

**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 14-1252

BY REPRESENTATIVE(S) May and Gerou, Duran, Exum, Fields, Ginal, Hamner, Kraft-Tharp, Labuda, Lee, Mitsch Bush, Peniston, Pettersen, Primavera, Rosenthal, Salazar, Schafer, Singer, Vigil, Williams, Young, Ferrandino; also SENATOR(S) Hodge, Steadman, Lambert, Aguilar, Crowder, Heath, Jones, Kefalas, Kerr, Newell, Nicholson, Schwartz, Todd, Zenzinger, Carroll.

CONCERNING FUNDING FOR SYSTEM CAPACITY CHANGES RELATED TO INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WAIVER SERVICES, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

**SECTION 1.** In Colorado Revised Statutes, 25.5-10-207, **amend** (1.5), (2), and (3); and **add** (3.5) as follows:

**25.5-10-207. Services and supports - waiting list reduction - cash fund - repeal.** (1.5) The state treasurer shall transfer to the INTELLECTUAL AND developmental disabilities services cash fund any available moneys that are appropriated by the general assembly for a fiscal year for adult comprehensive services, adult supported living services, children's extensive support services, and family support services for persons with intellectual and developmental disabilities provided pursuant to this article

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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.*

or part 4 of article 6 of this title that are unexpended and unencumbered at the end of a fiscal year.

(2) During each regular session of the general assembly, the joint budget committee and the health and human services committees of the senate and the house of representatives, or any successor committees, shall hold a joint hearing and take public testimony on the status of the waiting lists for adult comprehensive services, adult supported living services, children's extensive support services, and family support services for persons with intellectual and developmental disabilities and the availability of general fund moneys to reduce the number of persons on the waiting lists and the amount of time eligible persons wait for such services. ADDITIONALLY, THE STATE DEPARTMENT, COMMUNITY-CENTERED BOARDS, AND PROVIDERS SHALL REPORT ON THE USE AND EFFECTIVENESS OF ANY MONEYS APPROPRIATED IN THE PRECEDING STATE FISCAL YEAR FOR INCREASING SYSTEM CAPACITY. The goal of the hearing shall be to propose an appropriation from the general fund to the intellectual and developmental disabilities services cash fund.

(3) The general assembly may annually appropriate moneys in the intellectual and developmental disabilities services cash fund to the state department for:

(a) Program costs for adult comprehensive services, adult supported living services, children's extensive support services, and family support services for persons with intellectual and developmental disabilities provided pursuant to this article or part 4 of article 6 of this title;

(b) ADMINISTRATIVE EXPENSES FOR RENEWAL AND REDESIGN OF MEDICAID HOME- AND COMMUNITY-BASED SERVICES WAIVERS RELATING TO INTELLECTUAL AND DEVELOPMENTAL DISABILITIES; AND

(c) INCREASING SYSTEM CAPACITY FOR HOME- AND COMMUNITY-BASED INTELLECTUAL AND DEVELOPMENTAL DISABILITIES PROGRAMS, SERVICES, AND SUPPORTS.

(3.5) (a) ON OR BEFORE APRIL 1, 2014, THE STATE DEPARTMENT SHALL REPORT TO THE JOINT BUDGET COMMITTEE CONCERNING THE STATE DEPARTMENT'S PLAN FOR DISTRIBUTION OF MONEYS APPROPRIATED FOR INCREASES IN SYSTEM CAPACITY. THE STATE DEPARTMENT SHALL WORK

WITH COMMUNITY-CENTERED BOARDS AND PROVIDERS TO DEVELOP RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR CONCERNING THE PLAN.

(b) BY APRIL 15, 2014, THE STATE DEPARTMENT SHALL DISTRIBUTE THE FUNDS APPROPRIATED FOR INCREASES IN SYSTEM CAPACITY PURSUANT TO THE PLAN DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3.5).

(c) ON OR BEFORE OCTOBER 1, 2014, EACH COMMUNITY-CENTERED BOARD OR PROVIDER THAT RECEIVES MONEYS FOR INCREASES IN SYSTEM CAPACITY SHALL REPORT TO THE STATE DEPARTMENT CONCERNING THE USE AND EFFECTIVENESS OF THOSE MONEYS.

(d) THIS SUBSECTION (3.5) IS REPEALED, EFFECTIVE JULY 1, 2015.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**SECTION 2. Appropriation to the department of health care policy and financing for the fiscal year beginning July 1, 2013.** In Session Laws of Colorado 2013, section 2 of chapter 441, (SB 13-230), **amend** Part V (2), (3), (6) (G), and the affected totals as Part V (6) (G) and the affected totals are amended by section 27 of chapter 169, (HB 13-1117), as follows:

Section 2. **Appropriation.**

**PART V  
DEPARTMENT OF HEALTH CARE POLICY AND FINANCING**

**(2) MEDICAL SERVICES PREMIUMS<sup>8, 9, 10, 10a</sup>**

Medical and Long-Term  
Care Services for Medicaid  
Eligible Individuals

4,438,829,600	<del>1,044,644,433(M)</del>	469,842,084 <sup>a</sup>	719,515,157 <sup>b</sup>	936,892 <sup>c</sup>	<del>2,203,891,034</del>
4,438,813,623	1,044,636,445(M)				2,203,883,045

<sup>a</sup> This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.

<sup>b</sup> Of this amount, \$509,300,034 shall be from the Hospital Provider Fee Cash Fund created in Section 25.5-4-402.3 (4), C.R.S., \$67,570,978 shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S., \$43,137,076 shall be from the Medicaid Nursing Facility Cash Fund created in Section 25.5-6-203 (2) (a), C.R.S., \$39,171,453 shall be from recoveries and recoupments, \$35,000,000 shall be from an intergovernmental transfer from Denver Health, \$19,204,600 represents public funds certified as expenditures incurred by public hospitals and agencies that are eligible for federal financial participation under the Medicaid program, \$2,230,500 shall be from the Tobacco Tax Fund created in section 24-22-117 (1) (a), C.R.S. and meets the requirement to appropriate a portion of the revenues collected from the imposition of additional state cigarette and tobacco taxes to the Old Age Pension program for health related purposes pursuant to Section 21 of Article X of the State Constitution, \$1,495,066 shall be from the Breast and Cervical Cancer Prevention and Treatment Fund created in Section 25.5-5-308 (8) (a) (I), C.R.S., \$1,138,890 shall be from the Medicaid Buy-In Cash Fund created in Section 25.5-6-1404 (3) (b), C.R.S., \$640,520 shall be from the Tobacco Education Programs Fund created in Section 24-22-117 (2) (c) (I), C.R.S., \$547,520 shall be from the Colorado Autism Treatment Fund created in Section 25.5-6-805 (1), C.R.S., \$50,000 shall be from the Coordinated Care for People with Disabilities Fund created in Section 25.5-6-111 (4), C.R.S., and \$28,520 shall be from local funds.

<sup>c</sup> This amount shall be transferred from the Department of Public Health and Environment pursuant to Section 24-22-117 (2) (d) (II) (D), C.R.S.

**(3) BEHAVIORAL HEALTH COMMUNITY PROGRAMS**

Behavioral Health  
Capitation Payments

347,419,591	<del>150,983,681(M)</del>	21,294,827 <sup>a</sup>	<del>175,141,083</del>
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	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Medicaid Mental Health Fee	347,448,937		150,998,354(M)				175,155,756
for Service Payments	<u>4,801,046</u>		2,400,523(M)				2,400,523
		<del>352,220,637</del>					
		352,249,983					

<sup>a</sup> Of this amount, \$21,260,473 (H) shall be from the Hospital Provider Fee Cash Fund created in Section 25.5-4-402.3 (4), C.R.S., and \$34,354 shall be from the Breast and Cervical Cancer Prevention and Treatment Fund created in Section 25.5-5-308 (8) (a) (I), C.R.S.

**(6) DEPARTMENT OF HUMAN SERVICES MEDICAID-FUNDED PROGRAMS**

**(G) Services for People with Disabilities - Medicaid Funding**

Community Services for People with Developmental Disabilities, Administration	2,897,037		1,448,519(M)				1,448,518
Community Services for People with Developmental Disabilities, Program Costs	<del>374,575,651</del>		<del>187,287,826(M)</del>		1 <sup>a</sup>		<del>187,287,824</del>
	351,011,071		175,505,537(M)				175,505,533
Regional Centers	45,632,428		22,816,214(M)				22,816,214
Regional Center Depreciation and Annual Adjustments	<u>1,187,825</u>		593,913(M)				593,912
	<del>424,292,941</del>						
	400,728,361						

<sup>a</sup> This amount shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S.



APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**SECTION 3. Appropriation to the department of human services for the fiscal year beginning July 1, 2013.** In Session Laws of Colorado 2013, section 2 of chapter 441, (SB 13-230), **amend** Part VII (9) (A) and the affected totals as amended by section 28 of chapter 169, (HB 13-1117); and **add** footnote 30a, as follows:

Section 2. **Appropriation.**

**PART VII  
DEPARTMENT OF HUMAN SERVICES**

**(9) SERVICES FOR PEOPLE WITH DISABILITIES**

**(A) Community Services for People with Developmental Disabilities**

(1) Administration

Personal Services	2,821,868		226,958		2,594,910 <sup>a</sup>
	(34.0 FTE)				
Operating Expenses	148,523				148,523 <sup>a</sup>
Community and Contract Management System	137,480		41,244		96,236 <sup>a</sup>
Support Level Administration	<u>57,368</u>				<u>57,368<sup>a</sup></u>
	3,165,239				

<sup>a</sup> These amounts shall be from Medicaid cash funds transferred from the Community Services for People with Developmental Disabilities, Administration line item in the Department of Health Care Policy and Financing.

(2) Program Costs<sup>30</sup>

COSTS<sup>30,30a</sup>

Adult Comprehensive  
Services for 4,471.2

Medicaid Full Program

Equivalents (FPE) 329,907,455

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
	308,770,967						
Adult Supported Living Services for <del>692 General Fund FPE and 3,417.5 Medicaid FPE</del>	<del>46,728,721</del>						
	47,881,017						
Family Support Services	3,255,842						
Children's Extensive Support Services for <del>659 Medicaid FPE</del>	<del>13,201,051</del>						
	12,424,408						
Case Management for <del>692 General Fund and 8,547.7 Medicaid FPE</del>	<del>25,717,760</del>						
	22,914,015						
Eligibility Determination and Waiting List Management	2,987,431						
Preventive Dental Hygiene <sup>31</sup>	64,239						
	<del>421,862,499</del>		16,484,491		30,802,357 <sup>a</sup>	<del>374,575,651<sup>b</sup></del>	
	398,297,919					351,011,071 <sup>b</sup>	
<b>TOTALS PART VII (HUMAN SERVICES)</b>		<u>\$2,183,134,409</u>	<u>\$698,239,511</u>		<u>\$356,215,550<sup>a</sup></u>	<u>\$517,852,655<sup>b</sup></u>	<u>\$610,826,693<sup>c</sup></u>
		<u>\$2,159,569,829</u>				<u>\$494,288,075<sup>b</sup></u>	

<sup>a</sup> Of this amount, \$30,798,715 shall be from client cash sources, and \$3,642 shall be from local funds. The (L) and (I) notation shall apply to \$3,642.

<sup>b</sup> This amount shall be from Medicaid funds transferred from the Community Services for People with Developmental Disabilities, Program Costs line item in the Department of Health Care Policy and Financing.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

<sup>a</sup> Of this amount, \$126,014,974 contains an (L) notation and \$226,061,001 contains an (I) notation.

<sup>b</sup> Of this amount, \$1,330,200 contains an (I) notation.

<sup>c</sup> Of this amount, \$274,250,552 contains an (I) notation.

**FOOTNOTES** -- The following statements are referenced to the numbered footnotes throughout section 2.

- 20 Department of Human Services, County Administration, County Administration; and Adult Assistance Programs, Adult Protective Services, Adult Protective Services -- It is the intent of the General Assembly that any amount in the Adult Protective Services line item that is not required for the provision of adult protective services may be transferred to the County Administration line item and used to provide additional benefits under that program. It is further the intent of the General Assembly that if county spending exceeds the total appropriations from the Adult Protective Services line item, any amount in the County Administration line item that is not required for the provision of services under that program may be transferred to the Adult Protective Services line item and used to provide adult protective services.
  
- 21 Department of Human Services, County Administration, County Share of Offsetting Revenues -- It is the intent of the General Assembly that, pursuant to Section 26-13-108, C.R.S., the Department utilize recoveries to offset the costs of providing public assistance. This appropriation represents an estimate of the county share of such recoveries and, if the amount of the county share of such recoveries is greater than the amount reflected in this appropriation, the Department is authorized to disburse an amount in excess of this appropriation to reflect the actual county share of such recoveries.
  
- 22 Department of Human Services, County Administration, County Incentive Payments; Office of Self Sufficiency, Colorado Works Program, County Block Grants; Child Support Enforcement, Child Support Enforcement -- It is the intent of the General Assembly that, pursuant to Sections 26-13-108 and 26-13-112.5 (2), C.R.S., the Department distribute child support incentive payments to counties. It is further the intent of the General Assembly that all of the State share of recoveries of amounts of support for public assistance recipients, less annual appropriations from this fund source for state child support enforcement operations, be distributed to counties, as described in Section 26-13-108, C.R.S. If the total amount of the State share of recoveries is greater than the total annual appropriations from this fund source, the Department is authorized to distribute to counties, for county incentive payments, the actual State share of any additional recoveries.
  
- 23 Department of Human Services, Division of Child Welfare -- It is the intent of the General Assembly to encourage counties to serve children in the most appropriate and least restrictive manner. For this purpose, the Department may transfer funds among all line items in this long bill group total for the Division of Child Welfare, except that the Department may not transfer funds from non-custodial line items to the Child Welfare Administration line item to increase funding for personal services.
  
- 24 Department of Human Services, Division of Child Welfare, Child Welfare Services -- It is the intent of the General Assembly that the Department may hold



APPROPRIATION FROM

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is the intent of the General Assembly that expenditures for these services be recorded only against the Long Bill group total for Program Costs.

30a DEPARTMENT OF HUMAN SERVICES, SERVICES FOR PEOPLE WITH DISABILITIES, COMMUNITY SERVICES FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, PROGRAM COSTS – THE APPROPRIATIONS IN THIS SUBDIVISION ASSUME THE FOLLOWING CASELOAD AND COST ESTIMATES FOR MEDICAID CLIENTS:

<u>Waiver</u>	<u>Enrollment</u>	<u>Full Program Equivalent</u>	<u>Cost Per Enrollment</u>
COMPREHENSIVE	4,695	4,356.75	\$65,765.91
SUPPORTED LIVING SERVICES	3,217	3,098.00	\$12,898.74
CHILDREN’S EXTENSIVE SUPPORT	1,204	623.41	\$19,929.64
TARGETED CASE MANAGEMENT	9,116	8,039.41	\$2,192.62

31 Department of Human Services, Services for People with Disabilities, Community Services for People with Developmental Disabilities, Program Costs, Preventive Dental Hygiene -- It is the intent of the General Assembly that this appropriation be used to provide special dental services for persons with developmental disabilities.

32 Department of Human Services, Services for People with Disabilities, Community Services for People with Developmental Disabilities, Early Intervention Services -- It is the intent of the General Assembly that expenditures for these services be recorded only against the Long Bill group total for Early Intervention Services.

33 Department of Human Services, Services for People with Disabilities, Regional Centers for People with Developmental Disabilities -- The Department may transfer up to 5.0 percent of the total appropriation between the Wheat Ridge Regional Center, the Grand Junction Regional Center and Pueblo Regional Center.

34 Department of Human Services, Adult Assistance Programs, Other Grant Programs, Home Care Allowance; and Home Care Allowance Grant Program -- Pursuant to Section 26-2-122.4 (3), C.R.S, any amount in the Home Care Allowance Grant Program line item that is not required to operate the Grant Program may be transferred to the Home Care Allowance Program line item and used to provide additional benefits under that program. It is further the intent of the General Assembly that any amount in the home care allowance program line item that is unused may be transferred to the home care allowance grant program line item and used to provide additional benefits under that program.

35 Department of Human Services, Adult Assistance Programs, Community Services for the Elderly, Older Americans Act Programs, and State Funding for Senior Services -- Amounts in the Older Americans Act Programs line item are calculated based on a requirement for a non-federal match of at least 15 percent, including a 5.0 percent state match, pursuant to Title III of the federal Older Americans Act. The Department is authorized to transfer General Fund and cash funds from the State Funding for Senior Services line item to the Older Americans Act Programs line item to comply with the 5.0 percent state match

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
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requirement for the Older Americans Act Programs. This appropriation is based on the assumption that all federal Title III funds requiring a state match that are not for purposes of administration or included in the appropriations for other line items will be expended from the Older Americans Act Programs line item.

- 36 Department of Human Services, Division of Youth Corrections, Institutional Programs; and Community Programs -- The Department may transfer a total of up to \$5,000,000 General Fund between line items in the Institutional Programs section and the Community Programs line items for Purchase of Contract Placements, Parole Program Services, and S.B. 91-94 Programs to facilitate the placement and treatment of youth in the most appropriate setting, to support appropriate treatment, transition, and wrap-around services for youth in residential and non-residential settings, and to support community-based alternatives to secure detention placements, except that this transfer authority may not be used to reduce the S.B. 91-94 Programs line item.

**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2013, the sum of \$4,500,000, or so much thereof as may be necessary, for allocation to the intellectual and developmental disabilities services cash fund created in section 25.5-10-207 (1), Colorado Revised Statutes, related to the implementation of this act.

**SECTION 5. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2013, the sum of \$13,852 and 0.2 FTE, or so much thereof as may be necessary, for allocation to the division of intellectual and developmental disabilities for administrative expenses for renewal and redesign of medicaid home- and community-based services waivers relating to intellectual and developmental disabilities. Of said sum, \$6,926(M) is from the intellectual and developmental disabilities services cash fund created in section 25.5-10-207 (1), Colorado Revised Statutes, and \$6,926 is from federal funds.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2013, the sum of \$400,000, or so much thereof as may be necessary, for allocation to the division of intellectual and developmental disabilities for contract services for renewal and redesign of medicaid home- and community-based services waivers relating to intellectual and developmental disabilities. Of said sum, \$200,000(M) is from the intellectual and developmental disabilities services cash fund created in section 25.5-10-207 (1), Colorado Revised Statutes, and \$200,000 is from federal funds. Any moneys appropriated in this subsection (2) not expended prior to July 1, 2014, are further appropriated to the department for the fiscal year beginning July 1, 2014, for the same purposes.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the intellectual and developmental disabilities services cash fund created in section 25.5-10-207 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2013, the sum of \$4,293,074, or so much thereof as may be necessary, for allocation to the division of intellectual and developmental disabilities for

increasing system capacity for home- and community-based intellectual and developmental disabilities programs, services, and supports. Any moneys appropriated in this subsection (3) not expended prior to July 1, 2014, are further appropriated to the department for the fiscal year beginning July 1, 2014, for the same purposes.

**SECTION 6. Effective date.** This act takes effect upon passage; except that sections 1, 4, and 5 of this act take effect March 1, 2014.

**SECTION 7. 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.

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Morgan Carroll  
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