

CHAPTER 213

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 10-1378

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

AN ACT

CONCERNING MONEYS APPROPRIATED IN THE 2010-11 FISCAL YEAR FOR HEALTH CLINICS, AND MAKING APPROPRIATIONS THEREFOR.

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

SECTION 1. 24-22-117 (2) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-22-117. Tobacco tax cash fund - accounts - creation - legislative declaration - repeal. (2) There are hereby created in the state treasury the following funds:

(b) (IV) (A) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), AND PURSUANT TO THE DECLARATION OF A STATE FISCAL EMERGENCY AS DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION, FOR THE 2010-11 FISCAL YEAR, ELEVEN MILLION NINE HUNDRED FORTY THOUSAND DOLLARS OF THE MONEYS IN THE PRIMARY CARE FUND MAY BE APPROPRIATED TO THE COLORADO HEALTH CARE SERVICES FUND CREATED PURSUANT TO SECTION 25.5-3-112 (1) (a), C.R.S., AND UP TO TWELVE MILLION EIGHT HUNDRED THOUSAND DOLLARS MAY BE APPROPRIATED FOR ANY HEALTH-RELATED PURPOSE AND TO SERVE POPULATIONS ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN AND THE COLORADO MEDICAL ASSISTANCE PROGRAM AT THE PROGRAMS' RESPECTIVE LEVELS OF ENROLLMENT AS OF JANUARY 1, 2005. ADDITIONALLY, FOR THE 2010-11 FISCAL YEAR, THREE MILLION FIVE HUNDRED SIXTY THOUSAND DOLLARS SHALL BE TRANSFERRED FROM THE PRIMARY CARE FUND TO THE PRIMARY CARE SPECIAL DISTRIBUTION FUND, CREATED IN SECTION 25.5-3-112 (4) (a), C.R.S.

(B) THIS SUBPARAGRAPH (IV) IS REPEALED, EFFECTIVE JULY 1, 2012.

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. 24-22-117 (6), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-22-117. Tobacco tax cash fund - accounts - creation - legislative declaration - repeal. (6) (c) (I) THE GENERAL ASSEMBLY, PURSUANT TO SECTION 21 (7) OF ARTICLE X OF THE STATE CONSTITUTION AND SENATE JOINT RESOLUTION 10-010, WHICH WAS APPROVED BY A TWO-THIRDS MAJORITY VOTE OF THE MEMBERS OF THE GENERAL ASSEMBLY AND SIGNED BY THE GOVERNOR, DECLARES A STATE FISCAL EMERGENCY FOR THE 2010-11 FISCAL YEAR.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 3. 25.5-3-112 (4), Colorado Revised Statutes, as enacted by House Bill 10-1321, is amended, and the said 25.5-3-112 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

25.5-3-112. Health care services fund - creation - state plan amendment - primary care special distribution fund - repeal. (2.7) IN THE 2010-11 FISCAL YEAR, NOTWITHSTANDING THE REQUIREMENTS OF SECTION 25.5-3-108 (8) (b), THE MONEYS DEPOSITED INTO THE FUND SHALL BE APPROPRIATED TO THE STATE DEPARTMENT FOR DISTRIBUTION TO DENVER HEALTH AND HOSPITALS, AS THE COMMUNITY HEALTH CLINIC FOR THE CITY AND COUNTY OF DENVER, AND TO COMMUNITY HEALTH CLINICS. THE STATE DEPARTMENT SHALL DEVELOP A DISTRIBUTION FORMULA SPECIFYING THE DISTRIBUTIONS BASED UPON PRIOR UTILIZATIONS AND, TO THE EXTENT POSSIBLE, MITIGATION OF THE REDUCTIONS IN FUNDING THAT THE CLINICS EXPERIENCE DUE TO REDUCTIONS IN MONEYS AVAILABLE FROM THE PRIMARY CARE FUND ESTABLISHED PURSUANT TO SECTION 24-22-117 (2) (b), C.R.S.

(4) (a) Due to reductions in moneys available from the primary care fund established pursuant to section 24-22-117 (2) (b), C.R.S., certain clinics will experience greater reductions in funding than other clinics. In an effort to minimize the adverse effects on these clinics, the primary care special distribution fund is hereby created in the state treasury and referred to in this subsection (4) as the "special distribution fund". The special distribution fund shall consist of moneys appropriated to the special distribution fund pursuant to section 24-22-117 (2) (b) (III) (A) AND (2) (b) (IV) (A), C.R.S. Moneys in the special distribution fund are subject to annual appropriation by the general assembly to the state department for distribution pursuant to paragraphs (b) and (c) of this subsection (4). Any moneys in the special distribution fund not expended for the purpose of this subsection (4) 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 special distribution fund shall be credited to the special distribution fund. Any unexpended and unencumbered moneys remaining in the special distribution fund at the end of a fiscal year shall be credited to the general fund.

(b) (I) Of the moneys appropriated to the special distribution fund, the state department shall distribute ~~one million six hundred thousand dollars~~ THE FOLLOWING AMOUNTS to health clinics that qualify for payments from the primary care fund but do not participate in the Colorado indigent care program established pursuant to this part 1:

(A) FOR THE 2009-10 FISCAL YEAR, ONE MILLION SIX HUNDRED THOUSAND DOLLARS; AND

(B) FOR THE 2010-11 FISCAL YEAR, THREE MILLION DOLLARS.

(II) The state department shall develop a distribution formula that equalizes, to the extent possible, the reductions experienced by the clinics that meet the requirements of this paragraph (b).

(c) (I) Of the moneys appropriated to the special distribution fund, the state department shall distribute ~~four hundred five thousand dollars~~ THE FOLLOWING AMOUNTS to health clinics that participate in the Colorado indigent care program established pursuant to this part 1 and that experience reductions in funding due to transfers from the primary care fund pursuant to House Bill 10-1321, enacted in 2010, AND HOUSE BILL 10-1378, ENACTED IN 2010, which reductions are not offset by increased appropriations pursuant to paragraph (b) of subsection (2.5) of this section:

(A) FOR THE 2009-10 FISCAL YEAR, FOUR HUNDRED FIVE THOUSAND DOLLARS; AND

(B) FOR THE 2010-11 FISCAL YEAR, FIVE HUNDRED SIXTY THOUSAND DOLLARS.

(II) The state department shall develop a distribution formula that equalizes, to the extent possible, the reductions experienced by the clinics that meet the requirements of this paragraph (c).

(d) This subsection (4) is repealed, effective July 1, ~~2011~~ 2012.

SECTION 4. Appropriations - adjustment to the 2010 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act, to the department of health care policy and financing, for the fiscal year beginning July 1, 2010, shall be adjusted as follows:

(a) The cash funds appropriation for medical services premiums is increased by twelve million eight hundred thousand dollars (\$12,800,000). Said sum shall be from the primary care fund created in section 24-22-117 (2) (b) (I), Colorado Revised Statutes.

(b) The general fund appropriation for medical services premiums is decreased by twelve million eight hundred thousand dollars (\$12,800,000).

(c) The appropriation to the indigent care program for allocation to community health clinics pursuant to section 25.5-3-112 (2.7), Colorado Revised Statutes, is increased by thirty-one million eighty-five thousand six hundred fifty-five dollars (\$31,085,655). Of said sum, eleven million nine hundred forty thousand dollars (\$11,940,000) shall be cash funds from the primary care fund created in section 24-22-117 (2) (b) (I), Colorado Revised Statutes, and nineteen million one hundred forty-five thousand six hundred fifty-five dollars (\$19,145,655) shall be from federal funds.

(d) The cash funds appropriation to the indigent care program for allocation to the primary care special distribution fund created in section 25.5-3-112 (4) (a), Colorado Revised Statutes, is increased by three million five hundred sixty thousand dollars (\$3,560,000). Said sum shall be from the primary care fund created in section 24-22-117 (2) (b) (I), Colorado Revised Statutes.

(e) The cash funds appropriation to the primary care fund program is decreased by twenty-eight million three hundred thousand dollars (\$28,300,000). Said sum shall be from the primary care fund created in section 24-22-117 (2) (b) (I), Colorado Revised Statutes.

SECTION 5. Effective date. This act shall take effect only if Senate Joint Resolution 10-010 is approved by a two-thirds majority vote of the members of both houses of the general assembly and is signed by the governor. This act shall take effect either upon passage or upon the date Senate Joint Resolution 10-010 is signed by the governor, whichever is later.

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: May 6, 2010