

CHAPTER 388

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 08-1373

BY REPRESENTATIVE(S) Buescher, Pommer, White, Borodkin, Carroll T., Casso, Fischer, Gardner B., Garza-Hicks, Green, Hodge, Jahn, Kerr A., Labuda, Liston, Loper, Massey, McFadyen, Merrifield, Middleton, Peniston, Rice, Romanoff, Scanlan, Solano, Stafford, Todd, Kefalas, King, Madden, and McGihon;

also SENATOR(S) Keller, Morse, Johnson, Boyd, Gibbs, Groff, Hagedorn, Isgar, Kester, Mitchell S., Penry, Schwartz, Shaffer, Spence, Tapia, Tochtrop, Tupa, Veiga, Ward, Wiens, Williams, and Windels.

AN ACT

CONCERNING THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 25.5-5-308 (8) (a), (9) (b), (9) (c), and (10), Colorado Revised Statutes, are amended, and the said 25.5-5-308 (9) is further amended BY THE ADDITION OF THE FOLLOWING PARAGRAPHS, to read:

25.5-5-308. Breast and cervical cancer prevention and treatment program - creation - legislative declaration - definitions - funds - repeal. (8) (a) There is hereby created in the state treasury the breast and cervical cancer prevention and treatment fund, referred to in this subsection (8) 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 (8), 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.~~ 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. 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.

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

(9) (b) For the fiscal ~~years~~ YEAR 2006-07, ~~and 2007-08~~; the general assembly shall appropriate seventy-five percent of the state costs of the breast and cervical cancer prevention and treatment program from the general fund and twenty-five percent from the moneys credited to the breast and cervical cancer prevention and treatment fund pursuant to section 24-22-115 (1), C.R.S., to such program.

(c) For the fiscal year ~~2008-09~~ 2007-08, the general assembly shall appropriate one hundred percent of the state costs of the breast and cervical cancer prevention and treatment program FROM THE MONEYS CREDITED TO THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND PURSUANT TO SECTION 24-22-115 (1), C.R.S., to such program.

(d) FOR THE FISCAL YEAR 2008-09, THE GENERAL ASSEMBLY SHALL APPROPRIATE ONE HUNDRED PERCENT OF THE STATE COSTS OF THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM FROM THE MONEYS CREDITED TO THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND PURSUANT TO SECTION 24-22-115 (1), C.R.S., TO SUCH PROGRAM.

(e) FOR THE FISCAL YEAR 2009-10 AND FOR EACH FISCAL YEAR THEREAFTER THROUGH THE FISCAL YEAR 2013-14, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE FIFTY PERCENT OF THE STATE COSTS OF THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM FROM THE GENERAL FUND AND FIFTY PERCENT FROM THE MONEYS CREDITED TO THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND PURSUANT TO SECTION 24-22-115 (1), C.R.S., TO SUCH PROGRAM.

(10) This section is repealed, effective July 1, ~~2009~~ 2014, unless, in any fiscal year before such date, moneys received as federal financial participation provided pursuant to the federal "Breast and Cervical Cancer Prevention and Treatment Act of 2000", enacted October 24, 2000, ~~P.L. 106-354~~ PUB.L. 106-354, as amended, are no longer available to the fund or the rate of federal financial participation has been decreased, in which case the general assembly may repeal this section at the regular session of the general assembly immediately following such decrease or discontinuation of federal moneys.

SECTION 2. Part V (2), (3) (A), and the affected totals of section 2 of chapter 466, Session Laws of Colorado 2007, as amended by section 1 of House Bill 08-1285 and section 10 of House Bill 08-1375, enacted at the Second Regular Session of the Sixty-sixth General Assembly, are amended to read:

Section 2. **Appropriation.**

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART V
DEPARTMENT OF HEALTH CARE POLICY AND FINANCING**

(2) MEDICAL SERVICES PREMIUMS^{25, 26, 27, 28, 29}

Services for 35,790 Supplemental Security Income Adults 65 and Older (SSI 65 +) at an average cost of \$19,930.28	713,304,662
Services for 6,098 Supplemental Security Income Adults 60 to 64 Years of Age (SSI 60 - 64) at an average cost of \$16,129.79	98,359,442
Services for 14,086 Qualified Medicare Beneficiaries (QMBs) and Special	

Low-Income Medicare Beneficiaries (SLIMBs) at an average cost of \$1,324.60	18,658,267
Services for 49,565 Supplemental Security Income Disabled Individuals at an average cost of \$12,844.01	636,613,188
Services for 43,972 Categorically Eligible Low-income Adults at an average cost of \$4,395.95	193,298,920
Services for 5,895 Baby Care Program Adults at an average cost of \$9,118.00	53,750,614
Services for 271 Breast and Cervical Cancer Treatment Clients at an Average Cost of \$24,948.51	6,761,046
Services for 8,567 Expansion Health Care Low-Income Adult Clients at an Average Cost of \$2,152.39	18,439,505

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Services for 198,500 Eligible Children at an average cost of \$1,731.46	343,695,026					
Services for 16,572 Foster Children at an average cost of \$3,682.40	61,024,788					
Services for 3,972 Non-Citizens at an average cost of \$13,695.23	<u>54,397,462</u>					
	2,198,302,920	693,261,247(M)	327,500,000		75,870,908*	1,101,670,765
		692,033,528(M)			77,098,627 ^b	

^b Of this amount, \$60,765,052 shall from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S.; \$13,412,247 represents public funds certified as representing expenditures incurred by public nursing homes and hospitals that are eligible for federal financial participation under the Medicaid program; \$725,764 (T) shall be transferred from the Department of Public Health and Environment pursuant to Section 24-22-117 (2) (d) (II) (C), \$430,000 shall be from the Autism Treatment Fund created in Section 25.5-6-805, C.R.S.; and ~~\$410,975~~ \$1,638,694 shall be from the from the Breast and Cervical Cancer Treatment AND PREVENTION Fund created in Section 25.5-5-308 (8) (a), C.R.S.; and \$126,870 shall be from gifts, grants, and donations.

(3) MEDICAID MENTAL HEALTH COMMUNITY PROGRAMS

**(A) Mental Health
Capitation Payments
for 365,230 Estimated
Medicaid Eligible**

Clients	193,044,780	91,836,416(M)		4,920,683^c	96,287,681
		91,824,825(M)		4,932,274 ^a	

^a Of this amount, \$4,910,625 shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S.; \$6,422 (T) shall be cash funds exempt transferred from the Department of Public Health and Environment for the Breast and Cervical Cancer Prevention and Treatment Program pursuant to Section 24-22-117 (2) (d) (II) (C), C.R.S.; and ~~\$3,636~~ \$15,227 shall be from the Breast and Cervical Cancer Treatment AND PREVENTION Fund created in Section 25.5-5-308 (8) (a), C.R.S.

**TOTALS PART V
(HEALTH CARE
POLICY AND
FINANCING)^{d, e}**

\$3,553,338,829	\$1,139,041,761^c	\$327,999,200 ^b	\$717,378	\$362,452,324^c	\$1,723,128,166
	<u>\$1,137,802,451^a</u>			<u>\$363,691,634^c</u>	

^a Of this amount, \$73,565 shall be exempt from the statutory limitation on General Fund appropriations imposed by Section 24-75-201.1, C.R.S.

^b Of this amount, \$343,900,000 shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S. and \$513,000 shall be General Fund Exempt pursuant to Section 24-22-117 (1) (c) (I) (B), C.R.S. Further, said \$513,000 is also not subject to the statutory limitation on General Fund appropriations imposed by Section 24-75-201.1, C.R.S.

^c Of this amount, \$4,058,275 contains an (T) notation, and \$4,632,531 contains a (L) notation. Further, this amount includes \$467,533 from the Colorado Autism Treatment Fund created in Section 25.5-6-805, C.R.S., and represents the total amount that the State Treasurer shall transfer from the Tobacco Litigation Settlement Cash Fund created in Section 24-22-115 (1) (a), C.R.S., to the Colorado Autism Treatment Fund pursuant to Section 24-22-115 (1) (a), C.R.S.

SECTION 3. Appropriation - adjustments in 2008 long bill. (1) For the implementation of this act, appropriations in the annual general appropriation act to the department of health care policy and financing, for the fiscal year beginning July 1, 2008, shall be adjusted as follows:

(a) The general fund appropriation for medical service premiums is decreased by one million eight hundred thousand five hundred twenty-nine dollars (\$1,800,529).

(b) The cash fund appropriation for medical service premiums is increased by one million eight hundred thousand five hundred twenty-nine dollars (\$1,800,529). Said amount shall be from the breast and cervical cancer treatment prevention fund created in section 25.5-5-308 (8) (a), Colorado Revised Statutes.

(c) The general fund appropriation for mental health capitation payments is decreased by sixteen thousand eight hundred ninety-one dollars (\$16,891).

(d) The cash fund appropriation for mental health capitation payments is increased by sixteen thousand eight hundred ninety-one dollars (\$16,891). Said amount shall be from the breast and cervical cancer treatment prevention fund created in section 25.5-5-308 (8) (a), Colorado Revised Statutes.

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: June 2, 2008