

CHAPTER 94

HEALTH AND ENVIRONMENT

HOUSE BILL 11-1101

BY REPRESENTATIVE(S) Swalm, Ferrandino, Fischer, Gardner D., Kefalas, Massey, Pace, Solano, Todd, Looper, Priola, Schafer S., Wilson;
also SENATOR(S) Morse, Aguilar, Boyd, Giron, Guzman, Heath, Hodge, Newell, Nicholson, Tochtrop, White.

AN ACT

CONCERNING AN EXEMPTION FROM STATE LICENSURE REQUIREMENTS FOR A COMMUNITY CLINIC THAT IS A FEDERALLY QUALIFIED HEALTH CENTER, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 25-1.5-103 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25-1.5-103. Health facilities - powers and duties of department - limitations on rules promulgated by department. (2) For purposes of this section, unless the context otherwise requires:

(a.5) "COMMUNITY CLINIC" DOES NOT INCLUDE A FEDERALLY QUALIFIED HEALTH CENTER, AS DEFINED IN SECTION 1861 (aa) (4) OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa) (4).

SECTION 2. 25-3-101 (1) and (2), Colorado Revised Statutes, are amended to read:

25-3-101. Hospitals - health facilities - licensed - definitions. (1) It is unlawful for any person, partnership, association, or corporation to open, conduct, or maintain any general hospital, hospital unit, ~~as defined in subsection (2) of this section~~, psychiatric hospital, community clinic, rehabilitation center, convalescent center, community mental health center, acute treatment unit, facility for persons with developmental disabilities, habilitation center for ~~brain-damaged~~ children WITH BRAIN DAMAGE, chiropractic center and hospital, maternity hospital, nursing care facility, pilot project rehabilitative nursing facility, hospice care, assisted living

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

residence, except an assisted living residence shall be assessed a license fee as set forth in section 25-27-107, dialysis treatment clinic, ambulatory surgical center, birthing center, home care agency, or other facility of a like nature, except those wholly owned and operated by any governmental unit or agency, without first having obtained a license therefor from the department of public health and environment.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COMMUNITY CLINIC" DOES NOT INCLUDE A FEDERALLY QUALIFIED HEALTH CENTER, AS DEFINED IN SECTION 1861 (aa) (4) OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa) (4).

(b) "Hospital unit" means a physical portion of a licensed or certified general hospital, psychiatric hospital, maternity hospital, or rehabilitation hospital ~~which~~ THAT is leased or otherwise occupied pursuant to a contractual agreement by a person other than the licensee of the host facility for the purpose of providing outpatient or inpatient services.

SECTION 3. 25.5-3-103 (3), Colorado Revised Statutes, is amended to read:

25.5-3-103. Definitions. As used in this part 1, unless the context otherwise requires:

(3) "General provider" means ~~any~~ A general hospital, birth center, or community health clinic licensed or certified by the department of public health and environment pursuant to section 25-1.5-103 (1) (a) (I) or (1) (a) (II), C.R.S.; ~~any~~ A FEDERALLY QUALIFIED HEALTH CENTER, AS DEFINED IN SECTION 1861 (aa) (4) OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa) (4); A health maintenance organization issued a certificate of authority pursuant to section 10-16-402, C.R.S.; and the health sciences center when acting pursuant to section 25.5-3-108 (5) (a) (I) or (5) (a) (II) (A). For the purposes of the program, "general provider" includes associated physicians.

SECTION 4. Appropriation - adjustments to the 2011 long bill. For the implementation of this act, the cash funds appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2011, to the department of public health and environment, health facilities and emergency medical services division, licensure, for the health facilities general licensure program, is decreased by twenty-four thousand five hundred eighty-one dollars (\$24,581) and 0.4 FTE. Said sum shall be from the health facilities general licensure cash fund created in section 25-3-103.1 (1), 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: April 8, 2011