

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 11-1075.01 Christy Chase

HOUSE BILL 11-1323

HOUSE SPONSORSHIP

Massey,

SENATE SPONSORSHIP

Boyd,

House Committees
Health and Environment

Senate Committees
State, Veterans & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING AN EXEMPTION FROM STATE LICENSURE REQUIREMENTS**
102 **FOR A COMMUNITY CLINIC THAT IS A RURAL HEALTH CLINIC,**
103 **AND MAKING AN APPROPRIATION THEREFORE.**

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>.)

Under current law, community clinics, like some other health facilities, are required to obtain a license from, submit to on-site inspections by, and obtain approval of construction plans from the department of public health and environment.

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.*

HOUSE
3rd Reading Unamended
May 10, 2011

HOUSE
2nd Reading Unamended
May 9, 2011

The bill excludes from the definition of a community clinic any clinic that is a "rural health clinic" under the federal "Social Security Act", thereby exempting rural health clinics from state licensure and related requirements. **Section 3** of the bill clarifies that while a rural health clinic will no longer be licensed by the department, a rural health clinic continues as a general provider under the Colorado indigent care program.

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

2 **SECTION 1.** 25-1.5-103 (2) (a.5), Colorado Revised Statutes, as
3 enacted by House Bill 11-1101, is amended to read:

4 **25-1.5-103. Health facilities - powers and duties of department**
5 **- limitations on rules promulgated by department.** (2) For purposes
6 of this section, unless the context otherwise requires:

7 (a.5) "Community clinic" does not include:

8 (I) A federally qualified health center, as defined in section 1861
9 (aa) (4) of the federal "Social Security Act", 42 U.S.C. sec. 1395x (aa)
10 (4);

11 (II) A RURAL HEALTH CLINIC, AS DEFINED IN SECTION 1861 (aa) (2)
12 OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa) (2).

13 **SECTION 2.** 25-3-101 (2) (a), Colorado Revised Statutes, as
14 amended by House Bill 11-1101, is amended to read:

15 **25-3-101. Hospitals - health facilities - licensed - definitions.**

16 (2) As used in this section, unless the context otherwise requires:

17 (a) "Community clinic" does not include:

18 (I) A federally qualified health center, as defined in section 1861
19 (aa) (4) of the federal "Social Security Act", 42 U.S.C. sec. 1395x (aa)
20 (4).

21 (II) A RURAL HEALTH CLINIC, AS DEFINED IN SECTION 1861 (aa) (2)
22 OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa) (2).

1 **SECTION 3.** 25.5-3-103 (3), Colorado Revised Statutes, as
2 amended by House Bill 11-1101, is amended to read:

3 **25.5-3-103. Definitions.** As used in this part 1, unless the context
4 otherwise requires:

5 (3) "General provider" means a general hospital, birth center, or
6 community health clinic licensed or certified by the department of public
7 health and environment pursuant to section 25-1.5-103 (1) (a) (I) or (1)
8 (a) (II), C.R.S.; a federally qualified health center, as defined in section
9 1861 (aa) (4) of the federal "Social Security Act", 42 U.S.C. sec. 1395x
10 (aa) (4); A RURAL HEALTH CLINIC, AS DEFINED IN SECTION 1861 (aa) (2) OF
11 THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x (aa) (2); a
12 health maintenance organization issued a certificate of authority pursuant
13 to section 10-16-402, C.R.S.; and the health sciences center when acting
14 pursuant to section 25.5-3-108 (5) (a) (I) or (5) (a) (II) (A). For the
15 purposes of the program, "general provider" includes associated
16 physicians.

17 **SECTION 4. Appropriation - adjustments in 2011 long bill.**
18 For the implementation of this act, the cash funds appropriation made in
19 the annual general appropriation act for the fiscal year beginning July 1,
20 2011, to the department of public health and environment, division of
21 health facilities and emergency medical services division, for health
22 facilities general licensure program, is decreased by five hundred
23 twenty-nine dollars (\$529). Said sum shall be from the health facilities
24 general licensure cash fund created in section 25-3-103.1 (1), Colorado
25 Revised Statutes.

26 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.