

CHAPTER 242

HEALTH AND ENVIRONMENT

HOUSE BILL 07-1221

BY REPRESENTATIVE(S) Pommer, Buescher, White, and Butcher;
also SENATOR(S) Johnson, Tapia, and Keller.

AN ACT

CONCERNING THE CREATION OF A SCHEDULE OF FEES TO BE CHARGED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO COVER THE DEPARTMENT'S COSTS IN ADMINISTERING LAWS GOVERNING HEALTH FACILITIES IN COLORADO, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Short title - legislative declaration. (1) This act shall be known and may be cited as the "Hospital Inspections and Patient Safety Act".

(2) The general assembly hereby finds and declares that the purpose of this act and of any appropriations included in this act is to enhance patient safety and the quality of patient care by:

(a) Improving the department of public health and environment's oversight of hospitals and ambulatory surgical centers;

(b) Reducing the administrative burden on hospitals by automating the department's licensing process for health facilities; and

(c) Allowing the department to make necessary modifications to update its rules.

SECTION 2. 25-3-105 (1) (a) and (1) (b), Colorado Revised Statutes, are amended to read:

25-3-105. License - fee - rules - penalty. (1) (a) (I) ~~All licenses shall be issued annually upon the payment of a fee of three hundred sixty dollars, except that~~ THE STATE BOARD OF HEALTH SHALL ESTABLISH A SCHEDULE OF FEES, WHICH SHALL BE SET AT A LEVEL SUFFICIENT TO MEET THE DIRECT AND INDIRECT COSTS OF

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

ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE, AS APPROPRIATED BY THE GENERAL ASSEMBLY FOR EACH FISCAL YEAR, LESS ANY MONEYS APPROPRIATED FOR THE SAME FISCAL YEAR BY THE GENERAL ASSEMBLY FROM ANY OTHER SOURCE TO MEET SUCH COSTS. THE FEE SCHEDULE SHALL ALSO ENSURE THAT THE RESERVE BALANCE IN THE HEALTH FACILITIES GENERAL LICENSURE CASH FUND CREATED IN SECTION 25-3-103.1 (1) IS CONSISTENT WITH THE LIMITS SPECIFIED IN SECTION 24-75-402 (3), C.R.S., AND SHALL BE MODIFIED, AS NECESSARY, TO COMPLY WITH SAID LIMITS. THE STATE BOARD SHALL ESTABLISH AND MODIFY, AS NECESSARY, THE FEE SCHEDULE BY RULES ADOPTED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S. EXCEPT AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), THE DEPARTMENT MAY ASSESS FEES IN ACCORDANCE WITH THE FEE SCHEDULE ESTABLISHED BY THE STATE BOARD AGAINST HEALTH FACILITIES LICENSED BY THE DEPARTMENT. ALL FEES COLLECTED PURSUANT TO THE FEE SCHEDULE SHALL BE DEPOSITED IN THE HEALTH FACILITIES GENERAL LICENSURE CASH FUND CREATED IN SECTION 25-3-103.1 (1) AND SHALL BE SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY IN ACCORDANCE WITH SECTION 25-3-103.1 (2).

(II) An acute treatment unit shall be assessed a fee as set forth in paragraph (c) of this subsection (1), AN ASSISTED LIVING RESIDENCE SHALL BE ASSESSED A FEE AS SET FORTH IN SECTION 25-27-107, AND A SEPARATE FEE SHALL BE COLLECTED PURSUANT TO SECTION 25-3-704 TO MEET THE COSTS INCURRED BY THE DEPARTMENT IN COMPLETING THE REQUIREMENTS OF PART 7 OF THIS ARTICLE.

(III) ~~All licenses~~ A LICENSE ISSUED BY THE DEPARTMENT may be revoked at any time by the state board of health for any of the causes set forth in section 25-3-103 or for ~~the~~ A LICENSEE'S failure ~~of the holders thereof~~ to comply with any of the rules of ~~said~~ THE STATE board or to make the reports ~~as provided for in~~ REQUIRED BY section 25-3-104. ~~and~~ Any person, partnership, association, company, or corporation opening, conducting, or maintaining any facility for the treatment and care of the sick or injured ~~without having a~~ WHO DOES NOT HAVE A provisional or regular license ~~therefor~~ AUTHORIZING SUCH PERSON OR ENTITY TO OPEN, CONDUCT, OR MAINTAIN THE FACILITY is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars.

(b) Notwithstanding the amount specified for the fee in paragraph (a) of this subsection (1), the state board of health by rule or as otherwise provided by law may reduce the amount of the fee if necessary pursuant to section 24-75-402 (3), C.R.S., ~~to reduce the uncommitted reserves of the fund to which all or any portion of the fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the state board of health by rule or as otherwise provided by law may increase the amount of the fee as provided in section 24-75-402 (4), C.R.S.~~

SECTION 3. 25-3-103 (1), Colorado Revised Statutes, is amended to read:

25-3-103. License denial or revocation - provisional license - rules.

(1) (a) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT MAY DENY AN application for a new or renewal license under this part 1 ~~may be denied to an~~ OR REVOKE A LICENSE IF THE applicant ~~not meeting~~ OR LICENSEE HAS NOT SATISFIED the requirements of this part 1 or part 6 of this article and the rules of the department ~~of public health and environment. A license may be revoked for like reasons~~ OR THE

STATE BOARD OF HEALTH. IF A LICENSE IS DENIED OR REVOKED, the department of public health and environment may upon such denial or revocation, grant THE APPLICANT OR LICENSEE a provisional license valid for ninety days, upon payment of a fee of one hundred fifty dollars, ESTABLISHED BY THE STATE BOARD OF HEALTH BY RULE. THE PROVISIONAL LICENSE SHALL BE VALID FOR NO LONGER THAN NINETY DAYS AND MAY BE ISSUED to allow such THE applicant OR LICENSEE TIME to comply with the requirements for a regular license. A second provisional license may be issued for a like term and fee, if THE DEPARTMENT DETERMINES IT IS NECESSARY in the opinion of the department of public health and environment, to effect compliance. THE SECOND PROVISIONAL LICENSE SHALL BE ISSUED FOR THE SAME DURATION AS THE FIRST PROVISIONAL LICENSE UPON PAYMENT OF THE FEE ESTABLISHED BY THE STATE BOARD OF HEALTH BY RULE. No further provisional licenses may be issued for the then current year after the second issuance.

(b) Notwithstanding the amount specified for the fee in paragraph (a) of this subsection (1), The state board of health by rule or as otherwise provided by law may reduce the amount of the fee ESTABLISHED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the state board of health by rule or as otherwise provided by law may increase the amount of the fee as provided in section 24-75-402 (4), C.R.S.

SECTION 4. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the health facilities general licensure cash fund created in section 25-3-103.1 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for allocation to the health facilities and emergency medical services division, for the fiscal year beginning July 1, 2007, the sum of four hundred eighty-one thousand nine hundred twenty-five dollars (\$481,925) and 5.7 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public health and environment, for allocation to the health facilities and emergency medical services division, for the fiscal year beginning July 1, 2007, the sum of seventy-six thousand dollars (\$76,000) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 5. 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 17, 2007