

CHAPTER 217

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 10-1382

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

AN ACT

CONCERNING THE REPEAL OF THE DELAY OF CERTAIN PAYMENTS MADE UNDER PUBLIC MEDICAL ASSISTANCE PROGRAMS.

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

SECTION 1. Repeal. 25.5-4-401 (1) (d), Colorado Revised Statutes, is repealed as follows:

25.5-4-401. Providers - payments - rules. (1) (d) ~~(f)~~ Notwithstanding the provisions of paragraph (c) of this subsection (1), for the fiscal year commencing July 1, 2009, the state department shall delay the last normal provider payment cycle of the fiscal year until after July 1, 2010:

~~(f) This paragraph (d) is repealed, effective July 1, 2011.~~

SECTION 2. Repeal. 25.5-5-407.5 (1.5), Colorado Revised Statutes, is repealed as follows:

25.5-5-407.5. Prepaid inpatient health plan agreements - rules. (1.5) Effective June 1, 2010, the state department shall make a capitation payment to a PPHP for each enrolled client enrolled under a PPHP agreement no sooner than the first day of the month following the month the client is enrolled with that PPHP entity:

SECTION 3. Repeal. 25.5-5-408 (1) (a) (II), Colorado Revised Statutes, is repealed as follows:

25.5-5-408. Capitation payments - availability of base data - adjustments - rate calculation - capitation payment proposal - preference - assignment of

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

medicaid recipients. (1) (a) (II) ~~Effective June 1, 2010, the state department shall make a capitation payment to an MCE for each enrolled client no sooner than the first day of the month following the month the client is enrolled with that MCE.~~

SECTION 4. Repeal. 25.5-5-411 (1.5) (c), Colorado Revised Statutes, is repealed as follows:

25.5-5-411. Medicaid community mental health services - administration - rules. (1.5) (c) ~~Effective June 1, 2010, the state department shall make a capitation payment to a medicaid community mental health services MCO for each medical assistance recipient no sooner than the first day of the month following the month the recipient is enrolled with that MCO.~~

SECTION 5. Repeal. 25.5-5-412 (12) (b), Colorado Revised Statutes, is repealed as follows:

25.5-5-412. Program of all-inclusive care for the elderly - legislative declaration - services - eligibility. (12) (b) ~~Effective June 1, 2010, the state department shall make a capitation payment to the PACE program for each eligible person no sooner than the first day of the month following the month the eligible person is enrolled in the PACE program.~~

SECTION 6. Repeal. 25.5-8-110 (10) (b), Colorado Revised Statutes, is repealed as follows:

25.5-8-110. Participation by managed care plans. (10) (b) ~~Effective June 1, 2010, the state department shall make a capitation payment to a managed care plan under this section for each enrolled client no sooner than the first day of the month following the month the client is enrolled with that managed care plan.~~

SECTION 7. Part V (2), (3), and (4) and the affected totals of section 2 of chapter 464, Session Laws of Colorado 2009, as the said Part V is amended by section 1 of House Bill 10-1300, as Part V (2) and the affected totals are amended by section 3 of House Bill 10-1320, as Part V (2), (4), and the affected totals are amended by section 4 of House Bill 10-1321, as Part V (2) and the affected totals are amended by section 3 of House Bill 10-1322, as Part V (4) and the affected totals are amended by section 8 of House Bill 10-1323, and as Part V (2) and the affected totals are amended by section 3 of House Bill 10-1324, 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 38,444 Supplemental Security Income Adults 65 and Older (SSI 65+) at an average cost of	\$21,429.19 \$21,921.85	823,823,898 842,763,761
Services for 6,991 Supplemental Security Income Adults 60 to 64 Years of Age (SSI 60 - 64) at an average cost of	\$17,248.63 \$17,645.18	120,585,185 123,357,460

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Health Care Policy and Financing

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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Services for 15,940 Qualified Medicare Beneficiaries (QMBs) and Special Low-Income Medicare Beneficiaries (SLIMBs) at an average cost of \$1,286.63 \$1,316.21	20,508,902 20,980,405					
Services for 53,014 Supplemental Security Income Disabled Individuals at an average cost of \$14,102.56 \$14,426.87	747,637,887 764,826,219					
Services for 58,991 Categorically Eligible Low-income Adults at an average cost of \$3,809.48 \$3,897.05	224,725,149 229,891,621					

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Services for 7,131 Baby Care Program Adults at an average cost of \$8,741.51 \$8,942.48						
	62,335,715					
	63,768,825					
Services for 416 Breast and Cervical Cancer Treatment Clients at an average cost of \$20,365.00 \$20,833.19						
	8,471,839					
	8,666,608					
Services for 16,922 Expansion Health Care Low-Income Adult Clients at an average cost of \$2,412.29 \$2,467.75						
	40,820,748					
	41,759,224					

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Services for 276,647 Eligible Children at an average cost of \$1,690.00 \$1,728.85						
	467,532,630					
	478,281,291					
Services for 18,373 Foster Children at an average cost of \$3,775.80 \$3,862.61						
	69,372,850					
	70,967,745					
Services for 3,616 Non-Citizens at an average cost of \$16,359.97						
	59,157,649					
	<u>60,517,694</u>					
	2,644,972,452	1,120,353,182(M)		190,987,505*	3,874,450*	1,329,757,315
	2,705,780,853	1,140,844,015(M)		193,816,278*	3,902,316*	1,367,218,244

* Of this amount, ~~\$124,906,507(H)~~ \$127,670,408 shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S., including ~~\$84,016,715~~ \$86,780,616 that shall be subject to the (H) head note as defined in Section 2 of Chapter 464 Session Laws of Colorado 2009, \$17,359,908(H) shall be from the Nursing Facility Cash Fund created in Section 25.5-6-203 (2) (a), C.R.S., \$22,229,571 represents public funds certified as expenditures incurred by public hospitals and agencies that are eligible for federal financial participation under the Medicaid program, \$7,000,000 shall be from the Tobacco Education Programs Fund created in section

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Mental Health Capitation Payments ^{9, 10}	226,510,979	104,060,275(M)		9,169,599 ^a	10,248^a	113,270,857
	245,487,785	110,755,857(M)		9,761,810 ^a	11,153 ^b	124,958,965
Medicaid Mental Health Fee for Service Payments	<u>2,537,069</u>	1,268,535(M)				1,268,534
	229,048,048					
	248,024,854					

^a Of this amount, ~~\$9,155,770(H)~~ \$9,745,874 (H) shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S., and ~~\$13,829~~ \$15,936 shall be from the Breast and Cervical Cancer Prevention and Treatment Fund created in Section 25.5-5-308 (8) (a), C.R.S.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(4) INDIGENT CARE PROGRAM						
Safety Net Provider Payments	295,081,102	5,273,622(M)		142,266,929*		147,540,551
Colorado Health Care Services Fund	13,447,000	13,447,000				
The Children's Hospital, Clinic Based Indigent Care	27,759,958	3,059,880(M)			10,517,931 ^b	14,182,147
Health Care Services Fund Programs	5,410,049				2,929,069 ^b	2,480,980
Pediatric Speciality Hospital	15,032,712	6,656,997(M)		355,359 ^c	504,000 ^d	7,516,356
H.B. 05-1262 Appropriation from General Fund to Pediatric Speciality Hospital Fund	504,000		504,000 ^e			
H.B. 05-1262 Appropriation from Tobacco Tax Cash Fund to the General Fund	504,000			504,000 ^f		

^b This amount shall be transferred from the Department of Public Health and Environment for the Breast and Cervical Cancer Prevention and Treatment Program created pursuant to Section 24-22-117 (2) (d) (II) (D), C.R.S.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Primary Care Fund Program	19,525,000				19,525,000 ^g		
Special Distribution from Primary Care Fund	2,005,000				2,005,000 ^g		
H.B. 97-1304 Children's Basic Health Plan Trust	2,502,919		2,502,919				
	2,710,779		2,710,779				
Children's Basic Health Plan Administration	5,401,117				2,417,022 ^h		2,984,095
Children's Basic Health Plan Premium Costs ¹¹	145,664,212				48,696,353ⁱ	2,500,000 ^j	94,467,859
	157,889,556				52,975,224 ⁱ		102,414,332
Children's Basic Health Plan Dental Benefit Costs ¹²	10,948,462				3,831,962^f		7,116,500
	11,834,575				4,142,102 ^k		7,692,473
Comprehensive Primary and Preventive Care Grants	226,993				226,993 ^l		

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Comprehensive Primary and Preventive Care Rural and Public Hospital Grant Program	1,041,096			1,030,048 ^d		11,048
	545,053,620					
	558,372,937					

^a This amount represents public funds certified as representing expenditures incurred by hospitals that are eligible for federal financial participation under the Medicaid upper payment limit and the Medicaid Disproportionate Share Payments to Hospitals program.

^b These amounts shall be from the Health Care Services Fund created in Section 25.5-3-112 (1) (a), C.R.S.

^c This amount shall be from the Supplemental Tobacco Litigation Settlement Moneys Account in the Pediatric Specialty Hospital Fund created in Section 24-22-117 (2) (e) (II), C.R.S.

^d This amount shall be from the Pediatric Specialty Hospital Fund created in Section 24-22-117 (2) (e), C.R.S.

^e This amount is not subject to the limitation on state fiscal year spending imposed by Article X, Section 20 of the State Constitution. This amount is also not subject to the statutory limitation on General Fund appropriation growth or any other spending limitation existing in law pursuant to Article X, Section 21 (8) of the State Constitution.

^f This amount shall be from the Tobacco Tax Cash Fund created in Section 24-22-117 (l) (a), C.R.S. This appropriation partially meets the requirement to appropriate a portion of the revenues collected from imposition of additional state cigarette and tobacco taxes to the General Fund pursuant to Section 21 of Article X of the State Constitution.

^g This amount shall be from the Primary Care Fund created in Section 24-22-117 (2) (b) (I), C.R.S.

^h Of this amount, \$1,933,301 shall be from the Children's Basic Health Plan Trust created in Section 25.5-8-105 (1), C.R.S., and \$483,721 shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S.

APPROPRIATION FROM

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

¹ Of this amount, ~~\$25,296,193~~ \$27,850,795 shall be from the Children's Basic Health Plan Trust created in Section 25.5-8-105 (1), C.R.S., ~~\$21,177,045~~ \$22,901,314 shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S., \$1,761,388 shall be from the Children's Basic Health Plan Trust and Supplemental Tobacco Litigation Settlement Moneys Account created in Section 25.5-8-105 (1), C.R.S., and \$461,727 shall be from the Colorado Immunization Fund created in Section 25-4-2301, C.R.S.

² This amount is General Fund that is appropriated into the Children's Basic Health Plan Trust created in Section 25.5-8-105 (1), C.R.S.

³ Of this amount, ~~\$2,525,196~~ \$2,733,056 shall be from the Children's Basic Health Plan Trust created in Section 25.5-8-105 (1), C.R.S. and ~~\$1,306,766~~ \$1,409,046 shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S.

⁴ This amount shall be from the Comprehensive Primary and Preventive Care Fund created in Section 25.5-3-207 (1), C.R.S.

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

\$4,070,693,962	\$1,584,761,132	\$504,000 ⁵	\$455,492,397	\$28,294,030	\$2,001,642,403
<u>\$4,163,798,486</u>	<u>\$1,612,155,407</u>	<u> </u>	<u>\$463,502,392</u>	<u>\$28,322,801</u>	<u>\$2,059,313,886</u>

⁵ 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 8. Appropriations - adjustments to 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 appropriation for medical services premiums is decreased by forty-three million one hundred twenty-one thousand two hundred thirty-five dollars (\$43,121,235). Of said sum, fourteen million six hundred seventy-nine thousand nine hundred four dollars (\$14,679,904) shall be from the general fund, one million nine hundred eighty-two thousand eight hundred three dollars (\$1,982,803) shall be from the health care expansion fund created in section 24-22-117 (2) (a) (I), Colorado Revised Statutes, forty thousand five hundred fifty-three dollars (\$40,553) shall be from the breast and cervical cancer prevention and treatment fund created in section 25.5-5-308 (8) (a) (I), Colorado Revised Statutes, seventeen thousand three hundred eighty dollars (\$17,380) shall be reappropriated funds transferred from the department of public health and environment pursuant to Section 24-22-117 (2) (d) (II) (D), Colorado Revised Statutes, and twenty-six million four hundred thousand five hundred ninety-five dollars (\$26,400,595) shall be from federal funds.

(b) The general fund appropriation to the indigent care program for the children's basic health plan trust is increased by two million five hundred fifty-four thousand six hundred two dollars (\$2,554,602).

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: May 6, 2010