

CHAPTER 436

HEALTH AND ENVIRONMENT

HOUSE BILL 07-1022

BY REPRESENTATIVE(S) Butcher, Frangas, Stafford, Todd, Borodkin, Buescher, Cerbo, Gallegos, Green, Labuda, Madden, Massey, McFadyen, McGihon, Merrifield, Roberts, Romanoff, Rose, Solano, Curry, and Looper;
also SENATOR(S) Sandoval, Tochtrop, Boyd, Fitz-Gerald, Groff, Isgar, Kester, Morse, Romer, Schwartz, Shaffer, Tapia, Taylor, and Ward.

AN ACT

CONCERNING HEALTH CARE NEEDS IN RURAL AREAS OF THE STATE, AND, IN CONNECTION THEREWITH, AUTHORIZING THE CREATION OF A LOCAL ACCESS TO HEALTH CARE PILOT PROGRAM IN PUEBLO COUNTY, CREATING A COUNTY PRACTITIONER RURAL RECRUITMENT GRANT PROGRAM, CREATING A MEDICAL EQUIPMENT GRANT PROGRAM FOR RURAL COMMUNITIES, AND CREATING A FAMILY MENTAL HEALTH SERVICES GRANT PROGRAM.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) Nearly three quarters of Colorado's counties are rural, and the health care needs of many of those rural counties routinely go unmet because of shortages in health care providers, unavailability of health maintenance and emergency services, and inadequate insurance options.

(b) Over seventy-five percent of rural counties are designated wholly, or in part, as health professional shortage areas.

(c) Of those designated rural counties, most are served by only one public health nurse, and many are critically underserved by physicians, dentists, emergency medical technicians, and mental health professionals.

(2) The general assembly therefore determines and declares that it is important to adopt measures to provide access to proper and adequate health care services to help meet the unique health care needs of rural Coloradans.

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

SECTION 2. Title 30, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 12
Local Access to Health Care Pilot Program

30-12-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "LOCAL ACCESS TO HEALTH CARE PILOT PROGRAM ACT".

30-12-102. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT IT IS IMPORTANT TO ESTABLISH A PILOT PROGRAM IN A RURAL COUNTY IN THE STATE TO PROVIDE ACCESS TO HEALTH CARE FOR INDIVIDUALS AND FAMILIES WHO MAY NOT OTHERWISE HAVE ACCESS TO HEALTH CARE IN ORDER TO DEVELOP A MODEL THAT MAY BE USED TO PROVIDE ACCESS TO HEALTH CARE FOR SIMILARLY SITUATED INDIVIDUALS AND FAMILIES IN OTHER PARTS OF THE STATE.

30-12-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOARD OF COUNTY COMMISSIONERS" OR "BOARD" MEANS THE BOARD OF COUNTY COMMISSIONERS OF PUEBLO COUNTY.

(2) "CONTRACTOR" MEANS THE NONPROFIT CORPORATION WITH WHOM THE BOARD OF COUNTY COMMISSIONERS CONTRACTS TO OPERATE THE PILOT PROGRAM.

(3) "ELIGIBLE INDIVIDUAL" MEANS AN INDIVIDUAL EMPLOYED BY AN EMPLOYER LOCATED IN PUEBLO COUNTY WHO DOES NOT HAVE HEALTH INSURANCE AND IS NOT ELIGIBLE FOR THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF TITLE 25.5, C.R.S., THE "CHILDREN'S BASIC HEALTH PLAN ACT", ARTICLE 8 OF TITLE 25.5, C.R.S., OR MEDICARE PURSUANT TO TITLE XVIII OF THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED.

(4) "EMPLOYER LOCATED IN PUEBLO COUNTY" MEANS A PERSON, FIRM, CORPORATION, PARTNERSHIP, OR ASSOCIATION THAT IS ACTIVELY ENGAGED IN BUSINESS IN PUEBLO COUNTY, EMPLOYS INDIVIDUALS IN THAT COUNTY, AND PAYS ITS EMPLOYEES LOW MEDIAN WAGES, AS DETERMINED BY THE CONTRACTOR.

(5) "PILOT PROGRAM" MEANS THE PILOT PROGRAM FOR LOCAL ACCESS TO HEALTH CARE AUTHORIZED BY THIS ARTICLE.

30-12-104. Pilot program - local access to health care. (1) THE BOARD OF COUNTY COMMISSIONERS OF PUEBLO COUNTY IS AUTHORIZED TO CREATE A PILOT PROGRAM TO PROVIDE ACCESS TO HEALTH CARE SERVICES TO INDIVIDUALS EMPLOYED BY EMPLOYERS LOCATED IN PUEBLO COUNTY. THE BOARD OF COUNTY COMMISSIONERS MAY CONTRACT WITH A NONPROFIT CORPORATION TO OPERATE THE PILOT PROGRAM AND DELIVER, EITHER DIRECTLY OR INDIRECTLY, HEALTH CARE TO ELIGIBLE INDIVIDUALS AND THEIR FAMILIES. THE CONTRACTOR SHALL BE GOVERNED BY A BOARD OF DIRECTORS AND SHALL BE ADMINISTERED BY OFFICERS, ALL OF WHOM SHALL BE APPOINTED WITH THE ADVICE AND CONSENT OF THE BOARD OF COUNTY COMMISSIONERS. THE BOARD OF COUNTY COMMISSIONERS AND THE

INDIVIDUAL MEMBERS OF THE BOARD SHALL NOT BE RESPONSIBLE FOR ANY FINANCIAL OBLIGATIONS OF THE PILOT PROGRAM.

(2) THE CONTRACT ENTERED INTO BETWEEN THE BOARD AND THE CONTRACTOR FOR THE OPERATION OF THE PILOT PROGRAM SHALL CLEARLY STATE THE SCOPE OF THE CONTRACT, THE AMOUNT OF FEES THAT MAY BE CHARGED BY THE CONTRACTOR TO ELIGIBLE INDIVIDUALS FOR PARTICIPATION IN THE PILOT PROGRAM, AND THAT THE CONTRACTOR IS RESPONSIBLE FOR THE OPERATION OF THE PILOT PROGRAM.

(3) THE BOARD OR THE CONTRACTOR, AS APPROPRIATE, SHALL DIRECT INDIVIDUALS SEEKING ACCESS TO THE PILOT PROGRAM WHO ARE ELIGIBLE FOR THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF TITLE 25.5, C.R.S., THE "CHILDREN'S BASIC HEALTH PLAN ACT", ARTICLE 8 OF TITLE 25.5, C.R.S., OR MEDICARE PURSUANT TO TITLE XVIII OF THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED, TO THE APPROPRIATE STATE OR FEDERAL PROGRAM.

30-12-105. Annual report to county. BY JUNE 1, 2008, AND BY EACH JUNE 1 THEREAFTER, THE BOARD OF DIRECTORS OF THE CONTRACTOR SHALL PROVIDE AN ANNUAL REPORT TO THE BOARD. THE ANNUAL REPORT SHALL STATE THE NUMBER OF INDIVIDUALS SERVED BY THE PILOT PROGRAM, THE COST OF PROVIDING HEALTH CARE SERVICES TO THOSE INDIVIDUALS, AND THE SOURCE OF FUNDS FOR THE PAYMENT OF THOSE SERVICES. THE REPORT SHALL ALSO INCLUDE A CERTIFIED FINANCIAL STATEMENT PREPARED BY A CERTIFIED PUBLIC ACCOUNTANT DETAILING THE REVENUES, EXPENDITURES, AND OTHER FINANCIAL INFORMATION RELATED TO OPERATION OF THE PILOT PROGRAM. THE CONTRACTOR SHALL PROVIDE A COPY OF THE ANNUAL REPORT, INCLUDING THE CERTIFIED FINANCIAL STATEMENT, TO THE COMMISSIONER OF INSURANCE.

30-12-106. Division of insurance - participation limited to financial oversight. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR PURPOSES OF THIS ARTICLE, THE DIVISION OF INSURANCE SHALL NOT HAVE AUTHORITY TO REGULATE OR OTHERWISE OVERSEE THE OPERATIONS OF THE PILOT PROGRAM, THE CONTRACTOR THAT OPERATES THE PILOT, OR PUEBLO COUNTY. HOWEVER, THE CONTRACTOR SHALL BE SUBJECT TO FINANCIAL OVERSIGHT BY THE DIVISION OF INSURANCE AND SHALL PROVIDE COPIES OF ITS ANNUAL REPORT, INCLUDING CERTIFIED FINANCIAL STATEMENTS, TO THE DIVISION.

30-12-107. Repeal of article. (1) THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2012.

(2) NO LATER THAN MARCH 15, 2012, THE BOARD OF COUNTY COMMISSIONERS AND THE BOARD OF DIRECTORS OF THE CONTRACTOR SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY REGARDING THE ACTIVITIES OF THE PILOT PROGRAM. THE REPORT SHALL ASSESS WHETHER THE PILOT PROGRAM HAS BENEFITTED PUEBLO COUNTY, EMPLOYERS LOCATED IN PUEBLO COUNTY, AND ELIGIBLE INDIVIDUALS AND THEIR FAMILIES. THE REPORT SHALL ALSO CONTAIN ANY OTHER INFORMATION DEEMED APPROPRIATE BY THE BOARD OF COUNTY COMMISSIONERS. THE REPORT SHALL BE DISTRIBUTED TO THE COMMISSIONER OF INSURANCE, THE LOCAL GOVERNMENT COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, AND THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR THEIR

SUCCESSOR COMMITTEES.

SECTION 3. Part 1 of article 1 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

25-1-126. County practitioner rural recruitment grant program - creation - legislative declaration - administration - report - definitions - repeal. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) RURAL COMMUNITIES IN COLORADO FACE MANY CHALLENGES RELATED TO THE PROVISION OF HEALTH CARE IN THEIR COMMUNITIES, PARTICULARLY IN TERMS OF RECRUITING AND RETAINING PHYSICIANS, NURSES, AND NURSE PRACTITIONERS TO PROVIDE SERVICES IN RURAL COMMUNITIES.

(b) A GRANT PROGRAM, ADMINISTERED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT IN COOPERATION WITH THE STATE BOARD OF HEALTH, IS CRUCIAL TO ASSIST RURAL COMMUNITIES IN RECRUITING PHYSICIANS, NURSES, AND NURSE PRACTITIONERS TO PROVIDE HEALTH CARE SERVICES IN RURAL COLORADO.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT CREATED IN SECTION 25-1-102.

(b) "GRANT PROGRAM" MEANS THE COUNTY PRACTITIONER RURAL RECRUITMENT GRANT PROGRAM CREATED IN SUBSECTION (3) OF THIS SECTION.

(c) "HEALTH CARE PROVIDER" MEANS A CORPORATION, FACILITY, OR INSTITUTION LICENSED OR CERTIFIED BY THIS STATE TO PROVIDE HEALTH CARE OR PROFESSIONAL SERVICES AS A HOSPITAL OR HEALTH CARE FACILITY.

(d) "RURAL AREA" MEANS:

(I) A COUNTY WITH A POPULATION OF LESS THAN FIFTY THOUSAND PEOPLE, ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS;

(II) A MUNICIPALITY WITH A POPULATION OF LESS THAN FIFTY THOUSAND PEOPLE, ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS, THAT IS LOCATED TEN MILES OR MORE FROM A MUNICIPALITY WITH A POPULATION OF MORE THAN FIFTY THOUSAND PEOPLE; OR

(III) THE UNINCORPORATED PART OF A COUNTY LOCATED TEN MILES OR MORE FROM A MUNICIPALITY WITH A POPULATION OF MORE THAN FIFTY THOUSAND PEOPLE, ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS.

(e) "STATE BOARD" MEANS THE STATE BOARD OF HEALTH CREATED IN SECTION 25-1-103.

(3) (a) THERE IS HEREBY CREATED THE COUNTY PRACTITIONER RURAL RECRUITMENT GRANT PROGRAM. THE DEPARTMENT, IN COOPERATION WITH THE STATE BOARD, SHALL ADMINISTER THE GRANT PROGRAM AND SHALL ADOPT RULES NECESSARY FOR SUCH PURPOSE. A COUNCIL OF GOVERNMENTS THAT CONTAINS A RURAL AREA MAY APPLY FOR GRANTS PURSUANT TO THE GRANT PROGRAM ON BEHALF OF HEALTH CARE PROVIDERS PROVIDING HEALTH CARE SERVICES IN RURAL AREAS TO AID IN THE RECRUITMENT OF PHYSICIANS, NURSES, AND NURSE PRACTITIONERS TO THE RURAL AREA.

(b) A HEALTH CARE PROVIDER PROVIDING HEALTH CARE SERVICES IN A RURAL AREA MAY APPLY TO THE AREA COUNCIL OF GOVERNMENTS FOR A GRANT TO RECRUIT PHYSICIANS, NURSES, OR NURSE PRACTITIONERS NECESSARY FOR THE PROVISION OF HEALTH CARE SERVICES IN THE RURAL AREA. WHEN APPLYING FOR A GRANT, THE HEALTH CARE PROVIDER SHALL SUBMIT THE FOLLOWING INFORMATION TO THE COUNCIL OF GOVERNMENTS IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT:

(I) AN EXPLANATION OF THE NEED FOR PHYSICIANS, NURSES, OR NURSE PRACTITIONERS THAT THE HEALTH CARE PROVIDER INTENDS TO RECRUIT, INCLUDING A DESCRIPTION OF HOW THE PHYSICIANS, NURSES, OR NURSE PRACTITIONERS WILL BE USED, THE POPULATION THEY WILL SERVE, AND HOW THEY WILL ASSIST IN THE PROVISION OF HEALTH CARE SERVICES IN THE RURAL AREA;

(II) A DESCRIPTION OF THE TYPE OR SPECIALTY AREA OF THE PHYSICIANS, NURSES, OR NURSE PRACTITIONERS NEEDED IN THE RURAL AREA, IF APPLICABLE; AND

(III) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT OR THE AREA COUNCIL OF GOVERNMENTS.

(c) THE STATE BOARD SHALL ESTABLISH CRITERIA TO BE USED BY THE DEPARTMENT IN AWARDING GRANTS PURSUANT TO THIS SECTION. THE CRITERIA SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(I) THE HEALTH CARE NEEDS OF THE RURAL AREAS THAT WILL BE SERVED; AND

(II) A METHOD FOR RANKING THE NEEDS OF THE RURAL AREAS SO AS TO PROVIDE GRANT MONEYS TO THE RURAL AREAS WITH THE GREATEST NEED.

(4) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE COUNTY PRACTITIONER RURAL RECRUITMENT GRANT PROGRAM CASH FUND. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO AWARD GRANTS TO ELIGIBLE COUNCILS OF GOVERNMENTS AND FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE GRANT PROGRAM. THE DEPARTMENT IS AUTHORIZED TO ACCEPT ON BEHALF OF THE STATE ANY GRANTS, GIFTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF THE GRANT PROGRAM. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GRANTS, GIFTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND. ALL INVESTMENT EARNINGS DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (4), THE DEPARTMENT SHALL NOT IMPLEMENT THE GRANT PROGRAM UNTIL SUFFICIENT GRANTS, GIFTS, OR DONATIONS ARE OBTAINED TO COVER THE COSTS OF IMPLEMENTING THE GRANT PROGRAM.

(5)(a) BY NOVEMBER 1, 2008, AND BY EACH NOVEMBER 1 THEREAFTER, AS PART OF ITS ANNUAL BUDGET REQUEST, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE REGARDING THE GRANT PROGRAM. THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

(I) THE AMOUNT OF MONEYS AWARDED THROUGH THE GRANT PROGRAM DURING THE PRIOR FISCAL YEAR;

(II) THE RECIPIENTS OF GRANT MONEYS;

(III) THE NUMBER OF PHYSICIANS, NURSES, AND NURSE PRACTITIONERS SUCCESSFULLY RECRUITED TO RURAL AREAS WITH THE GRANT MONEYS;

(IV) THE RURAL AREAS SERVED BY THOSE PHYSICIANS, NURSES, AND NURSE PRACTITIONERS;

(V) WHETHER THE GRANT PROGRAM HAS BEEN SUCCESSFUL IN HELPING HEALTH CARE PROVIDERS SERVING RURAL AREAS PROVIDE ADEQUATE HEALTH CARE SERVICES TO RURAL AREAS; AND

(VI) WHETHER THE GRANT PROGRAM SHOULD BE MODIFIED IN ANY WAY, CONTINUED IN ITS CURRENT FORM, OR REPEALED.

(b) THE COUNCILS OF GOVERNMENTS THAT HAVE BEEN AWARDED GRANTS PURSUANT TO THE GRANT PROGRAM SHALL ASSIST THE DEPARTMENT IN PREPARING THE REPORT REQUIRED BY THIS SUBSECTION (5).

(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010.

25-1-127. Medical equipment for rural communities grant program - creation - legislative declaration - administration - report - repeal. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) RURAL COMMUNITIES IN COLORADO FACE MANY CHALLENGES RELATED TO THE PROVISION OF HEALTH CARE, INCLUDING THE LACK OF ADEQUATE MEDICAL EQUIPMENT TO PROVIDE APPROPRIATE HEALTH CARE SERVICES TO RESIDENTS IN RURAL COLORADO.

(b) A MATCHING GRANT PROGRAM, ADMINISTERED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT IN COOPERATION WITH THE STATE BOARD OF HEALTH, IS CRUCIAL TO ASSIST RURAL COMMUNITIES IN PURCHASING MEDICAL EQUIPMENT SO AS TO PROVIDE APPROPRIATE HEALTH CARE SERVICES TO RURAL COLORADANS.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT CREATED IN SECTION 25-1-102.

(b) "GRANT PROGRAM" MEANS THE MEDICAL EQUIPMENT FOR RURAL COMMUNITIES GRANT PROGRAM CREATED IN SUBSECTION (3) OF THIS SECTION.

(c) "HEALTH CARE PROVIDER" MEANS A CORPORATION, FACILITY, OR INSTITUTION LICENSED OR CERTIFIED BY THIS STATE TO PROVIDE HEALTH CARE OR PROFESSIONAL SERVICES AS A HOSPITAL, HEALTH CARE FACILITY, OR DISPENSARY.

(d) "MEDICAL EQUIPMENT" MEANS EQUIPMENT USED BY A HEALTH CARE PROVIDER TO PROVIDE STANDARDIZED HEALTH CARE SERVICES.

(e) "RURAL AREA" MEANS:

(I) A COUNTY WITH A POPULATION OF LESS THAN FIFTY THOUSAND PEOPLE, ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS;

(II) A MUNICIPALITY WITH A POPULATION OF LESS THAN FIFTY THOUSAND PEOPLE, ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS, THAT IS LOCATED TEN MILES OR MORE FROM A MUNICIPALITY WITH A POPULATION OF MORE THAN FIFTY THOUSAND PEOPLE; OR

(III) THE UNINCORPORATED PART OF A COUNTY LOCATED TEN MILES OR MORE FROM A MUNICIPALITY WITH A POPULATION OF MORE THAN FIFTY THOUSAND PEOPLE, ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS.

(3) (a) THERE IS HEREBY CREATED THE MEDICAL EQUIPMENT FOR RURAL COMMUNITIES GRANT PROGRAM. THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM AND SHALL ADOPT RULES NECESSARY FOR SUCH PURPOSE.

(b) A HEALTH CARE PROVIDER PROVIDING MEDICAL SERVICES IN A RURAL AREA MAY APPLY FOR A GRANT TO PURCHASE MEDICAL EQUIPMENT THAT IS NECESSARY FOR THE PROVISION OF MEDICAL SERVICES IN THE RURAL AREA. WHEN APPLYING FOR A GRANT, THE HEALTH CARE PROVIDER SHALL SUBMIT THE FOLLOWING INFORMATION TO THE DEPARTMENT IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT:

(I) AN EXPLANATION OF THE NEED FOR THE MEDICAL EQUIPMENT THAT THE HEALTH CARE PROVIDER INTENDS TO PURCHASE, INCLUDING A DESCRIPTION OF HOW THE EQUIPMENT WILL BE USED, THE POPULATION THAT WILL BE SERVED WITH THE EQUIPMENT, AND HOW IT WILL ASSIST IN THE PROVISION OF MEDICAL SERVICES IN THE RURAL AREA;

(II) A DETAILED DESCRIPTION OF THE SPECIFIC MEDICAL EQUIPMENT THAT THE HEALTH CARE PROVIDER INTENDS TO PURCHASE AND WHERE IT WILL BE LOCATED;

(III) THE COST OF THE EQUIPMENT, INCLUDING THE PRICE OF THE EQUIPMENT AND

ANY RELATED COSTS ASSOCIATED WITH THE PURCHASE OF THE EQUIPMENT;

(IV) THE AMOUNT OF MATCHING FUNDS THE HEALTH CARE PROVIDER WILL CONTRIBUTE TOWARD THE PURCHASE OF THE MEDICAL EQUIPMENT AND THE SOURCE OF THOSE FUNDS;

(V) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

(c) THE BOARD SHALL ESTABLISH CRITERIA TO BE USED BY THE DEPARTMENT IN AWARDING GRANTS PURSUANT TO THIS SECTION. THE CRITERIA SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(I) THE TYPES OF MEDICAL EQUIPMENT THAT MAY BE PURCHASED USING MONEYS AWARDED THROUGH THE GRANT PROGRAM;

(II) THE HEALTH CARE NEEDS OF THE RURAL AREAS THAT WILL HAVE ACCESS TO THE EQUIPMENT PURCHASED BY APPLICANTS;

(III) A METHOD FOR RANKING THE NEEDS OF THE RURAL AREAS SO AS TO PROVIDE GRANT MONEYS TO THE RURAL AREAS WITH THE GREATEST NEED;

(IV) THE AMOUNT OF MATCHING FUNDS AN APPLICANT HAS AVAILABLE AND ITS PROPORTION TO THE TOTAL EQUIPMENT COST.

(4) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE MEDICAL EQUIPMENT FOR RURAL COMMUNITIES GRANT PROGRAM CASH FUND. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO AWARD GRANTS TO ELIGIBLE HEALTH CARE PROVIDERS AND FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE GRANT PROGRAM. THE DEPARTMENT IS AUTHORIZED TO ACCEPT ON BEHALF OF THE STATE ANY GRANTS, GIFTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF THE GRANT PROGRAM. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GRANTS, GIFTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND. ALL INVESTMENT EARNINGS DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (4), THE DEPARTMENT SHALL NOT IMPLEMENT THE GRANT PROGRAM UNTIL SUFFICIENT GRANTS, GIFTS, OR DONATIONS ARE OBTAINED TO COVER THE COSTS OF IMPLEMENTING THE GRANT PROGRAM.

(5) BY NOVEMBER 1, 2008, AND BY EACH NOVEMBER 1 THEREAFTER, AS PART OF ITS ANNUAL BUDGET REQUEST, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE REGARDING THE GRANT PROGRAM. THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

(a) THE AMOUNT OF MONEYS AWARDED THROUGH THE GRANT PROGRAM DURING THE PRIOR FISCAL YEAR;

- (b) THE RECIPIENTS OF GRANT MONEYS;
 - (c) THE MEDICAL EQUIPMENT THAT WAS PURCHASED WITH THE GRANT MONEYS;
 - (d) THE RURAL AREAS SERVED BY THE MEDICAL EQUIPMENT;
 - (e) WHETHER THE GRANT PROGRAM HAS BEEN SUCCESSFUL IN HELPING HEALTH CARE PROVIDERS SERVING RURAL AREAS PROVIDE ADEQUATE MEDICAL SERVICES TO RURAL COMMUNITIES; AND
 - (f) WHETHER THE GRANT PROGRAM SHOULD BE MODIFIED IN ANY WAY, CONTINUED IN ITS CURRENT FORM, OR REPEALED.
- (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010.

SECTION 4. Part 2 of article 1 of title 27, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

27-1-209. Family mental health services grant program - rural areas - creation - administration - report - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (a) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 26-1-105, C.R.S.
- (b) "DIVISION" MEANS THE DIVISION WITHIN THE DEPARTMENT RESPONSIBLE FOR MENTAL HEALTH SERVICES.
- (c) "FAMILY MENTAL HEALTH SERVICES" MEANS COUNSELING SERVICES PROVIDED BY A LICENSED MENTAL HEALTH PROFESSIONAL TO CHILDREN AND THEIR FAMILIES.
- (d) "GRANT PROGRAM" MEANS THE FAMILY MENTAL HEALTH SERVICES GRANT PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.
- (e) "RURAL AREA" MEANS:

(I) A COUNTY WITH A POPULATION OF LESS THAN FIFTY THOUSAND PEOPLE, ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS;

(II) A MUNICIPALITY WITH A POPULATION OF LESS THAN FIFTY THOUSAND PEOPLE, ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS, THAT IS LOCATED TEN MILES OR MORE FROM A MUNICIPALITY WITH A POPULATION OF MORE THAN FIFTY THOUSAND PEOPLE; OR

(III) THE UNINCORPORATED PART OF A COUNTY LOCATED TEN MILES OR MORE FROM A MUNICIPALITY WITH A POPULATION OF MORE THAN FIFTY THOUSAND PEOPLE, ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS.

(f) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN SERVICES CREATED IN SECTION 26-1-107, C.R.S.

(2)(a) THERE IS HEREBY CREATED THE FAMILY MENTAL HEALTH SERVICES GRANT PROGRAM. THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM.

(b) A COMMUNITY MENTAL HEALTH CENTER LOCATED IN OR SERVING A RURAL AREA MAY APPLY FOR A ONE-TIME GRANT TO FUND THE PROVISION OF FAMILY MENTAL HEALTH SERVICES IN A RURAL AREA. WHEN APPLYING FOR A GRANT, THE COMMUNITY MENTAL HEALTH CENTER SHALL SUBMIT THE FOLLOWING INFORMATION IN A FORM AND MANNER DETERMINED BY THE DIVISION:

(I) THE NEED FOR FAMILY MENTAL HEALTH SERVICES IN THE RURAL AREA THAT WILL BE SERVED;

(II) THE SPECIFIC FAMILY MENTAL HEALTH SERVICES THAT WILL BE PROVIDED;

(III) THE COMMUNITY MENTAL HEALTH CENTER'S PLAN FOR SUSTAINING THE FAMILY MENTAL HEALTH SERVICES WITHOUT FUTURE MONEYS FROM THE GRANT PROGRAM; AND

(IV) ANY OTHER INFORMATION REQUIRED BY THE DIVISION.

(c) THE DIVISION SHALL ESTABLISH CRITERIA TO BE USED IN AWARDING GRANTS PURSUANT TO THIS SECTION. THE CRITERIA SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(I) THE TYPES OF FAMILY MENTAL HEALTH SERVICES THAT MAY BE PROVIDED USING MONEYS AWARDED THROUGH THE GRANT PROGRAM;

(II) THE FAMILY MENTAL HEALTH SERVICE NEEDS OF THE RURAL AREAS THAT WILL BE SERVED;

(III) A METHOD FOR RANKING THE FAMILY MENTAL HEALTH SERVICE NEEDS OF THE RURAL AREAS SO AS TO PROVIDE GRANT MONEYS TO THE RURAL AREAS WITH THE GREATEST NEED;

(IV) THE ABILITY OF A COMMUNITY MENTAL HEALTH CENTER TO SUSTAIN THE FAMILY MENTAL HEALTH SERVICE WITHOUT ADDITIONAL MONEYS FROM THE GRANT PROGRAM.

(d) THE STATE BOARD MAY ADOPT RULES AS NECESSARY FOR THE IMPLEMENTATION OF THE GRANT PROGRAM.

(3)(a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE FAMILY MENTAL HEALTH SERVICES GRANT PROGRAM CASH FUND. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO AWARD GRANTS TO ELIGIBLE COMMUNITY MENTAL HEALTH CENTERS AND FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE GRANT PROGRAM. THE DIVISION IS AUTHORIZED TO ACCEPT ON BEHALF OF THE STATE ANY GRANTS, GIFTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE

PURPOSE OF THE GRANT PROGRAM. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GRANTS, GIFTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND. ALL INVESTMENT EARNINGS DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3), THE DIVISION SHALL NOT IMPLEMENT THE GRANT PROGRAM UNTIL SUFFICIENT GRANTS, GIFTS, OR DONATIONS ARE OBTAINED TO COVER THE COSTS OF IMPLEMENTING THE GRANT PROGRAM.

(4) BY NOVEMBER 1, 2008, AND BY EACH NOVEMBER 1 THEREAFTER, AS PART OF ITS ANNUAL BUDGET REQUEST, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE REGARDING THE GRANT PROGRAM. THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

(a) THE AMOUNT OF MONEYS AWARDED THROUGH THE GRANT PROGRAM DURING THE PRIOR FISCAL YEAR;

(b) THE RECIPIENTS OF GRANT MONEYS;

(c) THE TYPES OF FAMILY MENTAL HEALTH SERVICES PROVIDED BY COMMUNITY MENTAL HEALTH CENTERS WITH THE GRANT MONEYS;

(d) THE RURAL AREAS SERVED BY THE FAMILY MENTAL HEALTH SERVICES;

(e) WHETHER THE GRANT PROGRAM HAS BEEN SUCCESSFUL IN SERVING THE FAMILY MENTAL HEALTH NEEDS IN RURAL AREAS; AND

(f) WHETHER THE GRANT PROGRAM SHOULD BE MODIFIED IN ANY WAY, CONTINUED IN ITS CURRENT FORM, OR REPEALED.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010.

SECTION 5. Effective date. (1) Except as provided in subsection (2) of this section, this act shall take effect upon passage.

(2) Sections 3 and 4 of this act shall take effect July 1, 2008.

SECTION 6. 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: June 4, 2007