

**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. 11-0087.01 Christy Chase

HOUSE BILL 11-1217

HOUSE SPONSORSHIP

Acree, Joshi, Kerr A., Stephens, Summers

SENATE SPONSORSHIP

Boyd, Roberts

House Committees

Health and Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO EXPAND ACCESS TO HEALTH CARE**
102 **THROUGHOUT THE STATE.**

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>.)

The bill enacts measures to expand access to health care in Colorado, including the following:

- ! **Section 1** of the bill expands the school-based health center grant program administered by the prevention services division in the department of public health and

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.*

- environment to allow the division to award grants to center operators to offer rehabilitative services at existing centers.
- ! **Sections 2 and 3** of the bill expand eligibility for participation in the state loan repayment program to health care providers who do not provide primary care services, practice in a for-profit setting, or are otherwise not currently eligible. These providers' eligibility is contingent upon their agreement to provide services in underserved areas of the state and upon a corresponding expansion of the federal government's national loan repayment program.
 - ! **Section 4** charges the center for improving value in health care (CIVHC), which was established in 2008 by an executive order of the governor, with studying and recommending improvements to the system for reimbursing health care providers who deliver care to recipients of the state's public medical assistance programs as well as to insured individuals.
 - ! **Section 5** requires the department of health care policy and financing to reimburse providers for medical care, services, or goods provided to medicaid recipients, regardless of the location of the service delivery, and to seek a waiver from the United States department of health and human services if necessary to implement this requirement.
 - ! **Sections 6 and 7** authorize the state and local governments to enter into agreements with health care providers to allow the providers to use available space in a building owned by the state or local government and located in a federally designated health professional shortage area for purposes of providing access to health care to persons residing in close proximity to the public building. As a condition of the agreement to use space in the public building, the health care provider must agree to accept medicaid patients at those sites.
 - ! **Section 8** extends governmental immunity to health care practitioners who provide care to patients, including medicaid patients, in available space in a public building located in a federally designated health professional shortage area pursuant to an agreement authorized by section 6 or 7 of the bill.

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

2 **SECTION 1.** 25-20.5-703 (1) (a) (III), (1) (c), and (3), Colorado

1 Revised Statutes, are amended to read:

2 **25-20.5-703. Colorado health service corps - program -**
3 **creation - conditions.** (1) (a) (III) In consideration for receiving
4 repayment of all or part of his or her education loan, the health care
5 professional shall agree to provide primary health services in federally
6 designated health professional shortage areas in Colorado, OR, IN THE
7 CASE OF A HEALTH CARE PROVIDER WHO BECOMES ELIGIBLE TO
8 PARTICIPATE IN THE LOAN REPAYMENT PROGRAM AS DESCRIBED IN
9 SUB-SUBPARAGRAPH (A.5) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a),
10 THE HEALTH CARE PROVIDER SHALL AGREE TO PROVIDE PRIMARY OR
11 NONPRIMARY HEALTH SERVICES, AS APPLICABLE, IN FEDERALLY
12 DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREAS IN COLORADO.

13 (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF
14 THIS PARAGRAPH (c), health care professionals practicing in nonprimary
15 care specialties shall ARE not be eligible for loan repayments through the
16 Colorado health service corps.

17 (II) NONPRIMARY CARE SPECIALISTS OR OTHER HEALTH CARE
18 PROVIDERS, INCLUDING REGISTERED OCCUPATIONAL THERAPISTS AND
19 LICENSED PROFESSIONAL NURSES OR PHYSICAL THERAPISTS, ARE ELIGIBLE
20 FOR LOAN REPAYMENTS THROUGH THE COLORADO HEALTH SERVICE CORPS
21 IF THE FEDERAL GOVERNMENT AUTHORIZES THEIR PARTICIPATION IN THE
22 NATIONAL HEALTH SERVICE CORPS PROGRAM AND AUTHORIZES FEDERAL
23 MATCHING FUNDS FOR THOSE PROVIDERS TO RECEIVE LOAN REPAYMENTS
24 THROUGH THE COLORADO HEALTH SERVICE CORPS.

25 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF
26 THIS SUBSECTION (3), a health care professional participating in the
27 Colorado health service corps shall not practice with a for-profit private

1 group or solo practice or at a proprietary hospital or clinic.

2 (b) A HEALTH CARE PROVIDER PRACTICING WITH A FOR-PROFIT
3 PRIVATE GROUP OR SOLO PRACTICE OR AT A PROPRIETARY HOSPITAL OR
4 CLINIC MAY PARTICIPATE IN THE COLORADO HEALTH SERVICE CORPS IF
5 THE FEDERAL GOVERNMENT AUTHORIZES THE PARTICIPATION OF SUCH
6 PROVIDERS IN THE NATIONAL HEALTH SERVICE CORPS PROGRAM AND
7 AUTHORIZES FEDERAL MATCHING FUNDS FOR THOSE PROVIDERS TO
8 RECEIVE LOAN REPAYMENTS THROUGH THE COLORADO HEALTH SERVICE
9 CORPS.

10 SECTION 2. 25-20.5-703 (1) (a) (I), Colorado Revised Statutes,
11 is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH
12 to read:

13 **25-20.5-703. Colorado health service corps - program -**
14 **creation - conditions.** (1) (a) (I) (A.5) ON OR AFTER THE EFFECTIVE
15 DATE OF THIS SUB-SUBPARAGRAPH (A.5), IF THE FEDERAL GOVERNMENT
16 EXPANDS ELIGIBILITY FOR THE NATIONAL HEALTH SERVICE CORPS
17 PROGRAM TO HEALTH CARE PROVIDERS OTHER THAN THOSE DEFINED AS
18 HEALTH CARE PROFESSIONALS, THOSE PROVIDING NONPRIMARY HEALTH
19 CARE SERVICES, OR THOSE PRACTICING WITH A FOR-PROFIT PRIVATE GROUP
20 OR SOLO PRACTICE OR AT A PROPRIETARY HOSPITAL OR CLINIC, AND THE
21 FEDERAL GOVERNMENT AUTHORIZES FEDERAL MATCHING FUNDS FOR
22 THOSE PROVIDERS APPLYING TO PARTICIPATE IN THE COLORADO HEALTH
23 SERVICE CORPS, THE PRIMARY CARE OFFICE MAY PROVIDE LOAN
24 REPAYMENTS FOR THOSE HEALTH CARE PROVIDERS THROUGH THE
25 COLORADO HEALTH SERVICE CORPS, SUBJECT TO AVAILABLE
26 APPROPRIATIONS.

27 SECTION 3. 25.5-4-401 (5) and (6), Colorado Revised Statutes,

1 are amended, and the said 25.5-4-401 is further amended BY THE
2 ADDITION OF A NEW SUBSECTION, to read:

3 **25.5-4-401. Providers - payments - rules - legislative**
4 **declaration.** (4.5) (a) THE GENERAL ASSEMBLY HEREBY FINDS,
5 DETERMINES, AND DECLARES THAT ACCESS TO HEALTH CARE SERVICES
6 WILL BE IMPROVED AND COSTS OF HEALTH CARE WILL BE RESTRAINED IF
7 PROVIDERS ARE ALLOWED TO DELIVER AND RECEIVE REIMBURSEMENT FOR
8 MEDICAL CARE, SERVICES, OR GOODS PROVIDED TO RECIPIENTS OF THE
9 MEDICAID PROGRAM IN NONTRADITIONAL LOCATIONS, SUCH AS THE HOME
10 OF THE RECIPIENT OR THROUGH TELEMEDICINE IN ACCORDANCE WITH
11 SECTION 25.5-5-320.

12 (b) THE STATE DEPARTMENT SHALL PROVIDE PAYMENT TO
13 PROVIDERS WHO DELIVER MEDICAL CARE, SERVICES, OR GOODS TO
14 RECIPIENTS OF THE MEDICAID PROGRAM, REGARDLESS OF THE LOCATION
15 OF THE DELIVERY OF CARE, SERVICES, OR GOODS, AS LONG AS THE
16 MEDICAL CARE, SERVICES, OR GOODS ARE THE TYPE FOR WHICH
17 COMPENSATION IS AUTHORIZED UNDER TITLE XIX.

18 (c) PROVIDERS ARE ENCOURAGED TO DELIVER MEDICAL CARE,
19 SERVICES, AND GOODS TO RECIPIENTS IN NONTRADITIONAL SETTINGS OR
20 LOCATIONS AS APPROPRIATE TO FACILITATE ACCESS TO CARE BY
21 RECIPIENTS, PARTICULARLY FOR THOSE RECIPIENTS WHO RESIDE IN
22 FEDERALLY DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREAS, AS
23 DEFINED IN SECTION 25-20.5-702, C.R.S.

24 (5) The state board may promulgate rules to provide for the
25 implementation and administration of subsections (3), and (4), AND (4.5)
26 of this section.

27 (6) The state department shall make good faith efforts to obtain

1 a waiver or waivers from OF any requirements of Title XIX of the social
2 security act which THAT would prohibit the implementation of
3 subsections SUBSECTION (3), and (4), OR (4.5) of this section. Such THE
4 STATE DEPARTMENT SHALL OBTAIN THE NECESSARY waiver or waivers
5 shall be obtained from the federal department of health and human
6 services or any successor agency. If such waivers are not granted THE
7 FEDERAL DEPARTMENT DOES NOT GRANT THE NECESSARY WAIVER, the
8 state department shall not act to implement or administer subsections
9 SUBSECTION (3), and (4), OR (4.5) of this section to the extent that Title
10 XIX prohibits it IMPLEMENTATION OF ANY OF THOSE SUBSECTIONS.

11 **SECTION 4.** 24-10-103 (4) (b), Colorado Revised Statutes, is
12 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

13 **24-10-103. Definitions.** As used in this article, unless the context
14 otherwise requires:

15 (4) (b) "Public employee" includes any of the following:

16 (VIII) A HEALTH CARE PRACTITIONER WHO, PURSUANT TO A
17 CONTRACT WITH A RURAL HEALTH CLINIC, AS DEFINED IN SECTION 1861
18 (aa) (2) OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x
19 (aa) (2), PROVIDES HEALTH CARE SERVICES TO PATIENTS SEEKING HEALTH
20 CARE SERVICES AT THE RURAL HEALTH CLINIC, WHICH PATIENTS SHALL
21 INCLUDE RECIPIENTS OF MEDICAL ASSISTANCE, AS DEFINED IN SECTION
22 25.5-4-103, C.R.S. FOR PURPOSES OF THIS SUBPARAGRAPH (VIII), THE
23 HEALTH CARE PRACTITIONER IS A "PUBLIC EMPLOYEE" ONLY WHEN HE OR
24 SHE PROVIDES HEALTH CARE SERVICES AT THE RURAL HEALTH CLINIC.

25 **SECTION 5. Act subject to petition - effective date.** This act
26 shall take effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part shall not take effect
5 unless approved by the people at the general election to be held in
6 November 2012 and shall take effect on the date of the official
7 declaration of the vote thereon by the governor.