

CHAPTER 146

HEALTH CARE POLICY AND FINANCING

SENATE BILL 11-212

BY SENATOR(S) Hodge, Steadman, Lambert;
also REPRESENTATIVE(S) Gerou, Becker, Ferrandino.

AN ACT

CONCERNING AUTHORITY FOR AN ADDITIONAL PERMISSIBLE USE OF MONEYS IN THE HOSPITAL PROVIDER FEE CASH FUND FOR STATE MEDICAID EXPENDITURES TO OFFSET STATE GENERAL FUND EXPENDITURES FOR THE NEXT TWO FISCAL YEARS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 25.5-4-402.3 (3) (a) (II) and (3) (a) (III), Colorado Revised Statutes, are amended, and the said 25.5-4-402.3 (3) (a) is further 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. (3) **Hospital provider fee.** (a) Beginning with the fiscal year commencing July 1, 2009, and each fiscal year thereafter, the state department is authorized to charge and collect hospital provider fees, as described in 42 CFR 433.68 (b), on outpatient and inpatient services provided by all licensed or certified hospitals, referred to in this section as "hospitals", for the purpose of obtaining federal financial participation under the state medical assistance program as described in this article and articles 5 and 6 of this title, referred to in this section as the "state medical assistance program", and the Colorado indigent care program described in part 1 of article 3 of this title, referred to in this section as the "Colorado indigent care program". The hospital provider fees shall be used to:

(II) Increase the number of persons covered by public medical assistance; ~~and~~

(III) Pay the administrative costs to the state department in implementing and administering this section; AND

(IV) OFFSET GENERAL FUND EXPENDITURES FOR THE STATE MEDICAID PROGRAM

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

FOR STATE FISCAL YEARS 2011-12 AND 2012-13 ONLY.

SECTION 2. 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:

(IX) (A) FOR STATE MEDICAID EXPENDITURES FOR STATE FISCAL YEAR 2011-12 ONLY, FIFTY MILLION DOLLARS SHALL BE APPROPRIATED TO OFFSET GENERAL FUND EXPENDITURES.

(B) FOR STATE MEDICAID EXPENDITURES FOR STATE FISCAL YEAR 2012-13 ONLY, TWENTY-FIVE MILLION DOLLARS SHALL BE APPROPRIATED TO OFFSET GENERAL FUND EXPENDITURES.

(C) THIS SUBPARAGRAPH (IX) IS REPEALED, EFFECTIVE DECEMBER 31, 2013.

SECTION 3. 25.5-4-402.3 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25.5-4-402.3. Providers - hospital - provider fees - legislative declaration - federal waiver - fund created - rules - advisory board - repeal. (5) Appropriations. (b.5)(I) NOTWITHSTANDING ANY PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (5) TO THE CONTRARY, IF REVENUE FROM THE PROVIDER FEE IS INSUFFICIENT TO FULLY FUND ALL OF THE PURPOSES DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION, REVENUE FROM THE PROVIDER FEE SHALL BE USED FIRST TO OFFSET GENERAL FUND EXPENDITURES FOR THE STATE MEDICAID PROGRAM FOR STATE FISCAL YEARS 2011-12 AND 2012-13 IN THE AMOUNTS SET FORTH IN SUBPARAGRAPH (IX) OF PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION.

(II) THIS PARAGRAPH (b.5) IS REPEALED, EFFECTIVE DECEMBER 31, 2013.

SECTION 4. Appropriation - adjustments in the 2011 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, 2011, shall be adjusted as follows:

(1) The general fund appropriation is decreased by fifty million dollars (\$50,000,000);

(2) The cash fund appropriation is increased by fifty million dollars (\$50,000,000). Said sum shall be from the hospital provider fee cash fund created in section 25.5-4-402.3 (4), Colorado Revised Statutes.

SECTION 5. 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 5, 2011