

CHAPTER 243

HEALTH CARE POLICY AND FINANCING

SENATE BILL 06-128

BY SENATOR(S) Owen, Evans, Gordon, Johnson, Keller, Mitchell, Bacon, Boyd, Fitz-Gerald, Groff, Jones, Kester, Shaffer, Spence, Tapia, Tochtrop, Tupa, and Williams;
also REPRESENTATIVE(S) Riesberg, Cloer, Frangas, Knoedler, Larson, Marshall, Berens, Coleman, Hall, Hoppe, Madden, McFadyen, McGihon, Merrifield, Paccione, Romanoff, Solano, Stafford, Todd, and Witwer.

AN ACT

CONCERNING A PROGRAM FOR SERVICES FOR PEOPLE WITH DISABILITIES UNDER THE STATE MEDICAL ASSISTANCE PROGRAM, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Part 5 of article 4 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-4-537. Pilot program for coordinated care for people with a disability - fund - report - rules - repeal. (1) ON OR BEFORE SEPTEMBER 1, 2006, A NONPROFIT ORGANIZATION SHALL SUBMIT TO THE STATE DEPARTMENT A PROPOSAL FOR A PILOT PROGRAM TO IMPROVE THE OVERALL QUALITY OF CARE RECEIVED BY RECIPIENTS WITH A DISABILITY. THE NONPROFIT ORGANIZATION SHALL BE BASED IN COLORADO AND SHALL BE GOVERNED BY A BOARD COMPOSED OF PERSONS INTERESTED IN RECIPIENTS WITH A DISABILITY THAT CONTAINS A MAJORITY OF RECIPIENTS WITH A DISABILITY, OR FAMILIAL REPRESENTATIVES OF RECIPIENTS WITH A DISABILITY, WHO HAVE EXPERIENCE IN REPRESENTING THE INTERESTS OF PERSONS WITH A DISABILITY. THE PROPOSED PILOT PROGRAM SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING COMPONENTS:

(a) A SYSTEM THAT IS A CLIENT-CENTERED, COMPREHENSIVE, INTEGRATED APPROACH TO PRIMARY, ACUTE, AND LONG-TERM CARE DESIGNED TO REDUCE THE INCIDENCES OF EMERGENCY ROOM VISITS, HOSPITALIZATIONS, SECONDARY DISABILITIES, AND INSTITUTIONALIZATIONS;

(b) A SYSTEM FOR REIMBURSEMENT FOR SERVICES THAT SHALL NOT HAVE A NEGATIVE IMPACT ON THE BUDGET OF THE STATE DEPARTMENT;

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

(c) OPERATION IN AT LEAST TWO GEOGRAPHIC AREAS OF THE STATE, AT LEAST ONE OF WHICH SHALL BE A RURAL AREA AND AT LEAST ONE OF WHICH SHALL BE AN URBAN AREA;

(d) VOLUNTARY RECIPIENT ENROLLMENT AND PARTICIPATION IN THE PILOT PROGRAM;

(e) VOLUNTARY PROVIDER PARTICIPATION IN THE PILOT PROGRAM;

(f) PROVIDER NETWORK ADEQUACY;

(g) CONTRACTING WITH ORGANIZATIONS CAPABLE OF COORDINATING CARE FOR RECIPIENTS WITH A DISABILITY THAT DEMONSTRATES COST SAVINGS, INCLUDING BUT NOT LIMITED TO THE COORDINATION OF SERVICES AND MAINTENANCE OF AN ADEQUATE NETWORK OF PROVIDERS FOR COVERED SERVICES; AND

(h) AN EVALUATION OF THE PILOT PROGRAM'S OUTCOMES, INCLUDING BUT NOT LIMITED TO PROGRAM COSTS, THE BENEFITS TO RECIPIENTS AND THE STATE, AND ANY NET FISCAL SAVINGS.

(2) (a) THE STATE DEPARTMENT SHALL REVIEW THE PROPOSED PILOT PROGRAM. ON OR BEFORE JANUARY 1, 2007, THE STATE DEPARTMENT SHALL REPORT TO THE NONPROFIT ORGANIZATION THAT SUBMITTED THE PROPOSAL PURSUANT TO SUBSECTION (1) OF THIS SECTION AND THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES AND JOINT BUDGET COMMITTEE, OR ANY SUCCESSOR COMMITTEES, ON THE PROPOSED PILOT PROGRAM. THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, AN ANALYSIS AS TO WHETHER THE PROPOSED PILOT PROGRAM MEETS THE COMPONENTS REQUIRED BY SUBSECTION (1) OF THIS SECTION AND AN IDENTIFICATION OF THE TYPE OF FEDERAL AUTHORIZATION NECESSARY TO IMPLEMENT THE PILOT PROGRAM.

(b) IF THE STATE DEPARTMENT DETERMINES THAT THE PILOT PROGRAM MEETS THE COMPONENTS REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE STATE DEPARTMENT SHALL REQUEST ANY AUTHORIZATION FROM THE FEDERAL GOVERNMENT NECESSARY TO IMPLEMENT THE PILOT PROGRAM. THE STATE DEPARTMENT SHALL IMPLEMENT THE PROGRAM WITHIN SIX MONTHS AFTER RECEIPT OF ANY NECESSARY FEDERAL AUTHORIZATIONS.

(3) THE STATE BOARD SHALL PROMULGATE RULES, PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S., NECESSARY TO IMPLEMENT THE PILOT PROGRAM.

(4) THERE IS HEREBY CREATED IN THE STATE TREASURY THE COORDINATED CARE FOR PEOPLE WITH DISABILITIES FUND, REFERRED TO IN THIS SECTION AS THE "FUND", THAT SHALL CONSIST OF MONEYS TRANSFERRED TO THE FUND PURSUANT TO SECTION 26-4-532 (7), ANY MONEYS THAT MAY BE APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY, AND ANY GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE STATE DEPARTMENT FOR THE PURPOSE OF IMPLEMENTING THIS SECTION. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE PILOT PROGRAM. ANY MONEYS IN THE FUND NOT

EXPENDED FOR THE PURPOSE OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND. IF THIS SECTION IS REPEALED, PRIOR TO ITS REPEAL, ALL UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND SHALL BE TRANSFERRED TO THE GENERAL FUND.

(5) ON OR BEFORE JANUARY 15 OF THE YEAR FOLLOWING THE IMPLEMENTATION OF THE PILOT PROGRAM, AND ON OR BEFORE EACH JANUARY 15 THEREAFTER, THE STATE DEPARTMENT SHALL REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND THE JOINT BUDGET COMMITTEE ON THE EFFECTS OF THE PILOT PROGRAM.

(6) IF, AFTER IMPLEMENTATION OF THE PILOT PROGRAM, THE STATE DEPARTMENT CAN ESTABLISH THAT THE PILOT PROGRAM HAS RESULTED IN COST SAVINGS AND IMPROVED CLIENT SATISFACTION, SUBJECT TO THE APPROVAL OF THE JOINT BUDGET COMMITTEE AND ANY NECESSARY FEDERAL AUTHORIZATIONS, THE PILOT PROGRAM MAY BE EXPANDED INTO OTHER GEOGRAPHIC AREAS OF THE STATE.

(7) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1 OF THE FIFTH YEAR FOLLOWING IMPLEMENTATION OF THE PILOT PROGRAM.

(b) THE STATE DEPARTMENT SHALL NOTIFY THE REVISOR OF STATUTES OF THE DATE THAT THE PILOT PROGRAM IS IMPLEMENTED.

SECTION 2. 26-4-532 (7), Colorado Revised Statutes, is amended to read:

26-4-532. Breast and cervical cancer prevention and treatment program - creation - legislative declaration - definitions - funds - repeal. (7) (a) There is hereby created in the state treasury the breast and cervical cancer prevention and treatment fund, referred to in this subsection (7) as the "fund". The fund shall consist of any moneys credited thereto pursuant to section 24-22-115 (1), C.R.S., any gifts, grants, and donations, and any moneys appropriated thereto by the general assembly. EXCEPT AS PROVIDED FOR IN PARAGRAPH (b) OF THIS SUBSECTION (7), all moneys credited to the fund and all interest and income earned on the moneys in the fund shall remain in the fund for the purposes set forth in this section. No moneys credited to the fund shall be transferred to or revert to the general fund of the state at the end of any fiscal year. The state department is encouraged to secure private gifts, grants, and donations to fund the state costs of the breast and cervical cancer prevention and treatment program.

(b) UNTIL SECTION 26-4-537 IS REPEALED, THE STATE TREASURER SHALL TRANSFER ANY INTEREST OR INCOME EARNED ON MONEYS IN THE FUND TO THE COORDINATED CARE FOR PEOPLE WITH DISABILITIES FUND, CREATED IN SECTION 26-4-537 (4).

SECTION 3. Appropriation - adjustments to 2006 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation

act to the department of health care policy and financing, executive director's office, for the fiscal year beginning July 1, 2006, shall be adjusted as follows:

(a) The appropriation for personal services is increased by forty-nine thousand six hundred fifty-six dollars (\$49,656) and 1.0 FTE. Of said sum, twenty-four thousand eight hundred twenty-eight dollars (\$24,828) shall be cash funds exempt from the coordinated care for people with disabilities fund created in section 26-4-537 (4), Colorado Revised Statutes, and twenty-four thousand eight hundred twenty-eight dollars (\$24,828) shall be from federal funds.

(b) The appropriation for operating expenses is increased by three thousand eight hundred forty-five dollars (\$3,845). Of said sum, one thousand nine hundred twenty-three dollars (\$1,923) shall be cash funds exempt from the coordinated care for people with disabilities fund created in section 26-4-537 (4), Colorado Revised Statutes, and one thousand nine hundred twenty-two dollars (\$1,922) shall be from federal funds.

(c) The appropriation for the Medicaid management information system is increased by seventy-three thousand two hundred seventy-nine dollars (\$73,279). Of said sum, eighteen thousand three hundred nineteen dollars (\$18,319) shall be cash funds exempt from the coordinated care for people with disabilities fund created in section 26-4-537 (4), Colorado Revised Statutes, and fifty-four thousand nine hundred sixty dollars (\$54,960) shall be from federal funds.

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 25, 2006