

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-1002.01 Jerry Barry

HOUSE BILL 10-1379

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HOUSE SPONSORSHIP

**Ferrandino**, Pommer, Lambert

SENATE SPONSORSHIP

**White**, Keller, Tapia

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**House Committees**  
Appropriations

**Senate Committees**

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A BILL FOR AN ACT

101      **CONCERNING A REDUCTION IN THE GENERAL FUND PORTION OF THE**  
102           **PER DIEM RATES PAID TO NURSING FACILITIES FOR THE 2010-11**  
103           **FISCAL YEAR, AND MAKING AN APPROPRIATION IN CONNECTION**  
104           **THEREWITH.**

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**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://www.leg.state.co.us/billsummaries>.)*

**Budget Package Bill.** Current law reduces the general fund portion of per diem rates paid to nursing facilities by 1.5%. For the

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

2010-11 fiscal year, the bill increases that reduction to 2.5%.

Current law allows the general fund portion of the per diem rates paid to nursing facilities to increase by up to 5% over the previous year for the 2010-11 fiscal year. The bill provides that, for the 2010-11 fiscal year, the general fund portion shall not increase by more than 1.9% over the previous year.

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

2           **SECTION 1.** 25.5-6-202 (9) (b) (III), as enacted by House Bill  
3 10-1324, is amended to read:

4           **25.5-6-202. Providers - nursing facility provider**  
5 **reimbursement - rules - repeal.** (9) (b) (III) Notwithstanding any other  
6 provision of law, commencing March 1, 2010, through June 30, ~~2011~~  
7 2010, the general fund portion of the aggregate statewide average per  
8 diem rate net of patient payment pursuant to subsections (1) to (4) of this  
9 section shall be reduced by one and one-half percent. NOTWITHSTANDING  
10 ANY OTHER PROVISION OF LAW, COMMENCING JULY 1, 2010, THROUGH  
11 JUNE 30, 2011, THE GENERAL FUND PORTION OF THE AGGREGATE  
12 STATEWIDE AVERAGE PER DIEM RATE NET OF PATIENT PAYMENT PURSUANT  
13 TO SUBSECTIONS (1) TO (4) OF THIS SECTION SHALL BE REDUCED BY TWO  
14 AND ONE-HALF PERCENT. The state department may, but is not required  
15 to, increase the supplemental medicaid payment pursuant to subparagraph  
16 (II) of this paragraph (b) due to this reduction; except that the provider fee  
17 shall not exceed the amount specified in section 25.5-6-203 (1) (a) (II).

18           **SECTION 2.** 25.5-6-202 (9) (b.7) (II), Colorado Revised Statutes,  
19 is amended to read:

20           **25.5-6-202. Providers - nursing facility provider**  
21 **reimbursement - rules - repeal.** (9) (b.7) Notwithstanding the  
22 provision of subparagraph (I) of paragraph (b) of this subsection (9):

1 (II) For the fiscal year commencing July 1, 2010, the general fund  
2 share of the aggregate statewide average of the per diem rate shall be  
3 limited to a ~~five-percent~~ ONE AND NINE-TENTHS PERCENT increase from  
4 the prior fiscal year.

5 **SECTION 3. Appropriation - adjustments in the 2010 long**  
6 **bill.** (1) For the implementation of this act, appropriations in the annual  
7 general appropriation act to the department of health care policy and  
8 financing, for the fiscal year beginning July 1, 2010, shall be adjusted as  
9 follows:

10 (a) The appropriation for medical service premiums is decreased  
11 by twelve million forty-one thousand thirty-two dollars (\$12,041,032).  
12 Of said sum, eight million two hundred eleven thousand three hundred  
13 thirty-three dollars (\$8,211,333) shall be from the general fund and three  
14 million eight hundred twenty-nine thousand six hundred ninety-nine  
15 dollars (\$3,829,699) shall be from federal funds.

16 (b) The cash funds appropriation for medical service premiums is  
17 increased by five million eight hundred six thousand three hundred  
18 forty-three dollars (\$5,806,343). Said sum shall be from the medicaid  
19 nursing facility cash fund created in section 25.5-6-203 (2) (a), Colorado  
20 Revised Statutes, and shall be subject to the (H) notation as defined in the  
21 general appropriation act.

22 **SECTION 4. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, and safety.