

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 22-0413.01 Shelby Ross x4510

HOUSE BILL 22-1114

HOUSE SPONSORSHIP

Larson and Valdez A., Bernett, Bird, Boesenecker, Carver, Exum, Herod, Hooton, Jodeh, Lindsay, McCluskie, Michaelson Jenet, Mullica, Ricks, Titone, Woodrow, Young

SENATE SPONSORSHIP

Zenzinger and Kirkmeyer,

House Committees

Public & Behavioral Health & Human Services
Appropriations

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, AND, IN CONNECTION THEREWITH, MAKING AN**
105 **APPROPRIATION.**

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

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.

HOUSE
3rd Reading Unamended
April 25, 2022

HOUSE
Amended 2nd Reading
April 22, 2022

persons enrolled in certain medicaid waiver programs, including home- 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 as follows:

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

22 (5) (a) NO LATER THAN JANUARY 2024, THE STATE DEPARTMENT
23 SHALL SUBMIT A REPORT TO THE SENATE HEALTH AND HUMAN
24 SERVICES COMMITTEE, THE HOUSE OF REPRESENTATIVES PUBLIC AND
25 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE, AND THE HOUSE
26 OF REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE, OR ANY
27 SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR

1 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
2 GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. AT A
3 MINIMUM, THE REPORT MUST IDENTIFY:

4 (I) A REIMBURSEMENT SYSTEM WITH A GOAL TO INCENTIVIZE AND
5 INCREASE TRANSPORTATION PROVIDER PARTICIPATION;

6 (II) HOW THE STATE DEPARTMENT WILL ENSURE COMPLIANCE
7 WITH APPLICABLE FEDERAL LAWS AND WAIVER REQUIREMENTS;

8 (III) A SYSTEM OF COMMON REPORTING TO ENSURE A RECIPIENT
9 DOES NOT EXCEED THE MEDICAID BENEFIT IN A MULTI-PROVIDER
10 SCENARIO; AND

11 (IV) BEST PRACTICES BASED ON WHAT OTHER STATES HAVE DONE
12 TO ALLOW TRANSPORTATION NETWORK COMPANIES TO PROVIDE
13 NONMEDICAL TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING
14 SERVICES, INCLUDING BUT NOT LIMITED TO, REIMBURSEMENT RATES;
15 DRIVER COMPENSATION; AND INTEGRATION WITH PROGRAMS THAT
16 PROVIDE NONMEDICAL TRANSPORTATION SERVICES.

17 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL
18 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH
19 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,
20 INDIVIDUALS WITH DISABILITIES, AND TRANSPORTATION NETWORK
21 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE
22 REPORTING REQUIREMENT IN SECTIONS 25.5-6-409 (6), 25.5-6-606 (9),
23 25.5-6-704 (8), AND 25.5-6-1303 (9).

24 (c) (I) UPON COMPLETION OF THE REPORT DESCRIBED IN
25 SUBSECTION (5)(a) OF THIS SECTION, THE STATE DEPARTMENT SHALL
26 ANALYZE AND REVIEW EACH OPERATIONAL TRANSPORTATION NETWORK
27 COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3). THE STATE

1 DEPARTMENT SHALL VERIFY EACH TRANSPORTATION NETWORK
2 COMPANY'S VIABILITY TO ENSURE THE HEALTH, SAFETY, WELFARE, COST
3 EFFECTIVENESS, AND CAPABILITY IN EXPANDING NONMEDICAL
4 TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING SERVICES
5 PURSUANT TO THIS SECTION AND COMPLY WITH ALL RULES PROMULGATED
6 PURSUANT TO SUBSECTION (5)(e)(I) OF THIS SECTION.

7 (II) NO LATER THAN JULY 1, 2024, THE STATE DEPARTMENT SHALL
8 AUTHORIZE VERIFIED TRANSPORTATION NETWORK COMPANIES TO PROVIDE
9 NONMEDICAL TRANSPORTATION SERVICES IF THE STATE DEPARTMENT
10 FINDS THE TRANSPORTATION NETWORK COMPANY VIABLE UNDER FEDERAL
11 REQUIREMENTS AND WITHIN BUDGETARY CONSTRAINTS.

12 (III) FOR THE PURPOSES OF THIS SUBSECTION (5)(c), "VERIFY"
13 MEANS A TRANSPORTATION NETWORK COMPANY MEETS ALL
14 REQUIREMENTS RESULTING FROM THE REPORT DESCRIBED IN SUBSECTION
15 (5)(a) OF THIS SECTION.

16 (d) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
17 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (5).

18 (e) (I) THE STATE DEPARTMENT SHALL PROMULGATE ANY
19 NECESSARY RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES
20 COMPLY WITH FEDERAL AND STATE OVERSIGHT REQUIREMENTS AND SHALL
21 INCLUDE ALL RELEVANT STAKEHOLDERS, INCLUDING MEDICAID
22 RECIPIENTS, TRANSPORTATION NETWORK COMPANIES, CURRENT
23 PROVIDERS AND DRIVERS FOR NONMEDICAL TRANSPORTATION SERVICES,
24 AND OTHER INTERESTED PARTIES IN THE DEVELOPMENT OF SUCH
25 REQUIREMENTS.

26 (II) PURSUANT TO SECTION 40-10.1-105 (1)(I), TRANSPORTATION
27 NETWORK COMPANIES ARE NOT SUBJECT TO REGULATION BY THE PUBLIC

1 UTILITIES COMMISSION WHEN PROVIDING NONMEDICAL TRANSPORTATION
2 SERVICES PURSUANT TO THIS SECTION AND ARE INSTEAD SUBJECT TO
3 RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO THIS
4 SUBSECTION (5)(e).

5 (f) THIS SUBSECTION (5) DOES NOT APPLY TO A PROVIDER
6 AUTHORIZED TO PROVIDE TRANSPORTATION SERVICES PURSUANT TO PART
7 8 OF ARTICLE 1 OF TITLE 25.5 PRIOR TO THE EFFECTIVE DATE OF THIS
8 SUBSECTION (5).

9 SECTION 3. In Colorado Revised Statutes, 25.5-6-409, add (5)
10 as follows:

11 25.5-6-409. Services for persons with intellectual and
12 developmental disabilities - rules. (5) (a) NO LATER THAN JANUARY

13 2024, THE STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE
14 SENATE HEALTH AND HUMAN SERVICES COMMITTEE, THE HOUSE OF
15 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
16 SERVICES COMMITTEE, AND THE HOUSE OF REPRESENTATIVES HEALTH AND
17 INSURANCE COMMITTEE, OR ANY SUCCESSOR COMMITTEES, AS PART OF ITS
18 "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
19 TRANSPARENT (SMART) GOVERNMENT ACT" PRESENTATION REQUIRED
20 BY SECTION 2-7-203. AT A MINIMUM, THE REPORT MUST IDENTIFY:

21 (I) A REIMBURSEMENT SYSTEM WITH A GOAL TO INCENTIVIZE AND
22 INCREASE TRANSPORTATION PROVIDER PARTICIPATION;

23 (II) HOW THE STATE DEPARTMENT WILL ENSURE COMPLIANCE
24 WITH APPLICABLE FEDERAL LAWS AND WAIVER REQUIREMENTS;

25 (III) A SYSTEM OF COMMON REPORTING TO ENSURE A RECIPIENT
26 DOES NOT EXCEED THE MEDICAID BENEFIT IN A MULTI-PROVIDER
27 SCENARIO; AND

1 (IV) BEST PRACTICES BASED ON WHAT OTHER STATES HAVE DONE
2 TO ALLOW TRANSPORTATION NETWORK COMPANIES TO PROVIDE
3 NONMEDICAL TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING
4 SERVICES, INCLUDING BUT NOT LIMITED TO, REIMBURSEMENT RATES;
5 DRIVER COMPENSATION; AND INTEGRATION WITH PROGRAMS THAT
6 PROVIDE NONMEDICAL TRANSPORTATION SERVICES.

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), 25.5-6-606 (9),
13 25.5-6-704 (8), AND 25.5-6-1303 (9).

14 (c) (I) UPON COMPLETION OF THE REPORT DESCRIBED IN
15 SUBSECTION (5)(a) OF THIS SECTION, THE STATE DEPARTMENT SHALL
16 ANALYZE AND REVIEW EACH OPERATIONAL TRANSPORTATION NETWORK
17 COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3). THE STATE
18 DEPARTMENT SHALL VERIFY EACH TRANSPORTATION NETWORK
19 COMPANY'S VIABILITY TO ENSURE THE HEALTH, SAFETY, WELFARE, COST
20 EFFECTIVENESS, AND CAPABILITY IN EXPANDING NONMEDICAL
21 TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING SERVICES
22 PURSUANT TO THIS SECTION AND COMPLY WITH ALL RULES PROMULGATED
23 PURSUANT TO SUBSECTION (5)(e)(I) OF THIS SECTION.

24 (II) NO LATER THAN JULY 1, 2024, THE STATE DEPARTMENT SHALL
25 AUTHORIZE VERIFIED TRANSPORTATION NETWORK COMPANIES TO PROVIDE
26 NONMEDICAL TRANSPORTATION SERVICES IF THE STATE DEPARTMENT
27 FINDS THE TRANSPORTATION NETWORK COMPANY VIABLE UNDER FEDERAL

1 REQUIREMENTS AND WITHIN BUDGETARY CONSTRAINTS.

2 (III) FOR THE PURPOSES OF THIS SUBSECTION (5)(c), "VERIFY"
3 MEANS A TRANSPORTATION NETWORK COMPANY MEETS ALL
4 REQUIREMENTS RESULTING FROM THE REPORT DESCRIBED IN SUBSECTION
5 (5)(a) OF THIS SECTION.

6 (d) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
7 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (5).

8 (e) (I) THE STATE DEPARTMENT SHALL PROMULGATE ANY
9 NECESSARY RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES
10 COMPLY WITH FEDERAL AND STATE OVERSIGHT REQUIREMENTS AND SHALL
11 INCLUDE ALL RELEVANT STAKEHOLDERS, INCLUDING MEDICAID
12 RECIPIENTS, TRANSPORTATION NETWORK COMPANIES, CURRENT
13 PROVIDERS AND DRIVERS FOR NONMEDICAL TRANSPORTATION SERVICES,
14 AND OTHER INTERESTED PARTIES IN THE DEVELOPMENT OF SUCH
15 REQUIREMENTS.

16 (II) PURSUANT TO SECTION 40-10.1-105 (1)(I), TRANSPORTATION
17 NETWORK COMPANIES ARE NOT SUBJECT TO REGULATION BY THE PUBLIC
18 UTILITIES COMMISSION WHEN PROVIDING NONMEDICAL TRANSPORTATION
19 SERVICES PURSUANT TO THIS SECTION AND ARE INSTEAD SUBJECT TO
20 RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO THIS
21 SUBSECTION (5)(e).

22 (f) THIS SUBSECTION (5) DOES NOT APPLY TO A PROVIDER
23 AUTHORIZED TO PROVIDE TRANSPORTATION SERVICES PURSUANT TO PART
24 8 OF ARTICLE 1 OF TITLE 25.5 PRIOR TO THE EFFECTIVE DATE OF THIS
25 SUBSECTION (5).

26 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-606, **add** (8)
27 as follows:

1 **25.5-6-606. Implementation of program for persons with**
2 **mental health disorders authorized - federal waiver - duties of the**
3 **department of health care policy and financing and the department**
4 **of human services - rules.** (8) (a) NO LATER THAN JANUARY 2024, THE

5 STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE SENATE HEALTH
6 AND HUMAN SERVICES COMMITTEE, THE HOUSE OF REPRESENTATIVES
7 PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE, AND
8 THE HOUSE OF REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE, OR
9 ANY SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR
10 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
11 GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. AT A
12 MINIMUM, THE REPORT MUST IDENTIFY:

13 (I) A REIMBURSEMENT SYSTEM WITH A GOAL TO INCENTIVIZE AND
14 INCREASE TRANSPORTATION PROVIDER PARTICIPATION;

15 (II) HOW THE STATE DEPARTMENT WILL ENSURE COMPLIANCE
16 WITH APPLICABLE FEDERAL LAWS AND WAIVER REQUIREMENTS;

17 (III) A SYSTEM OF COMMON REPORTING TO ENSURE A RECIPIENT
18 DOES NOT EXCEED THE MEDICAID BENEFIT IN A MULTI-PROVIDER
19 SCENARIO; AND

20 (IV) BEST PRACTICES BASED ON WHAT OTHER STATES HAVE DONE
21 TO ALLOW TRANSPORTATION NETWORK COMPANIES TO PROVIDE
22 NONMEDICAL TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING
23 SERVICES, INCLUDING BUT NOT LIMITED TO, REIMBURSEMENT RATES;
24 DRIVER COMPENSATION; AND INTEGRATION WITH PROGRAMS THAT
25 PROVIDE NONMEDICAL TRANSPORTATION SERVICES.

26 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL
27 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH

1 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,
2 INDIVIDUALS WITH DISABILITIES, AND TRANSPORTATION NETWORK
3 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE
4 REPORTING REQUIREMENT IN SECTIONS 25.5-6-307(6), 25.5-6-409 (6),
5 25.5-6-704 (8), AND 25.5-6-1303 (9).

6 (c) (I) UPON COMPLETION OF THE REPORT DESCRIBED IN
7 SUBSECTION (8)(a) OF THIS SECTION, THE STATE DEPARTMENT SHALL
8 ANALYZE AND REVIEW EACH OPERATIONAL TRANSPORTATION NETWORK
9 COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3). THE STATE
10 DEPARTMENT SHALL VERIFY EACH TRANSPORTATION NETWORK
11 COMPANY'S VIABILITY TO ENSURE THE HEALTH, SAFETY, WELFARE, COST
12 EFFECTIVENESS, AND CAPABILITY IN EXPANDING NONMEDICAL
13 TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING SERVICES
14 PURSUANT TO THIS SECTION AND COMPLY WITH ALL RULES PROMULGATED
15 PURSUANT TO SUBSECTION (8)(e)(I) OF THIS SECTION.

16 (II) NO LATER THAN JULY 1, 2024, THE STATE DEPARTMENT SHALL
17 AUTHORIZE VERIFIED TRANSPORTATION NETWORK COMPANIES TO PROVIDE
18 NONMEDICAL TRANSPORTATION SERVICES IF THE STATE DEPARTMENT
19 FINDS THE TRANSPORTATION NETWORK COMPANY VIABLE UNDER FEDERAL
20 REQUIREMENTS AND WITHIN BUDGETARY CONSTRAINTS.

21 (III) FOR THE PURPOSES OF THIS SUBSECTION (8)(c), "VERIFY"
22 MEANS A TRANSPORTATION NETWORK COMPANY MEETS ALL
23 REQUIREMENTS RESULTING FROM THE REPORT DESCRIBED IN SUBSECTION
24 (8)(a) OF THIS SECTION.

25 (d) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
26 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (8).

27 (e) (I) THE STATE DEPARTMENT SHALL PROMULGATE ANY

1 NECESSARY RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES
2 COMPLY WITH FEDERAL AND STATE OVERSIGHT REQUIREMENTS AND SHALL
3 INCLUDE ALL RELEVANT STAKEHOLDERS, INCLUDING MEDICAID
4 RECIPIENTS, TRANSPORTATION NETWORK COMPANIES, CURRENT
5 PROVIDERS AND DRIVERS FOR NONMEDICAL TRANSPORTATION SERVICES,
6 AND OTHER INTERESTED PARTIES IN THE DEVELOPMENT OF SUCH
7 REQUIREMENTS.

8 (II) PURSUANT TO SECTION 40-10.1-105 (1)(I), TRANSPORTATION
9 NETWORK COMPANIES ARE NOT SUBJECT TO REGULATION BY THE PUBLIC
10 UTILITIES COMMISSION WHEN PROVIDING NONMEDICAL TRANSPORTATION
11 SERVICES PURSUANT TO THIS SECTION AND ARE INSTEAD SUBJECT TO
12 RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO THIS
13 SUBSECTION (8)(e).

14 (f) THIS SUBSECTION (8) DOES NOT APPLY TO A PROVIDER
15 AUTHORIZED TO PROVIDE TRANSPORTATION SERVICES PURSUANT TO PART
16 8 OF ARTICLE 1 OF TITLE 25.5 PRIOR TO THE EFFECTIVE DATE OF THIS
17 SUBSECTION (8).

18 SECTION 5. In Colorado Revised Statutes, 25.5-6-704, add (7)
19 as follows:

20 25.5-6-704. Implementation of home- and community-based
21 services program for persons with brain injury authorized - federal
22 waiver - duties of the department - rules. (7) (a) NO LATER THAN
23 JANUARY 2024, THE STATE DEPARTMENT SHALL SUBMIT A REPORT TO
24 THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, THE HOUSE OF
25 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
26 SERVICES COMMITTEE, AND THE HOUSE OF REPRESENTATIVES HEALTH AND
27 INSURANCE COMMITTEE, OR ANY SUCCESSOR COMMITTEES, AS PART OF ITS

1 "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
2 TRANSPARENT (SMART) GOVERNMENT ACT" PRESENTATION REQUIRED
3 BY SECTION 2-7-203. AT A MINIMUM, THE REPORT MUST IDENTIFY:

4 (I) A REIMBURSEMENT SYSTEM WITH A GOAL TO INCENTIVIZE AND
5 INCREASE TRANSPORTATION PROVIDER PARTICIPATION;

6 (II) HOW THE STATE DEPARTMENT WILL ENSURE COMPLIANCE
7 WITH APPLICABLE FEDERAL LAWS AND WAIVER REQUIREMENTS;

8 (III) A SYSTEM OF COMMON REPORTING TO ENSURE A RECIPIENT
9 DOES NOT EXCEED THE MEDICAID BENEFIT IN A MULTI-PROVIDER
10 SCENARIO; AND

11 (IV) BEST PRACTICES BASED ON WHAT OTHER STATES HAVE DONE
12 TO ALLOW TRANSPORTATION NETWORK COMPANIES TO PROVIDE
13 NONMEDICAL TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING
14 SERVICES, INCLUDING BUT NOT LIMITED TO, REIMBURSEMENT RATES;
15 DRIVER COMPENSATION; AND INTEGRATION WITH PROGRAMS THAT
16 PROVIDE NONMEDICAL TRANSPORTATION SERVICES.

17 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL
18 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH
19 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,
20 INDIVIDUALS WITH DISABILITIES, AND TRANSPORTATION NETWORK
21 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE
22 REPORTING REQUIREMENT IN SECTIONS 25.5-6-307 (6), 25.5-6-409 (6),
23 25.5-6-606 (9), AND 25.5-6-1303 (9).

24 (c) (I) UPON COMPLETION OF THE REPORT DESCRIBED IN
25 SUBSECTION (7)(a) OF THIS SECTION, THE STATE DEPARTMENT SHALL
26 ANALYZE AND REVIEW EACH OPERATIONAL TRANSPORTATION NETWORK
27 COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3). THE STATE

1 DEPARTMENT SHALL VERIFY EACH TRANSPORTATION NETWORK
2 COMPANY'S VIABILITY TO ENSURE THE HEALTH, SAFETY, WELFARE, COST
3 EFFECTIVENESS, AND CAPABILITY IN EXPANDING NONMEDICAL
4 TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING SERVICES
5 PURSUANT TO THIS SECTION AND COMPLY WITH ALL RULES PROMULGATED
6 PURSUANT TO SUBSECTION (7)(e)(I) OF THIS SECTION.

7 (II) NO LATER THAN JULY 1, 2024, THE STATE DEPARTMENT SHALL
8 AUTHORIZE VERIFIED TRANSPORTATION NETWORK COMPANIES TO PROVIDE
9 NONMEDICAL TRANSPORTATION SERVICES IF THE STATE DEPARTMENT
10 FINDS THE TRANSPORTATION NETWORK COMPANY VIABLE UNDER FEDERAL
11 REQUIREMENTS AND WITHIN BUDGETARY CONSTRAINTS.

12 (III) FOR THE PURPOSES OF THIS SUBSECTION (7)(c), "VERIFY"
13 MEANS A TRANSPORTATION NETWORK COMPANY MEETS ALL
14 REQUIREMENTS RESULTING FROM THE REPORT DESCRIBED IN SUBSECTION
15 (7)(a) OF THIS SECTION.

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

18 (e) (I) THE STATE DEPARTMENT SHALL PROMULGATE ANY
19 NECESSARY RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES
20 COMPLY WITH FEDERAL AND STATE OVERSIGHT REQUIREMENTS AND SHALL
21 INCLUDE ALL RELEVANT STAKEHOLDERS, INCLUDING MEDICAID
22 RECIPIENTS, TRANSPORTATION NETWORK COMPANIES, CURRENT
23 PROVIDERS AND DRIVERS FOR NONMEDICAL TRANSPORTATION SERVICES,
24 AND OTHER INTERESTED PARTIES IN THE DEVELOPMENT OF SUCH
25 REQUIREMENTS.

26 (II) PURSUANT TO SECTION 40-10.1-105 (1)(I), TRANSPORTATION
27 NETWORK COMPANIES ARE NOT SUBJECT TO REGULATION BY THE PUBLIC

1 UTILITIES COMMISSION WHEN PROVIDING NONMEDICAL TRANSPORTATION
2 SERVICES PURSUANT TO THIS SECTION AND ARE INSTEAD SUBJECT TO
3 RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO THIS
4 SUBSECTION (7)(e).

5 (f) THIS SUBSECTION (7) DOES NOT APPLY TO A PROVIDER
6 AUTHORIZED TO PROVIDE TRANSPORTATION SERVICES PURSUANT TO PART
7 8 OF ARTICLE 1 OF TITLE 25.5 PRIOR TO THE EFFECTIVE DATE OF THIS
8 SUBSECTION (7).

9 SECTION 6. In Colorado Revised Statutes, 25.5-6-1303, add (8)
10 as follows:

11 **25.5-6-1303. Pilot program - complementary or alternative**

12 **medicine - rules.** (8) (a) NO LATER THAN JANUARY 2024, THE STATE
13 DEPARTMENT SHALL SUBMIT A REPORT TO THE SENATE HEALTH AND
14 HUMAN SERVICES COMMITTEE, THE HOUSE OF REPRESENTATIVES PUBLIC
15 AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE, AND THE
16 HOUSE OF REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE, OR
17 ANY SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR
18 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
19 GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. AT A
20 MINIMUM, THE REPORT MUST IDENTIFY:

21 (I) A REIMBURSEMENT SYSTEM WITH A GOAL TO INCENTIVIZE AND
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23 (II) HOW THE STATE DEPARTMENT WILL ENSURE COMPLIANCE
24 WITH APPLICABLE FEDERAL LAWS AND WAIVER REQUIREMENTS;

25 (III) A SYSTEM OF COMMON REPORTING TO ENSURE A RECIPIENT
26 DOES NOT EXCEED THE MEDICAID BENEFIT IN A MULTI-PROVIDER
27 SCENARIO; AND

1 (IV) BEST PRACTICES BASED ON WHAT OTHER STATES HAVE DONE
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3 NONMEDICAL TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING
4 SERVICES, INCLUDING BUT NOT LIMITED TO, REIMBURSEMENT RATES;
5 DRIVER COMPENSATION; AND INTEGRATION WITH PROGRAMS THAT
6 PROVIDE NONMEDICAL TRANSPORTATION SERVICES.

7 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL
8 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH
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10 INDIVIDUALS WITH DISABILITIES, AND TRANSPORTATION NETWORK
11 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE
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14 (c) (I) UPON COMPLETION OF THE REPORT DESCRIBED IN
15 SUBSECTION (8)(a) OF THIS SECTION, THE STATE DEPARTMENT SHALL
16 ANALYZE AND REVIEW EACH OPERATIONAL TRANSPORTATION NETWORK
17 COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3). THE STATE
18 DEPARTMENT SHALL VERIFY EACH TRANSPORTATION NETWORK
19 COMPANY'S VIABILITY TO ENSURE THE HEALTH, SAFETY, WELFARE, COST
20 EFFECTIVENESS, AND CAPABILITY IN EXPANDING NONMEDICAL
21 TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING SERVICES
22 PURSUANT TO THIS SECTION AND COMPLY WITH ALL RULES PROMULGATED
23 PURSUANT TO SUBSECTION (8)(e)(I) OF THIS SECTION.

24 (II) NO LATER THAN JULY 1, 2024, THE STATE DEPARTMENT SHALL
25 AUTHORIZE VERIFIED TRANSPORTATION NETWORK COMPANIES TO PROVIDE
26 NONMEDICAL TRANSPORTATION SERVICES IF THE STATE DEPARTMENT
27 FINDS THE TRANSPORTATION NETWORK COMPANY VIABLE UNDER FEDERAL

1 REQUIREMENTS AND WITHIN BUDGETARY CONSTRAINTS.

2 (III) FOR THE PURPOSES OF THIS SUBSECTION (8)(c), "VERIFY"
3 MEANS A TRANSPORTATION NETWORK COMPANY MEETS ALL
4 REQUIREMENTS RESULTING FROM THE REPORT DESCRIBED IN SUBSECTION
5 (8)(a) OF THIS SECTION.

6 (d) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL
7 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (8).

8 (e) (I) THE STATE DEPARTMENT SHALL PROMULGATE ANY
9 NECESSARY RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES
10 COMPLY WITH FEDERAL AND STATE OVERSIGHT REQUIREMENTS AND SHALL
11 INCLUDE ALL RELEVANT STAKEHOLDERS, INCLUDING MEDICAID
12 RECIPIENTS, TRANSPORTATION NETWORK COMPANIES, CURRENT
13 PROVIDERS AND DRIVERS FOR NONMEDICAL TRANSPORTATION SERVICES,
14 AND OTHER INTERESTED PARTIES IN THE DEVELOPMENT OF SUCH
15 REQUIREMENTS.

16 (II) PURSUANT TO SECTION 40-10.1-105 (1)(l), TRANSPORTATION
17 NETWORK COMPANIES ARE NOT SUBJECT TO REGULATION BY THE PUBLIC
18 UTILITIES COMMISSION WHEN PROVIDING NONMEDICAL TRANSPORTATION
19 SERVICES PURSUANT TO THIS SECTION AND ARE INSTEAD SUBJECT TO
20 RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO THIS
21 SUBSECTION (8)(e).

22 (f) THIS SUBSECTION (8) DOES NOT APPLY TO A PROVIDER
23 AUTHORIZED TO PROVIDE TRANSPORTATION SERVICES PURSUANT TO PART
24 8 OF ARTICLE 1 OF TITLE 25.5 PRIOR TO THE EFFECTIVE DATE OF THIS
25 SUBSECTION (8).

26 **SECTION 7. Appropriation.** (1) For the 2022-23 state fiscal
27 year, \$110,811 is appropriated to the department of health care policy and

1 financing. This appropriation consists of \$88,411 from the general fund,
2 \$16,726 from the healthcare affordability and sustainability fee cash fund
3 created in section 25.5-4-402.4 (5)(a), C.R.S., and \$5,674 from the
4 children's basic health plan trust created in section 25.5-8-105 (a), C.R.S.
5 To implement this act, the department may use this appropriation as
6 follows:

7 (a) \$62,115 from the general fund for use by the executive
8 director's office for general professional services and special projects; and

9 (b) \$48,686, which consists of \$26,296 from the general fund,
10 \$16,726 from the healthcare affordability and sustainability fee cash fund
11 created in section 25.5-4-402.4 (5)(a), C.R.S., and \$5,674 from the
12 children's basic health plan trust created in section 25.5-8-105 (a), C.R.S.,
13 for use by the executive director's office for medicaid management
14 information system maintenance and projects.

15 (2) For the 2022-23 state fiscal year, the general assembly
16 anticipates that the department of health care policy and financing will
17 receive \$436,863 in federal funds. The appropriation in subsection (1) of
18 this section is based on the assumption that the office will receive this
19 amount of federal funds to be used as follows:

20 (a) \$62,115 for use by the executive director's office for general
21 professional services and special projects, which amount is subject to the
22 "(I)" notation as defined in the annual general appropriation act for the
23 same fiscal year;

24 (b) \$374,748 for use by the executive director's office for medicaid
25 management information system maintenance and projects, which amount
26 is subject to the "(I)" notation as defined in the annual general
27 appropriation act for the same fiscal year.

1 **SECTION 8. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V
5 of the state constitution against this act or an item, section, or part of this
6 act within such period, then the act, item, section, or part will not take
7 effect unless approved by the people at the general election to be held in
8 November 2022 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.