

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 24, 2011
Date

Committee on Health and Environment.

After consideration on the merits, the Committee recommends the following:

HB11-1217 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. 25-20.5-703 (1) (a) (III), (1) (c), and (3), Colorado
4 Revised Statutes, are amended to read:

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

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

20 (II) NONPRIMARY CARE SPECIALISTS OR OTHER HEALTH CARE
21 PROVIDERS, INCLUDING REGISTERED OCCUPATIONAL THERAPISTS AND
22 LICENSED PROFESSIONAL NURSES OR PHYSICAL THERAPISTS, ARE ELIGIBLE
23 FOR LOAN REPAYMENTS THROUGH THE COLORADO HEALTH SERVICE CORPS

1 IF THE FEDERAL GOVERNMENT AUTHORIZES THEIR PARTICIPATION IN THE
2 NATIONAL HEALTH SERVICE CORPS PROGRAM AND AUTHORIZES FEDERAL
3 MATCHING FUNDS FOR THOSE PROVIDERS TO RECEIVE LOAN REPAYMENTS
4 THROUGH THE COLORADO HEALTH SERVICE CORPS.

5 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF
6 THIS SUBSECTION (3), a health care professional participating in the
7 Colorado health service corps shall not practice with a for-profit private
8 group or solo practice or at a proprietary hospital or clinic.

9 (b) A HEALTH CARE PROVIDER PRACTICING WITH A FOR-PROFIT
10 PRIVATE GROUP OR SOLO PRACTICE OR AT A PROPRIETARY HOSPITAL OR
11 CLINIC MAY PARTICIPATE IN THE COLORADO HEALTH SERVICE CORPS IF
12 THE FEDERAL GOVERNMENT AUTHORIZES THE PARTICIPATION OF SUCH
13 PROVIDERS IN THE NATIONAL HEALTH SERVICE CORPS PROGRAM AND
14 AUTHORIZES FEDERAL MATCHING FUNDS FOR THOSE PROVIDERS TO
15 RECEIVE LOAN REPAYMENTS THROUGH THE COLORADO HEALTH SERVICE
16 CORPS.

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

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

34 **SECTION 3.** 25.5-4-401 (5) and (6), Colorado Revised Statutes,
35 are amended, and the said 25.5-4-401 is further amended BY THE
36 ADDITION OF A NEW SUBSECTION, to read:

37 **25.5-4-401. Providers - payments - rules - legislative**
38 **declaration.** (4.5) (a) THE GENERAL ASSEMBLY HEREBY FINDS,
39 DETERMINES, AND DECLARES THAT ACCESS TO HEALTH CARE SERVICES
40 WILL BE IMPROVED AND COSTS OF HEALTH CARE WILL BE RESTRAINED IF
41 PROVIDERS ARE ALLOWED TO DELIVER AND RECEIVE REIMBURSEMENT FOR

1 MEDICAL CARE, SERVICES, OR GOODS PROVIDED TO RECIPIENTS OF THE
2 MEDICAID PROGRAM IN NONTRADITIONAL LOCATIONS, SUCH AS THE HOME
3 OF THE RECIPIENT OR THROUGH TELEMEDICINE IN ACCORDANCE WITH
4 SECTION 25.5-5-320.

5 (b) THE STATE DEPARTMENT SHALL PROVIDE PAYMENT TO
6 PROVIDERS WHO DELIVER MEDICAL CARE, SERVICES, OR GOODS TO
7 RECIPIENTS OF THE MEDICAID PROGRAM, REGARDLESS OF THE LOCATION
8 OF THE DELIVERY OF CARE, SERVICES, OR GOODS, AS LONG AS THE
9 MEDICAL CARE, SERVICES, OR GOODS ARE THE TYPE FOR WHICH
10 COMPENSATION IS AUTHORIZED UNDER TITLE XIX.

11 (c) PROVIDERS ARE ENCOURAGED TO DELIVER MEDICAL CARE,
12 SERVICES, AND GOODS TO RECIPIENTS IN NONTRADITIONAL SETTINGS OR
13 LOCATIONS AS APPROPRIATE TO FACILITATE ACCESS TO CARE BY
14 RECIPIENTS, PARTICULARLY FOR THOSE RECIPIENTS WHO RESIDE IN
15 FEDERALLY DESIGNATED HEALTH PROFESSIONAL SHORTAGE AREAS, AS
16 DEFINED IN SECTION 25-20.5-702, C.R.S.

17 (5) The state board may promulgate rules to provide for the
18 implementation and administration of subsections (3), ~~and~~ (4), AND (4.5)
19 of this section.

20 (6) The state department shall make good faith efforts to obtain
21 a waiver ~~or waivers from~~ OF any requirements of Title XIX ~~of the social~~
22 ~~security act which~~ THAT would prohibit the implementation of
23 ~~subsections~~ SUBSECTION (3), ~~and~~ (4), OR (4.5) of this section. ~~Such~~ THE
24 STATE DEPARTMENT SHALL OBTAIN THE NECESSARY waiver ~~or waivers~~
25 ~~shall be obtained~~ from the federal department of health and human
26 services or any successor agency. If ~~such waivers are not granted~~ THE
27 FEDERAL DEPARTMENT DOES NOT GRANT THE NECESSARY WAIVER, the
28 state department shall not act to implement or administer ~~subsections~~
29 SUBSECTION (3), ~~and~~ (4), OR (4.5) of this section to the extent that Title
30 XIX prohibits it IMPLEMENTATION OF ANY OF THOSE SUBSECTIONS.

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

33 **24-10-103. Definitions.** As used in this article, unless the context
34 otherwise requires:

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

36 (VIII) A HEALTH CARE PRACTITIONER WHO, PURSUANT TO A
37 CONTRACT WITH A RURAL HEALTH CLINIC, AS DEFINED IN SECTION 1861
38 (aa) (2) OF THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1395x
39 (aa) (2), PROVIDES HEALTH CARE SERVICES TO PATIENTS SEEKING HEALTH
40 CARE SERVICES AT THE RURAL HEALTH CLINIC, WHICH PATIENTS SHALL
41 INCLUDE RECIPIENTS OF MEDICAL ASSISTANCE, AS DEFINED IN SECTION

1 25.5-4-103, C.R.S. FOR PURPOSES OF THIS SUBPARAGRAPH (VIII), THE
2 HEALTH CARE PRACTITIONER IS A "PUBLIC EMPLOYEE" ONLY WHEN HE OR
3 SHE PROVIDES HEALTH CARE SERVICES AT THE RURAL HEALTH CLINIC.

4 **SECTION 5. Act subject to petition - effective date.** This act
5 shall take effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part shall not take effect
11 unless approved by the people at the general election to be held in
12 November 2012 and shall take effect on the date of the official
13 declaration of the vote thereon by the governor."

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