

CHAPTER 301

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 03-1292

BY REPRESENTATIVE(S) Williams S., Borodkin, Boyd, Briggs, Frangas, Jahn, Plant, Romanoff, Sinclair, Stafford, Carroll, Coleman, Larson, Merrifield, Pommer, Ragsdale, Tochtrop, and Weddig;
also SENATOR(S) Teck.

AN ACT

**CONCERNING SERVICE FEES FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED,
AND MAKING AN APPROPRIATION THEREFOR.**

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

SECTION 1. 26-4-410 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26-4-410. Providers - reimbursement - fees - nursing facility - nursing facility patient program improvement fund - intermediate care facility for the mentally retarded - reimbursement - maximum allowable - nonmonetary incentive program - legislative declaration. (1) (d) (I) BEGINNING IN FISCAL YEAR 2003-04, AND FOR EACH FISCAL YEAR THEREAFTER, THE DEPARTMENT OF HUMAN SERVICES IS AUTHORIZED TO CHARGE BOTH PRIVATELY OWNED INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED AND STATE-OPERATED INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED A SERVICE FEE FOR THE PURPOSES OF MAINTAINING THE QUALITY AND CONTINUITY OF SERVICES PROVIDED BY INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED. THE SERVICE FEE CHARGED BY THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO THIS PARAGRAPH (d) SHALL NOT EXCEED FIVE PERCENT OF THE COSTS INCURRED BY EACH INTERMEDIATE CARE FACILITY FOR THE FISCAL YEAR IN WHICH THE SERVICE FEE IS CHARGED. THE STATE BOARD OF HUMAN SERVICES SHALL ADOPT RULES CONSISTENT WITH FEDERAL LAW IN ORDER TO IMPLEMENT THE PROVISIONS OF THIS PARAGRAPH (d).

(II) THE MONEYS COLLECTED IN EACH FISCAL YEAR PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) SHALL BE TRANSMITTED BY THE DEPARTMENT OF HUMAN SERVICES TO THE STATE TREASURER, WHO SHALL CREDIT SAME TO THE SERVICE FEE FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS PARAGRAPH (d) AS

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

THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE STATE DEPARTMENT TO BE USED TOWARD THE STATE MATCH FOR THE FEDERAL FINANCIAL PARTICIPATION TO REIMBURSE INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED PURSUANT TO THIS SECTION. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

SECTION 2. Appropriation - adjustments to the 2003 long bill. For implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2003, shall be adjusted as follows:

(1) The appropriation to the department of human services, services for people with disabilities, developmental disability services, regional centers, is increased by seven hundred twenty-eight thousand dollars (\$728,000). Said sum shall be cash funds exempt transferred from the department of health care policy and financing.

(2) The general fund appropriation to the department of health care policy and financing, department of human services medicaid-funded programs, services for people with disabilities-medicaid funding, regional centers-medicaid funding, is decreased by three hundred sixty-four thousand dollars (\$364,000).

(3) The appropriation to the department of health care policy and financing, department of human services medicaid-funded programs, services for people with disabilities-medicaid funding, regional centers - medicaid funding, is increased by the sum of one million ninety-two thousand dollars (\$1,092,000). Of said sum, seven hundred twenty-eight thousand dollars (\$728,000) shall be from the service fee fund, created in section 26-4-410 (1) (d) (II), Colorado Revised Statutes, and three hundred sixty-four thousand dollars (\$364,000) shall be from medicaid federal funds.

(4) The general fund appropriation to the department of health care policy and financing, medical services premiums, is decreased by thirty-four thousand forty-seven dollars (\$34,047).

(5) The appropriation to the department of health care policy and financing, medical service premiums, is increased by the sum of one hundred two thousand one hundred forty-one dollars (\$102,141). Of said sum, sixty-eight thousand ninety-four dollars (\$68,094) shall be from the service fee fund, created in section 26-4-410 (1) (d) (II), Colorado Revised Statutes, and thirty-four thousand forty-seven dollars (\$34,047) shall be from medicaid federal funds.

SECTION 3. Effective date. This act shall take effect July 1, 2003.

SECTION 4. 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 22, 2003