

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**REREVISED**

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

LLS NO. 22-0810.01 Shelby Ross x4510

**HOUSE BILL 22-1188**

**HOUSE SPONSORSHIP**

**Herod and McCluskie**, Ransom, Bennett, Bird, Boesenecker, Cutter, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Hooton, Jodeh, Kennedy, Kipp, Lindsay, Lontine, Michaelson Jenet, Ricks, Sirota, Snyder, Titone, Young

**SENATE SPONSORSHIP**

**Moreno and Rankin**, Hansen, Buckner, Fenberg, Fields, Ginal, Gonzales, Jaquez Lewis, Lee, Pettersen, Priola, Story, Winter

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**House Committees**  
Appropriations

**Senate Committees**  
Appropriations

SENATE  
3rd Reading Unamended  
February 17, 2022

SENATE  
2nd Reading Unamended  
February 16, 2022

HOUSE  
3rd Reading Unamended  
February 10, 2022

HOUSE  
2nd Reading Unamended  
February 9, 2022

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**A BILL FOR AN ACT**

101 **CONCERNING AUTHORIZING MONEY IN THE ARPA ACCOUNT WITHIN**  
102 **THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE**  
103 **CASH FUND TO BE USED FOR HOME- AND COMMUNITY-BASED**  
104 **SERVICES THAT ARE INELIGIBLE FOR A FEDERAL MATCH BUT**  
105 **OTHERWISE AUTHORIZED PURSUANT TO THE FEDERAL**  
106 **"AMERICAN RESCUE PLAN ACT OF 2021".**

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**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/>.)*

**Joint Budget Committee.** Under current law, money in the ARPA

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

account in the healthcare affordability and sustainability fee cash fund as a result of fund savings and federal matching dollars must be used in accordance with the federal "American Rescue Plan Act of 2021" (ARPA) to implement or supplement the implementation of home- and community-based services. The bill authorizes money in the ARPA account to be used for a purpose that is ineligible for a federal match but otherwise authorized pursuant to the ARPA if the general assembly appropriates the money for that purpose.

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

2           **SECTION 1.** In Colorado Revised Statutes, 25.5-4-402.4, **amend**  
3 (5)(c)(I) as follows:

4           **25.5-4-402.4. Hospitals - healthcare affordability and**  
5 **sustainability fee - legislative declaration - Colorado healthcare**  
6 **affordability and sustainability enterprise - federal waiver - fund**  
7 **created - rules - reports - repeal. (5) Healthcare affordability and**  
8 **sustainability fee cash fund. (c) ARPA home- and community-based**  
9 **services account. (I) (A)** There is created the "ARPA home- and  
10 community-based services account" within the fund, referred to in this  
11 subsection (5)(c) as the "ARPA account". Notwithstanding any other  
12 provision of this section to the contrary, money in the ARPA account as  
13 a result of fund savings and federal matching dollars must be used in  
14 accordance with section 9817 of the federal "American Rescue Plan Act  
15 of 2021", Pub.L. 117-2, as amended, referred to in this section as  
16 "ARPA", to implement or supplement the implementation of home- and  
17 community-based services under the medical assistance program pursuant  
18 to the provisions of part 18 of article 6 of this title 25.5.

19           **(B) NOTWITHSTANDING SUBSECTION (5)(c)(I)(A) OR ANY OTHER**  
20 **PROVISION OF THIS SECTION, MONEY IN THE ARPA ACCOUNT MAY BE USED**  
21 **FOR A PURPOSE THAT IS INELIGIBLE FOR A FEDERAL MATCH BUT**

1     OTHERWISE AUTHORIZED PURSUANT TO THE ARPA IF THE GENERAL  
2     ASSEMBLY APPROPRIATES THE MONEY FOR THAT PURPOSE.

3             **SECTION 2. Safety clause.** The general assembly hereby finds,  
4     determines, and declares that this act is necessary for the immediate  
5     preservation of the public peace, health, or safety.