

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

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.**

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>.)

For the 2009-10 and 2010-11 state fiscal years, the bill authorizes the amount of increased federal financial participation, pursuant to 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.

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. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.