HOUSE BILL 22-1005

A BILL FOR AN ACT

CONCERNING MODIFICATIONS TO THE EXISTING TAX CREDIT FOR RURAL AND FRONTIER HEALTH-CARE PRECEPTORS.

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.)

Under current law, for tax years commencing on or after January 1, 2017, but prior to January 1, 2023, the credit for health-care preceptors working in rural and frontier areas offers an income tax credit in the amount of $1,000 to health-care professionals who provide a preceptorship, an uncompensated mentoring experience for eligible health professional students that includes a specified minimum amount of...
personalized instruction, training, and supervision, during the applicable income tax year.

The bill modifies the tax credit by:

- Extending the period for which the tax credit may be claimed to tax years commencing prior to January 1, 2033;
- Allowing up to 300, rather than 200, preceptors to claim the credit in any tax year;
- Expanding who may offer a preceptorship to include a medical doctor, doctor of osteopathic medicine, advanced practice nurse, physician assistant, doctor of dental surgery or doctor of dental medicine, registered nurse, registered dental hygienist, licensed clinical or counseling psychologist, licensed clinical social worker, licensed professional counselor, licensed marriage and family therapist, psychiatric nurse specialist, licensed addiction counselor, or certified addiction counselor working in an outpatient clinical setting who has been licensed in his or her primary health-care field in the state by the applicable licensing authority;
- Expanding who may participate in a preceptorship to include individuals matriculating at any accredited Colorado institution of higher education seeking a degree or certification in a primary health-care field;
- Allowing nonconsecutive days to be counted when determining the eligibility of a preceptorship for the credit;
- Modifying the definitions of "rural areas", "preceptorship", and "primary health-care" for purposes of the tax credit;
- Modifying the certification requirements for taxpayers who claim the tax credit; and
- Providing a tax preference performance statement for the tax credit.

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

SECTION 1. In Colorado Revised Statutes, 39-22-538, amend (1), (2)(d), (2)(e), (2)(f), (2)(g), (3), and (4); repeal (2)(c); and add (2)(c.5) as follows:

39-22-538. Credit for health-care preceptors working in health professional shortage areas - legislative declaration - definitions.

(1) (a) The general assembly finds, determines, and declares that:
(I) It is vital to the well-being, quality of life, and economic development of the entire state that excellent health care be available in all regions of the state, including rural and frontier areas;

(II) Rural areas of the state currently suffer from a shortage of primary health-care providers and, as a result, these communities experience reduced access to such providers and poorer health-care outcomes; and

(III) A consistent problem is a lack of professional instruction, training, and supervision in rural and frontier areas that allows students studying primary care to obtain the requisite professional mentoring and supervision to allow them to practice in such areas upon obtaining a professional degree.

(IV) The COVID-19 pandemic and subsequent economic crisis have caused significant challenges for Colorado’s health-care system and exacerbated the workforce shortage across multiple disciplines and sectors of the health-care industry;

(V) While the pandemic has had lasting impacts on the entire health-care system across the state, rural Colorado is experiencing the most severe workforce turnover and shortages, and as a result these communities experience reduced access to primary care services and exhibit poorer health outcomes;

(VI) Rural communities often face challenges in recruiting an adequate health-workforce, making it difficult to provide needed patient care or to meet staffing requirements for their facilities. Therefore, rural health-care facilities
SHOULD BE PROACTIVE AND STRATEGIC ABOUT RECRUITING AND
RETAINING PRIMARY CARE PERSONNEL, WHICH INCLUDES PROFESSIONALS
IN PHYSICAL, DENTAL, BEHAVIORAL, AND MENTAL HEALTH.

(VII) MOST OF COLORADO'S FORTY-SEVEN RURAL AND FRONTIER
COUNTIES ARE ALSO DESIGNATED AS PRIMARY CARE HEALTH
PROFESSIONAL SHORTAGE AREAS BY THE COLORADO PRIMARY CARE
OFFICE;

(VIII) PRECEPTORSHIP PROGRAMS ARE A CRITICAL COMPONENT OF
CLINICAL TRAINING AND A PROVEN APPROACH TO DEVELOPING
ONE-ON-ONE RELATIONSHIPS BETWEEN EXPERT PROFESSIONALS AND
STUDENTS NEEDING TO DEVELOP THE CLINICAL SKILLS AND PRACTICAL
EXPERIENCE OF WORKING WITH PATIENTS IN RURAL SETTINGS;

(IX) HEALTH PROFESSIONAL STUDENTS WHO OBTAIN A
SIGNIFICANT AMOUNT OF THEIR CLINICAL TRAINING IN RURAL
COMMUNITIES AND UNDER THE GUIDANCE OF RURAL HEALTH-CARE
PROVIDERS ARE MUCH MORE LIKELY TO LIVE AND WORK IN A RURAL OR
FRONTIER AREA AFTER COMPLETING THEIR HEALTH PROFESSIONAL
TRAINING;

(X) RECENT STUDIES AND SURVEYS BY THE AMERICAN ACADEMY
OF FAMILY PHYSICIANS HAVE SHOWN THAT PRIMARY CARE PHYSICIANS
ARE MORE LIKELY TO ENGAGE IN PRECEPTORSHIPS WHEN PROFESSIONAL
RECOGNITION AND FINANCIAL INCENTIVES ARE PROVIDED; AND

(XI) THE GENERAL ASSEMBLY THEREFORE FINDS THAT
MAINTAINING A HIGHLY QUALIFIED AND SUSTAINABLE RURAL
HEALTH-CARE WORKFORCE DEPENDS ON THE EXTENSION AND EXPANSION
OF THE RURAL AND FRONTIER HEALTH-CARE PRECEPTOR TAX CREDIT TO
PROVIDE SUFFICIENT FINANCIAL INCENTIVES TO PRECEPTORS STATEWIDE.
(b) The general assembly intends that the tax credit created in this section is to be used to provide sufficient financial incentives to encourage preceptors to offer professional instruction, training, and supervision to students seeking careers as primary health-care providers in rural and frontier areas of the state.

(c) The general assembly further intends that the tax credit provide sufficient financial incentives to encourage preceptors to offer professional instruction, training, and supervision to students matriculating at Colorado institutions of higher education seeking careers as primary health-care providers in rural and frontier areas of the state.

(d) In accordance with section 39-21-304 (1), which requires each bill that extends an expiring tax expenditure to include a tax preference performance statement as part of a statutory legislative declaration, the general assembly hereby finds and declares that:

(I) The general legislative purposes of the tax credit allowed by this section are:

(A) To induce certain designated behavior by taxpayers, specifically the offering of professional instruction, training, and supervision to students seeking careers as primary health-care providers in rural areas and frontier areas of the state; and

(B) To provide tax relief to preceptors in rural and frontier areas of the state who offer the professional instruction, training, and supervision described in subsection (1)(d)(I)(A) of this section; and

(II) The specific legislative purpose of the tax credit
ALLOWED BY THIS SECTION IS TO ENCOURAGE PRECEPTORS TO OFFER
PROFESSIONAL INSTRUCTION, TRAINING, AND SUPERVISION TO STUDENTS
MATRICULATING AT COLORADO INSTITUTIONS OF HIGHER EDUCATION WHO
ARE SEEKING CAREERS AS PRIMARY HEALTH-CARE PROVIDERS IN RURAL
AND FRONTIER AREAS OF THE STATE. IN ORDER TO ALLOW THE GENERAL
ASSEMBLY AND THE STATE AUDITOR TO MEASURE THE EFFECTIVENESS OF
THE CREDIT, THE DEPARTMENT OF REVENUE, WHEN ADMINISTERING THE
CREDIT, SHALL REQUIRE EACH TAXPAYER WHO CLAIMS THE CREDIT TO
SUBMIT A CERTIFICATION FORM WITH EACH INCOME TAX RETURN FORM IN
ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION. THE CERTIFICATION
FORM MUST VERIFY THAT THE TAXPAYER HAS SATISFIED THE
REQUIREMENTS FOR ALLOWANCE OF THE TAX CREDIT AS SPECIFIED IN THIS
SECTION AND STATE THE NUMBER OF ELIGIBLE HEALTH PROFESSIONAL
STUDENTS THAT THE TAXPAYER HAS INSTRUCTED, TRAINED, OR
SUPERVISED DURING THE APPLICABLE INCOME TAX YEAR.

(2) As used in this section, unless the context otherwise requires:

(c) "Graduate student" means an individual matriculating at the
graduate level at any accredited Colorado institution of higher education
seeking a degree either in the areas of doctor of medicine, doctor of
osteopathy, advanced nursing practice, doctor of dental surgery, or doctor
of dental medicine, or as a physician assistant.

(c.5) "HEALTH PROFESSIONAL STUDENT" MEANS AN INDIVIDUAL
MATRICULATING AT ANY ACCREDITED COLORADO INSTITUTION OF HIGHER
EDUCATION SEEKING A DEGREE OR CERTIFICATION IN A PRIMARY
HEALTH-CARE FIELD.

(d) "Preceptor" means a medical doctor, doctor of osteopathic
medicine, advanced practice nurse, physician assistant, doctor of dental
surgery, or doctor of dental medicine, REGISTERED NURSE, REGISTERED
DENTAL HYGIENIST, PHARMACIST, LICENSED CLINICAL OR COUNSELING
PSYCHOLOGIST, LICENSED CLINICAL SOCIAL WORKER, LICENSED
PROFESSIONAL COUNSELOR, LICENSED MARRIAGE AND FAMILY THERAPIST,
PSYCHIATRIC NURSE SPECIALIST, LICENSED ADDICTION COUNSELOR, OR
CERTIFIED ADDICTION COUNSELOR WORKING IN AN OUTPATIENT CLINICAL
SETTING who has been licensed in his or her primary health-care field in
the state by the applicable licensing authority.
(e) "Preceptorship" means an uncompensated mentoring
experience in which a preceptor provides a program of personalized
instruction, training, and supervision for a total of not less than four
CONSECUTIVE OR NONCONSECUTIVE working weeks or twenty
CONSECUTIVE OR NONCONSECUTIVE business days per calendar year that
is offered to eligible graduate HEALTH PROFESSIONAL students to enable
the students to obtain eligible professional degrees OR CERTIFICATIONS.
(f) "Primary health-care" means health care provided by a
health-care professional with whom a patient has initial contact, who is
the principal point of continuing care for the patient, and who coordinates
other specialist care that the patient may need
THE PROVISION OF
INTEGRATED, EQUITABLE, AND ACCESSIBLE HEALTH-CARE SERVICES
PROVIDED BY CLINICIANS WHO ARE ACCOUNTABLE FOR ADDRESSING A
LARGE MAJORITY OF PERSONAL HEALTH-CARE NEEDS, DEVELOPING A
SUSTAINED PARTNERSHIP WITH PATIENTS, AND PRACTICING IN THE
CONTEXT OF FAMILY AND COMMUNITY. INTEGRATED HEALTH-CARE
ENCOMPASSES THE PROVISION OF COMPREHENSIVE, COORDINATED, AND
CONTINUOUS SERVICES THAT PROVIDE A SEAMLESS PROCESS OF CARE.
(g) "Rural area" means a county that is located in a
nonmetropolitan area in the state that either has no municipality within its
territorial boundaries with fifty thousand or more permanent residents
based upon the most recent population estimates published by the United
States census bureau or that satisfies alternate criteria for the designation
of a rural area as may be promulgated by the federal office of
management and budget AN AREA LISTED AS ELIGIBLE FOR RURAL HEALTH
FUNDING BY THE FEDERAL OFFICE OF RURAL HEALTH POLICY.

(3) (a) For income tax years commencing on or after January 1, 2017, but prior to January 1, 2023 JANUARY 1, 2033, and subject to the
requirements of subsection (3)(b) of this section, a taxpayer is allowed a
credit against the income taxes imposed by this article 22 in an amount
equal to one thousand dollars for a preceptorship provided by him or her
THE TAXPAYER during the applicable income tax year for which the credit
is claimed.

(b) Notwithstanding any other provision of this section:

(I) The aggregate amount of the credit awarded to any one
taxpayer under this section shall not exceed one thousand dollars for any
one income tax year regardless of the number of preceptorships
undertaken by the taxpayer during the applicable income tax year or the
number of eligible graduate HEALTH PROFESSIONAL students the taxpayer
instructs, trains, or supervises during the applicable income tax year;

(II) A taxpayer is eligible to claim the credit allowed by this
section if he or she THE TAXPAYER performs a preceptorship that lasts a
total of not less than four CONSECUTIVE OR NONCONSECUTIVE working
weeks or twenty CONSECUTIVE OR NONCONSECUTIVE business days during
the income tax year in which the credit is claimed and the preceptor is
practicing in his or her THE PRECEPTOR'S primary health-care field in a
rural or frontier area; and

(III) Not more than two hundred preceptors are entitled to claim the credit authorized by this section for any one income tax year. The department shall promulgate by rule, in accordance with article 4 of title 24, C.R.S., a method for determining the manner in which taxpayers who have obtained certification under subsection (4) of this section are able to claim the tax credit.

(4) To qualify for the credit provided by this section, the taxpayer shall submit a certification form with each income tax return. Certification may be provided by either the institution for which the taxpayer teaches, whether it is an institution of higher education or a hospital, clinic, or other medical facility, or by the particular regional office of the AHEC program with jurisdiction over the area in which the preceptor's medical practice is located. In the case of certification by an institution for which the taxpayer teaches, the institution must execute the form certifying that the taxpayer has satisfied the requirements for allowance of the tax credit as specified in this section AND IDENTIFYING THE NUMBER OF ELIGIBLE HEALTH PROFESSIONAL STUDENTS THAT THE TAXPAYER HAS INSTRUCTED, TRAINED, OR SUPERVISED DURING THE APPLICABLE INCOME TAX YEAR THROUGH ALL PRECEPTORSHIPS PROVIDED BY THE TAXPAYER. In the case of certification by the AHEC program, the certification form must be obtained from the particular regional office of the AHEC program with jurisdiction over the area in which the preceptor is practicing, which office shall certify that the taxpayer has satisfied the requirements for allowance of the tax credit as specified in this section AND IDENTIFY THE NUMBER OF ELIGIBLE HEALTH PROFESSIONAL STUDENTS THE TAXPAYER HAS INSTRUCTED, TRAINED, OR SUPERVISED DURING THE
APPLICABLE INCOME TAX YEAR THROUGH ALL PRECEPTORSHIPS PROVIDED
BY THE TAXPAYER. The AHEC program may charge the taxpayer a
reasonable fee for providing such certification, which fee shall not exceed
the actual costs incurred by the AHEC in completing the certification.

SECTION 2. Act subject to petition - effective date. This act
takes effect at 12:01 a.m. on the day following the expiration of the
ninety-day period after final adjournment of the general assembly; except
that, if a referendum petition is filed pursuant to section 1 (3) of article V
of the state constitution against this act or an item, section, or part of this
act within such period, then the act, item, section, or part will not take
effect unless approved by the people at the general election to be held in
November 2022 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.