

CHAPTER 14

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 10-1324

BY REPRESENTATIVE(S) Ferrandino, Pommer, Lambert;
also SENATOR(S) White, Keller, Tapia.

AN ACT

CONCERNING A REDUCTION IN THE GENERAL FUND PORTION OF THE PER DIEM RATES PAID TO NURSING FACILITIES, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 25.5-6-202 (9) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

25.5-6-202. Providers - nursing facility provider reimbursement - rules - repeal. (9) (b) (III) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, COMMENCING MARCH 1, 2010, THROUGH JUNE 30, 2011, THE GENERAL FUND PORTION OF THE AGGREGATE STATEWIDE AVERAGE PER DIEM RATE NET OF PATIENT PAYMENT PURSUANT TO SUBSECTIONS (1) TO (4) OF THIS SECTION SHALL BE REDUCED BY ONE AND ONE-HALF PERCENT. THE STATE DEPARTMENT MAY, BUT IS NOT REQUIRED TO, INCREASE THE SUPPLEMENTAL MEDICAID PAYMENT PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) DUE TO THIS REDUCTION; EXCEPT THAT THE PROVIDER FEE SHALL NOT EXCEED THE AMOUNT SPECIFIED IN SECTION 25.5-6-203 (1) (a) (II).

SECTION 2. 25.5-6-203 (2) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

25.5-6-203. Nursing facilities - provider fees - federal waiver - fund created - rules - repeal. (2) (b) (II.7) (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FOR THE 2009-10 STATE FISCAL YEAR ONLY, MONEY IN THE MEDICAID NURSING FACILITY CASH FUND MAY BE USED TO REIMBURSE THE GENERAL FUND FOR INCREASED REIMBURSEMENTS DUE TO HOUSE BILL 08-1114, ENACTED IN 2008, PAID TO NURSING FACILITIES FOR SERVICES PROVIDED TO HOSPICE PATIENTS DURING THE 2009-10 FISCAL YEAR FOR SERVICES PROVIDED DURING THE 2008-09

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

FISCAL YEAR.

(B) THIS SUBPARAGRAPH (II.7) IS REPEALED, EFFECTIVE JULY 1, 2011.

SECTION 3. Part V (2) and the affected totals of section 2 of chapter 464, Session Laws of Colorado 2009, are amended to read:

Section 2. **Appropriation.**

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

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

(2) MEDICAL SERVICES PREMIUMS*

Services for 38,279 Supplemental Security Income Adults 65 and Older (SSI 65+) at an average cost of \$21,808.23	834,605,726
Services for 6,614 Supplemental Security Income Adults 60 to 64 Years of Age (SSI 60 - 64) at an average cost of \$17,962.63	118,804,809

 APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Services for 16,329 Qualified Medicare Beneficiaries (QMBs) and Special Low-Income Medicare Beneficiaries (SLIMBs) at an average cost of \$1,287.54	21,024,234					
Services for 52,254 Supplemental Security Income Disabled Individuals at an average cost of \$14,531.24	759,315,244					
Services for 57,097 Categorically Eligible Low-income Adults at an average cost of \$4,089.14	233,477,584					
Services for 7,391 Baby Care Program Adults at an average cost of \$8,826.48	65,236,532					

Services for 321 Breast and Cervical Cancer Treatment Clients at an average cost of \$22,417.91	7,196,149					
Services for 16,015 Expansion Health Care Low-Income Adult Clients at an average cost of \$2,541.80	40,706,967					
Services for 259,414 Eligible Children at an average cost of \$1,702.47	441,663,841					
Services for 18,663 Foster Children at an average cost of \$3,728.57	69,586,371					
Services for 4,255 Non-Citizens at an average cost of \$15,118.48	<u>64,329,153</u>					
		2,655,946,610	1,191,399,790(M)	130,451,629 ^c	2,746,329 ^b	1,331,348,862
			1,189,468,982(M)	132,382,437 ^a		

^a Of this amount, \$84,016,715(H) shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S., ~~\$22,418,342 (H)~~ \$24,349,150 (H) shall be from the Nursing Facility Cash Fund created in Section 25.5-6-203 (2) (a), C.R.S., \$22,107,094 represents public funds certified as expenditures incurred by public hospitals and agencies that are eligible for federal financial participation under the Medicaid program, \$874,603 shall be from the Breast and Cervical Cancer Prevention and Treatment Fund created in section 25.5-5-308 (8) (a), C.R.S., \$784,875 (H) shall be from the Colorado Autism Treatment Fund created in Section 25.5-6-805, C.R.S., and \$250,000 (H) shall be from the Coordinated Care for People with Disabilities Fund created in Section 25.5-6-111 (4), C.R.S.

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

^b Of this amount, \$2,000,000 shall be transferred from the Department of Public Health and Environment pursuant to Section 24-22-117 (2) (d) (IV.5), C.R.S., and \$746,329 shall be transferred from the Department of Public Health and Environment pursuant to Section 24-22-117 (2) (d) (II) (D), C.R.S.

**TOTALS PART V
(HEALTH CARE
POLICY AND
FINANCING)**

\$4,136,596,755	\$1,675,723,755	\$504,000 ^a	\$407,639,249	\$28,706,139	\$2,024,023,612
	<u>\$1,673,792,947</u>		<u>\$409,570,057</u>		

^a This amount shall be General Fund Exempt pursuant to Section 24-22-117 (1) (c) (I) (B), C.R.S. This amount is also not subject to the statutory limitation on General Fund appropriations imposed by Section 24-75-201.1, C.R.S.

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: March 1, 2010