

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 10-0939.01 Jerry Barry

SENATE BILL 10-169

SENATE SPONSORSHIP

Boyd,

HOUSE SPONSORSHIP

Riesberg,

Senate Committees

Health and Human Services
Appropriations

House Committees

Health and Human Services
Appropriations

HOUSE
3rd Reading Unam ended
May 4, 2010

A BILL FOR AN ACT

101 **CONCERNING AUTHORITY FOR MONEYS IN THE HOSPITAL PROVIDER**
102 **FEE CASH FUND GENERATED BY AN ENHANCED FEDERAL MATCH**
103 **THROUGH THE 2010-11 FISCAL YEAR TO BE USED TO OFFSET**
104 **GENERAL FUND EXPENDITURES IN THE MEDICAID PROGRAM, AND**
105 **MAKING AN APPROPRIATION THEREFOR.**

HOUSE
2nd Reading Unam ended
April 28, 2010

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>.)

SENATE
3rd Reading Unam ended
April 9, 2010

For the 2009-10 and 2010-11 state fiscal years, the bill authorizes

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.*

SENATE
Am ended 2nd Reading
April 8, 2010

the amount of increased federal financial participation, pursuant to the federal "American Recovery and Reinvestment Act of 2009" or other federal act, generated from appropriations out of the hospital provider fee cash fund to be used to offset other general fund appropriations for medicaid services. The bill recognizes that moneys in the health care expansion fund have been used to offset general fund expenditures for medicaid services. The bill specifies that the first \$41.4 million of increased federal financial participation shall be transferred to the health care expansion fund and that any amount in excess of \$41.4 million be appropriated for medicaid services.

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

2 **SECTION 1.** 25.5-4-402.3 (4) (b), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

4 **25.5-4-402.3. Providers - hospital - provider fees - legislative**
5 **declaration - federal waiver - fund created - rules - advisory board -**
6 **repeal.** (4) **Hospital provider fee cash fund.** (b) All moneys in the
7 fund shall be subject to federal matching as authorized under federal law
8 and subject to annual appropriation by the general assembly for the
9 following purposes:

10 (VIII) (A) FOR STATE MEDICAID EXPENDITURES FOR STATE FISCAL
11 YEARS 2009-10 AND 2010-11 ONLY AND REGARDLESS OF WHEN THESE
12 FEDERAL MONEYS ARE MADE AVAILABLE, TO OFFSET GENERAL FUND
13 EXPENDITURES IN THE MEDICAID PROGRAM IN AN EQUIVALENT AMOUNT
14 THAT WOULD HAVE BEEN IN EXCESS OF THE FIFTY PERCENT FEDERAL
15 FINANCIAL PARTICIPATION GENERATED BY INCREASED REIMBURSEMENTS
16 AND PAYMENTS APPROPRIATED FOR USE IN SUBPARAGRAPHS (I) TO (III) OF
17 THIS PARAGRAPH (b), PURSUANT TO THE FEDERAL "AMERICAN RECOVERY
18 AND REINVESTMENT ACT OF 2009", PUB.L. 111-5, OR ANY AMENDMENT
19 THERETO OR OTHER FEDERAL LAW THAT INCREASES FEDERAL FINANCIAL
20 PARTICIPATION ABOVE THE FEDERAL FINANCIAL PARTICIPATION

1 PERCENTAGE IN EFFECT PRIOR TO THE INCREASE IN FEDERAL FINANCIAL
2 PARTICIPATION PROVIDED THROUGH THE FEDERAL "AMERICAN RECOVERY
3 AND REINVESTMENT ACT OF 2009". SUCH AMOUNT SHALL BE
4 TRANSFERRED TO THE HEALTH CARE EXPANSION FUND CREATED
5 PURSUANT TO SECTION 24-22-117 (2) (a) (I), C.R.S., OR APPROPRIATED
6 FOR THE MEDICAID PROGRAM.

7 (B) PURSUANT TO HOUSE BILL 10-1320, ENACTED IN 2010, THE
8 GENERAL ASSEMBLY AUTHORIZED MONEYS TO BE TRANSFERRED FROM THE
9 HEALTH CARE EXPANSION FUND CREATED PURSUANT TO SECTION
10 24-22-117 (2) (a) (I), C.R.S., TO THE GENERAL FUND TO PAY FOR STATE
11 MEDICAID EXPENSES. FOR STATE MEDICAID EXPENDITURES FOR STATE
12 FISCAL YEARS 2009-10 AND 2010-11 ONLY AND REGARDLESS OF WHEN
13 THESE FEDERAL MONEYS ARE MADE AVAILABLE, THE FIRST FORTY-ONE
14 MILLION FOUR HUNDRED THOUSAND DOLLARS GENERATED PURSUANT TO
15 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (VIII) SHALL BE
16 TRANSFERRED TO THE HEALTH CARE EXPANSION FUND. MONEYS
17 GENERATED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS
18 SUBPARAGRAPH (VIII) IN EXCESS OF THE FORTY-ONE MILLION FOUR
19 HUNDRED THOUSAND DOLLARS TRANSFERRED TO THE HEALTH CARE
20 EXPANSION FUND SHALL BE APPROPRIATED FOR MEDICAID PROGRAMS TO
21 OFFSET GENERAL FUND APPROPRIATIONS.

22 (C) THIS SUBPARAGRAPH (VIII) IS REPEALED, EFFECTIVE
23 DECEMBER 31, 2011.

24 **SECTION 2.** Part V (2) and the affected totals of section 2 of
25 chapter 464, Session Laws of Colorado 2009, as Part V and the affected
26 totals are amended by section 1 of House Bill 10-1300, as Part V (2) and
27 the affected totals are amended by section 3 of House Bill 10-1320, as

1 Part V (2) and the affected totals are amended by section 4 of House Bill
2 10-1321, as Part V (2) and the affected totals are amended by section 3
3 of House Bill 10-1322, as affected totals are amended by section 8 of
4 House Bill 10-1323, as Part V (2) and the affected totals are amended by
5 section 3 of House Bill 10-1324, are amended to read:

6 Section 2. Appropriation.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							

PART V

DEPARTMENT OF HEALTH CARE POLICY AND FINANCING

(2) MEDICAL SERVICES PREMIUMS⁸

Services for 38,444

Supplemental Security

Income Adults 65 and Older

(SSI 65+) at an average cost

of \$21,429.19 823,823,898

Services for 6,991

Supplemental Security

Income Adults 60 to 64

Years of Age (SSI 60 - 64)

at an average cost of

\$17,248.63 120,585,185

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<u>Services for 15,940</u>						
2	<u>Qualified Medicare</u>						
3	<u>Beneficiaries (QMBs) and</u>						
4	<u>Special Low-Income</u>						
5	<u>Medicare Beneficiaries</u>						
6	<u>(SLIMBs) at an average cost</u>						
7	<u>of \$1,286.63</u>	<u>20,508,902</u>					
8	<u>Services for 53,014</u>						
9	<u>Supplemental Security</u>						
10	<u>Income Disabled Individuals</u>						
11	<u>at an average cost of</u>						
12	<u>\$14,102.56</u>	<u>747,637,887</u>					
13	<u>Services for 58,991</u>						
14	<u>Categorically Eligible</u>						
15	<u>Low-income Adults at an</u>						
16	<u>average cost of \$3,809.48</u>	<u>224,725,149</u>					

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<u>Services for 7,131 Baby</u>						
2	<u>Care Program Adults at an</u>						
3	<u>average cost of \$8,741.51</u>	<u>62,335,715</u>					
4	<u>Services for 416 Breast and</u>						
5	<u>Cervical Cancer Treatment</u>						
6	<u>Clients at an average cost of</u>						
7	<u>\$20,365.00</u>	<u>8,471,839</u>					
8	<u>Services for 16,922</u>						
9	<u>Expansion Health Care</u>						
10	<u>Low-Income Adult Clients</u>						
11	<u>at an average cost of</u>						
12	<u>\$2,412.29</u>	<u>40,820,748</u>					
13	<u>Services for 276,647</u>						
14	<u>Eligible Children at an</u>						
15	<u>average cost of \$1,690.00</u>	<u>467,532,630</u>					
16	<u>Services for 18,373 Foster</u>						
17	<u>Children at an average cost</u>						
18	<u>of \$3,775.80</u>	<u>69,372,850</u>					

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
1 <u>Services for 3,616</u>						
2 <u>Non-Citizens at an average</u>						
3 <u>cost of \$16,359.97</u>	<u>59,157,649</u>					
4	<u>2,644,972,452</u>	<u>1,120,353,182(M)</u>		<u>190,987,505^a</u>	<u>3,874,450^b</u>	<u>1,329,757,315</u>
5		<u>1,115,423,794(M)</u>		<u>195,916,893^a</u>		
6 ^a <u>Of this amount, \$124,906,507(H) shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S., including \$84,016,715 that shall be subject to the (H)</u>						
7 <u>head note as defined in Section 2 of Chapter 464 Session Laws of Colorado 2009, \$17,359,908(H) shall be from the Nursing Facility Cash Fund created in Section 25.5-6-203 (2) (a),</u>						
8 <u>C.R.S., \$22,229,571 represents public funds certified as expenditures incurred by public hospitals and agencies that are eligible for federal financial participation under the Medicaid</u>						
9 <u>program, \$7,000,000 shall be from the Tobacco Education Programs Fund created in section 24-22-117 (2) (c) (I), C.R.S., \$7,000,000 shall be from the Prevention, Early Detection,</u>						
10 <u>and Treatment Fund created in Section 24-22-117 (2) (d) (I), C.R.S., \$10,390,000 shall be from the Primary Care Grant Fund created in section 24-22-117 (2) (b) (I), \$4,929,388 SHALL</u>						
11 <u>BE FROM THE HOSPITAL PROVIDER FEE CASH FUND CREATED IN SECTION 25.5-4-402.3 (4), C.R.S., \$1,144,308 shall be from the Breast and Cervical Cancer Prevention and Treatment</u>						
12 <u>Fund created in section 25.5-5-308 (8) (a), C.R.S., \$697,198 (H) shall be from the Colorado Autism Treatment Fund created in Section 25.5-6-805, C.R.S., \$250,000(H) shall be from</u>						
13 <u>the Coordinated Care for People with Disabilities Fund created in Section 25.5-6-111 (4), C.R.S., and \$10,013 shall be from the Supplemental Tobacco Litigation Settlement Moneys</u>						
14 <u>Account in the Pediatric Speciality Hospital Fund created in section 24-22-117 (2) (e) (II).</u>						
15 ^b <u>Of this amount, \$2,000,000 shall be transferred from the Department of Public Health and Environment pursuant to Section 24-22-117 (2) (d) (IV.5), C.R.S., \$1,000,000 shall be from</u>						
16 <u>the Health Disparities Grant Program fund created in Section 24-22-117 (2) (f) (I), C.R.S., and \$874,450 shall be transferred from the Department of Public Health and Environment</u>						
17 <u>pursuant to Section 24-22-117 (2) (d) (II) (D), C.R.S.</u>						
18						
19 <u>TOTALS PART V</u>						

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<u>(HEALTH CARE</u>						
2	<u>POLICY AND</u>						
3	<u>FINANCING)</u>	<u>\$4,070,693,962</u>	<u>\$1,584,761,132</u>	<u>\$504,000^a</u>	<u>\$455,492,397</u>	<u>\$28,294,030</u>	<u>\$2,001,642,403</u>
4			<u>\$1,579,831,744</u>		<u>\$460,421,785</u>		

5

6 ^a This amount shall be General Fund Exempt pursuant to Section 24-22-117 (1) (c) (I) (B), C.R.S. This amount is also not subject to the statutory limitation on General Fund

7 appropriations imposed by Section 24-75-201.1, C.R.S.

8

1 **SECTION 3. Appropriation - adjustments to the 2010 long bill.**

2 For the implementation of this act, appropriations made in the annual
3 general appropriation act to the department of health care policy and
4 financing, for medical services premiums, for the fiscal year beginning
5 July 1, 2010, shall be adjusted as follows:

6 (1) The general fund appropriation is decreased by forty-six
7 million three hundred twenty-nine thousand three hundred eighty-eight
8 dollars (\$46,329,388).

9 (2) The cash fund appropriation is increased by forty-six million
10 three hundred twenty-nine thousand three hundred eighty-eight dollars
11 (\$46,329,388). Said sum shall be from the hospital provider fee cash
12 fund created in section 25.5-4-402.3 (4), Colorado Revised Statutes.

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