ease the financial burdens they face when practicing in health professional shortage areas;

(II) Establish a scholarship program to provide financial assistance to addiction counselors seeking initial or a higher level of certification to defray education and training costs in exchange for a commitment to provide behavioral health care services in health professional shortage areas;

(III) Allow the primary care office, under guidelines adopted by the state board of health, to designate health professional shortage areas in the state using state-specific guidelines rather than federal guidelines;

(IV) Add representatives of substance use disorder service providers to the advisory council that reviews and makes recommendations on loan repayment applications; and

(V) Dedicate an amount of money from the marijuana tax cash fund to provide loan repayment to behavioral health care providers and candidates for licensure and scholarships to addiction counselors in order to expand access to behavioral health care services to individuals suffering from a mental health or substance use disorder.

(2) The general assembly further finds that expanding access to the health care professional loan repayment program to behavioral health care providers will expand access to behavioral health care services and treatment for people with mental health or substance use disorders, and therefore, the use of retail marijuana tax revenues to fund loan repayments for behavioral health care providers under the Colorado health service corps program is authorized under section 39-28.8-501 (2)(b)(IV)(C), C.R.S.

SECTION 2. In Colorado Revised Statutes, 25-1.5-402, **add** (11) as follows:

25-1.5-402. Definitions. As used in this part 4, unless the context otherwise requires:

(11) "STATE-DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA" MEANS AN AREA OF THE STATE DESIGNATED BY THE PRIMARY CARE OFFICE, IN ACCORDANCE WITH STATE-SPECIFIC METHODOLOGIES ESTABLISHED BY THE STATE BOARD BY RULE PURSUANT TO SECTION 25-1.5-404 (1)(a), AS EXPERIENCING A SHORTAGE OF HEALTH CARE PROFESSIONALS OR BEHAVIORAL HEALTH CARE PROVIDERS.

SECTION 3. In Colorado Revised Statutes, 25-1.5-404, **amend** (1)(a) as follows:

25-1.5-404. Primary care office - powers and duties - rules. (1) The primary care office has, at a minimum, the following powers and duties:

(a) To assess the health care AND BEHAVIORAL HEALTH CARE professional needs of areas throughout the state AND CREATE AND ADMINISTER STATE-DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREAS IN ACCORDANCE WITH STATE BOARD RULES ADOPTED UNDER THIS SUBSECTION (1)(a) ESTABLISHING STATE-SPECIFIC METHODOLOGIES FOR DESIGNATING AREAS EXPERIENCING A SHORTAGE OF HEALTH CARE PROFESSIONALS OR BEHAVIORAL HEALTH CARE PROVIDERS. THE PRIMARY CARE OFFICE SHALL COORDINATE WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN DEVELOPING THE HEALTH PROFESSIONAL SHORTAGE AREA DESIGNATION METHODOLOGIES AND IN DRAFTING RULES UNDER THIS SUBSECTION (1)(a).

SECTION 4. In Colorado Revised Statutes, **amend** 25-1.5-501 as follows:

25-1.5-501. Legislative declaration. (1) The general assembly hereby finds that there are areas of Colorado that suffer from a lack of health care professionals OR BEHAVIORAL HEALTH CARE PROVIDERS to serve, and a lack of nursing or other health care professional faculty to train health care professionals to meet, the medical AND BEHAVIORAL HEALTH CARE needs of communities. The general assembly further finds that the state needs to implement incentives to encourage health care professionals AND BEHAVIORAL HEALTH CARE PROVIDERS to practice in these underserved areas and to encourage nursing faculty and other health care professional faculty to teach ~~these~~ health care professionals.

(2) It is therefore the intent of the general assembly in enacting this part 5 to create a state health service corps program that uses state ~~moneys~~ MONEY, federal ~~moneys~~ MONEY, when permissible, and contributions from communities and private

sources to help repay the outstanding education loans that many health care professionals, BEHAVIORAL HEALTH CARE PROVIDERS, CANDIDATES FOR LICENSURE, nursing faculty, and health care professional faculty hold. In exchange for repayment of loans incurred for the purpose of obtaining education in their chosen health care AND BEHAVIORAL HEALTH CARE professions, the health care professionals, BEHAVIORAL HEALTH CARE PROVIDERS, AND CANDIDATES FOR LICENSURE will commit to provide health care OR BEHAVIORAL HEALTH CARE services, AS APPLICABLE, in communities with underserved health care OR BEHAVIORAL HEALTH CARE needs throughout the state, and the nursing and health care professional faculty will commit to providing a specified period of service in a qualified faculty position.

(3) IN ADDITION, FOR PURPOSES OF INCREASING THE AVAILABILITY OF CERTIFIED ADDICTION COUNSELORS, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO CREATE A SCHOLARSHIP PROGRAM TO PROVIDE SCHOLARSHIPS TO ADDICTION COUNSELORS WHO, IN EXCHANGE FOR RECEIVING SCHOLARSHIPS TO ASSIST THEM IN OBTAINING THE REQUIRED EDUCATION AND TRAINING TO BE CERTIFIED AS AN ADDICTION COUNSELOR, COMMIT TO PRACTICE IN A HEALTH PROFESSIONAL SHORTAGE AREA FOR A SPECIFIED PERIOD.

SECTION 5. In Colorado Revised Statutes, 25-1.5-502, **add** (1.3), (1.5), (1.7), (6.5), (12), (13), and (14) as follows:

25-1.5-502. Definitions. As used in this part 5, unless the context otherwise requires:

(1.3) "BEHAVIORAL HEALTH CARE PROVIDER" MEANS THE FOLLOWING PROVIDERS WHO PROVIDE BEHAVIORAL HEALTH CARE SERVICES WITHIN THEIR SCOPE OF PRACTICE:

- (a) A LICENSED ADDICTION COUNSELOR;
- (b) A CERTIFIED ADDICTION COUNSELOR;
- (c) A LICENSED PROFESSIONAL COUNSELOR;
- (d) A LICENSED CLINICAL SOCIAL WORKER;
- (e) A LICENSED MARRIAGE AND FAMILY THERAPIST;
- (f) A LICENSED PSYCHOLOGIST;
- (g) A LICENSED PHYSICIAN ASSISTANT WITH SPECIFIC TRAINING IN SUBSTANCE USE DISORDERS;
- (h) AN ADVANCED PRACTICE NURSE WITH SPECIFIC TRAINING IN SUBSTANCE USE DISORDERS, PAIN MANAGEMENT, OR PSYCHIATRIC NURSING; OR
- (i) A PHYSICIAN WITH SPECIFIC BOARD CERTIFICATION OR TRAINING IN ADDICTION MEDICINE, PAIN MANAGEMENT, OR PSYCHIATRY.

(1.5) "BEHAVIORAL HEALTH CARE SERVICES" MEANS SERVICES FOR THE PREVENTION, DIAGNOSIS, AND TREATMENT OF, AND THE RECOVERY FROM, MENTAL HEALTH AND SUBSTANCE USE DISORDERS.

(1.7) "CANDIDATE FOR LICENSURE" MEANS A PERSON WHO:

(a) IS A CANDIDATE FOR A LICENSE AS A LICENSED PSYCHOLOGIST, CLINICAL SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, LICENSED PROFESSIONAL COUNSELOR, OR ADDICTION COUNSELOR;

(b) HAS COMPLETED A MASTER'S DEGREE OR, FOR A PSYCHOLOGIST LICENSURE CANDIDATE, HAS COMPLETED A DOCTORAL DEGREE;

(c) HAS NOT YET COMPLETED THE SUPERVISED EXPERIENCE HOURS REQUIRED FOR LICENSURE PURSUANT TO SECTION 12-43-304 (1)(d), 12-43-404 (2)(c), 12-43-504 (1)(d), 12-43-603 (1)(d), OR 12-43-804 (1)(g), AS APPLICABLE; AND

(d) IS OR WILL BE PROVIDING BEHAVIORAL HEALTH CARE SERVICES.

(6.5) "HEALTH PROFESSIONAL SHORTAGE AREA" MEANS A FEDERALLY DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA OR A STATE-DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA.

(12) "SCHOLARSHIP PROGRAM" MEANS THE SCHOLARSHIP PROGRAM FOR ADDICTION COUNSELORS CREATED IN SECTION 25-1.5-503.5.

(13) "STATE-DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREA" MEANS AN AREA OF THE STATE DESIGNATED BY THE PRIMARY CARE OFFICE, IN ACCORDANCE WITH STATE-SPECIFIC METHODOLOGIES ESTABLISHED BY THE STATE BOARD BY RULE PURSUANT TO SECTION 25-1.5-404 (1)(a), AS EXPERIENCING A SHORTAGE OF HEALTH CARE PROFESSIONALS OR BEHAVIORAL HEALTH CARE PROVIDERS.

(14) "UNDERSERVED POPULATION" MEANS ANY OF THE FOLLOWING:

(a) INDIVIDUALS ELIGIBLE FOR MEDICAL ASSISTANCE UNDER ARTICLES 4 TO 6 OF TITLE 25.5;

(b) INDIVIDUALS WHO ARE PROVIDED SERVICES BY A BEHAVIORAL HEALTH CARE PROVIDER AND ARE EITHER CHARGED FEES ON A SLIDING SCALE BASED UPON INCOME OR ARE SERVED WITHOUT CHARGE.

SECTION 6. In Colorado Revised Statutes, 25-1.5-503, **amend** (1), (2), (5), and (6) as follows:

25-1.5-503. Colorado health service corps - program - creation - conditions - rules. (1) (a) (I) ~~Beginning July 1, 2009;~~ The primary care office shall maintain and administer, subject to available appropriations, the Colorado health service corps. Subject to available appropriations, the Colorado health service corps shall provide loan repayment for certain eligible:

(A) Health care professionals who provide primary health services; ~~Beginning~~

~~July 1, 2011, the Colorado health service corps shall also provide loan repayment for certain eligible~~

(B) Nursing faculty or health care professional faculty members in qualified faculty positions; AND

(C) BEHAVIORAL HEALTH CARE PROVIDERS AND CANDIDATES FOR LICENSURE WHO PROVIDE BEHAVIORAL HEALTH CARE SERVICES.

(II) Under the Colorado health service corps, subject to the limitations specified in subsection (2) of this section, upon entering into a loan contract the state may either:

(A) Make payments on the education loans of the health care professional, BEHAVIORAL HEALTH CARE PROVIDER, CANDIDATE FOR LICENSURE, nursing faculty member, or health care professional faculty member; or

(B) Agree to make an advance payment in a lump sum of all or part of the principal, interest, and related expenses of the education loans of health care professionals, BEHAVIORAL HEALTH CARE PROVIDERS, CANDIDATES FOR LICENSURE, nursing faculty members, or health care professional faculty members, subject to the limitations specified in subsection (2) of this section.

(III) (A) In consideration for receiving repayment of all or part of his or her education loan, the health care professional shall agree to provide primary health services in ~~federally designated~~ health professional shortage areas in Colorado.

(B) IN CONSIDERATION FOR RECEIVING REPAYMENT OF ALL OR PART OF HIS OR HER EDUCATION LOAN, THE BEHAVIORAL HEALTH CARE PROVIDER OR CANDIDATE FOR LICENSURE SHALL AGREE TO PROVIDE BEHAVIORAL HEALTH CARE SERVICES IN HEALTH PROFESSIONAL SHORTAGE AREAS IN COLORADO.

(IV) In consideration for receiving repayment of all or part of his or her education loan, the nursing or other health care professional faculty member must agree to serve two or more consecutive academic years in a qualified faculty position.

(b) Repayment of loans under the Colorado health service corps may be made using ~~moneys~~ MONEY in the Colorado health service corps fund. The primary care office is authorized to receive and expend gifts, grants, and donations or ~~moneys~~ MONEY appropriated by the general assembly for the purpose of implementing the Colorado health service corps. In administering the Colorado health service corps, the primary care office shall collaborate with appropriate partners as needed to maximize the federal ~~moneys~~ MONEY available to the state for state loan repayment programs through the federal department of health and human services. The selection of health care professionals, BEHAVIORAL HEALTH CARE PROVIDERS, CANDIDATES FOR LICENSURE, nursing faculty members, and health care professional faculty members for participation in the Colorado health service corps is exempt from the competitive bidding requirements of the "Procurement Code", articles 101 to 112 of title 24. ~~C.R.S.~~

(c) THE FOLLOWING PROVIDERS ARE NOT ELIGIBLE FOR LOAN REPAYMENT

THROUGH THE COLORADO HEALTH SERVICE CORPS:

~~(e) (I) Health care professionals WHO ARE NOT practicing in nonprimary PRIMARY care specialties or providing nonprimary PRIMARY health services; are not eligible for loan repayments through the Colorado health service corps AND~~

(II) BEHAVIORAL HEALTH CARE PROVIDERS AND CANDIDATES FOR LICENSURE WHO ARE NOT PROVIDING BEHAVIORAL HEALTH CARE SERVICES.

(d) (I) As a condition of receiving a loan repayment through the Colorado health service corps, a health care professional OR BEHAVIORAL HEALTH CARE PROVIDER must enter into a contract pursuant to which the health care professional OR BEHAVIORAL HEALTH CARE PROVIDER agrees to practice for at least two years in a community that is located in a ~~federally designated~~ health professional shortage area. The health care professional OR BEHAVIORAL HEALTH CARE PROVIDER, AS APPLICABLE, the primary care office, and the community employer with which the health care professional OR BEHAVIORAL HEALTH CARE PROVIDER is practicing must be parties to the contract.

(II) As a condition of receiving a loan repayment through the Colorado health service corps, a nursing faculty or health care professional faculty member must enter into a contract pursuant to which he or she agrees to serve at least two consecutive academic years or their equivalent in a qualified faculty position. The nursing faculty or health care professional faculty member, the primary care office, and the educational institution where the qualified faculty position is located must be parties to the contract.

(III) AS A CONDITION OF RECEIVING A LOAN REPAYMENT THROUGH THE COLORADO HEALTH SERVICE CORPS, A CANDIDATE FOR LICENSURE MUST ENTER INTO A CONTRACT PURSUANT TO WHICH THE CANDIDATE FOR LICENSURE AGREES TO PRACTICE FOR AT LEAST TWO YEARS AFTER OBTAINING THE LICENSE, PLUS AN ADDITIONAL AMOUNT OF TIME EQUIVALENT TO THE TIME SPENT OBTAINING THE SUPERVISED EXPERIENCE HOURS REQUIRED FOR LICENSURE WHILE PARTICIPATING IN THE PROGRAM, IN A COMMUNITY THAT IS LOCATED IN A HEALTH PROFESSIONAL SHORTAGE AREA. THE CANDIDATE FOR LICENSURE, THE PRIMARY CARE OFFICE, AND THE COMMUNITY EMPLOYER WITH WHICH THE CANDIDATE FOR LICENSURE IS PRACTICING MUST BE PARTIES TO THE CONTRACT.

(2) Subject to available appropriations, the primary care office shall annually select health care professionals, BEHAVIORAL HEALTH CARE PROVIDERS, CANDIDATES FOR LICENSURE, nursing faculty members, and health care professional members from the list provided by the advisory council pursuant to ~~section 25-1.5-504 (6)~~ SECTION 25-1.5-504 (5)(a) to participate in the Colorado health service corps.

(5) (a) A health care professional participating in the Colorado health service corps shall not practice with a for-profit private group or solo practice or at a proprietary hospital or clinic.

(b) FOR A BEHAVIORAL HEALTH CARE PROVIDER OR CANDIDATE FOR LICENSURE APPLYING TO PARTICIPATE IN THE COLORADO HEALTH SERVICE CORPS, THE

ADVISORY COUNCIL SHALL PRIORITIZE BEHAVIORAL HEALTH CARE PROVIDERS AND CANDIDATES FOR LICENSURE WHO ARE PRACTICING WITH A NONPROFIT OR PUBLIC EMPLOYER. THE ADVISORY COUNCIL MAY ALSO CONSIDER FOR PARTICIPATION IN THE COLORADO HEALTH SERVICE CORPS BEHAVIORAL HEALTH CARE PROVIDERS AND CANDIDATES FOR LICENSURE WHO ARE PRACTICING WITH A FOR-PROFIT EMPLOYER, SUCH AS A PRIVATE PRACTICE OR OTHER SITE, THAT PROVIDES SERVICES TO AN UNDERSERVED POPULATION.

(6) A contract for loan repayment entered into pursuant to this part 5 must not include terms that are more favorable to health care professionals, BEHAVIORAL HEALTH CARE PROVIDERS, OR CANDIDATES FOR LICENSURE than the most favorable terms that the secretary of the federal department of health and human services is authorized to grant under the national health services corps program. In addition, each contract must include penalties for breach of contract that are at least as stringent as those available to the secretary of the federal department of health and human services. In the event of a breach of contract for a loan repayment entered into pursuant to this part 5, the primary care office shall enforce the contract and collect any damages or other penalties owed.

SECTION 7. In Colorado Revised Statutes, **add 25-1.5-503.5** as follows:

25-1.5-503.5. Scholarship program for addiction counselors - creation - eligibility - conditions - rules. (1) BEGINNING IN THE 2018-19 STATE FISCAL YEAR, THE PRIMARY CARE OFFICE SHALL MAINTAIN AND ADMINISTER A SCHOLARSHIP PROGRAM TO ASSIST IN INCREASING THE POPULATION OF CERTIFIED ADDICTION COUNSELORS PROVIDING BEHAVIORAL HEALTH CARE SERVICES IN HEALTH PROFESSIONAL SHORTAGE AREAS. SUBJECT TO AVAILABLE APPROPRIATIONS, THE PRIMARY CARE OFFICE SHALL AWARD SCHOLARSHIPS TO HELP DEFRAY THE EDUCATION AND TRAINING COSTS ASSOCIATED WITH OBTAINING CERTIFICATION AS AN ADDICTION COUNSELOR OR WITH PROGRESSING TO A HIGHER LEVEL OF CERTIFICATION FOR APPLICANTS WHO AGREE TO PRACTICE IN A HEALTH PROFESSIONAL SHORTAGE AREA FOR A SPECIFIED PERIOD.

(2) UNDER THE SCHOLARSHIP PROGRAM, SUBJECT TO THE LIMITATIONS SPECIFIED IN THIS SECTION, UPON ENTERING INTO A SCHOLARSHIP CONTRACT, THE STATE MAY PAY UP TO THE FULL COST OF EDUCATIONAL MATERIALS AND DIRECT EXPENSES ASSOCIATED WITH EDUCATION AND TRAINING REQUIRED FOR CERTIFICATION AS AN ADDICTION COUNSELOR OR FOR PROGRESSING TO A HIGHER LEVEL OF ADDICTION COUNSELOR CERTIFICATION, WHICH AMOUNT SHALL BE PAID TO THE ACADEMIC INSTITUTION OR STATE-APPROVED TRAINER WHERE THE ADDICTION COUNSELOR STUDENT IS ENROLLED OR PARTICIPATING.

(3) AS A CONDITION OF RECEIVING A SCHOLARSHIP AWARD TO ASSIST WITH OBTAINING CERTIFICATION OR A HIGHER LEVEL OF CERTIFICATION, AN APPLICANT MUST ENTER INTO A CONTRACT WITH THE PRIMARY CARE OFFICE PURSUANT TO WHICH HE OR SHE AGREES TO SERVE AT LEAST SIX CONSECUTIVE MONTHS IN A COMMUNITY THAT IS LOCATED IN A HEALTH PROFESSIONAL SHORTAGE AREA.

(4) SUBJECT TO AVAILABLE APPROPRIATIONS, THE PRIMARY CARE OFFICE SHALL ANNUALLY SELECT APPLICANTS FROM THE LIST PROVIDED BY THE ADVISORY COUNCIL PURSUANT TO SECTION 25-1.5-504 (5)(b) FOR SCHOLARSHIP AWARDS

UNDER THIS SECTION.

(5) FOR PURPOSES OF RECOMMENDING SCHOLARSHIP AWARDS, THE ADVISORY COUNCIL SHALL PRIORITIZE ADDICTION COUNSELORS WHO ARE PRACTICING WITH A NONPROFIT OR PUBLIC EMPLOYER. THE ADVISORY COUNCIL MAY ALSO CONSIDER FOR PARTICIPATION IN THE SCHOLARSHIP PROGRAM ADDICTION COUNSELORS WHO ARE PRACTICING WITH A FOR-PROFIT EMPLOYER, SUCH AS A PRIVATE PRACTICE OR OTHER SITE, THAT PROVIDES SERVICES TO AN UNDERSERVED POPULATION.

(6) IN THE EVENT OF A BREACH OF CONTRACT FOR A SCHOLARSHIP ENTERED INTO UNDER THIS SECTION, THE PRIMARY CARE OFFICE SHALL ENFORCE THE CONTRACT AND COLLECT ANY DAMAGES OR OTHER PENALTIES OWED.

SECTION 8. In Colorado Revised Statutes, 25-1.5-504, **amend** (1), (2) introductory portion, (2)(l), and (5); and **add** (2)(n) and (2)(o) as follows:

25-1.5-504. Colorado health service corps advisory council - creation - membership - duties. (1) There is hereby created in the primary care office the Colorado health service corps advisory council to review applications for participation in the Colorado health service corps AND FOR SCHOLARSHIPS UNDER SECTION 25-1.5-503.5 and TO make recommendations to the primary care office pursuant to section 25-1.5-503 (2) AND 25-1.5-503.5 (4).

(2) The advisory council consists of ~~thirteen~~ FIFTEEN members appointed by the governor as provided in this subsection (2). In appointing members of the advisory council, the governor shall ensure that the advisory council includes at least one representative from each of the following organizations:

(l) A physician who is a faculty member of a medical school in Colorado; ~~and~~

(n) A MEMBERSHIP ORGANIZATION REPRESENTING SUBSTANCE USE DISORDER SERVICE PROVIDERS; AND

(o) A LICENSED OR CERTIFIED ADDICTION COUNSELOR WHO HAS EXPERIENCE IN RURAL HEALTH, SAFETY NET CLINICS, OR HEALTH EQUITY.

(5) (a) The advisory council shall review applications received from health care professionals, BEHAVIORAL HEALTH CARE PROVIDERS, CANDIDATES FOR LICENSURE, nursing faculty members, and health care professional faculty members to participate in the Colorado health service corps. Subject to available appropriations and federal requirements concerning eligibility for federal loan repayment matching funds, the advisory council shall annually select health care professionals, BEHAVIORAL HEALTH CARE PROVIDERS, CANDIDATES FOR LICENSURE, nursing faculty members, and health care professional faculty members to participate in the Colorado health service corps and shall forward its list of selected participants to the primary care office.

(b) THE ADVISORY COUNCIL SHALL REVIEW APPLICATIONS RECEIVED FOR PARTICIPATION IN THE SCHOLARSHIP PROGRAM. SUBJECT TO AVAILABLE APPROPRIATIONS, THE ADVISORY COUNCIL SHALL ANNUALLY SELECT ADDICTION COUNSELORS TO PARTICIPATE IN THE SCHOLARSHIP PROGRAM AND SHALL FORWARD

ITS LIST OF SELECTED PARTICIPANTS TO THE PRIMARY CARE OFFICE.

SECTION 9. In Colorado Revised Statutes, **amend 25-1.5-505** as follows:

25-1.5-505. Advisory council - report. (1) On or before December 1, 2011, and on or before December 1 every two years thereafter, THE PRIMARY CARE OFFICE, WITH ASSISTANCE FROM the advisory council, shall submit to the governor, the health and human services committee of the senate, ~~and the COMMITTEES ON health, INSURANCE, and environment committee~~ AND ON PUBLIC HEALTH CARE AND HUMAN SERVICES of the house of representatives, or any successor committees, a report that includes, at a minimum, the following information:

(a) ~~Identification and a summary of successful loan forgiveness programs for health care professionals and best practices in health care professional loan forgiveness programs across the country~~ A DESCRIPTION OF THE HEALTH CARE PROFESSIONALS, BEHAVIORAL HEALTH CARE PROVIDERS, CANDIDATES FOR LICENSURE, NURSING FACULTY MEMBERS, AND HEALTH CARE PROFESSIONAL FACULTY MEMBERS PARTICIPATING IN THE COLORADO HEALTH SERVICE CORPS PROGRAM AND THE SCHOLARSHIP PROGRAM;

(b) A description of the programmatic goals of the Colorado health service corps AND THE SCHOLARSHIP PROGRAM, including the present status of and any barriers to meeting those goals;

(c) Existing efforts and potential future projects to overcome any barriers to meeting the programmatic goals of the Colorado health service corps AND THE SCHOLARSHIP PROGRAM;

(d) An analysis of the ~~impact~~ EFFECTS of the Colorado health service corps program AND THE SCHOLARSHIP PROGRAM ON ADDRESSING THE HEALTH CARE AND BEHAVIORAL HEALTH CARE NEEDS OF COMMUNITIES IN COLORADO;

(e) ~~If applicable, results of any surveys conducted of state health professional incentive programs in primary care and any recommendations to individually enhance, improve coordination among, and potentially consolidate existing or potential programs to better address Colorado's primary care workforce issues~~ A SUMMARY OF ANY ASSESSMENT OR EVALUATION OF PROGRAM PERFORMANCE CONDUCTED DURING THE YEAR; and

(f) ~~The number of~~ A DESCRIPTION OF THE nursing faculty or other health care professional faculty members ~~who receive moneys from~~ PARTICIPATING IN the Colorado health service corps and the ~~number of~~ educational institutions where the ~~recipients~~ PARTICIPANTS teach.

(2) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL INCLUDE THE REPORT REQUIRED BY THIS SECTION AS PART OF ITS "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203.

(3) THE REPORTING REQUIREMENT IN THIS SECTION IS NOT SUBJECT TO SECTION 24-1-136 (11)(a)(I).

SECTION 10. In Colorado Revised Statutes, **amend** 25-1.5-506 as follows:

25-1.5-506. Colorado health service corps fund - created - acceptance of grants and donations - annual appropriation from marijuana tax cash fund.

(1) The Colorado health service corps fund is hereby created in the state treasury, which fund consists of:

(a) All general fund ~~moneys~~ MONEY appropriated by the general assembly for the Colorado health service corps, the first five hundred thousand dollars of which shall be used solely for loan repayments for nursing faculty;

(b) Damages and penalties collected from breach of contract actions for loan repayment contracts; and

(c) For the 2016-17 fiscal year and each fiscal year thereafter, tobacco litigation settlement ~~moneys~~ MONEY transferred to the fund by the state treasurer pursuant to section 24-75-1104.5 (1.7)(n). ~~C.R.S.~~

(2) (a) The ~~moneys~~ MONEY in the fund, other than the ~~moneys~~ MONEY described in ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(c) of this section, ~~are~~ IS hereby continuously appropriated to the primary care office for the Colorado health service corps. Any ~~moneys~~ MONEY in the fund not expended for the purpose of this part 5 may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of ~~moneys~~ MONEY in the fund shall be credited to the fund. Any unexpended and unencumbered ~~moneys~~ MONEY remaining in the fund at the end of a fiscal year ~~remain~~ REMAINS in the fund and shall not be credited or transferred to the general fund or another fund.

(b) The ~~moneys~~ MONEY described in ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(c) of this section ~~are~~ IS subject to annual appropriation by the general assembly to the primary care office for the Colorado health service corps.

(3) The primary care office is authorized to receive contributions, grants, and services from public and private sources, AND TO EXPEND PUBLIC OR PRIVATE CONTRIBUTIONS AND GRANTS, to carry out the purposes of this part 5.

(4) (a) FOR THE 2018-19 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWO MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501 TO THE PRIMARY CARE OFFICE TO:

(I) PROVIDE LOAN REPAYMENT FOR BEHAVIORAL HEALTH CARE PROVIDERS AND CANDIDATES FOR LICENSURE PARTICIPATING IN THE COLORADO HEALTH SERVICE CORPS; AND

(II) AWARD SCHOLARSHIPS TO ADDICTION COUNSELORS PARTICIPATING IN THE SCHOLARSHIP PROGRAM.

(b) SINCE BEHAVIORAL HEALTH CARE PROVIDERS, CANDIDATES FOR LICENSURE, AND ADDICTION COUNSELORS PROVIDE BEHAVIORAL HEALTH CARE SERVICES AND TREATMENT TO PEOPLE WITH SUBSTANCE USE OR MENTAL HEALTH DISORDERS, USE

OF MONEY IN THE MARIJUANA TAX CASH FUND IS PERMITTED UNDER SECTION 39-28.8-501 (2)(b)(IV)(C).

SECTION 11. Appropriation. For the 2018-19 state fiscal year, \$2,500,000 is appropriated to the department of public health and environment for use by the prevention services division. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S., and is based on an assumption that the division will require an additional 2.0 FTE. To implement this act, the division may use this appropriation for the Colorado health service corps in the primary care office.

SECTION 12. Effective date. This act takes effect July 1, 2018.

SECTION 13. 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: May 21, 2018