

CHAPTER 396

HEALTH AND ENVIRONMENT

HOUSE BILL 09-1111

BY REPRESENTATIVE(S) Massey, Swalm, Acree, Curry, Gardner C., Gerou, Kerr J., Labuda, Merrifield, Riesberg, Roberts, Scanlan, Schafer S., Stephens, Summers, Todd, Apuan, Frangas, Kefalas, Looper, Priola, Ryden;
also SENATOR(S) Boyd and Schwartz, Bacon, Gibbs, Heath, Hodge, Hudak, Shaffer B., Tapia, Tochtrop, Williams, Kester, Newell.

AN ACT

CONCERNING MEASURES TO INCREASE THE AVAILABILITY OF HEALTH RESOURCES IN DESIGNATED AREAS IN COLORADO, AND, IN CONNECTION THEREWITH, CREATING THE PRIMARY CARE OFFICE IN THE PREVENTION SERVICES DIVISION IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO MAXIMIZE STATE AND FEDERAL PROGRAMS THAT PROVIDE HEALTH RESOURCES, AND MAKING AN APPROPRIATION.

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

SECTION 1. Article 20.5 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 6
PRIMARY CARE OFFICE**

25-20.5-601. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) THERE IS A SHORTAGE OF QUALIFIED HEALTH CARE PROFESSIONALS IN MOST AREAS OF THE STATE, PARTICULARLY IN RURAL AND LOW-INCOME COMMUNITIES;

(b) LACK OF ACCESS TO HEALTH CARE INCREASES HEALTH INEQUITIES IN COLORADO AND INCREASES THE OVERALL COST OF HEALTH CARE SERVICES;

(c) COMMUNITIES DESIGNATED AS HEALTH PROFESSIONAL SHORTAGE AREAS, MEDICALLY UNDERSERVED AREAS, OR MEDICALLY UNDERSERVED POPULATIONS MAY BENEFIT FROM FEDERAL, STATE, AND PRIVATE PROGRAMS THAT ENHANCE REIMBURSEMENT FOR MEDICAL SERVICES, PROVIDE GRANTS FOR HEALTH SERVICE

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

INFRASTRUCTURE, AND CREATE INCENTIVES FOR THE PLACEMENT OF ADDITIONAL HEALTH CARE PROFESSIONALS IN THOSE COMMUNITIES;

(d) COMMUNITIES DESIGNATED AS HEALTH PROFESSIONAL SHORTAGE AREAS, MEDICALLY UNDERSERVED AREAS, OR MEDICALLY UNDERSERVED POPULATIONS MAY BENEFIT FROM THE PLACEMENT OF PHYSICIANS THROUGH FEDERAL WAIVER PROGRAMS SUCH AS THE NATIONAL INTEREST WAIVER PROGRAM, THE CONRAD 30 J-1 VISA WAIVER PROGRAM, AND THE NATIONAL HEALTH SERVICE CORPS; AND

(e) ASSESSING THE HEALTH SERVICE NEEDS OF THE STATE AND COORDINATING WORKFORCE PROGRAMS TO ADDRESS THOSE NEEDS IS AN IMPORTANT STRATEGY FOR INCREASING ACCESS TO HEALTH SERVICES IN COLORADO.

(2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT IT IS IN THE BEST INTERESTS OF THE CITIZENS OF THE STATE OF COLORADO TO CREATE THE PRIMARY CARE OFFICE WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE PURPOSE OF IDENTIFYING THE AREAS WITHIN THE STATE THAT LACK SUFFICIENT HEALTH CARE RESOURCES AND COORDINATING AVAILABLE RESOURCES TO MAXIMIZE MEDICAL REIMBURSEMENTS, GRANTS, AND PLACEMENTS OF HEALTH CARE PROFESSIONALS WITHIN THOSE AREAS.

25-20.5-602. Definitions. AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CONRAD 30 J-1 VISA WAIVER PROGRAM" MEANS THE PROGRAM ESTABLISHED IN 8 U.S.C. SEC. 1184 (I) (1) (D) (ii), ALLOWING FOREIGN-TRAINED PHYSICIANS WHO MEET CERTAIN CRITERIA TO PRACTICE IN COMMUNITIES DESIGNATED AS MEDICALLY UNDERSERVED AREAS, MEDICALLY UNDERSERVED POPULATIONS, OR HEALTH PROFESSIONAL SHORTAGE AREAS.

(2) "HEALTH CARE PROFESSIONAL" MEANS A LICENSED PHYSICIAN, AN ADVANCED PRACTICE NURSE REGISTERED PURSUANT TO SECTION 12-38-111.5, C.R.S., A MENTAL HEALTH PRACTITIONER, A LICENSED PHYSICIAN ASSISTANT, OR ANY OTHER LICENSED HEALTH CARE PROVIDER FOR WHICH THE FEDERAL GOVERNMENT AUTHORIZES PARTICIPATION IN A FEDERALLY MATCHED STATE LOAN REPAYMENT PROGRAM TO ENCOURAGE HEALTH CARE PROFESSIONALS TO PROVIDE SERVICES IN UNDERSERVED COMMUNITIES.

(3) "HEALTH PROFESSIONAL SHORTAGE AREA" SHALL HAVE THE SAME MEANING AS PROVIDED IN 42 U.S.C. SEC. 254e.

(4) "MEDICALLY UNDERSERVED AREA" MEANS A MEDICALLY UNDERSERVED COMMUNITY AS DEFINED IN 42 U.S.C. SEC. 295p.

(5) "MEDICALLY UNDERSERVED POPULATION" SHALL HAVE THE SAME MEANING AS PROVIDED IN 42 U.S.C. SEC. 254b.

(6) "NATIONAL HEALTH SERVICE CORPS" MEANS THE PROGRAM ESTABLISHED IN 42 U.S.C. SEC. 254d.

(7) "NATIONAL INTEREST WAIVER PROGRAM" MEANS THE PROGRAM ESTABLISHED

IN 8 U.S.C. SEC. 1153 (b) (2) (B) (ii) ALLOWING FOREIGN-TRAINED PHYSICIANS WHO MEET CERTAIN CRITERIA TO PRACTICE IN COMMUNITIES DESIGNATED AS MEDICALLY UNDERSERVED AREAS, MEDICALLY UNDERSERVED POPULATIONS, OR HEALTH PROFESSIONAL SHORTAGE AREAS.

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

25-20.5-603. Primary care office - creation. (1) THERE IS HEREBY CREATED IN THE PREVENTION SERVICES DIVISION OF THE DEPARTMENT THE PRIMARY CARE OFFICE FOR THE PURPOSE OF ASSESSING AND ADDRESSING UNMET NEEDS CONCERNING HEALTH CARE PROFESSIONALS, RESOURCES, AND INFRASTRUCTURE ACROSS THE STATE. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, SUBJECT TO THE PROVISIONS OF SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION, SHALL APPOINT THE DIRECTOR OF THE PRIMARY CARE OFFICE, WHO SHALL BE THE HEAD OF THE OFFICE.

(2) THE PRIMARY CARE OFFICE AND THE DIRECTOR OF THE OFFICE SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS SPECIFIED IN THIS PART 6 UNDER THE DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER, AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

(3) THE PRIMARY CARE OFFICE SHALL INCLUDE THE HEALTH CARE COMMUNITY BOARD CREATED IN SECTION 25-20.5-704.

25-20.5-604. Primary care office - powers and duties. (1) THE PRIMARY CARE OFFICE SHALL HAVE, AT A MINIMUM, THE FOLLOWING POWERS AND DUTIES:

(a) TO ASSESS THE HEALTH CARE PROFESSIONAL NEEDS OF AREAS THROUGHOUT THE STATE;

(b) TO APPLY TO THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, WHEN APPROPRIATE, FOR DESIGNATION OF COMMUNITIES IN THE STATE AS MEDICALLY UNDERSERVED AREAS, MEDICALLY UNDERSERVED POPULATIONS, OR HEALTH PROFESSIONAL SHORTAGE AREAS OR AS ANY OTHER DESIGNATIONS NECESSARY TO PARTICIPATE IN A FEDERAL PROGRAM TO ADDRESS HEALTH CARE PROFESSIONAL SHORTAGES;

(c) TO MAXIMIZE THE PLACEMENT OF HEALTH CARE PROFESSIONALS WHO SERVE COMMUNITIES DESIGNATED AS MEDICALLY UNDERSERVED AREAS, MEDICALLY UNDERSERVED POPULATIONS, OR HEALTH PROFESSIONAL SHORTAGE AREAS, OR ANY OTHER COMMUNITIES ELIGIBLE FOR PARTICIPATION IN A FEDERAL, STATE, OR PRIVATE PROGRAM TO ADDRESS HEALTH CARE PROFESSIONAL SHORTAGES, FOR THE PURPOSE OF QUALIFYING SAID COMMUNITIES FOR INCREASED REIMBURSEMENTS, GRANTS, AND HEALTH CARE PROFESSIONAL PLACEMENTS;

(d) TO ADMINISTER THE STATE HEALTH CARE PROFESSIONAL LOAN REPAYMENT PROGRAM PURSUANT TO THE PROVISIONS OF PART 7 OF THIS ARTICLE;

(e) TO ADMINISTER OR PROVIDE TECHNICAL ASSISTANCE TO PARTICIPANTS IN

APPLICABLE FEDERAL PROGRAMS INTENDED TO ADDRESS HEALTH CARE PROFESSIONAL SHORTAGES, INCLUDING THE CONRAD 30 J-1 VISA WAIVER PROGRAM, THE NATIONAL INTEREST WAIVER PROGRAM, AND THE NATIONAL HEALTH SERVICE CORPS. THE STATE BOARD MAY PROMULGATE RULES AS NECESSARY FOR THE ADMINISTRATION OF THESE PROGRAMS AND SHALL ESTABLISH BY RULE APPLICATION FEES FOR THE CONRAD 30 J-1 VISA WAIVER PROGRAM AND THE NATIONAL INTEREST WAIVER PROGRAM. THE PRIMARY CARE OFFICE SHALL TRANSFER THE FEE AMOUNTS COLLECTED TO THE STATE TREASURER FOR CREDITING TO THE VISA WAIVER PROGRAM FUND ESTABLISHED IN SECTION 25-20.5-605; AND

(f) TO SEEK AND ACCEPT PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS TO APPLY TO THE COSTS INCURRED IN FULFILLING THE DUTIES SPECIFIED IN THIS SECTION AND OTHERWISE ADMINISTERING THE PROGRAMS WITHIN THE OFFICE.

25-20.5-605. Visa waiver program fund. THERE IS HEREBY CREATED IN THE STATE TREASURY THE VISA WAIVER PROGRAM FUND, REFERRED TO IN THIS SECTION AS THE "FUND", THAT SHALL CONSIST OF THE APPLICATION FEES COLLECTED PURSUANT TO SECTION 25-20.5-604(1)(e) AND ANY ADDITIONAL MONEYS THAT THE GENERAL ASSEMBLY MAY APPROPRIATE TO THE FUND. IN ADDITION, FOR THE 2009-10 FISCAL YEAR, THE FUND SHALL INCLUDE THE MONEYS TRANSFERRED TO THE FUND FROM THE AIDS AND HIV PREVENTION FUND PURSUANT TO SECTION 25-4-1415 (4). THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS INCURRED BY THE DEPARTMENT IN PERFORMING ITS DUTIES UNDER THIS PART 6. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS PART 6 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 OR 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.

SECTION 2. Article 20.5 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

PART 7
STATE HEALTH CARE PROFESSIONAL
LOAN REPAYMENT PROGRAM

25-20.5-701. [Formerly 23-3.6-201] Legislative declaration. (1) The general assembly hereby finds that there are areas of Colorado that suffer from a lack of ~~physicians and other~~ health CARE professionals to serve the medical needs of ~~local~~ communities. The general assembly further finds that incentives are needed to encourage ~~physicians and other~~ health CARE professionals to practice in these underserved areas.

(2) It is therefore the intent of the general assembly in enacting this ~~part 2~~ PART 7 to create a state loan repayment program that uses state and federal ~~funds~~ MONEYS and contributions from ~~local~~ communities and private sources to help repay the outstanding education loans that many ~~physicians and other~~ health CARE

professionals hold. In exchange for repayment of these loans, the ~~physicians and other~~ health CARE professionals will commit to provide health care services in ~~local~~ communities with underserved health care needs throughout the state.

25-20.5-702. [Formerly 23-3.6-202] Definitions. As used in this ~~part 2~~ PART 7, unless the context otherwise requires:

~~(1) "Collegeinvest" means the authority transferred to the department of higher education pursuant to section 23-3.1-203.~~

~~(2)~~ (1) "Community board" means the health care community board created pursuant to ~~section 23-3.6-204~~ SECTION 25-20.5-704.

~~(3)~~ (2) "Federally designated health professional shortage area" means a health professional shortage area as defined in ~~section 331 (a) (3) of the federal "Public Health Service Act" that is designated by the federal department of health and human services 42 U.S.C. SEC. 254e.~~

(3) "HEALTH CARE PROFESSIONAL" MEANS A LICENSED PHYSICIAN, AN ADVANCED PRACTICE NURSE REGISTERED PURSUANT TO SECTION 12-38-111.5, C.R.S., A MENTAL HEALTH PRACTITIONER, A LICENSED PHYSICIAN ASSISTANT, OR ANY OTHER LICENSED HEALTH CARE PROVIDER FOR WHICH THE FEDERAL GOVERNMENT AUTHORIZES PARTICIPATION IN A FEDERALLY MATCHED STATE LOAN REPAYMENT PROGRAM TO ENCOURAGE HEALTH CARE PROFESSIONALS TO PROVIDE SERVICES IN UNDERSERVED COMMUNITIES.

(4) "Health care ~~provider~~ PROFESSIONAL loan repayment fund" or "fund" means the health care ~~provider~~ PROFESSIONAL loan repayment fund created in ~~section 23-3.6-205~~ SECTION 25-20.5-706.

(5) "Loan repayment program" means the state health care ~~provider~~ PROFESSIONAL loan repayment program created and operated pursuant to this ~~part 2~~ PART 7.

~~(6) "Other health professionals" means certified nurse practitioners, certified nurse midwives, licensed mental health practitioners, and physician assistants. "NATIONAL HEALTH SERVICE CORPS PROGRAM" MEANS THE PROGRAM ESTABLISHED IN 42 U.S.C. SEC. 254d.~~

(7) "PRIMARY CARE OFFICE" MEANS THE PRIMARY CARE OFFICE CREATED PURSUANT TO PART 6 OF THIS ARTICLE.

~~(7)~~ (8) "Primary health services" means health services regarding family medicine, general practice, general internal medicine, pediatrics, general obstetrics and gynecology, or mental health that are provided by ~~physicians or other~~ health CARE professionals.

25-20.5-703. [Formerly 23-3.6-203] State health care professional loan repayment program - creation - conditions. (1) (a) (I) Collegeinvest IN THE DEPARTMENT OF HIGHER EDUCATION shall develop and maintain, in consultation with the community board, the state health care provider loan repayment program

for implementation beginning in the fall semester of the 2007-08 academic year, subject to available appropriations; EXCEPT THAT, BEGINNING JULY 1, 2009, THE PRIMARY CARE OFFICE SHALL MAINTAIN AND ADMINISTER, SUBJECT TO AVAILABLE APPROPRIATIONS, THE LOAN REPAYMENT PROGRAM, AND COLLEGEINVEST SHALL NO LONGER MAINTAIN NOR EXERCISE ANY AUTHORITY REGARDING THE LOAN REPAYMENT PROGRAM.

(II) Under the loan repayment program, the state shall agree to pay all or part of the principal, interest, and related expenses of the education loans of ~~physicians or other~~ health CARE professionals, subject to the limitations specified in subsection (2) of this section. In consideration for receiving repayment of all or part of his or her education loan, the ~~physician or other~~ health CARE professional shall agree to provide primary health services in federally designated health professional shortage areas in Colorado.

(b) Repayment of loans under the loan repayment program may be made using moneys in the health care ~~provider~~ PROFESSIONAL loan repayment fund. ~~and moneys allocated to the loan repayment program by collegeinvest.~~ ~~Collegeinvest~~ THE PRIMARY CARE OFFICE is authorized to receive and expend gifts, grants, and donations or moneys appropriated by the general assembly for the purpose of implementing the loan repayment program. In administering the loan repayment program, ~~collegeinvest~~ THE PRIMARY CARE OFFICE shall collaborate with the university of Colorado health sciences center and other appropriate partners as needed to maximize the federal moneys available to the state for state loan repayment programs through the federal department of health and human services.

(c) ~~Physicians and other~~ Health CARE professionals practicing in nonprimary care specialties shall not be eligible for loan repayments through the loan repayment program.

(d) As a condition of receiving a loan repayment through the loan repayment program, a ~~physician or other~~ health CARE professional shall enter into a contract pursuant to which the ~~physician or other~~ health CARE professional shall agree to practice for at least two years in a ~~local~~ community that is located in a federally designated health professional shortage area. The ~~physician or other~~ health CARE professional, ~~collegeinvest~~ THE PRIMARY CARE OFFICE, and the ~~local~~ community ~~provider~~ EMPLOYER with which the ~~physician or other~~ health CARE professional is practicing shall be parties to the contract.

(2) Subject to available appropriations, ~~collegeinvest~~ THE PRIMARY CARE OFFICE shall annually select ~~physicians or other~~ health CARE professionals from the list provided by the community board pursuant to ~~section 23-3.6-204 (5)~~ SECTION 25-20.5-704 (6) to participate in the loan repayment program. Each selected ~~physician or other~~ health CARE professional may receive no more than thirty-five thousand dollars in each of the two or more years in which the ~~physician or other~~ health CARE professional practices in a ~~local~~ community under the terms of the contract entered into pursuant to subsection (1) of this section.

(3) A ~~physician or other~~ health CARE professional participating in the state loan repayment program shall not practice with a for-profit private group or solo practice or at a proprietary hospital or clinic.

(4) A contract for loan repayment entered into pursuant to this ~~part 2~~ PART 7 shall not include terms that are more favorable to ~~physicians or other~~ health CARE professionals than the most favorable terms that the secretary of the federal department of health and human services is authorized to grant under the national health services corps ~~loan repayment~~ program. In addition, each contract shall include penalties for breach of contract that are at least as stringent as those available to the secretary of the federal department of health and human services. In the event of a breach of contract for a loan repayment entered into pursuant to this ~~part 2, collegeinvest~~ PART 7, THE PRIMARY CARE OFFICE shall be responsible for enforcing the contract and collecting any damages or other penalties owed.

(5) ~~A physician or other health professional may receive payment of all or a portion of his or her education loan through the loan repayment program only if collegeinvest owns the education loan.~~

25-20.5-704. [Formerly 23-3.6-204] Health care community board - creation - membership - duties - repeal. (1) There is hereby created IN THE PRIMARY CARE OFFICE the health care community board to review applications for participation in the loan repayment program and make recommendations to ~~collegeinvest~~ THE PRIMARY CARE OFFICE pursuant to ~~section 23-3.6-203 (2)~~ SECTION 25-20.5-703 (2).

(2) The community board shall consist of ~~ten~~ FIFTEEN members appointed by the governor AS PROVIDED IN THIS SUBSECTION (2) AND IN SUBSECTION (3) OF THIS SECTION. In appointing members of the community board, the governor shall ensure that the community board includes:

(a) At least one representative from each of the following organizations:

(I) A public institution of higher education in the state that has experience in administering education loan repayment programs for health CARE professionals serving in ~~medically underserved~~ HEALTH PROFESSIONAL SHORTAGE areas;

(II) ~~The Colorado primary care office in the prevention division of the department of public health and environment;~~

(III) The commission on family medicine created pursuant to part 9 of article 1 of THIS title; ~~25-C.R.S.;~~

(IV) A nonprofit statewide membership organization that provides programs and services to enhance rural health care in Colorado;

(V) A membership organization representing federally qualified health centers in Colorado; and

(VI) A statewide membership organization representing physicians in Colorado; and

(b) ~~NOT MORE THAN FOUR~~ persons with expertise in providing health care in ~~rural and other medically underserved~~ HEALTH PROFESSIONAL SHORTAGE areas of the state, including but not limited to a representative from a public institution of higher

education in the state that provides health care professional education programs.

(3) ON AND AFTER JULY 1, 2009, IN ADDITION TO THE MEMBERS SPECIFIED IN SUBSECTION (2) OF THIS SECTION, THE GOVERNOR SHALL APPOINT TO THE COMMUNITY BOARD AT LEAST ONE REPRESENTATIVE FROM EACH OF THE FOLLOWING ORGANIZATIONS:

(a) A REPRESENTATIVE OF A FOUNDATION THAT FUNDS A HEALTH CARE PROFESSIONAL LOAN FORGIVENESS PROGRAM IN COLORADO;

(b) A REPRESENTATIVE OF AN ECONOMIC DEVELOPMENT ORGANIZATION THAT OPERATES IN COLORADO;

(c) A REPRESENTATIVE OF A BEHAVIORAL HEALTH ORGANIZATION THAT OPERATES IN COLORADO;

(d) AN ADVANCED PRACTICE NURSE LICENSED TO PRACTICE IN COLORADO;

(e) A REPRESENTATIVE OF A STATE LOAN FORGIVENESS PROGRAM FOR ORAL HEALTH PROFESSIONALS IN COLORADO; AND

(f) AN ACTIVELY PRACTICING PRIMARY CARE PHYSICIAN SERVING IN A RURAL COMMUNITY IN COLORADO.

~~(3)~~ (4) (a) Members appointed to the community board shall serve terms of three years; except that:

(I) Of the members initially appointed to the community board PURSUANT TO SUBSECTION (2) OF THIS SECTION, the governor shall select three members who shall serve one-year terms and three members who shall serve two-year terms; AND

(II) OF THE MEMBERS INITIALLY APPOINTED TO THE COMMUNITY BOARD PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE GOVERNOR SHALL SELECT TWO MEMBERS WHO SHALL SERVE ONE-YEAR TERMS AND TWO MEMBERS WHO SHALL SERVE TWO-YEAR TERMS.

(b) The governor may appoint the same person to serve as a member of the community board for consecutive terms.

~~(4)~~ (5) (a) Community board members shall serve without compensation and without reimbursement for expenses.

(b) THE PRIMARY CARE OFFICE SHALL PROVIDE STAFF ASSISTANCE TO THE COMMUNITY BOARD AS NECESSARY FOR THE COMMUNITY BOARD TO COMPLETE THE DUTIES SPECIFIED IN THIS SECTION.

~~(5)~~ (6) The community board shall review applications received from ~~physicians and other~~ health CARE professionals to participate in the loan repayment program. Subject to available appropriations AND FEDERAL REQUIREMENTS CONCERNING ELIGIBILITY FOR FEDERAL LOAN REPAYMENT MATCHING FUNDS, the community board shall annually select ~~physicians and other~~ health CARE professionals to

participate in the loan repayment program and shall forward its list of selected participants to ~~collegeinvest~~ THE PRIMARY CARE OFFICE.

~~(6)~~ (7) (a) This section is repealed, effective July 1, 2017.

(b) Prior to said repeal, the community board shall be reviewed as provided for in section 2-3-1203, C.R.S.

25-20.5-705. Community board - report. (1) ON OR BEFORE DECEMBER 1, 2009, THE COMMUNITY BOARD SHALL SUBMIT TO THE GOVERNOR AND THE GENERAL ASSEMBLY A REPORT THAT INCLUDES, AT A MINIMUM, THE FOLLOWING INFORMATION:

(a) IDENTIFICATION AND A SUMMARY OF SUCCESSFUL LOAN FORGIVENESS PROGRAMS FOR HEALTH CARE PROFESSIONALS AND BEST PRACTICES IN HEALTH CARE PROFESSIONAL LOAN FORGIVENESS PROGRAMS ACROSS THE COUNTRY;

(b) A SUMMARY OF EXISTING LOAN FORGIVENESS PROGRAMS FOR HEALTH CARE PROFESSIONALS IN COLORADO, INCLUDING ANNUAL INFORMATION CONCERNING THE CLIENTS SERVED BY THE HEALTH CARE PROFESSIONALS PARTICIPATING IN THE PROGRAMS, HOW MANY HEALTH CARE PROFESSIONALS PARTICIPATED IN THE PROGRAMS, AND HOW THE PROGRAMS ARE STRUCTURED; AND

(c) A REVIEW OF THE MERITS OF STREAMLINING OR CONSOLIDATING EXISTING LOAN FORGIVENESS PROGRAMS FOR HEALTH CARE PROFESSIONALS, INCLUDING A POSSIBLE MECHANISM BY WHICH PRIVATE LOAN FORGIVENESS PROGRAMS MAY VOLUNTARILY PARTICIPATE WITH PUBLIC LOAN FORGIVENESS PROGRAMS, AND A RECOMMENDATION EITHER IN SUPPORT OF OR AGAINST STREAMLINING AND CONSOLIDATING THESE EXISTING LOAN FORGIVENESS PROGRAMS.

(2) IF THE COMMUNITY BOARD RECOMMENDS STREAMLINING AND CONSOLIDATING EXISTING LOAN FORGIVENESS PROGRAMS FOR HEALTH CARE PROFESSIONALS, IT SHALL INCLUDE WITH THE RECOMMENDATION A PROPOSAL FOR STREAMLINING AND CONSOLIDATING THAT INCLUDES, BUT NEED NOT BE LIMITED TO, THE FOLLOWING ITEMS:

(a) RECOMMENDATIONS CONCERNING THE STATUTORY AND OPERATIONAL RULE CHANGES THAT WOULD BE NECESSARY TO IMPLEMENT A NEW PROGRAM;

(b) A SAMPLE STANDARD APPLICATION FORM;

(c) PROPOSED ELIGIBILITY CRITERIA FOR HEALTH CARE PROFESSIONALS AND SPECIFICATIONS OF AWARD AMOUNTS;

(d) STRATEGIES FOR RECRUITMENT AND RETENTION OF HEALTH CARE PROFESSIONALS TO THE NEW PROGRAM;

(e) STRATEGIES TO MAXIMIZE THE AMOUNT OF FEDERAL MONEYS THE STATE MAY RECEIVE FOR HEALTH CARE PROFESSIONAL LOAN FORGIVENESS PROGRAMS;

(f) STRATEGIES FOR PURSUING GIFTS, GRANTS, AND DONATIONS TO BE APPLIED TO

HEALTH CARE PROFESSIONAL LOAN FORGIVENESS PROGRAMS; AND

(g) ANY RECOMMENDED CHANGES TO THE MEMBERSHIP OR GOVERNANCE STRUCTURE OF THE COMMUNITY BOARD.

25-20.5-706. [Formerly 23-3.6-205] Health care professional loan repayment fund - created - acceptance of grants and donations. (1) The health care ~~provider~~ PROFESSIONAL loan repayment fund is hereby created in the state treasury, which FUND shall consist of:

(a) All moneys appropriated by the general assembly for the loan repayment program;

(b) Grants available from the federal department of health and human services for the purpose of operating loan repayment programs;

(c) Moneys transferred from the short-term innovative health program grant fund pursuant to section 25-36-101 (10); ~~C.R.S.~~;

(d) Contributions from communities; ~~and~~

(e) Any amounts received pursuant to subsection (3) of this section; AND

(f) FOR THE 2009-10 FISCAL YEAR, MONEYS TRANSFERRED TO THE FUND FROM THE AIDS AND HIV PREVENTION FUND PURSUANT TO SECTION 25-4-1415 (4).

(2) The moneys in the fund, other than any federal moneys credited to the fund, are hereby continuously appropriated to the ~~department of higher education~~ PRIMARY CARE OFFICE for the loan repayment program. Any moneys in the fund not expended for the purpose of this ~~part 2~~ PART 7 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.

(3) ~~Collegeinvest~~ THE PRIMARY CARE OFFICE is authorized to receive contributions, grants, and services from public and private sources to carry out the purposes of this ~~part 2~~ PART 7. Any moneys so received shall be transferred to the state treasurer who shall credit the same to the fund.

SECTION 3. Repeal of provisions being relocated in this act. Part 2 of article 3.6 of title 23, Colorado Revised Statutes, is repealed.

SECTION 4. 24-1-119, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-1-119. Department of public health and environment - creation. (6.3) THE PREVENTION SERVICES DIVISION SHALL INCLUDE THE PRIMARY CARE OFFICE, CREATED BY PART 6 OF ARTICLE 20.5 OF TITLE 25, C.R.S. THE PRIMARY CARE OFFICE AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A

TYPE 2 TRANSFER TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND ALLOCATED TO THE PREVENTION SERVICES DIVISION AS A SECTION THEREOF.

SECTION 5. 25-36-101 (10), Colorado Revised Statutes, is amended to read:

25-36-101. Short-term grants for innovative health programs - grant fund - creation - appropriation from fund - transfer of moneys for fiscal years 2007-08 through 2011-12. (10) (a) Notwithstanding any other provision of this section, for the 2007-08 AND 2008-09 fiscal year ~~and for each fiscal year thereafter through the 2011-12 fiscal year~~ YEARS, the state treasurer shall transfer from the short-term innovative health program grant fund to the health care ~~provider~~ PROFESSIONAL loan repayment fund created in ~~section 23-3-6-205, C.R.S.~~ SECTION 25-20.5-706, for purposes of the state health care ~~provider~~ PROFESSIONAL loan repayment program, the lesser of sixty thousand dollars or six percent of the amount allocated to the short-term innovative health program grant fund for the fiscal year pursuant to section 24-75-1104.5 (1.5) (a) (IX), C.R.S., enacted by Senate Bill 07-097 at the first regular session of the sixty-sixth general assembly.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, FOR THE 2009-10 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER THROUGH THE 2011-12 FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER FROM THE SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT FUND TO THE HEALTH CARE PROFESSIONAL LOAN REPAYMENT FUND CREATED IN SECTION 25-20.5-706, FOR PURPOSES OF THE STATE HEALTH CARE PROFESSIONAL LOAN REPAYMENT PROGRAM, THE LESSER OF NINETY THOUSAND SEVENTY DOLLARS OR SIX PERCENT OF THE AMOUNT ALLOCATED TO THE SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT FUND FOR THE FISCAL YEAR PURSUANT TO SECTION 24-75-1104.5 (1.5) (a) (IX), C.R.S., ENACTED BY SENATE BILL 07-097 AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY.

SECTION 6. 2-3-1203 (3) (dd) (VIII), Colorado Revised Statutes, is amended to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(dd) July 1, 2017:

(VIII) The health care community board created pursuant to ~~section 23-3-6-204~~ SECTION 25-20.5-704, C.R.S.;

SECTION 7. 25-4-1415, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-4-1415. Cash fund - administration - limitation. (4) FOR THE 2009-10 FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER FROM THE FUND:

(a) TO THE HEALTH CARE PROFESSIONAL LOAN REPAYMENT FUND CREATED IN SECTION 25-20.5-706 THE AMOUNT OF ONE HUNDRED TWENTY THOUSAND DOLLARS; AND

(b) TO THE VISA WAIVER PROGRAM FUND CREATED IN SECTION 25-20.5-605 THE AMOUNT OF SIXTY-SEVEN THOUSAND TWO HUNDRED NINETY-FOUR DOLLARS FOR APPROPRIATION BY THE GENERAL ASSEMBLY TO THE PRIMARY CARE OFFICE IN THE PREVENTION SERVICES DIVISION OF THE DEPARTMENT.

SECTION 8. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated from the visa waiver program fund created in section 25-20.5-605, Colorado Revised Statutes, to the department of public health and environment, for allocation to the prevention services division, for the fiscal year beginning July 1, 2009, the sum of fifty-three thousand six hundred forty-seven dollars (\$53,647) and 1.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) The general assembly anticipates that, for the fiscal year beginning July 1, 2009, the department of public health and environment will receive the sum of eighty thousand dollars (\$80,000) in federal funds for the implementation of this act. Although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

SECTION 9. 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, 2009