

**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.** Part 1 of article 1 of title 25.5, Colorado Revised

1 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
2 read:

3 **25.5-1-128. Provider payments - exemption from certain state**
4 **fiscal requirements.** (1) (a) NOTWITHSTANDING ANY PROVISION OF LAW
5 TO THE CONTRARY, WHEN THE STATE DEPARTMENT HAS REGULATORY
6 AUTHORITY OVER A PROVIDER AND HAS ESTABLISHED A STATE
7 DEPARTMENT-APPROVED PROVIDER APPLICATION TO PROVIDE A SERVICE
8 OR BILL THE STATE DEPARTMENT OR ITS AUTHORIZED CONTRACTOR FOR
9 THE SERVICE, THE PROVIDER AND THE STATE DEPARTMENT ARE EXEMPT
10 FROM THE REQUIREMENTS OF SECTION 24-30-202 (1), C.R.S.

11 (b) THE EXECUTIVE DIRECTOR MAY ADOPT RULES TO IMPLEMENT
12 THIS SECTION FOR ANY PROGRAM THE STATE DEPARTMENT IS AUTHORIZED
13 TO ADMINISTER, INCLUDING:

14 (I) THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4 TO
15 6 OF THIS TITLE;

16 (II) THE "CHILDREN'S BASIC HEALTH PLAN ACT", ARTICLE 8 OF
17 THIS TITLE;

18 (III) THE "COLORADO INDIGENT CARE PROGRAM", PART 1 OF
19 ARTICLE 3 OF THIS TITLE;

20 (IV) THE SCHOOL HEALTH SERVICES PROGRAM AUTHORIZED BY
21 SECTION 25.5-5-318;

22 (V) THE PRIMARY CARE FUND, PURSUANT TO PART 3 OF ARTICLE
23 3 OF THIS TITLE; AND

24 (VI) STATE-FUNDED HEALTH AND MEDICAL CARE PURSUANT TO
25 ARTICLE 2 OF THIS TITLE.

26 (2) AS USED IN THIS SECTION, "PROVIDER" MEANS A HEALTH CARE
27 PROVIDER, MENTAL HEALTH CARE PROVIDER, PHARMACIST, HOME HEALTH

1 AGENCY, GENERAL PROVIDER, AS DEFINED IN SECTION 25.5-3-103 (3),
2 QUALIFIED PROVIDER, AS DEFINED IN SECTION 25.5-3-203 (5), SCHOOL
3 DISTRICT, AS DEFINED IN SECTION 25.5-5-318 (1) (a), OR ANY OTHER
4 ENTITY THAT PROVIDES HEALTH CARE, HEALTH CARE COORDINATION,
5 OUTREACH, ENROLLMENT, OR ADMINISTRATIVE SUPPORT SERVICES
6 THROUGH FEE-FOR-SERVICE, THE PRIMARY CARE PHYSICIAN PROGRAM, A
7 MANAGED CARE ENTITY, A BEHAVIORAL HEALTH ORGANIZATION, A
8 MEDICAL HOME, OR ANY SYSTEM OF CARE THAT COORDINATES HEALTH
9 CARE OR SERVICES, AS DEFINED AND AUTHORIZED THROUGH STATE BOARD
10 OR EXECUTIVE DIRECTOR RULE.

11 **SECTION 4. Act subject to petition - effective date.** This act
12 shall take effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part shall not take effect
18 unless approved by the people at the general election to be held in
19 November 2012 and shall take effect on the date of the official
20 declaration of the vote thereon by the governor.