

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

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 13-0783.02 Jerry Barry x4341

**SENATE BILL 13-167**

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**SENATE SPONSORSHIP**

**Steadman,** Hodge, Lambert

**HOUSE SPONSORSHIP**

**Gerou,** Duran, Levy

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**Senate Committees**

Health & Human Services  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH**  
102             **INTELLECTUAL DISABILITIES, AND, IN CONNECTION THEREWITH,**  
103             **MAKING AND REDUCING AN APPROPRIATION.**

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**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>.)*

**Joint Budget Committee.** The bill changes statutory references from intermediate care facilities for the mentally retarded to intermediate care facilities for individuals with intellectual disabilities. The bill changes the responsibility for administering the provider fee from 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.*

SENATE  
3rd Reading Unamended  
February 27, 2013

SENATE  
Amended 2nd Reading  
February 26, 2013

department of human services to the department of health care policy and financing.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1-124, **amend**  
3 (2.5) (b) as follows:

4 **25-1-124. Health care facilities - consumer information -**  
5 **reporting - release.** (2.5) (b) For purposes of this subsection (2.5), a  
6 "licensed long-term care facility" means a licensed community residential  
7 or group home, a licensed intermediate care facility for ~~the mentally~~  
8 ~~retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES, and a licensed  
9 facility for persons with developmental disabilities.

10 **SECTION 2.** In Colorado Revised Statutes, 25.5-5-202, **amend**  
11 (1) (h) as follows:

12 **25.5-5-202. Basic services for the categorically needy - optional**  
13 **services - repeal.** (1) Subject to the provisions of subsection (2) of this  
14 section, the following are services for which federal financial  
15 participation is available and which Colorado has selected to provide as  
16 optional services under the medical assistance program:

17 (h) Intermediate care facilities for ~~the mentally retarded~~  
18 INDIVIDUALS WITH INTELLECTUAL DISABILITIES;

19 **SECTION 3.** In Colorado Revised Statutes, **amend** 25.5-6-204  
20 as follows:

21 **25.5-6-204. Providers - reimbursement - intermediate care**  
22 **facility for individuals with intellectual disabilities - reimbursement**  
23 **- maximum allowable.** (1) (a) For the purpose of making payments to  
24 intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH  
25 INTELLECTUAL DISABILITIES, the state department shall establish a price

1 schedule to be readjusted every twelve months, that shall reimburse,  
2 subject to available appropriations, each provider, as nearly as possible,  
3 for its actual or reasonable cost of services rendered, whichever is less,  
4 its case-mix adjusted direct health care services costs as defined in section  
5 25.5-6-201 (9), and a fair rental allowance for capital-related assets as  
6 defined in section 25.5-6-201 (7). The state board shall adopt rules,  
7 including uniform accounting or reporting procedures, in order to  
8 determine the actual or reasonable cost of services and case-mix adjusted  
9 direct health care services costs and the reimbursement therefor. The  
10 provisions of this paragraph (a) shall not apply to state-operated  
11 intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH  
12 INTELLECTUAL DISABILITIES.

13 (b) State-operated intermediate care facilities for ~~the mentally~~  
14 ~~retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES shall be  
15 reimbursed based on the actual costs of administration, property,  
16 including capital-related assets, and room and board, and the actual costs  
17 of providing health care services, and such costs shall be projected by  
18 such facilities and submitted to the state department by July 1 of each year  
19 for the ensuing twelve-month period. Reimbursement to state-operated  
20 intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH  
21 INTELLECTUAL DISABILITIES shall be adjusted retrospectively at the close  
22 of each twelve-month period. The state board shall adopt rules to be  
23 effective by June 30, 1988, implementing the provisions of this paragraph  
24 (b). In the implementation of such rules, the state department shall ensure,  
25 by the establishment of classes of facilities, that the reimbursement to  
26 private, nonprofit, or proprietary state-operated intermediate care  
27 facilities for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL

1     DISABILITIES or THE developmentally disabled, as defined in section  
2     27-10.5-102 (11), C.R.S., is not adversely impacted.

3           (c) (I) Beginning in fiscal year ~~2003-04~~ 2013-14, and for each  
4     fiscal year thereafter, the STATE department of ~~human services~~ is  
5     authorized to charge both privately owned intermediate care facilities for  
6     ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES and  
7     state-operated intermediate care facilities for ~~the mentally retarded~~  
8     INDIVIDUALS WITH INTELLECTUAL DISABILITIES a service fee for the  
9     purposes of maintaining the quality and continuity of services provided  
10    by intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH  
11    INTELLECTUAL DISABILITIES. The service fee charged by the STATE  
12    department of ~~human services~~ pursuant to this paragraph (c) ~~shall~~ WILL BE  
13    ASSESSED PURSUANT TO RULES ADOPTED BY THE STATE BOARD BUT MUST  
14    not exceed five percent of the TOTAL costs incurred by ~~each~~ ALL  
15    intermediate care ~~facility~~ FACILITIES for the fiscal year in which the  
16    service fee is charged. The state board of ~~human services~~ shall adopt rules  
17    consistent with federal law in order to implement the provisions of this  
18    paragraph (c).

19           (II) The moneys collected in each fiscal year pursuant to  
20    subparagraph (I) of this paragraph (c) shall be transmitted by the STATE  
21    department of ~~human services~~ to the state treasurer, who shall credit the  
22    same to the service fee fund, which fund is hereby created and referred to  
23    in this paragraph (c) as the "fund". The moneys in the fund shall be  
24    subject to annual appropriation by the general assembly to the state  
25    department to be used toward the state match for the federal financial  
26    participation to reimburse intermediate care facilities for ~~the mentally~~  
27    ~~retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES pursuant to this

1 section. Any unexpended and unencumbered moneys remaining in the  
2 fund at the end of any fiscal year shall remain in the fund and not be  
3 credited or transferred to the general fund or any other fund.

4 (2) (a) In addition to the actual or reasonable costs and the  
5 reimbursement therefor, the state department shall, subject to available  
6 appropriations, include an allowance equal to the change in the national  
7 bureau of labor statistics consumer price index from the preceding year  
8 to compensate for fluctuating costs. This amount shall be determined  
9 every twelve months when the statewide average cost is determined by  
10 adjusting for inflation. The provider's allowable cost shall be multiplied  
11 by the change in the consumer price index measured from the midpoint  
12 of the provider's cost report period to the midpoint of the provider's rate  
13 period. This allowance is applied to all costs, including case-mix adjusted  
14 direct health care services costs as defined in section 25.5-6-201 (9), less  
15 interest, up to the reasonable cost established and will be allowed to  
16 proprietary, nonprofit, and tax-supported homes; except that the  
17 allowance shall not be applied to the costs of state-operated intermediate  
18 facilities for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL  
19 DISABILITIES.

20 (b) (I) The state board shall adopt rules to:

21 (A) Determine and pay to privately owned intermediate care  
22 facilities for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL  
23 DISABILITIES a reasonable share of the amount by which the reasonable  
24 costs of the categories of administration, property, and room and board,  
25 excluding food costs, exceed the actual cost in these categories only. The  
26 reasonable share shall be defined as twenty-five percent of the amount in  
27 the categories for each facility, not to exceed twelve percent of the

1 reasonable cost.

2 (B) (Deleted by amendment, L. 2008, p. 1783, § 5, effective July  
3 1, 2008.)

4 (II) (Deleted by amendment, L. 2008, p. 1783, § 5, effective July  
5 1, 2008.)

6 (c) to (e) (Deleted by amendment, L. 2008, p. 1783, § 5, effective  
7 July 1, 2008.)

8 (3) to (5) (Deleted by amendment, L. 2008, p. 1783, § 5, effective  
9 July 1, 2008.)

10 (6) and (7) Repealed.

11 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-206, **amend**  
12 (1), (2) (a), (3) (a), (4), (6), and (7) as follows:

13 **25.5-6-206. Personal needs benefits - amount - patient**  
14 **personal needs trust fund required - funeral and burial expenses -**  
15 **penalty for illegal retention and use.** (1) The state department, pursuant  
16 to its rules, ~~shall have~~ HAS the authority to include in medical care  
17 benefits provided under this article and articles 4 and 5 of this title  
18 reasonable amounts for the personal needs of any recipient receiving  
19 nursing facility services or intermediate care facilities for ~~the mentally~~  
20 ~~retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES, if the recipient  
21 is not otherwise eligible for such amounts from other categories of public  
22 assistance, but such amounts for personal needs shall not be less than the  
23 minimum amount provided for in subsection (2) of this section. Payments  
24 for funeral and burial expenses upon the death of a recipient may be  
25 provided under rules of the state department in the same manner as  
26 provided to recipients of public assistance as defined by section 26-2-103  
27 (8), C.R.S.

1           (2) (a) The basic minimum amount payable pursuant to subsection  
2           (1) of this section for personal needs to any recipient admitted to a  
3           nursing facility or intermediate care facility for ~~the mentally retarded~~ shall  
4           be INDIVIDUALS WITH INTELLECTUAL DISABILITIES IS fifty dollars monthly.

5           (3) (a) All personal needs funds shall be held in trust by the  
6           nursing facility or intermediate care facility for ~~the mentally retarded~~  
7           INDIVIDUALS WITH INTELLECTUAL DISABILITIES, or its designated trustee,  
8           separate and apart from any other funds of the facility. The facility shall  
9           deposit any personal needs funds of a resident in an amount of fifty or  
10          more dollars in an interest-bearing checking account or accounts or  
11          savings account or any combination thereof established to protect and  
12          separate the personal needs funds of the patients. Any interest earned on  
13          a resident's personal needs funds shall be credited to such account or  
14          accounts. In the event residents' personal needs funds are maintained in  
15          a pooled account, separate accountings shall be made for each resident's  
16          share of the pooled account. Any personal needs funds of a resident in an  
17          amount less than fifty dollars shall be maintained in a  
18          non-interest-bearing account, an interest-bearing account, or a petty cash  
19          fund.

20          (4) The state department shall establish rules concerning the  
21          establishment of a patient personal needs trust fund and procedures for  
22          the maintenance of a system of accounting for expenditures of each  
23          patient's personal needs funds. The facility shall use an accounting system  
24          that assures a complete and separate accounting of residents' personal  
25          needs funds based on generally accepted accounting principles and that  
26          precludes the commingling of a resident's personal needs funds with the  
27          facility's funds or the funds of any other person other than the personal

1 needs funds of another resident. These rules shall provide that the nursing  
2 facility or intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS  
3 WITH INTELLECTUAL DISABILITIES shall maintain complete records of all  
4 receipts and expenditures involving the patient personal needs trust fund,  
5 that all expenditures shall be approved by the patient, legal custodian,  
6 guardian, or conservator prior to an expenditure, and that each patient or  
7 such patient's legal custodian, guardian, or conservator shall be given at  
8 least a quarterly accounting of the receipts and expenditures of such  
9 funds. In addition, the rules shall require that the person who maintains  
10 the patient personal needs trust fund for the facility and who is  
11 responsible for the deposit of moneys into such trust fund shall deposit  
12 any personal needs funds received from a patient or from the state  
13 department no later than sixty days after the receipt of such moneys.

14 (6) Any overpayment of personal needs funds to a nursing facility  
15 or an intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS  
16 WITH INTELLECTUAL DISABILITIES by the state department due to the  
17 omission, error, fraud, or defalcation of the nursing facility or  
18 intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS WITH  
19 INTELLECTUAL DISABILITIES or any shortage in an audited patient personal  
20 needs trust fund shall be recoverable by the state on behalf of the  
21 recipient in the same manner and following the same procedures as  
22 specified in section 25.5-4-301 (2) for an overpayment to a provider.

23 (7) Nothing in this section shall prevent a nursing facility or  
24 intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS WITH  
25 INTELLECTUAL DISABILITIES patient from excluding himself or herself  
26 from participation in the patient personal needs trust fund.

27 **SECTION 5.** In Colorado Revised Statutes, 25.5-6-403, **amend**



1 (2) (a) (II), (2) (a) (IV), and (5) (a) (II) as follows:

2 **25.5-6-403. Definitions.** As used in this part 4, unless the context  
3 otherwise requires:

4 (2) (a) "Eligible person" means a person with developmental  
5 disabilities:

6 (II) Who is in need of the level of care available in an intermediate  
7 care facility for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL  
8 DISABILITIES;

9 (IV) For whom it is determined that provision of such services is  
10 necessary to avoid placement in an intermediate care facility for ~~the~~  
11 ~~mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES.

12 (5) (a) "Services for persons with developmental disabilities"  
13 means those services:

14 (II) Necessary to prevent a person, eligible for services under  
15 subsection (2) of this section, from being subjected to placement in an  
16 intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS WITH  
17 INTELLECTUAL DISABILITIES.

18 **SECTION 6.** In Colorado Revised Statutes, **amend** 25.5-6-406  
19 as follows:

20 **25.5-6-406. Appropriations.** To carry out duties and obligations  
21 pursuant to this part 4 and for the administration and provision of services  
22 to eligible persons, all medicaid funds appropriated pursuant to Title XIX  
23 of the federal "Social Security Act", as amended, for the provision of care  
24 for persons with developmental disabilities and all other funds otherwise  
25 appropriated by the general assembly as additional sources of program  
26 funding shall be available for the placement of eligible individuals either  
27 in intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH

1 INTELLECTUAL DISABILITIES or alternatives to such placements.

2 **SECTION 7.** In Colorado Revised Statutes, 25.5-6-409, **amend**  
3 (1) as follows:

4 **25.5-6-409. Services for persons with developmental**  
5 **disabilities.** (1) A program to provide home- and community-based  
6 services to persons with developmental disabilities who are in need of the  
7 level of care available in an intermediate care facility for ~~the mentally~~  
8 ~~retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES is hereby  
9 established pursuant to the federal "Social Security Act", as amended.  
10 This program shall provide for the social, habilitative, remedial,  
11 residential, health, and other needs of persons with developmental  
12 disabilities to avoid placement in an intermediate care facility for ~~the~~  
13 ~~mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES.

14 **SECTION 8.** In Colorado Revised Statutes, 25.5-6-802, **amend**  
15 (1) (d) as follows:

16 **25.5-6-802. Definitions.** As used in this part 8, unless the context  
17 otherwise requires:

18 (1) "Eligible child" means a child who:

19 (d) Is at risk of institutionalization in either an intermediate care  
20 facility for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL  
21 DISABILITIES, a hospital, or a nursing facility; and

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<b>SECTION 9. Appropriation to the department of health care policy and financing for the fiscal year beginning July 1, 2012.</b> In Session Laws of Colorado 2012, section						
2	2 of chapter 305 (HB 12-1335), <b>amend</b> Part V (2), (6) (G), and the affected totals as follows:						
3	<b>PART V</b>						
4	<b>DEPARTMENT OF HEALTH CARE POLICY AND FINANCING</b>						
5							
6	<b>(2) MEDICAL SERVICES PREMIUMS<sup>10</sup></b>						
7	Medical and Long-Term						
8	Care Services for Medicaid						
9	Eligible Individuals	3,994,685,293	<del>1,055,118,623(M)</del>	312,202,624 <sup>a</sup>	<del>651,202,864<sup>b</sup></del>	3,215,340 <sup>c</sup>	<del>1,972,945,842</del>
10		3,995,143,199	1,054,941,259(M)		651,609,182 <sup>b</sup>		1,973,174,794
11							
12	<sup>a</sup> This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.						

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<sup>b</sup> Of this amount, \$482,144,867 shall be from the Hospital Provider Fee Cash Fund created in Section 25.5-4-402.3 (4), C.R.S., \$67,872,147 shall be from the Health Care Expansion						
2	Fund created in Section 24-22-117 (2) (a) (I), C.R.S., \$43,381,505 shall be from the Medicaid Nursing Facility Cash Fund created in Section 25.5-6-203 (2) (a), C.R.S., \$35,205,601						
3	shall be from recoveries and recoupments, \$12,436,615 represents public funds certified as expenditures incurred by public hospitals and agencies that are eligible for federal financial						
4	participation under the Medicaid program, \$4,531,955 shall be from the Medicaid Buy-In Cash Fund created in Section 25.5-6-1404 (3) (b), C.R.S., \$2,230,500 shall be from the Tobacco						
5	Tax Fund created in section 24-22-117 (1) (a), C.R.S. and meets the requirement to appropriate a portion of the revenues collected from the imposition of additional state cigarette and						
6	tobacco taxes to the Old Age Pension program for health related purposes pursuant to Section 21 of Article X of the State Constitution, \$1,484,910 shall be from the Breast and Cervical						
7	Cancer Prevention and Treatment Fund created in Section 25.5-5-308 (8) (a) (I), C.R.S., \$878,625 shall be from the Colorado Autism Treatment Fund created in Section 25.5-6-805 (1),						
8	C.R.S., \$686,735 shall be from the Tobacco Education Programs Fund created in Section 24-22-117 (2) (c) (I), C.R.S., \$406,318 SHALL BE FROM THE SERVICE FEE FUND CREATED IN						
9	SECTION 25.5-6-204 (1) (c) (II), C.R.S., \$268,200 shall be from the Coordinated Care for People with Disabilities Fund created in Section 25.5-6-111 (4), C.R.S., \$40,869 shall be from						
10	local funds, and \$40,335 shall be from the Home Health Telemedicine Cash Fund created in Section 25.5-5-321 (2) (c), C.R.S.						
11	<sup>c</sup> Of this amount, \$2,000,000 shall be transferred from the Department of Public Health and Environment pursuant to Section 24-22-117 (2) (d) (IV.5), C.R.S. and \$1,215,340 shall be						
12	transferred from the Department of Public Health and Environment pursuant to Section 24-22-117 (2) (d) (II) (D), C.R.S.						
13							
14	<b>(6) DEPARTMENT OF HUMAN SERVICES MEDICAID-FUNDED PROGRAMS</b>						
15	<b>(G) Services for People with Disabilities - Medicaid Funding</b>						

			APPROPRIATION FROM				
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Community Services for						
2	People with Developmental						
3	Disabilities, Administration	2,897,037	1,448,519(M)				1,448,518
4	Community Services for						
5	People with Developmental						
6	Disabilities, Program Costs	340,502,802	170,251,400(M)		1 <sup>a</sup>		170,251,401
7	Regional Centers	<del>47,801,815</del>	<del>22,033,253(M)</del>			<del>1,867,655<sup>b</sup></del>	<del>23,900,907</del>
8		49,668,246	21,048,361(M)		3,785,854 <sup>c</sup>		24,834,211
9	Regional Center						
10	Depreciation and Annual						
11	Adjustments	1,187,825	593,913(M)				593,912
12		<u>392,389,479</u>					
13		394,256,090					
14							
15	<sup>a</sup> This amount shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S.						

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<del><sup>b</sup> This amount shall be from the Service Fee Fund created in Section 25.5-6-204 (1) (c) (II), C.R.S., and shall be from the Provider Fee line item for Regional Centers for People with</del>						
2	<del>Developmental Disabilities in the Department of Human Services.</del>						
3	<sup>c</sup> THIS AMOUNT SHALL BE FROM THE SERVICE FEE FUND CREATED IN SECTION 25.5-6-204 (1) (c) (II), C.R.S.						
4							
5		447,007,956					
6		448,874,567					
7							
8	<b>TOTALS PART V</b>						
9	<b>(HEALTH CARE</b>						
10	<b>POLICY AND</b>						
11	<b>FINANCING)</b>	\$5,561,097,516	\$1,545,412,545	\$312,644,224 <sup>a</sup>	\$925,385,218 <sup>b</sup>	\$7,172,593	\$2,770,482,936 <sup>c</sup>
12		\$5,563,422,033	\$1,544,250,289		\$929,577,390 <sup>b</sup>	\$5,304,938	\$2,771,645,192 <sup>c</sup>
13							
14	<sup>a</sup> Of this amount, \$312,202,624 shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S., and \$441,600 shall be General Fund Exempt pursuant to						
15	Section 24-22-117 (1) (c) (I) (B), C.R.S. Further, said \$441,600 is also not subject to the statutory limitation on General Fund appropriations imposed by Section 24-75-201.1, C.R.S.						

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$

1      <sup>b</sup> Of this amount \$10,000,000 contains an (I) notation.

2      <sup>c</sup> Of this amount \$226,395,675 contains an (I) notation.

3

		APPROPRIATION FROM				
ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**SECTION 10. Appropriation to the department of human services for the fiscal year beginning July 1, 2012.** In Session Laws of Colorado 2012, section 2 of chapter

305 (HB 12-1335), **amend** Part VII (9) (B) (1) and the affected totals as follows:

## PART VII

## DEPARTMENT OF HUMAN SERVICES

## (9) SERVICES FOR PEOPLE WITH DISABILITIES

**(B) Regional Centers for People with Developmental Disabilities**

### (1) Medicaid-funded Services

Personal Services	45,176,199
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(887.1 FTE)

Operating Expenses	2,565,228
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### Capital Outlay - Patient

Needs	72,126
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Leased Space	42,820
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Resident Incentive Allowance	138,176
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		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Provider Fee	<del>1,867,655</del>					
2		3,734,266					
		<hr/>					
3		<del>49,862,204</del>			2,060,389 <sup>a</sup>	<del>47,801,815<sup>b</sup></del>	
4		51,728,815				49,668,426 <sup>b</sup>	
5							
6	<sup>a</sup> This amount shall be from client cash revenues.						
7	<sup>b</sup> This amount shall be from Medicaid funds transferred from the Regional Centers line item in the Department of Health Care Policy and Financing.						
8							
9		<del>563,464,024</del>					
10		565,330,635					
11							
12	<b>TOTALS PART VII</b>						
13	<b>(HUMAN SERVICES)</b>	<del>\$2,048,892,375</del>	\$637,576,480		\$330,720,504 <sup>a</sup>	<del>\$465,712,069<sup>b</sup></del>	\$614,883,322 <sup>c</sup>
14		<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$

1

2     <sup>a</sup> Of this amount, \$117,556,986 contains an (L) notation and \$217,894,509 contains an (I) notation.

3     <sup>b</sup> Of this amount, \$1,330,200 contains an (I) notation.

4     <sup>c</sup> Of this amount, \$273,375,213 contains an (I) notation.

5



		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<sup>b</sup> Of this amount, \$482,144,867 shall be from the Hospital Provider Fee Cash Fund created in Section 25.5-4-402.3 (4), C.R.S., \$67,872,147 shall be from the Health Care Expansion						
2	Fund created in Section 24-22-117 (2) (a) (I), C.R.S., \$43,381,505 shall be from the Medicaid Nursing Facility Cash Fund created in Section 25.5-6-203 (2) (a), C.R.S., \$35,205,601						
3	shall be from recoveries and recoupments, \$12,436,615 represents public funds certified as expenditures incurred by public hospitals and agencies that are eligible for federal financial						
4	participation under the Medicaid program, \$4,531,955 shall be from the Medicaid Buy-In Cash Fund created in Section 25.5-6-1404 (3) (b), C.R.S., \$2,230,500 shall be from the Tobacco						
5	Tax Fund created in section 24-22-117 (1) (a), C.R.S. and meets the requirement to appropriate a portion of the revenues collected from the imposition of additional state cigarette and						
6	tobacco taxes to the Old Age Pension program for health related purposes pursuant to Section 21 of Article X of the State Constitution, \$1,484,910 shall be from the Breast and Cervical						
7	Cancer Prevention and Treatment Fund created in Section 25.5-5-308 (8) (a) (I), C.R.S., \$878,625 shall be from the Colorado Autism Treatment Fund created in Section 25.5-6-805 (1),						
8	C.R.S., \$686,735 shall be from the Tobacco Education Programs Fund created in Section 24-22-117 (2) (c) (I), C.R.S., \$406,318 SHALL BE FROM THE SERVICE FEE FUND CREATED IN						
9	SECTION 25.5-6-204 (1) (c) (II), C.R.S., \$268,200 shall be from the Coordinated Care for People with Disabilities Fund created in Section 25.5-6-111 (4), C.R.S., \$40,869 shall be from						
10	local funds, and \$40,335 shall be from the Home Health Telemedicine Cash Fund created in Section 25.5-5-321 (2) (c), C.R.S.						
11	<sup>c</sup> Of this amount, \$2,000,000 shall be transferred from the Department of Public Health and Environment pursuant to Section 24-22-117 (2) (d) (IV.5), C.R.S. and \$1,215,340 shall be						
12	transferred from the Department of Public Health and Environment pursuant to Section 24-22-117 (2) (d) (II) (D), C.R.S.						
13							
14	<b>(6) DEPARTMENT OF HUMAN SERVICES MEDICAID-FUNDED PROGRAMS</b>						
15	<b>(G) Services for People with Disabilities - Medicaid Funding</b>						

			APPROPRIATION FROM				
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Community Services for						
2	People with Developmental						
3	Disabilities, Administration	2,897,037	1,448,519(M)				1,448,518
4	Community Services for						
5	People with Developmental						
6	Disabilities, Program Costs	340,859,230	170,429,614(M)		1 <sup>a</sup>		170,429,615
7	Regional Centers	<del>47,801,815</del>	<del>22,033,253(M)</del>			<del>1,867,655<sup>b</sup></del>	<del>23,900,907</del>
8		49,668,426	21,048,361(M)		3,785,854 <sup>c</sup>		24,834,211
9	Regional Center						
10	Depreciation and Annual						
11	Adjustments	1,187,825	593,913(M)				593,912
12		<del>392,745,907</del>					
13		394,612,518					
14							
15	<sup>a</sup> This amount shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S.						

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<del><sup>b</sup> This amount shall be from the Service Fee Fund created in Section 25.5-6-204 (1) (c) (II), C.R.S., and shall be from the Provider Fee line item for Regional Centers for People with</del>						
2	<del>Developmental Disabilities in the Department of Human Services.</del>						
3	<sup>c</sup> THIS AMOUNT SHALL BE FROM THE SERVICE FEE FUND CREATED IN SECTION 25.5-6-204 (1) (c) (II), C.R.S.						
4							
5		446,645,266					
6		448,511,877					
7							
8	<b>TOTALS PART V</b>						
9	<b>(HEALTH CARE</b>						
10	<b>POLICY AND</b>						
11	<b>FINANCING)</b>	\$5,593,939,567	\$1,548,569,664	\$312,644,224 <sup>a</sup>	\$935,413,941 <sup>b</sup>	\$7,172,593	\$2,790,139,145 <sup>c</sup>
12		\$5,596,264,084	\$1,547,407,408		\$939,606,113 <sup>b</sup>	\$5,304,938	\$2,791,301,401 <sup>c</sup>
13							

14 <sup>a</sup> Of this amount, \$312,202,624 shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S., and \$441,600 shall be General Fund Exempt pursuant to

15 Section 24-22-117 (1) (c) (I) (B), C.R.S. Further, said \$441,600 is also not subject to the statutory limitation on General Fund appropriations imposed by Section 24-75-201.1, C.R.S.

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$

1      <sup>b</sup> Of this amount \$10,000,000 contains an (I) notation.

2      <sup>c</sup> Of this amount \$238,947,056 contains an (I) notation.

3

			APPROPRIATION FROM				
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<b>SECTION 12. Appropriation to the department of human services for the fiscal year beginning July 1, 2012.</b> In Session Laws of Colorado 2012, section 2 of chapter						
2	305, (HB 12-1335), <b>amend</b> Part VII (9) (B) (1) and the affected totals as amended by section 1 of Senate Bill 13-091 as follows:						
3	Section 2. <b>Appropriation.</b>						
4	<b>PART VII</b>						
5	<b>DEPARTMENT OF HUMAN SERVICES</b>						
6							
7	<b>(9) SERVICES FOR PEOPLE WITH DISABILITIES</b>						
8	<b>(B) Regional Centers for People with Developmental Disabilities</b>						
9	(1) Medicaid-funded Services						
10	Personal Services	45,176,199					
11		(887.1 FTE)					
12	Operating Expenses	2,565,228					
13	Capital Outlay - Patient						
14	Needs	72,126					
15	Leased Space	42,820					



			APPROPRIATION FROM				
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Resident Incentive Allowance	138,176					
2	Provider Fee	<del>1,867,655</del>					
3		3,734,266					
4		<u>49,862,204</u>			2,060,389 <sup>a</sup>	47,801,815 <sup>b</sup>	
5		51,728,815				49,668,426 <sup>b</sup>	
6							
7	<sup>a</sup> This amount shall be from client cash revenues.						
8	<sup>b</sup> This amount shall be from Medicaid funds transferred from the Regional Centers line item in the Department of Health Care Policy and Financing.						
9							
10		563,820,452					
11		565,687,063					
12							
13	<b>TOTALS PART VII</b>						
14	<b>(HUMAN SERVICES)</b>	<del>\$2,048,138,655</del>	\$637,639,051		\$332,140,617 <sup>a</sup>	<del>\$464,992,844<sup>b</sup></del>	\$613,366,143 <sup>c</sup>

		APPROPRIATION FROM						
		ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$	\$
1			\$2,050,005,266				\$466,859,455 <sup>b</sup>	
2								
3	<sup>a</sup> Of this amount, \$117,556,986 contains an (L) notation and <del>\$217,894,509</del> \$218,803,941 contains an (I) notation.							
4	<sup>b</sup> Of this amount, \$1,330,200 contains an (I) notation.							
5	<sup>c</sup> Of this amount, <del>\$273,375,213</del> \$271,850,058 contains an (I) notation.							
6								

1           **SECTION 13. Appropriation - adjustments to 2013 long bill.**

2           (1) For the implementation of this act, appropriations made in the annual  
3           general appropriation act to the department of health care policy and  
4           financing for the fiscal year beginning July 1, 2013, are adjusted as  
5           follows:

6           (a) The appropriation for the executive director's office, personal  
7           services, is increased by \$58,098 and 0.9 FTE. Of said sum, \$29,049 is  
8           from the service fee fund created in section 25.5-6-204 (1) (c) (II),  
9           Colorado Revised Statutes, and \$29,049 is from federal funds.

10          (b) The appropriation for the executive director's office, operating  
11          expenses, is increased by \$870. Of said sum, \$435 is from the service fee  
12          fund created in section 25.5-6-204 (1) (c) (II), Colorado Revised Statutes,  
13          and \$435 is from federal funds.

14          (c) The general fund appropriation for medical services premiums  
15          is decreased by \$85,984.

16          (d) The appropriation for medical services premiums is increased  
17          by \$314,937. Of said sum, \$200,460 is from the service fee fund created  
18          in section 25.5-6-204 (1) (c) (II), Colorado Revised Statutes, and  
19          \$114,477 is from federal funds.

20          (e) The general fund appropriation for the regional center provider  
21          fee is decreased by \$932,575.

22          (f) The appropriation for the regional center provider fee is  
23          increased by \$2,799,708. Of said sum, \$1,866,142 is from the service fee  
24          fund created in section 25.5-6-204 (1) (c) (II), Colorado Revised Statutes,  
25          and \$933,566 is from federal funds.

26          (2) In addition to any other appropriation, there is hereby  
27          appropriated to the department of human services, regional centers for

1 people with developmental disabilities, for the fiscal year beginning July  
2 1, 2013, the sum of \$1,867,133, or so much thereof as may be necessary,  
3 for the intermediate care facility for individuals with intellectual  
4 disabilities provider fee related to the implementation of this act. Said  
5 sum is from reappropriated funds received from the department of health  
6 care policy and financing out of the appropriation made in paragraph (f)  
7 of subsection (1) of this section.

8 **SECTION 14. Effective date.** (1) Except as otherwise provided  
9 in this section, this act takes effect upon passage.

10 (2) Sections 9 and 10 of this act take effect only if Senate Bill  
11 13-91 does not become law.

12 (3) Sections 11 and 12 take effect only if Senate Bill 13-91  
13 becomes law and take effect either upon the effective date of this act or  
14 Senate Bill 13-91, whichever is later.

15 **SECTION 15. Safety clause.** The general assembly hereby finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, and safety.