

CHAPTER 180

HEALTH AND ENVIRONMENT

HOUSE BILL 11-1281

BY REPRESENTATIVE(S) Joshi, Barker, Fields, Gardner B., Hamner, Kerr J., Labuda, Massey, Miklosi, Pabon, Peniston, Schafer S., Stephens, Todd, Vigil;
 also SENATOR(S) Boyd, Aguilar, Bacon, Carroll, Giron, Guzman, Heath, Hodge, Johnston, Newell, Nicholson, Schwartz, Steadman, Tochtrop, Williams S.

AN ACT

CONCERNING HEALTH CARE PROFESSIONAL LOAN FORGIVENESS PROGRAMS ADMINISTERED BY THE PRIMARY CARE OFFICE IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 25-20.5-604 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25-20.5-604. Primary care office - powers and duties. (1) The primary care office shall have, at a minimum, the following powers and duties:

(g) TO ADMINISTER NURSING AND HEALTH CARE PROFESSIONAL FACULTY LOAN REPAYMENT PURSUANT TO PART 7 OF THIS ARTICLE.

SECTION 2. 25-20.5-701, Colorado Revised Statutes, is amended to read:

25-20.5-701. Legislative declaration. (1) The general assembly hereby finds that there are areas of Colorado that suffer from a lack of health care professionals to serve, AND A LACK OF NURSING OR OTHER HEALTH CARE PROFESSIONAL FACULTY TO TRAIN HEALTH CARE PROFESSIONALS TO MEET, the medical needs of communities. The general assembly further finds that THE STATE NEEDS TO IMPLEMENT incentives ~~are needed~~ to encourage health care professionals to practice in these underserved areas AND TO ENCOURAGE NURSING FACULTY AND OTHER HEALTH CARE PROFESSIONAL FACULTY TO TEACH THESE HEALTH CARE PROFESSIONALS.

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

(2) It is therefore the intent of the general assembly in enacting this part 7 to create a state health service corps program that uses state ~~and~~ MONEYS, federal moneys, WHEN PERMISSIBLE, and contributions from communities and private sources to help repay the outstanding education loans that many health care professionals, NURSING FACULTY, AND HEALTH CARE PROFESSIONAL FACULTY hold. In exchange for repayment of ~~these~~ loans INCURRED FOR THE PURPOSE OF OBTAINING EDUCATION IN THEIR CHOSEN HEALTH CARE PROFESSIONS, the health care professionals will commit to provide health care services in communities with underserved health care needs throughout the state, AND THE NURSING AND HEALTH CARE PROFESSIONAL FACULTY WILL COMMIT TO PROVIDING A SPECIFIED PERIOD OF SERVICE IN A QUALIFIED FACULTY POSITION.

SECTION 3. 25-20.5-702, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

25-20.5-702. Definitions. As used in this part 7, unless the context otherwise requires:

(3.5) "HEALTH CARE PROFESSIONAL FACULTY MEMBER" MEANS A PERSON WHO HAS AN ADVANCED DEGREE IN A HEALTH CARE PROFESSIONAL FIELD AND IS EMPLOYED IN A QUALIFIED FACULTY POSITION.

(6.5) "NURSING FACULTY MEMBER" MEANS A PERSON WHO HAS AN ADVANCED DEGREE IN NURSING AND IS EMPLOYED IN A QUALIFIED FACULTY POSITION.

(9) "QUALIFIED FACULTY POSITION" MEANS A PART-TIME OR FULL-TIME TEACHING POSITION AT AN EDUCATIONAL INSTITUTION WITH ACCREDITED NURSING OR HEALTH CARE PROFESSIONAL TRAINING PROGRAMS, WHICH POSITION REQUIRES AN ADVANCED DEGREE THAT MEETS NATIONAL ACCREDITATION STANDARDS AND IS APPROVED BY THE PRIMARY CARE OFFICE.

SECTION 4. 25-20.5-703 (1) (a) (I) (A), (1) (a) (II), (1) (b), (1) (d), and (2), Colorado Revised Statutes, are amended, and the said 25-20.5-703 (1) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

25-20.5-703. Colorado health service corps - program - creation - conditions. (1) (a) (I) (A) Beginning July 1, 2009, the primary care office shall maintain and administer, subject to available appropriations, the Colorado health service corps. Subject to available appropriations, the Colorado health service corps shall provide loan repayment for certain eligible health care professionals who provide primary health services. BEGINNING JULY 1, 2011, THE COLORADO HEALTH SERVICE CORPS SHALL ALSO PROVIDE LOAN REPAYMENT FOR CERTAIN ELIGIBLE NURSING FACULTY OR HEALTH CARE PROFESSIONAL FACULTY MEMBERS IN QUALIFIED FACULTY POSITIONS.

(II) Under the Colorado health service corps, subject to the limitations specified in subsection (2) of this section, upon entering into a loan contract, the state may either:

(A) Make payments on the education loans of the health care professional, NURSING FACULTY MEMBER, OR HEALTH CARE PROFESSIONAL FACULTY MEMBER; or

(B) Agree to make an advance payment in a lump sum of all or part of the principal, interest, and related expenses of the education loans of health care professionals, NURSING FACULTY MEMBERS, OR HEALTH CARE PROFESSIONAL FACULTY MEMBERS, subject to the limitations specified in subsection (2) of this section.

(IV) IN CONSIDERATION FOR RECEIVING REPAYMENT OF ALL OR PART OF HIS OR HER EDUCATION LOAN, THE NURSING OR OTHER HEALTH CARE PROFESSIONAL FACULTY MEMBER SHALL AGREE TO SERVE TWO OR MORE CONSECUTIVE ACADEMIC YEARS IN A QUALIFIED FACULTY POSITION.

(b) Repayment of loans under the Colorado health service corps may be made using moneys in the Colorado health service corps fund. The primary care office is authorized to receive and expend gifts, grants, and donations or moneys appropriated by the general assembly for the purpose of implementing the Colorado health service corps. In administering the Colorado health service corps, the primary care office shall collaborate with the university of Colorado health sciences center and other appropriate partners as needed to maximize the federal moneys available to the state for state loan repayment programs through the federal department of health and human services. The selection of health care professionals, NURSING FACULTY MEMBERS, AND HEALTH CARE PROFESSIONAL FACULTY MEMBERS for participation in the Colorado health service corps is exempt from the competitive bidding requirements of the "Procurement Code", articles 101 to 112 of title 24, C.R.S.

(d) (I) As a condition of receiving a loan repayment through the Colorado health service corps, a health care professional shall enter into a contract pursuant to which the health care professional ~~shall agree~~ AGREES to practice for at least two years in a community that is located in a federally designated health professional shortage area. The health care professional, the primary care office, and the community employer with which the health care professional is practicing shall be parties to the contract.

(II) AS A CONDITION OF RECEIVING A LOAN REPAYMENT THROUGH THE COLORADO HEALTH SERVICE CORPS, A NURSING FACULTY OR HEALTH CARE PROFESSIONAL FACULTY MEMBER SHALL ENTER INTO A CONTRACT PURSUANT TO WHICH HE OR SHE AGREES TO SERVE AT LEAST TWO CONSECUTIVE ACADEMIC YEARS OR THEIR EQUIVALENT IN A QUALIFIED FACULTY POSITION. THE NURSING FACULTY OR HEALTH CARE PROFESSIONAL FACULTY MEMBER, THE PRIMARY CARE OFFICE, AND THE EDUCATIONAL INSTITUTION WHERE THE QUALIFIED FACULTY POSITION IS LOCATED SHALL BE PARTIES TO THE CONTRACT.

(2) Subject to available appropriations, the primary care office shall annually select health care professionals, NURSING FACULTY MEMBERS, AND HEALTH CARE PROFESSIONAL MEMBERS from the list provided by the advisory council pursuant to section 25-20.5-704 (6) to participate in the Colorado health service corps.

SECTION 5. 25-20.5-703, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

25-20.5-703. Colorado health service corps - program - creation - conditions.

(2.5) THE PRIMARY CARE OFFICE, AFTER CONSULTING WITH THE ADVISORY COUNCIL AND ACCREDITED HEALTH CARE PROFESSIONAL TRAINING PROGRAMS IN THE STATE, SHALL DEVELOP LOAN FORGIVENESS CRITERIA FOR NURSING FACULTY AND OTHER HEALTH CARE PROFESSIONAL FACULTY MEMBERS. IN DETERMINING WHETHER TO FORGIVE THE LOAN OF A FACULTY MEMBER, THE PRIMARY CARE OFFICE SHALL CONSIDER THE FOLLOWING CRITERIA:

(a) THE FACULTY POSITIONS AVAILABLE AT THE EDUCATIONAL INSTITUTION AT WHICH THE HEALTH CARE PROFESSIONAL WORKS;

(b) DOCUMENTED RECRUITING EFFORTS BY THE EDUCATIONAL INSTITUTION;

(c) THE ATTRIBUTES OF THE EDUCATIONAL OR TRAINING PROGRAM THAT ARE DESIGNED WITH THE INTENT TO ADDRESS KNOWN SHORTAGES OF HEALTH CARE PROFESSIONALS IN COLORADO;

(d) THE TYPE OF PROGRAMS OFFERED AT THE EDUCATIONAL INSTITUTION, INCLUDING ASSOCIATE, BACHELOR'S, MASTER'S, OR DOCTORAL DEGREES IN THE HEALTH CARE PROFESSIONS, AND THE NEED FOR THOSE PROGRAMS IN THE STATE.

(2.7) IN SOLICITING PRIVATE GRANTS TO FUND LOAN REPAYMENTS, THE PRIMARY CARE OFFICE SHALL GIVE PRIORITY TO SOLICITING GRANTS TO FUND REPAYMENTS OF LOANS FOR NURSING FACULTY.

SECTION 6. The introductory portion to 25-20.5-704 (3) and 25-20.5-704 (3) (d) and (6), Colorado Revised Statutes, are amended, and the said 25-20.5-704 (3) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

25-20.5-704. Colorado health service corps advisory council - creation - membership - duties - repeal. (3) On and after July 1, 2009, in addition to the members specified in subsection (2) of this section, the governor shall appoint REPRESENTATIVES to the advisory council ~~at least one representative from each of the following organizations~~ AS FOLLOWS:

(c.5) AT LEAST TWO REPRESENTATIVES OF A PROFESSIONAL ORGANIZATION, DESIGNATED BY THE DEPARTMENT, THAT REPRESENTS NURSES IN COLORADO;

(d) ~~An~~ AT LEAST TWO advanced practice ~~nurse~~ NURSES IN FACULTY POSITIONS AT NO LESS THAN TWO EDUCATIONAL INSTITUTIONS WITH HEALTH CARE PROFESSIONAL PROGRAMS, EACH OF WHOM IS LICENSED TO PRACTICE IN Colorado;

(d.5) AN ADVANCED PRACTICE NURSE IN A FACULTY POSITION AT A TWO-YEAR EDUCATIONAL INSTITUTION WITH HEALTH CARE PROFESSIONAL PROGRAMS WHO IS LICENSED TO PRACTICE IN COLORADO;

(6) The advisory council shall review applications received from health care professionals, NURSING FACULTY MEMBERS, AND HEALTH CARE PROFESSIONAL FACULTY MEMBERS to participate in the Colorado health service corps. Subject to available appropriations and federal requirements concerning eligibility for federal loan repayment matching funds, the advisory council shall annually select health

care professionals, NURSING FACULTY MEMBERS, AND HEALTH CARE PROFESSIONAL FACULTY MEMBERS to participate in the Colorado health service corps and shall forward its list of selected participants to the primary care office.

SECTION 7. The introductory portion to 25-20.5-705 (1) and 25-20.5-705 (1) (d) and (1) (e), Colorado Revised Statutes, are amended, and the said 25-20.5-705 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

25-20.5-705. Advisory council - report. (1) On or before December 1, 2011, and on or before December 1 every two years thereafter, the advisory council shall submit to the governor, ~~and the health and human services committees~~ COMMITTEE of the senate, and THE HEALTH AND ENVIRONMENT COMMITTEE OF THE house of representatives, or any successor committees, a report that includes, at a minimum, the following information:

(d) An analysis of the impact of the Colorado health service corps program; ~~and~~

(e) If applicable, results of any surveys conducted of state health professional incentive programs in primary care and any recommendations to individually enhance, improve coordination among, and potentially consolidate existing or potential programs to better address Colorado's primary care workforce issues; AND

(f) THE NUMBER OF NURSING FACULTY OR OTHER HEALTH CARE PROFESSIONAL FACULTY MEMBERS WHO RECEIVE MONEYS FROM THE COLORADO HEALTH SERVICE CORPS AND THE NUMBER OF EDUCATIONAL INSTITUTIONS WHERE THE RECIPIENTS TEACH.

SECTION 8. The introductory portion to 25-20.5-706 (1) and 25-20.5-706 (1) (a), (1) (c), and (2), Colorado Revised Statutes, are amended to read:

25-20.5-706. Colorado health service corps fund - created - acceptance of grants and donations - repeal. (1) The Colorado health service corps fund is hereby created in the state treasury, which fund ~~shall consist~~ CONSISTS of:

(a) All GENERAL FUND moneys appropriated by the general assembly for the Colorado health service corps, THE FIRST FIVE HUNDRED THOUSAND DOLLARS OF WHICH SHALL BE USED SOLELY FOR LOAN REPAYMENTS FOR NURSING FACULTY;

(c) ~~Moneys~~ FOR THE 2011-12 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, TWO HUNDRED FIFTY THOUSAND DOLLARS transferred ~~from the short-term innovative health program grant fund~~ pursuant to section ~~25-36-101 (10)~~ 24-75-1104.5 (1.5) (a) (XI), C.R.S.;

(2) (a) The moneys in the fund, other than any federal moneys credited to the fund AND THE MONEYS DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION, are hereby continuously appropriated to the primary care office for the Colorado health service corps. Any moneys in the fund not expended for the purpose of this part 7 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 fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall

not be credited or transferred to the general fund or another fund.

(b) THE MONEYS DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE PRIMARY CARE OFFICE FOR THE COLORADO HEALTH SERVICE CORPS.

SECTION 9. 23-3.6-102 (1), Colorado Revised Statutes, is amended to read:

23-3.6-102. Nursing teacher loan forgiveness pilot program - administration - fund - conditions. (1) (a) The general assembly hereby authorizes collegeinvest to develop and maintain a nursing teacher loan forgiveness pilot program for implementation beginning in the fall semester of the 2006-07 academic year. The program shall provide for payment of up to twenty thousand dollars for all or part of the principal of and interest on a qualified loan if the person is hired for a qualified position and stays in a qualified position for a period of not less than five consecutive academic years after the person earned an advanced degree in nursing. Repayment of loans through the program may be made using moneys in the nursing teacher loan forgiveness fund, created in paragraph (b) of this subsection (1), or moneys allocated to the program by collegeinvest. Collegeinvest is authorized to receive and expend gifts, grants, and donations or moneys appropriated by the general assembly for the purpose of implementing the program. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED, COLLEGEINVEST SHALL NOT ENTER INTO ANY NEW CONTRACTS TO PROVIDE LOAN REPAYMENTS TO OR FOR THE BENEFIT OF A NURSING TEACHER PURSUANT TO THIS SECTION.

(b) There is hereby created in the state treasury the nursing teacher loan forgiveness fund, which shall consist of all moneys appropriated by the general assembly for the program and any gifts, grants, and donations received for said purpose. Moneys in the fund are hereby continuously appropriated to the department of higher education for the program. Any moneys in the fund not expended for the purpose of this part 1 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 fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain in the fund and shall not be credited or transferred to the general fund or any other fund; EXCEPT THAT, ON JUNE 30, 2011, THE STATE TREASURER SHALL TRANSFER ANY BALANCE IN THE FUND IN EXCESS OF TWO HUNDRED TWENTY-SEVEN THOUSAND DOLLARS FROM THE FUND TO THE GENERAL FUND, AND COLLEGEINVEST SHALL USE THE TWO HUNDRED TWENTY-SEVEN THOUSAND DOLLARS REMAINING IN THE FUND ON JUNE 30, 2011, TO PROVIDE FUNDING FOR CONTRACTS ENTERED INTO BY OR ON BEHALF OF COLLEGEINVEST PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (1), AS AMENDED, AND TO COVER ITS COSTS IN ADMINISTERING THE PROGRAM. COLLEGEINVEST SHALL NOTIFY THE STATE TREASURER WHEN ALL OBLIGATIONS UNDER CONTRACTS ENTERED INTO BY OR ON BEHALF OF COLLEGEINVEST PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (1) ARE SATISFIED, AND UPON SUCH NOTIFICATION, THE STATE TREASURER SHALL TRANSFER ANY REMAINING BALANCE IN THE FUND TO THE GENERAL FUND.

SECTION 10. Repeal. Article 19 of title 23, Colorado Revised Statutes, is repealed.

SECTION 11. 24-75-1104.5 (1.5) (a) (IX), Colorado Revised Statutes, is amended, and the said 24-75-1104.5 (1.5) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

24-75-1104.5. Use of settlement moneys - programs - repeal. (1.5) (a) Except as otherwise provided in subsections (5) and (6) of this section, for the 2007-08 fiscal year and for each fiscal year thereafter, the following programs, services, and funds shall receive the following specified amounts from the portion of any settlement moneys received and allocated by the state in the current fiscal year that remains after the programs, services, and funds receiving such moneys pursuant to subsection (1) of this section have been fully funded, and the portion of all other settlement moneys received by the state in the preceding fiscal year that remains after the programs, services, and funds receiving such other settlement moneys pursuant to subsection (1) of this section have been fully funded and all overexpenditures and supplemental appropriations allowed for the 2006-07, 2007-08, 2008-09, or 2009-10 fiscal years pursuant to section 24-22-115 (4) have been made:

(IX) The short-term innovative health program grant fund created in section 25-36-101 (2), C.R.S., shall receive six percent of the settlement moneys, which the state treasurer shall transfer thereto, plus additional moneys as specified in section 24-22-115 (1) (b) and paragraph (b) of this subsection (1.5); EXCEPT THAT, FOR THE 2011-12 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER, THE AMOUNT ALLOCATED TO THE SHORT-TERM INNOVATIVE HEALTH PROGRAM GRANT FUND PURSUANT TO THIS SUBPARAGRAPH (IX) IS REDUCED BY TWO HUNDRED FIFTY THOUSAND DOLLARS.

(XI) FOR THE 2011-12 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, THE COLORADO HEALTH SERVICE CORPS FUND CREATED IN SECTION 25-20.5-706, C.R.S., SHALL RECEIVE TWO HUNDRED FIFTY THOUSAND DOLLARS.

SECTION 12. 25-36-101 (10) (b), Colorado Revised Statutes, is amended to read:

25-36-101. Short-term grants for innovative health programs - grant fund - creation - appropriation from fund - transfer of moneys for fiscal years 2007-08 through 2011-12. (10) (b) Notwithstanding any other provision of this section, for the 2009-10 AND 2010-11 fiscal year and for each fiscal year thereafter ~~through the 2011-12 fiscal year~~ YEARS, the state treasurer shall transfer from the short-term innovative health program grant fund to the Colorado health service corps fund created in section 25-20.5-706, for purposes of the Colorado health service corps, the lesser of ninety thousand seventy dollars or six percent of the amount allocated to the short-term innovative health program grant fund for the fiscal year pursuant to section 24-75-1104.5 (1.5) (a) (IX), C.R.S., enacted by Senate Bill 07-097 at the first regular session of the sixty-sixth general assembly.

SECTION 13. 23-3.1-206 (1) (y), Colorado Revised Statutes, is amended to read:

23-3.1-206. General powers and duties of the authority. (1) In addition to any other powers and duties specifically granted to the authority in this part 2, the

authority has the following powers:

(y) To develop and administer loan forgiveness programs. ~~including those established under article 3.6 of this title.~~

SECTION 14. Appropriation - adjustment in the 2011 long bill. For the implementation of this act, appropriations made in the annual general appropriation act, from the general fund, to the department of higher education, Colorado commission on higher education financial aid, special purpose, for nursing teacher loan forgiveness pilot, for the fiscal year beginning July 1, 2011, shall be reduced by one hundred sixty-one thousand six hundred dollars (\$161,600).

SECTION 15. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado health services corps fund created in section 25-20.5-706, Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, prevention services division, primary care office, for the fiscal year beginning July 1, 2011, the sum of two hundred fifty thousand dollars (\$250,000) cash funds and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 16. 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 19, 2011