

CHAPTER 307

HEALTH CARE POLICY AND FINANCING

SENATE BILL 10-169

BY SENATOR(S) Boyd;
also REPRESENTATIVE(S) Riesberg, Apuan, Court, Fischer, Frangas, Hullinghorst, Kefalas, Ryden, Todd, Tyler, Vigil.

AN ACT

CONCERNING AUTHORITY FOR MONEYS IN THE HOSPITAL PROVIDER FEE CASH FUND GENERATED BY AN ENHANCED FEDERAL MATCH THROUGH THE 2010-11 FISCAL YEAR TO BE USED TO OFFSET GENERAL FUND EXPENDITURES IN THE MEDICAID PROGRAM, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 25.5-4-402.3 (4) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

25.5-4-402.3. Providers - hospital - provider fees - legislative declaration - federal waiver - fund created - rules - advisory board - repeal. (4) **Hospital provider fee cash fund.** (b) All moneys in the fund shall be subject to federal matching as authorized under federal law and subject to annual appropriation by the general assembly for the following purposes:

(VIII) (A) FOR STATE MEDICAID EXPENDITURES FOR STATE FISCAL YEARS 2009-10 AND 2010-11 ONLY AND REGARDLESS OF WHEN THESE FEDERAL MONEYS ARE MADE AVAILABLE, TO OFFSET GENERAL FUND EXPENDITURES IN THE MEDICAID PROGRAM IN AN EQUIVALENT AMOUNT THAT WOULD HAVE BEEN IN EXCESS OF THE FIFTY PERCENT FEDERAL FINANCIAL PARTICIPATION GENERATED BY INCREASED REIMBURSEMENTS AND PAYMENTS APPROPRIATED FOR USE IN SUBPARAGRAPHS (I) TO (III) OF THIS PARAGRAPH (b), PURSUANT TO THE FEDERAL "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009", PUB.L. 111-5, OR ANY AMENDMENT THERETO OR OTHER FEDERAL LAW THAT INCREASES FEDERAL FINANCIAL PARTICIPATION ABOVE THE FEDERAL FINANCIAL PARTICIPATION PERCENTAGE IN EFFECT PRIOR TO THE INCREASE IN FEDERAL FINANCIAL PARTICIPATION PROVIDED THROUGH THE FEDERAL "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009". SUCH AMOUNT SHALL BE TRANSFERRED TO THE HEALTH CARE EXPANSION FUND CREATED

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

PURSUANT TO SECTION 24-22-117 (2) (a) (I), C.R.S., OR APPROPRIATED FOR THE MEDICAID PROGRAM.

(B) PURSUANT TO HOUSE BILL 10-1320, ENACTED IN 2010, THE GENERAL ASSEMBLY AUTHORIZED MONEYS TO BE TRANSFERRED FROM THE HEALTH CARE EXPANSION FUND CREATED PURSUANT TO SECTION 24-22-117 (2) (a) (I), C.R.S., TO THE GENERAL FUND TO PAY FOR STATE MEDICAID EXPENSES. FOR STATE MEDICAID EXPENDITURES FOR STATE FISCAL YEARS 2009-10 AND 2010-11 ONLY AND REGARDLESS OF WHEN THESE FEDERAL MONEYS ARE MADE AVAILABLE, THE FIRST FORTY-ONE MILLION FOUR HUNDRED THOUSAND DOLLARS GENERATED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (VIII) SHALL BE TRANSFERRED TO THE HEALTH CARE EXPANSION FUND. MONEYS GENERATED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (VIII) IN EXCESS OF THE FORTY-ONE MILLION FOUR HUNDRED THOUSAND DOLLARS TRANSFERRED TO THE HEALTH CARE EXPANSION FUND SHALL BE APPROPRIATED FOR MEDICAID PROGRAMS TO OFFSET GENERAL FUND APPROPRIATIONS.

(C) THIS SUBPARAGRAPH (VIII) IS REPEALED, EFFECTIVE DECEMBER 31, 2011.

SECTION 2. Part V (2) and the affected totals of section 2 of chapter 464, Session Laws of Colorado 2009, as Part V and the affected totals are 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) 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 affected totals are amended by section 8 of House Bill 10-1323, 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	823,823,898
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	120,585,185

APPROPRIATION FROM

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	20,508,902					
Services for 53,014 Supplemental Security Income Disabled Individuals at an average cost of \$14,102.56	747,637,887					
Services for 58,991 Categorically Eligible Low-income Adults at an average cost of \$3,809.48	224,725,149					
Services for 7,131 Baby Care Program Adults at an average cost of \$8,741.51	62,335,715					

Services for 416 Breast and Cervical Cancer Treatment Clients at an average cost of \$20,365.00	8,471,839					
Services for 16,922 Expansion Health Care Low-Income Adult Clients at an average cost of \$2,412.29	40,820,748					
Services for 276,647 Eligible Children at an average cost of \$1,690.00	467,532,630					
Services for 18,373 Foster Children at an average cost of \$3,775.80	69,372,850					
Services for 3,616 Non-Citizens at an average cost of \$16,359.97	<u>59,157,649</u>					
		2,644,972,452	1,120,353,182(M)	190,987,505*	3,874,450 ^b	1,329,757,315
			1,115,423,794(M)	195,916,893 ^a		

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

^a Of this amount, \$124,906,507(H) shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S., including \$84,016,715 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 24-22-117 (2) (c) (I), C.R.S., \$7,000,000 shall be from the Prevention, Early Detection, and Treatment Fund created in Section 24-22-117 (2) (d) (I), C.R.S., \$10,390,000 shall be from the Primary Care Grant Fund created in section 24-22-117 (2) (b) (I), \$4,929,388 SHALL BE FROM THE HOSPITAL PROVIDER FEE CASH FUND CREATED IN SECTION 25.5-4-402.3 (4), C.R.S., \$1,144,308 shall be from the Breast and Cervical Cancer Prevention and Treatment Fund created in section 25.5-5-308 (8) (a), C.R.S., \$697,198 (H) shall be from the Colorado Autism Treatment Fund created in Section 25.5-6-805, C.R.S., \$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., and \$10,013 shall be from the Supplemental Tobacco Litigation Settlement Moneys Account in the Pediatric Speciality Hospital Fund created in section 24-22-117 (2) (e) (II).

^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., \$1,000,000 shall be from the Health Disparities Grant Program fund created in Section 24-22-117 (2) (f) (I), C.R.S., and \$874,450 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)**

\$4,070,693,962	\$1,584,761,132	\$504,000 ^a	\$455,492,397	\$28,294,030	\$2,001,642,403
	<u>\$1,579,831,744</u>		<u>\$460,421,785</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 3. Appropriation - adjustments to the 2010 long bill. For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing, for medical services premiums, for the fiscal year beginning July 1, 2010, shall be adjusted as follows:

(1) The general fund appropriation is decreased by forty-six million three hundred twenty-nine thousand three hundred eighty-eight dollars (\$46,329,388).

(2) The cash fund appropriation is increased by forty-six million three hundred twenty-nine thousand three hundred eighty-eight dollars (\$46,329,388). Said sum shall be from the hospital provider fee cash fund created in section 25.5-4-402.3 (4), 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: May 27, 2010