

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0413.01 Shelby Ross x4510

HOUSE BILL 22-1114

HOUSE SPONSORSHIP

Larson and Valdez A.,

SENATE SPONSORSHIP

(None),

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AUTHORIZING A TRANSPORTATION NETWORK COMPANY
102 TO PROVIDE NONMEDICAL TRANSPORTATION SERVICES TO
103 PERSONS WHO ARE ENROLLED IN CERTAIN MEDICAID WAIVER
104 PROGRAMS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Beginning July 1, 2024, the bill authorizes a transportation network company to provide nonmedical transportation services to persons enrolled in certain medicaid waiver programs, including home-

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

and community-based services for the elderly, blind, and disabled; home- and community-based services for persons with intellectual and developmental disabilities; home- and community-based services for persons with major mental health disorders; home- and community-based services for persons with brain injury; and complementary and alternative medicine for a person with a spinal cord injury.

No later than January 2024, the bill requires the department of health care policy and financing to submit a report to specified committees of the general assembly identifying a reimbursement system with a goal to incentivize and increase transportation provider participation.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Adults with disabilities deserve an opportunity to live, work,
5 and perform everyday activities in a community of their choice, at the
6 time of their choosing, wherever and whenever possible;

7 (b) Coloradans with disabilities are unemployed and
8 underemployed at a higher rate than the general population and often live
9 in relative isolation due to myriad barriers and disincentives despite their
10 interest and eagerness to work and engage in the community;

11 (c) Colorado is an Employment First state committed to
12 addressing barriers and disincentives to employment to ensure that all
13 Coloradans can access meaningful, competitive integrated employment;

14 (d) Meaningful employment and day habilitation services, whether
15 accessed separately or jointly, foster independence and allow adults with
16 disabilities to make meaningful connections in their community;

17 (e) For adults with disabilities, transportation represents a
18 significant barrier to accessing employment and day habilitation services
19 in the community;

1 (f) Many adults with disabilities are reliant on transportation
2 available through home- and community-based services waivers to gain
3 access to the community, including employment;

4 (g) Traditional methods of transportation outlined in the waivers
5 are often inefficient and overburdened;

6 (h) For the past decade, Colorado, following national trends, has
7 experienced a shortage in direct service providers, including
8 transportation service providers;

9 (i) Even where accessible public transportation exists, adults with
10 disabilities and service providers consider current transportation options
11 inadequate; and

12 (j) Adults with disabilities require workplace and day habilitation
13 transportation that is safe, efficient, and cost effective.

14 (2) Therefore, the general assembly declares that it is imperative
15 that Colorado allow for flexibility and growth in available transportation
16 options for adults with disabilities at comparable costs and funded as an
17 alternative to mass transportation in a way that maintains safety and
18 fosters community living and independence for adults with disabilities.

19 **SECTION 2.** In Colorado Revised Statutes, 25.5-6-307, **add** (5)
20 and (6) as follows:

21 **25.5-6-307. Services for the elderly, blind, and disabled - rules.**

22 (5) (a) BEGINNING JULY 1, 2024, A TRANSPORTATION NETWORK
23 COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3), MAY PROVIDE
24 NONMEDICAL TRANSPORTATION SERVICES PURSUANT TO THIS PART 3.

25 (b) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
26 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (5).

27 (c) THE STATE DEPARTMENT SHALL PROMULGATE ANY NECESSARY

1 RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES COMPLY WITH
2 ANY REQUIRED BACKGROUND CHECKS, CAPS CHECKS, DRUG TESTS,
3 TRAINING, AND VEHICLE INSPECTIONS.

4 (6) (a) NO LATER THAN JANUARY 2024, THE STATE DEPARTMENT
5 SHALL SUBMIT A REPORT REGARDING THE IMPLEMENTATION OF
6 SUBSECTION (5) OF THIS SECTION TO THE SENATE HEALTH AND HUMAN
7 SERVICES COMMITTEE, THE HOUSE OF REPRESENTATIVES PUBLIC AND
8 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE, AND THE HOUSE
9 OF REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE, OR ANY
10 SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR
11 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
12 GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. AT A
13 MINIMUM, THE REPORT MUST IDENTIFY A REIMBURSEMENT SYSTEM WITH
14 A GOAL TO INCENTIVIZE AND INCREASE TRANSPORTATION PROVIDER
15 PARTICIPATION.

16 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL
17 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH
18 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,
19 INDIVIDUALS WITH DISABILITIES, AND TRANSPORTATION NETWORK
20 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE
21 REPORTING REQUIREMENT IN SECTIONS 25.5-6-409 (6), 25.5-6-606 (9),
22 25.5-6-704 (8), AND 25.5-6-1303 (9).

23 **SECTION 3.** In Colorado Revised Statutes, 25.5-6-409, **add** (5)
24 and (6) as follows:

25 **25.5-6-409. Services for persons with intellectual and**
26 **developmental disabilities - rules.** (5) (a) BEGINNING JULY 1, 2024, A
27 TRANSPORTATION NETWORK COMPANY, AS DEFINED IN SECTION

1 40-10.1-602 (3), MAY PROVIDE NONMEDICAL TRANSPORTATION SERVICES
2 PURSUANT TO THIS PART 4.

3 (b) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
4 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (5).

5 (c) THE STATE DEPARTMENT SHALL PROMULGATE ANY NECESSARY
6 RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES COMPLY WITH
7 ANY REQUIRED BACKGROUND CHECKS, CAPS CHECKS, DRUG TESTS,
8 TRAINING, AND VEHICLE INSPECTIONS.

9 (6) (a) NO LATER THAN JANUARY 2024, THE STATE DEPARTMENT
10 SHALL SUBMIT A REPORT REGARDING THE IMPLEMENTATION OF
11 SUBSECTION (5) OF THIS SECTION TO THE SENATE HEALTH AND HUMAN
12 SERVICES COMMITTEE, THE HOUSE OF REPRESENTATIVES PUBLIC AND
13 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE, AND THE HOUSE
14 OF REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE, OR ANY
15 SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR
16 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
17 GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. AT A
18 MINIMUM, THE REPORT MUST IDENTIFY A REIMBURSEMENT SYSTEM WITH
19 A GOAL TO INCENTIVIZE AND INCREASE TRANSPORTATION PROVIDER
20 PARTICIPATION.

21 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL
22 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH
23 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,
24 INDIVIDUALS WITH DISABILITIES, AND TRANSPORTATION NETWORK
25 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE
26 REPORTING REQUIREMENT IN SECTIONS 25.5-6-307 (6), 25.5-6-606 (9),
27 25.5-6-704 (8), AND 25.5-6-1303 (9).

1 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-606, **add** (8)
2 and (9) as follows:

3 **25.5-6-606. Implementation of program for persons with**
4 **mental health disorders authorized - federal waiver - duties of the**
5 **department of health care policy and financing and the department**
6 **of human services - rules.** (8) (a) BEGINNING JULY 1, 2024, A
7 TRANSPORTATION NETWORK COMPANY, AS DEFINED IN SECTION
8 40-10.1-602 (3), MAY PROVIDE NONMEDICAL TRANSPORTATION SERVICES
9 PURSUANT TO THIS PART 6.

10 (b) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
11 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (8).

12 (c) THE STATE DEPARTMENT SHALL PROMULGATE ANY NECESSARY
13 RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES COMPLY WITH
14 ANY REQUIRED BACKGROUND CHECKS, CAPS CHECKS, DRUG TESTS,
15 TRAINING, AND VEHICLE INSPECTIONS.

16 (9) (a) NO LATER THAN JANUARY 2024, THE STATE DEPARTMENT
17 SHALL SUBMIT A REPORT REGARDING THE IMPLEMENTATION OF
18 SUBSECTION (8) OF THIS SECTION TO THE SENATE HEALTH AND HUMAN
19 SERVICES COMMITTEE, THE HOUSE OF REPRESENTATIVES PUBLIC AND
20 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE, AND THE HOUSE
21 OF REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE, OR ANY
22 SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR
23 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
24 GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. AT A
25 MINIMUM, THE REPORT MUST IDENTIFY A REIMBURSEMENT SYSTEM WITH
26 A GOAL TO INCENTIVIZE AND INCREASE TRANSPORTATION PROVIDER
27 PARTICIPATION.

1 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL
2 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH
3 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,
4 INDIVIDUALS WITH DISABILITIES, AND TRANSPORTATION NETWORK
5 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE
6 REPORTING REQUIREMENT IN SECTIONS 25.5-6-307(6), 25.5-6-409 (6),
7 25.5-6-704 (8), AND 25.5-6-1303 (9).

8 **SECTION 5.** In Colorado Revised Statutes, 25.5-6-704, **add** (7)
9 and (8) as follows:

10 **25.5-6-704. Implementation of home- and community-based**
11 **services program for persons with brain injury authorized - federal**
12 **waiver - duties of the department - rules.** (7) (a) BEGINNING JULY 1,
13 2024, A TRANSPORTATION NETWORK COMPANY, AS DEFINED IN SECTION
14 40-10.1-602 (3), MAY PROVIDE NONMEDICAL TRANSPORTATION SERVICES
15 PURSUANT TO THIS PART 7.

16 (b) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
17 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (7).

18 (c) THE STATE DEPARTMENT SHALL PROMULGATE ANY NECESSARY
19 RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES COMPLY WITH
20 ANY REQUIRED BACKGROUND CHECKS, CAPS CHECKS, DRUG TESTS,
21 TRAINING, AND VEHICLE INSPECTIONS.

22 (8) (a) NO LATER THAN JANUARY 2024, THE STATE DEPARTMENT
23 SHALL SUBMIT A REPORT REGARDING THE IMPLEMENTATION OF
24 SUBSECTION (7) OF THIS SECTION TO THE SENATE HEALTH AND HUMAN
25 SERVICES COMMITTEE, THE HOUSE OF REPRESENTATIVES PUBLIC AND
26 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE, AND THE HOUSE
27 OF REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE, OR ANY

1 SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR
2 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
3 GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. AT A
4 MINIMUM, THE REPORT MUST IDENTIFY A REIMBURSEMENT SYSTEM WITH
5 A GOAL TO INCENTIVIZE AND INCREASE TRANSPORTATION PROVIDER
6 PARTICIPATION.

7 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL
8 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH
9 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,
10 INDIVIDUALS WITH DISABILITIES, AND TRANSPORTATION NETWORK
11 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE
12 REPORTING REQUIREMENT IN SECTIONS 25.5-6-307 (6), 25.5-6-409 (6),
13 25.5-6-606 (9), AND 25.5-6-1303 (9).

14 **SECTION 6.** In Colorado Revised Statutes, 25.5-6-1303, **add** (8)
15 and (9) as follows:

16 **25.5-6-1303. Pilot program - complementary or alternative**
17 **medicine - rules.** (8) (a) BEGINNING JULY 1, 2024, A TRANSPORTATION
18 NETWORK COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3), MAY
19 PROVIDE NONMEDICAL TRANSPORTATION SERVICES PURSUANT TO THIS
20 PART 13.

21 (b) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
22 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (8).

23 (c) THE STATE DEPARTMENT SHALL PROMULGATE ANY NECESSARY
24 RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES COMPLY WITH
25 ANY REQUIRED BACKGROUND CHECKS, CAPS CHECKS, DRUG TESTS,
26 TRAINING, AND VEHICLE INSPECTIONS.

27 (9) (a) NO LATER THAN JANUARY 2024, THE STATE DEPARTMENT

1 SHALL SUBMIT A REPORT REGARDING THE IMPLEMENTATION OF
2 SUBSECTION (8) OF THIS SECTION TO THE SENATE HEALTH AND HUMAN
3 SERVICES COMMITTEE, THE HOUSE OF REPRESENTATIVES PUBLIC AND
4 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE, AND THE HOUSE
5 OF REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE, OR ANY
6 SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR
7 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
8 GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. AT A
9 MINIMUM, THE REPORT MUST IDENTIFY A REIMBURSEMENT SYSTEM WITH
10 A GOAL TO INCENTIVIZE AND INCREASE TRANSPORTATION PROVIDER
11 PARTICIPATION.

12 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL
13 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH
14 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,
15 INDIVIDUALS WITH DISABILITIES, AND TRANSPORTATION NETWORK
16 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE
17 REPORTING REQUIREMENT IN SECTIONS 25.5-6-307 (6), 25.5-6-409 (6),
18 25.5-6-606 (9), AND 25.5-6-704 (8).

19 **SECTION 7. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2022 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.