

SENATE JOURNAL
Sixty-fifth General Assembly
STATE OF COLORADO
Second Regular Session

30th Legislative Day

Thursday, February 9, 2006

Prayer	By the chaplain, Rev. Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.	11
Pledge	By Senator Isgar.	13
Call to Order	By the President at 9:00 a.m.	15
Roll Call	Present--32. Absent--1; Windels. Excused--2; Grossman, Mitchell. Present later--Grossman, Windels.	18 19 20 21
Quorum	The President announced a quorum present.	23
Reading of Journal	On motion of Senator Spence, reading of the Journal of February 8, 2006 was dispensed with and the Journal was approved as corrected by the Secretary.	25 26

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB06-114 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	32 33 34
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Amend printed bill, page 2, line 2, strike "(1) and (2)," and substitute "(1), (2), and (5),";

line 10, after "covered", insert a comma and, after "PRACTICES", insert "THAT ARE AS EFFECTIVE AS COVERS AT MINIMIZING ODOR FROM THE OPERATION,";

line 13, after "atmosphere.", insert "THE HOUSED SWINE FEEDING OPERATION SHALL CERTIFY TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT THAT THE TECHNOLOGIES AND PRACTICES USED ARE AS EFFECTIVE AS COVERING THE OPERATION.";

line 24, after "covered", insert a comma;

line 25, after "PRACTICES", insert "THAT ARE AS EFFECTIVE AS COVERS AT MINIMIZING ODOR FROM THE OPERATION,";

line 27, after "atmosphere.", insert "THE HOUSED SWINE FEEDING OPERATION SHALL CERTIFY TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT THAT THE TECHNOLOGIES AND PRACTICES USED ARE AS EFFECTIVE AS COVERS AT MINIMIZING ODOR FROM THE OPERATION.".

Page 3, after line 3, insert the following:

"(5) The division shall enforce the provisions of this section. THE DIVISION MAY DELEGATE ENFORCEMENT OF THE PROVISIONS OF THIS SECTION TO ANY COUNTY OR REGIONAL DEPARTMENT OF HEALTH. IF THE DIVISION DELEGATES ENFORCEMENT OF THIS SECTION, THE DIVISION SHALL MONITOR THE ACTIONS OF ANY COUNTY OR REGIONAL DEPARTMENT OF HEALTH AS SUCH ACTIONS PERTAIN TO ENFORCEMENT OF THIS SECTION. In addition, any person who may be adversely affected by a housed

commercial swine feeding operation may enforce these provisions directly against the operation by filing a civil action in the district court in the county in which the person resides."

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that SB06-140 be referred to the Committee of the Whole with favorable recommendation, and with a recommendation that it be placed on the Consent Calendar.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that SB06-142 be referred to the Committee of the Whole with favorable recommendation, and with a recommendation that it be placed on the Consent Calendar.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills -- Consent Calendar (SB06-126) of February 9 was laid over until Friday, February 10, retaining its place on the calendar.

On motion of Senator Gordon, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders -- Second Reading of Bills calendar (SB06-039, SB06-091, SB06-108, SB06-109) of February 9 was laid over until Friday, February 10, retaining its place on the calendar.

SENATE SERVICES REPORT

Correctly Printed: SB06-181 and 182. Correctly Reengrossed: SB06-094, 097, and 127.

SIGNING OF BILLS -- RESOLUTIONS -- MEMORIALS

The President has signed: SJR06-005 and 007. The President has signed: HJR06-1010, 1011.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, & Technology After consideration on the merits, the Committee recommends that SB06-050 be postponed indefinitely.

Business, Labor, & Technology After consideration on the merits, the Committee recommends that SB06-098 be postponed indefinitely.

Education After consideration on the merits, the Committee recommends that SB06-118 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 15, line 26, strike "shall" and substitute "shall MAY".

Page 16, line 22, strike "unit, STATE-OPERATED PROGRAM, AND ELIGIBLE FACILITY" and substitute "unit";

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line 23, after "education.", insert "EACH STATE-OPERATED PROGRAM OR ELIGIBLE FACILITY MAY EMPLOY OR CONTRACT IN WRITING FOR A DIRECTOR OF SPECIAL EDUCATION.";

line 27, after "employ", insert "OR CONTRACT IN WRITING FOR".

Education

After consideration on the merits, the Committee recommends that **SB06-082** be postponed indefinitely.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB06-087** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 23, after "(1)", insert "OR THE ENTITY UNDER WHOSE SUPERVISION SUCH PERSON IS WORKING";

line 24, strike "PATIENT" and substitute "PATIENT, IF THE PERSON KNOWS THE RESIDENCE OR LOCATION OF THE PATIENT,".

Page 3, line 3, strike "OF THE" and substitute "THAT THERE MAY BE A";

line 6, after "CONDITION.", add "IF A SPECIMEN OR SAMPLE IS OBTAINED FROM A PATIENT ON A RECURRING BASIS IN ORDER FOR THE SAME TEST OR TESTS TO BE PERFORMED, THE PERSON ONLY NEEDS TO PROVIDE THE INFORMATION TO THE PATIENT PRIOR TO THE FIRST TEST.";

after line 6, insert the following:

"SECTION 2. 25-4-1402, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-4-1402. Reports of HIV infection. (7) A PERSON WHO MAKES A REPORT AS REQUIRED BY THIS SECTION SHALL INFORM THE PATIENT THAT THE REPORT WILL BE MADE AND SHALL INCLUDE IN THE INFORMATION PROVIDED TO THE PATIENT THE CONTENT OF THE REPORT, THE PROCEDURE THE PERSON FOLLOWS IN MAKING THE REPORT, AND INFORMATION REGARDING THE STATUTORY AUTHORITY OR RULE OF THE BOARD THAT REQUIRES THE REPORT. THE PERSON MAKING THE REPORT SHALL INFORM THE PATIENT OF THE REPORTING REQUIREMENT BEFORE OBTAINING ANY SPECIMEN OR SAMPLE FROM THE PATIENT IN ORDER TO DETERMINE WHETHER THE PATIENT HAS A DIAGNOSIS OF AIDS, HIV-RELATED ILLNESS, OR HIV INFECTION."

Renumber succeeding section accordingly.

Health & Human Services

After consideration on the merits, the Committee recommends that **SB06-112** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 6 through 18 and substitute the following:

"AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (m), FOR THE DURATION OF THE TERM OF A POLICY IN EFFECT WHEN A COVERED HEALTH CARE SERVICE IS PROVIDED, THE INSURED SHALL BE LIABLE FOR NO MORE THAN THE IN-NETWORK COPAYMENT, COINSURANCE, AND DEDUCTIBLE FOR SUCH SERVICE IF:

(I) THE INSURED NOTIFIES THE CARRIER WITHIN TWELVE MONTHS AFTER THE PROVISION OF THE SERVICE;

(II) PREAUTHORIZATION IS NOT REQUIRED FOR THE PARTICULAR TYPE OF SERVICE PROVIDED; AND

(III) A CONTRACT BETWEEN THE PROVIDER AND THE CARRIER WAS IN PLACE WHEN THE SERVICE WAS PROVIDED."

Health & Human Services

After consideration on the merits, the Committee recommends that SB06-131 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 12 through 16 and substitute the following:

"facility providers that will promote the performance, efficiency, and economy of class I nursing facility providers through either:

(I) A pricing model that is adjusted for acuity and for meeting the care needs of each medicaid recipient residing at the facility; or

(II) A pay-for-performance system that rewards class I nursing facility providers based upon objective and measurable factors that relate to a resident's quality of life and care."

Page 3, strike lines 13 through 16 and substitute the following:

"REFERRED TO IN THIS SECTION AS THE "STUDY". THE STUDY SHALL RECOMMENDEITHER A PRICING MODEL WHEREBY THE STATE DEPARTMENT WOULD PAY TO PROVIDERS A REASONABLE PRICE TO MEET THE NEEDS OF NURSING FACILITY RESIDENTS OR A PAY-FOR-PERFORMANCE SYSTEM WHEREBY PROVIDERS WOULD BE REWARDED FOR MEETING OBJECTIVE AND MEASURABLE FACTORS. ON OR BEFORE DECEMBER 1, 2006, THE STATE DEPARTMENT";

line 18, strike "REPRESENTATIVES AND" and substitute "REPRESENTATIVES OR ANY SUCCESSOR COMMITTEES,";

strike line 19 and substitute the following:

"COMMITTEE, AND THE ADVISORY COMMITTEE CONVENED PURSUANT TO SECTION 26-4-425 (2), A REPORT ON THE STUDY.";

line 21, after "OF", insert "EITHER" and, after "SYSTEM", insert "OR A PAY-FOR-PERFORMANCE SYSTEM";

line 24, after the period, add "ON OR BEFORE FEBRUARY 1, 2007, THE ADVISORY COMMITTEE CONVENED PURSUANT TO SECTION 26-4-425 (2) SHALL SUBMIT ITS COMMENTS ON THE STUDY AND RECOMMENDATIONS TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES OR ANY SUCCESSOR COMMITTEES AND THE JOINT BUDGET COMMITTEE."

Page 4, after line 23, insert the following:

"(3) THE RECOMMENDED PROVISIONS OF A PAY-FOR-PERFORMANCE SYSTEM THAT IS PRESENTED BY THE STATE DEPARTMENT FOR ADOPTION BY THE GENERAL ASSEMBLY SHALL, AT A MINIMUM, INCLUDE A SYSTEM TO AWARD POINTS TO A CLASS I NURSING FACILITY PROVIDER FOR MEETING OBJECTIVES AND MEASURABLE FACTORS THAT RELATE TO THE QUALITY OF CARE AND QUALITY OF LIFE OF THE NURSING FACILITY'S RESIDENTS SUCH AS:

(a) STAFFING LEVELS, RETENTION, AND TRAINING; AND

(b) RESIDENT SATISFACTION.

(4) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM ANY PERSON AND TO SEEK ANY OTHER AVAILABLE FEDERAL OR STATE MONEYS, INCLUDING BUT NOT LIMITED TO FEDERAL MONEYS FOR MEDICAID DEMONSTRATION PROJECTS OR STATE DISCRETIONARY MONEYS, TO PAY FOR THE COSTS ASSOCIATED

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WITH THE STUDY TO BE CONDUCTED PURSUANT TO THIS SECTION."

Renumber succeeding subsection accordingly.

Page 5, line 23, strike "**Repeal.**";

line 24, strike "repealed as follows:" and substitute "amended to read:".

Page 6, line 1, strike "**declaration.**" and substitute "**declaration - repeal.**";

strike lines 2 through 11 and substitute the following:

"(5) (b) (I) In the event the general assembly fails to enact legislation by July 1, 2003, specifying when and under what conditions a limitation on the increase in nursing facility health care costs shall be imposed, then for rates effective on and after July 1, 2005, in addition to the limitations specified in subparagraph (II) of paragraph (d) of subsection (4) of this section, for each class I and class V facility, any increase in health care services costs shall not exceed eight percent per year. The calculation of the eight percent per year limitation for rates effective on or after July 1, 2005, shall be based on the facility's cost reports, as specified by rule of the medical services board, in the preceding year.

(II) (A) THE EIGHT PERCENT LIMITATION ESTABLISHED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL NOT APPLY FOR THE STATE FISCAL YEAR 2006-07.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2007."

Health &
Human
Services

After consideration on the merits, the Committee recommends that **SB06-101** be postponed indefinitely.

On motion of Senator Gordon, the Senate adjourned until 9:00 a.m., Friday, February 10, 2006.

Approved:

Joan Fitz-Gerald
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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