

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

ENGROSSED

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

LLS NO. 13-0781.01 Jerry Barry x4341

HOUSE BILL 13-1199

HOUSE SPONSORSHIP

Pettersen,

SENATE SPONSORSHIP

Kefalas,

House Committees
Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CLARIFICATIONS OF THE STATUTE GOVERNING PROVIDER**
102 **FEES PAID BY NURSING FACILITIES.**

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 clarifies what types of continuing care retirement communities are exempt from paying the nursing home provider fee (fee), and clarifies the authority of the department of health care policy and financing to collect the fee and the timing of the fee. The bill changes the frequency of when nursing facility providers are required to report certain

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
Amended 2nd Reading
February 19, 2013

information from monthly to annually.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares:

4 (a) The changes to section 25.5-6-203 (1) (c) (I), Colorado
5 Revised Statutes, are not intended to enact a change in either the intent of
6 the existing statute or the way the existing statute is interpreted or
7 implemented by the department of health care policy and financing; and

8 (b) The changes are only intended to clarify the existing statute.

9 **SECTION 2.** In Colorado Revised Statutes, 25.5-6-203, **amend**
10 (1) (c) (I) and (1) (g) as follows:

11 **25.5-6-203. Nursing facilities - provider fees - federal waiver**
12 **- fund created - rules.** (1) (c) In accordance with the redistributive
13 method set forth in 42 CFR 433.68 (e) (1) and (e) (2), the state
14 department shall seek a waiver from the broad-based provider fees
15 requirement or the uniform provider fees requirement, or both, to exclude
16 nursing facility providers from the provider fee. The state department
17 shall exempt the following nursing facility providers to obtain federal
18 approval and minimize the financial impact on nursing facility providers:

19 (I) A facility operated as a continuing care retirement community
20 that provides a continuum of services by one operational entity providing
21 independent living services, ~~or assisted living residence services, as~~
22 ~~defined in section 25-27-102 (1.3), C.R.S., or that provides assisted living~~
23 ~~services on-site, twenty-four hours per day, seven days per week, and~~
24 skilled nursing care on a single, contiguous campus. ASSISTED LIVING
25 SERVICES INCLUDE AN ASSISTED LIVING RESIDENCE, AS DEFINED IN

1 SECTION 25-27-102, C.R.S., OR THAT PROVIDE ASSISTED LIVING SERVICES
2 ON-SITE, TWENTY-FOUR HOURS PER DAY, SEVEN DAYS PER WEEK.

3 (g) The state department shall establish a schedule to assess AND
4 COLLECT the provider fee on a monthly basis. ~~and shall collect the fee~~
5 ~~from nursing facility providers by no later than the end of the next~~
6 ~~succeeding calendar month.~~ The state board shall establish rules so that
7 provider fee payments from a nursing facility provider and the state
8 department's supplemental medicaid payments to the nursing facility are
9 due as nearly simultaneously as feasible; except that the state department's
10 supplemental medicaid payments to the nursing facility shall be due no
11 more than fifteen days after the provider fee payment is received from the
12 nursing facility. The state department shall require each nursing facility
13 provider to report ~~monthly~~ ANNUALLY its total number of days of care
14 provided to nonmedicare residents.

15 **SECTION 3. 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.