

## CHAPTER 63

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**HEALTH CARE POLICY AND FINANCING**

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**HOUSE BILL 13-1199**

BY REPRESENTATIVE(S) Pettersen, Buckner, Court, Fields, Ginal, Hamner, Hullinghorst, Kraft-Tharp, Melton, Rosenthal, Schafer, Singer, Tyler, Vigil, Young;  
also SENATOR(S) Kefalas, Crowder, Guzman, Nicholson.

**AN ACT****CONCERNING CLARIFICATIONS OF THE STATUTE GOVERNING PROVIDER FEES PAID BY NURSING FACILITIES.**

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

**SECTION 1. Legislative declaration.** (1) The general assembly hereby finds and declares:

(a) The changes to section 25.5-6-203 (1) (c) (I), Colorado Revised Statutes, are not intended to enact a change in either the intent of the existing statute or the way the existing statute is interpreted or implemented by the department of health care policy and financing; and

(b) The changes are only intended to clarify the existing statute.

**SECTION 2.** In Colorado Revised Statutes, 25.5-6-203, **amend** (1) (c) (I) and (1) (g) as follows:

**25.5-6-203. Nursing facilities - provider fees - federal waiver - fund created - rules.** (1) (c) In accordance with the redistributive method set forth in 42 CFR 433.68 (e) (1) and (e) (2), the state department shall seek a waiver from the broad-based provider fees requirement or the uniform provider fees requirement, or both, to exclude nursing facility providers from the provider fee. The state department shall exempt the following nursing facility providers to obtain federal approval and minimize the financial impact on nursing facility providers:

(I) A facility operated as a continuing care retirement community that provides a continuum of services by one operational entity providing independent living services, ~~or assisted living residence services, as defined in section 25-27-102 (1.3);~~

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

~~C.R.S., or that provides assisted living services on-site, twenty-four hours per day, seven days per week, and skilled nursing care on a single, contiguous campus. ASSISTED LIVING SERVICES INCLUDE AN ASSISTED LIVING RESIDENCE, AS DEFINED IN SECTION 25-27-102, C.R.S., OR THAT PROVIDE ASSISTED LIVING SERVICES ON-SITE, TWENTY-FOUR HOURS PER DAY, SEVEN DAYS PER WEEK.~~

(g) The state department shall establish a schedule to assess AND COLLECT the provider fee on a monthly basis. ~~and shall collect the fee from nursing facility providers by no later than the end of the next succeeding calendar month.~~ The state board shall establish rules so that provider fee payments from a nursing facility provider and the state department's supplemental medicaid payments to the nursing facility are due as nearly simultaneously as feasible; except that the state department's supplemental medicaid payments to the nursing facility shall be due no more than fifteen days after the provider fee payment is received from the nursing facility. The state department shall require each nursing facility provider to report ~~monthly~~ ANNUALLY its total number of days of care provided to nonmedicare residents.

**SECTION 3. 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: March 22, 2013