

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 13-1074

BY REPRESENTATIVE(S) Kraft-Tharp, Fields, Ginal, Hullinghorst, Schafer, Tyler, Young, Court, Mitsch Bush, Ryden;  
also SENATOR(S) Roberts, Kefalas, King, Newell, Steadman.

CONCERNING THE REALLOCATION OF THE PRIMARY CARE OFFICE FROM THE PREVENTION SERVICES DIVISION TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND, IN CONNECTION THEREWITH, CHANGING THE MEMBERSHIP OF THE COLORADO HEALTH SERVICES CORPS ADVISORY COUNCIL AND CLARIFYING THE MONEYS INCLUDED IN THE COLORADO HEALTH SERVICES CORPS FUND.

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

**SECTION 1.** In Colorado Revised Statutes, **add with amended and relocated provisions** parts 4 and 5 to article 1.5 of title 25 as follows:

## PART 4 PRIMARY CARE OFFICE

**25-1.5-401. [Formerly 25-20.5-601] Legislative declaration.**

(1) The general assembly hereby finds and declares that:

(a) There is a shortage of qualified health care professionals in most

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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.*

areas of the state, particularly in rural and low-income communities;

(b) Lack of access to health care increases health inequities in Colorado and increases the overall cost of health care services;

(c) Communities designated as health professional shortage areas, medically underserved areas, or medically underserved populations may benefit from:

(I) Federal, state, and private programs that enhance reimbursement for medical services, provide grants for health service infrastructure, and create incentives for the placement of additional health care professionals in those communities; AND

~~(d) (II) Communities designated as health professional shortage areas, medically underserved areas, or medically underserved populations may benefit from~~ The placement of physicians through federal waiver programs such as the national interest waiver program, the Conrad 30 J-1 visa waiver program, and the national health service corps; and

~~(e)~~ (d) Assessing the health service needs of the state and coordinating workforce programs to address those needs is an important strategy for increasing access to health services in Colorado.

(2) The general assembly therefore finds that it is in the best interests of the citizens of the state of Colorado to create the primary care office within the department of public health and environment for the purpose of identifying the areas within the state that lack sufficient health care resources and coordinating available resources to maximize medical reimbursements, grants, and placements of health care professionals within those areas.

**25-1.5-402. [Formerly 25-20.5-602] Definitions.** As used in this part 6 4, unless the context otherwise requires:

(1) "Conrad 30 J-1 visa waiver program" means the program established in 8 U.S.C. sec. 1184 (l) (1) (D) (ii), allowing foreign-trained physicians who meet certain criteria to practice in communities designated as medically underserved areas, medically underserved populations, or health professional shortage areas.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, CREATED IN SECTION 25-1-102.

(3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.

~~(2)~~ (4) "Health care professional" means a licensed physician, an advanced practice nurse registered pursuant to section 12-38-111.5, C.R.S., a mental health practitioner, a licensed physician assistant, or any other licensed health care provider for which the federal government authorizes participation in a federally matched state loan repayment program to encourage health care professionals to provide services in underserved communities.

~~(3)~~ (5) "Health professional shortage area" ~~shall have~~ HAS the same meaning as provided in 42 U.S.C. sec. 254e.

~~(4)~~ (6) "Medically underserved area" means a medically underserved community as defined in 42 U.S.C. sec. 295p.

~~(5)~~ (7) "Medically underserved population" ~~shall have~~ HAS the same meaning as provided in 42 U.S.C. sec. 254b.

~~(6)~~ (8) "National health service corps" means the program established in 42 U.S.C. sec. 254d.

~~(7)~~ (9) "National interest waiver program" means the program established in 8 U.S.C. sec. 1153 (b) (2) (B) (ii) allowing foreign-trained physicians who meet certain criteria to practice in communities designated as medically underserved areas, medically underserved populations, or health professional shortage areas.

~~(8)~~ (10) "State board" means the state board of health created in section 25-1-103.

**25-1.5-403. [Formerly 25-20.5-603] Primary care office - creation.** (1) There is hereby created in the ~~prevention services division of the~~ department the primary care office for the purpose of assessing and addressing unmet needs concerning health care professionals, resources, and infrastructure across the state. The executive director of the department,

subject to the provisions of section 13 of article XII of the state constitution, shall appoint the director of the primary care office, who ~~shall be~~ IS the head of the office.

(2) The primary care office and the director of the office shall exercise their powers and perform their duties and functions specified in this part ~~6 4~~ under the department as if the same were transferred to the department by a **type 2** transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

(3) The primary care office ~~shall include~~ INCLUDES the Colorado health service corps advisory council created in section ~~25-20.5-704~~ 25-1.5-504.

**25-1.5-404. [Formerly 25-20.5-604] Primary care office - powers and duties - rules.** (1) The primary care office ~~shall have~~ HAS, at a minimum, the following powers and duties:

(a) To assess the health care professional needs of areas throughout the state;

(b) To apply to the United States department of health and human services, when appropriate, for designation of communities in the state as medically underserved areas, medically underserved populations, or health professional shortage areas or as any other designations necessary to participate in a federal program to address health care professional shortages;

(c) To maximize the placement of health care professionals who serve communities designated as medically underserved areas, medically underserved populations, or health professional shortage areas, or any other communities eligible for participation in a federal, state, or private program to address health care professional shortages, for the purpose of qualifying said communities for increased reimbursements, grants, and health care professional placements;

(d) To administer the Colorado health service corps pursuant to ~~the provisions of part 7 5~~ of this article;

(e) To administer or provide technical assistance to participants in

applicable federal programs intended to address health care professional shortages, including the Conrad 30 J-1 visa waiver program, the national interest waiver program, and the national health service corps. The state board may promulgate rules as necessary for the administration of these programs and shall establish by rule application fees for the Conrad 30 J-1 visa waiver program and the national interest waiver program. The primary care office shall transfer the fee amounts collected to the state treasurer for crediting to the visa waiver program fund established in section ~~25-20.5-605~~ 25-1.5-405.

(f) To seek and accept public or private gifts, grants, or donations to apply to the costs incurred in fulfilling the duties specified in this section and otherwise administering the programs within the office; AND

(g) To administer nursing and health care professional faculty loan repayment pursuant to part 7 5 of this article.

**25-1.5-405. [Formerly 25-20.5-605] Visa waiver program fund.**

There is hereby created in the state treasury the visa waiver program fund, referred to in this section as the "fund", that ~~shall consist~~ CONSISTS of the application fees collected pursuant to section ~~25-20.5-604(1)(e)~~ 25-1.5-404 (1) (e) and any additional moneys that the general assembly may appropriate to the fund. ~~In addition, for the 2009-10 fiscal year, the fund shall include the moneys transferred to the fund from the AIDS and HIV prevention fund pursuant to section 25-4-1415 (4).~~ The moneys in the fund ~~shall be~~ ARE subject to annual appropriation by the general assembly to the department for the direct and indirect costs incurred by the department in performing its duties under this part 6 4. Any moneys in the fund not expended for the purpose of this part 6 4 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 or 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.

PART 5

STATE HEALTH CARE PROFESSIONAL LOAN REPAYMENT  
PROGRAM

**25-1.5-501. [Formerly 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 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.

(2) It is therefore the intent of the general assembly in enacting this part 7 5 to create a state health service corps program that uses state 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 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.

**25-1.5-502. [Formerly 25-20.5-702] Definitions.** As used in this part 7 5, unless the context otherwise requires:

(1) "Advisory council" means the Colorado health service corps advisory council created pursuant to section ~~25-20.5-704~~ 25-1.5-504.

~~(1.5)~~ (2) "Colorado health service corps" means the loan repayment program created and operated pursuant to this part 7 5.

~~(1.7)~~ (3) "Colorado health service corps fund" or "fund" means the Colorado health service corps fund created in section ~~25-20.5-706~~ 25-1.5-506.

~~(2)~~ (4) "Federally designated health professional shortage area" means a health professional shortage area as defined in 42 U.S.C. sec. 254e.

~~(3)~~ (5) "Health care professional" means a licensed physician, an advanced practice nurse registered pursuant to section 12-38-111.5, C.R.S., a mental health practitioner, a licensed physician assistant, or any other

licensed health care provider for which the federal government authorizes participation in a federally matched state loan repayment program to encourage health care professionals to provide services in underserved communities.

~~(3.5)~~ (6) "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.

~~(4) and (5) (Deleted by amendment, L. 2010, (HB 10-1138), ch. 142, p. 479, § 2, effective July 1, 2010.)~~

~~(6)~~ (7) "National health service corps program" means the program established in 42 U.S.C. sec. 254d.

~~(6.5)~~ (8) "Nursing faculty member" means a person who has an advanced degree in nursing and is employed in a qualified faculty position.

~~(7)~~ (9) "Primary care office" means the primary care office created pursuant to part 6 4 of this article.

~~(8)~~ (10) "Primary health services" means health services regarding family medicine, general practice, general internal medicine, pediatrics, general obstetrics and gynecology, oral health, or mental health that are provided by health care professionals.

~~(9)~~ (11) "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.

**25-1.5-503. [Formerly 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.

~~(B) All contracts entered into by or on behalf of collegeinvest pursuant to part 2 of article 3.6 of title 23, C.R.S., as it existed prior to June 2, 2009, or the primary care office on behalf of the state health care professional loan repayment program pursuant to this part 7, as it existed prior to July 1, 2010, are hereby validated as obligations of the primary care office on behalf of the Colorado health service corps.~~

(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.

(III) In consideration for receiving repayment of all or part of his or her education loan, the health care professional shall agree to provide primary health services in federally designated health professional shortage areas in Colorado.

(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~~ MUST 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.

(c) Health care professionals practicing in nonprimary care specialties OR PROVIDING NONPRIMARY HEALTH SERVICES ~~shall~~ ARE NOT ~~be~~ eligible for loan repayments through the Colorado health service corps.

(d) (I) As a condition of receiving a loan repayment through the Colorado health service corps, a health care professional ~~shall~~ MUST enter into a contract pursuant to which the health care professional 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~~ MUST 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~~ MUST 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~~ MUST 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)~~ 25-1.5-504 (6) to participate in the Colorado health service corps.

~~(2.5)~~ (3) 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)~~ (4) In soliciting private grants to fund FACULTY loan repayments, the primary care office shall give priority to soliciting grants to fund repayments of loans for nursing faculty.

~~(3)~~ (5) A health care professional participating in the Colorado health service corps shall not practice with a for-profit private group or solo practice or at a proprietary hospital or clinic.

~~(4)~~ (6) A contract for loan repayment entered into pursuant to this part 7 ~~shall~~ 5 MUST not include terms that are more favorable to health care professionals than the most favorable terms that the secretary of the federal department of health and human services is authorized to grant under the national health services corps program. In addition, each contract ~~shall~~ MUST include penalties for breach of contract that are at least as stringent as those available to the secretary of the federal department of health and human services. In the event of a breach of contract for a loan repayment entered into pursuant to this part 7 5, the primary care office shall ~~be responsible for enforcing~~ ENFORCE the contract and ~~collecting~~ COLLECT any damages or other penalties owed.

~~(5) (Deleted by amendment, L. 2009, (HB 09-1111), ch. 396, p. 2136, § 2, effective June 2, 2009.)~~

**25-1.5-504. [Formerly 25-20.5-704] Colorado health service corps advisory council - creation - membership - duties - repeal.**

(1) There is hereby created in the primary care office the Colorado health service corps advisory council to review applications for participation in the Colorado health service corps and make recommendations to the primary care office pursuant to section ~~25-20.5-703 (2)~~ 25-1.5-503 (2).

(2) The advisory council ~~shall consist~~ CONSISTS of ~~fifteen~~ THIRTEEN members appointed by the governor as provided in this subsection (2). ~~and in subsection (3) of this section.~~ In appointing members of the advisory council, the governor shall ensure that the advisory council includes

(a) at least one representative from each of the following organizations:

~~(I) A public institution of higher education in the state that has experience in administering education loan repayment programs for health care professionals serving in health professional shortage areas;~~

~~(H) (Deleted by amendment, L. 2009, (HB 09-1111), ch. 396, p. 2138, § 2, effective June 2, 2009.)~~

~~(HH)~~ (a) The commission on family medicine created pursuant to part 9 of article 1 of this title;

~~(IV)~~ (b) A nonprofit statewide membership organization that provides programs and services to enhance rural health care in Colorado;

~~(V)~~ (c) A membership organization representing federally qualified health centers in Colorado; ~~and~~

~~(VI)~~ (d) A ~~statewide membership organization representing physicians in Colorado; and~~ FOUNDATION THAT FUNDS A HEALTH CARE PROFESSIONAL LOAN FORGIVENESS PROGRAM IN COLORADO;

(e) AN ECONOMIC DEVELOPMENT ORGANIZATION IN COLORADO;

(f) A MEMBERSHIP ORGANIZATION REPRESENTING COMMUNITY BEHAVIORAL HEALTH CARE PROVIDERS;

(g) AN ADVANCED PRACTICE NURSE IN A FACULTY POSITION AT AN EDUCATIONAL INSTITUTION WITH HEALTH CARE PROFESSIONAL PROGRAMS,

WHO IS LICENSED TO PRACTICE IN COLORADO;

(h) A PHYSICIAN WHO HAS EXPERIENCE IN RURAL HEALTH, SAFETY NET CLINICS, OR HEALTH EQUITY;

(i) A NURSE WHO HAS EXPERIENCE IN RURAL HEALTH, SAFETY NET CLINICS, OR HEALTH EQUITY;

(j) A MENTAL HEALTH PROVIDER WHO HAS EXPERIENCE IN RURAL HEALTH, SAFETY NET CLINICS, OR HEALTH EQUITY;

(k) AN ORAL HEALTH PROVIDER WHO HAS EXPERIENCE IN RURAL HEALTH, SAFETY NET CLINICS, OR HEALTH EQUITY;

(l) A PHYSICIAN WHO IS A FACULTY MEMBER OF A MEDICAL SCHOOL IN COLORADO; AND

(m) A CITIZEN REPRESENTATIVE WHO HAS KNOWLEDGE IN RURAL HEALTH, SAFETY NET CLINICS, OR HEALTH EQUITY.

~~(b) Not more than four persons with expertise in providing health care in health professional shortage areas of the state, including but not limited to a representative from a public institution of higher education in the state that provides health care professional education programs.~~

~~(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 as follows:~~

~~(a) A representative of a foundation that funds a health care professional loan forgiveness program in Colorado;~~

~~(b) A representative of an economic development organization that operates in Colorado;~~

~~(c) A representative of a behavioral health organization that operates in Colorado;~~

~~(c.5) At least two representatives of a professional organization, designated by the department, that represents nurses in Colorado;~~

~~(d) At least two advanced practice 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;~~

~~(e) A representative of a state loan forgiveness program for oral health professionals in Colorado; and~~

~~(f) An actively practicing primary care physician serving in a rural community in Colorado.~~

~~(4) (3) (a) Members appointed to the advisory council shall~~ MAY serve terms of three years. ~~except that:~~

~~(I) Of the members initially appointed to the advisory council pursuant to subsection (2) of this section, the governor shall select three members who shall serve one-year terms and three members who shall serve two-year terms; and~~

~~(II) Of the members initially appointed to the advisory council pursuant to subsection (3) of this section, the governor shall select two members who shall serve one-year terms and two members who shall serve two-year terms.~~

(b) The governor may appoint the same person to serve as a member of the advisory council for consecutive terms.

~~(5) (4) (a) Advisory council members shall serve without compensation and without reimbursement for expenses.~~

(b) The primary care office shall provide staff assistance to the advisory council as necessary for the advisory council to complete the duties specified in this section.

~~(6) (5) 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.

~~(7)~~ (6) (a) This section is repealed, effective July 1, 2017.

(b) Prior to said repeal, the advisory council shall be reviewed as provided for in section 2-3-1203, C.R.S.

**25-1.5-505. [Formerly 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, the health and human services 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:

(a) Identification and a summary of successful loan forgiveness programs for health care professionals and best practices in health care professional loan forgiveness programs across the country;

(b) A description of the programmatic goals of the Colorado health service corps, including the present status of and any barriers to meeting those goals;

(c) Existing efforts and potential future projects to overcome any barriers to meeting the programmatic goals of the Colorado health service corps;

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

(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.

~~(2) (Deleted by amendment, L. 2010, (HB 10-1138), ch. 142, p. 482, § 5, effective July 1, 2010.)~~

**25-1.5-506. [Formerly 25-20.5-706] Colorado health service corps fund - created - acceptance of grants and donations.** (1) The Colorado health service corps fund is hereby created in the state treasury, which fund 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;

~~(b) Grants available from the federal department of health and human services for the purpose of operating loan repayment programs~~  
DAMAGES AND PENALTIES COLLECTED FROM BREACH OF CONTRACT ACTIONS FOR LOAN REPAYMENT CONTRACTS; AND

(c) For the 2011-12 fiscal year and each fiscal year thereafter, two hundred fifty thousand dollars transferred pursuant to section 24-75-1104.5 (1.5) (a) (XI), C.R.S.

~~(d) Contributions from communities; and~~

~~(e) (Deleted by amendment, L. 2010, (HB 10-1138), ch. 142, p. 484, § 6, effective July 1, 2010.)~~

~~(f) For the 2009-10 fiscal year, moneys transferred to the fund from the AIDS and HIV prevention fund pursuant to section 25-4-1415 (4).~~

(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~~ 5 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.

(3) The primary care office is authorized to receive contributions, grants, and services from public and private sources to carry out the purposes of this part ~~7~~ 5.

**SECTION 2.** In Colorado Revised Statutes, 25-4-1415, **repeal** (4) as follows:

**25-4-1415. Cash fund - administration - limitation.** (4) For the 2009-10 fiscal year, the state treasurer shall transfer from the fund:

~~(a) To the Colorado health service corps fund created in section 25-20.5-706 the amount of one hundred twenty thousand dollars; and~~

~~(b) To the visa waiver program fund created in section 25-20.5-605 the amount of sixty-seven thousand two hundred ninety-four dollars for appropriation by the general assembly to the primary care office in the prevention services division of the department.~~

**SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **amend** (3) (dd) (VIII) as follows:

**2-3-1203. Sunset review of advisory committees.** (3) (dd) (VIII) The Colorado health service corps advisory council created pursuant to section ~~25-20.5-704~~ 25-1.5-504, C.R.S.;

**SECTION 4.** In Colorado Revised Statutes, 24-75-1104.5, **amend** (1.5) (a) introductory portion and (1.5) (a) (XI) as follows:

**24-75-1104.5. Use of settlement moneys - programs - repeal.** (1.5) (a) Except as otherwise provided in subsection (5) of this section, for the 2007-08 fiscal year and for each fiscal year thereafter, the following programs, services, and funds ~~shall~~ WILL 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:

(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~~ 25-1.5-506, C.R.S., ~~shall receive~~ two hundred fifty thousand dollars.

**SECTION 5.** In Colorado Revised Statutes, 24-1-119, **repeal** (6.3); and **add** (12) as follows:

**24-1-119. Department of public health and environment - creation.** (6.3) ~~The prevention services division shall include the primary care office, created by part 6 of article 20.5 of title 25, C.R.S. The primary care office and its powers, duties, and functions are transferred by a type 2 transfer to the department of public health and environment and allocated to the prevention services division as a section thereof.~~

(12) THE PRIMARY CARE OFFICE, CREATED BY PART 4 OF ARTICLE 1.5 OF TITLE 25, C.R.S., SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF IT WERE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

**SECTION 6.** In Colorado Revised Statutes, 24-34-110.5, **amend** (1) and (3) (a) as follows:

**24-34-110.5. Health care work force data collection - notice of funding through gifts, grants, and donations - repeal.** (1) On or before July 1, 2013, the director of the division of ~~registrations~~ PROFESSIONS AND OCCUPATIONS shall implement a system to collect health care work force data from health care professionals who are eligible for the Colorado health service corps pursuant to part ~~7~~ 5 of article ~~20.5~~ 1.5 of title 25, C.R.S., from practical and professional nurses licensed pursuant to article 38 of title 12,

C.R.S., and from pharmacists who are licensed pursuant to article 22 of title 12, C.R.S., collectively referred to in this section as "health care professionals". Each health care professional shall submit the data as part of the initial licensure process and upon the renewal of his or her license. No executive department or board is responsible for verifying the data or disciplining a health care professional for noncompliance with this section.

(3) (a) The director of the primary care office created in section ~~25-20.5-603~~ 25-1.5-403, C.R.S., shall designate an advisory group composed of a representative of the department of regulatory agencies as determined by the executive director, the director of the division of ~~registrations~~ PROFESSIONS AND OCCUPATIONS in the department of regulatory agencies, or his or her designee, representatives of the affected health care professions, and individuals with expertise in health care work force research, analysis, and planning to be convened by a nonprofit statewide membership organization that provides programs and services to enhance rural health care in Colorado. The members of the advisory group shall serve without compensation or reimbursement for actual or necessary expenses incurred in the performance of their duties. The advisory group shall recommend the structure of the data elements in subsection (2) of this section. The advisory group shall consider, but is not limited to using, the division of ~~registration's~~ PROFESSIONS AND OCCUPATIONS' existing data fields as a possible structure for the data elements recommended in this section. The director of the division of ~~registrations~~ PROFESSIONS AND OCCUPATIONS has final approval authority regarding the structure of the data elements.

**SECTION 7. Repeal of relocated provisions.** In Colorado Revised Statutes, **repeal** parts 6 and 7 of article 20.5 of title 25.

**SECTION 8. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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John P. Morse  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO