

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0680.01 Ken Fowler x2372

HOUSE BILL 26-1328

HOUSE SPONSORSHIP

Stewart K. and Winter T.,

SENATE SPONSORSHIP

Mullica and Kirkmeyer,

House Committees

Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING NONEMERGENCY MEDICAL TRANSPORTATION FOR**
102 **MEDICAID MEMBERS, AND, IN CONNECTION THEREWITH, MAKING**
103 **AND REDUCING AN APPROPRIATION.**

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://leg.colorado.gov>.)

The bill creates the transportation community advisory board (TCAB) within the department of health care policy and financing (state department) and requires the state department to collaborate with the TCAB prior to establishing rules and processes for the safety and oversight of nonmedical transportation services and nonemergency

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

medical transportation (NEMT) services. The bill states which rules for NEMT the state department, in collaboration with the TCAB, must adopt.

The bill establishes how a transportation broker (broker) must roll out their implementation and requires the broker to provide all transportation providers (providers) with software, a communication toolkit, training, and technical assistance to facilitate NEMT services. The broker may require medicaid members (members) to book transportation services more than 2 days before their requested transportation date. The bill requires providers to accommodate member requests for preferred or alternate drivers when operationally feasible.

The bill requires the broker, and, if there is no broker, the transportation providers to verify that individuals using the transportation services are eligible members during the scheduling of transportation services. The bill prohibits the broker from operating, owning, or controlling a provider in Colorado. The bill requires providers to provide their trip assignment rules and procedures to the state department for approval and for publication on the state department's website.

The bill prohibits the state department from denying payment of services to transportation providers solely because the broker or state department determines that a member's eligibility or trip information was inaccurate. The bill requires the state department to annually audit brokers and a random group of providers and to make the audit reports publicly available.

The bill requires the state department to categorize all NEMT expenditures as medical services and make changes to the NEMT program as necessary to obtain medical services federal match rates for NEMT services. The bill also eliminates the requirement that the state department provide transportation services as an administrative cost.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-1-801, **amend**
3 the introductory portion, (1), (3), and (4); and **add** (6) and (7) as follows:

4 **25.5-1-801. Definitions.**

5 As used in this ~~section~~ PART 8, unless the context otherwise
6 requires:

7 (1) "Nonemergency medical transportation" OR "NEMT" means
8 transportation to or from medically necessary nonemergency treatment.

9 (3) "Transportation broker" means an entity ~~designated by~~

1 CONTRACTED WITH the department of health care policy and financing to
2 administer nonemergency medical transportation for medicaid members.

3 (4) "Transportation provider" means an individual or business
4 entity, other than a transportation broker OR TRANSPORTATION NETWORK
5 COMPANY AS DEFINED IN SECTION 40-10.1-602, that:

6 (a) Provides transportation services; or

7 (b) Arranges the facilitation of transportation services by an
8 individual.

9 (6) "TRANSPORTATION COMMUNITY ADVISORY BOARD" OR
10 "BOARD" MEANS THE TRANSPORTATION COMMUNITY ADVISORY BOARD
11 DESCRIBED IN SECTION 25.5-1-802 (4).

12 (7) "TRIP CAPS" MEANS NUMERICAL LIMITS ON THE NUMBER OF
13 TRIPS A TRANSPORTATION PROVIDER IS ASSIGNED AND MAY ACCEPT
14 WITHIN A SPECIFIED PERIOD OF TIME THAT ARE NOT BASED ON
15 TRANSPORTATION PROVIDER CAPACITY, PERFORMANCE, SAFETY, OR
16 COMPLIANCE CONSIDERATIONS.

17 **SECTION 2.** In Colorado Revised Statutes, **amend** 25.5-1-802
18 as follows:

19 **25.5-1-802. Medicaid transportation services - transportation**
20 **community advisory board - safety and oversight - rules.**

21 (1) The state department shall collaborate with ~~stakeholders,~~
22 ~~including, but not limited to, disability and consumer advocates, PACE~~
23 ~~providers operating pursuant to section 25.5-5-412, transportation~~
24 ~~brokers, and transportation providers,~~ THE TRANSPORTATION COMMUNITY
25 ADVISORY BOARD to establish rules and processes for the safety and
26 oversight of nonmedical transportation services and nonemergency
27 medical transportation services provided to medicaid members pursuant

1 to articles 4 to 6 of this title 25.5. ~~The rules and processes must:~~

- 2 (a) ~~Ensure the safety of passengers;~~
- 3 (b) ~~Protect passenger access to transportation services; and~~
- 4 (c) ~~Establish driver and vehicle requirements that minimize~~
5 ~~financial and administrative burdens for transportation providers, direct~~
6 ~~support professionals as defined in section 25.5-6-406, long-term care~~
7 ~~direct care workers, independent contractors, and employees providing~~
8 ~~transportation services.~~

9 (2) ~~To the extent possible, the state department shall use existing~~
10 ~~oversight procedures to ensure compliance with the requirements as~~
11 ~~described in subsection (1) of this section.~~

12 (3) ~~If a provider of transportation services already complies with~~
13 ~~transportation safety standards established by another state department~~
14 ~~which meet or exceed the rules and processes established pursuant to~~
15 ~~subsection (1) of this section, demonstrating such compliance to the state~~
16 ~~department is sufficient to verify compliance with the requirements of this~~
17 ~~section.~~

18 (4) **THE TRANSPORTATION BROKER SHALL ESTABLISH THE**
19 **TRANSPORTATION COMMUNITY ADVISORY BOARD, WHICH IS COMPOSED OF**
20 **REPRESENTATIVES OF A CROSS-SECTION OF NEMT STAKEHOLDERS,**
21 **INCLUDING MEMBERS, TRANSPORTATION PROVIDERS, HEALTH-CARE**
22 **TREATMENT PROVIDERS, AND DISABILITY ADVOCATES. THE BOARD**
23 **MEMBERSHIP MUST INCLUDE:**

- 24 (a) **MEDICAID MEMBERS FROM BOTH RURAL AND URBAN AREAS**
25 **WHO UTILIZE NEMT SERVICES;**
- 26 (b) **BEHAVIORAL HEALTH, PRIMARY CARE, AND OTHER TREATMENT**
27 **PROVIDERS SERVING MEDICAID MEMBERS;**

- 1 (c) NEMT PROVIDERS REPRESENTING:
- 2 (I) RURAL AND URBAN SERVICE AREAS; AND
- 3 (II) LARGE, MEDIUM, AND SMALL PROVIDER ORGANIZATIONS;
- 4 (d) NEMT PROVIDERS WITH EXPERIENCE IN MANAGEMENT,
- 5 DISPATCH, DRIVING, AND COMPLIANCE;
- 6 (e) CONSUMER AND DISABILITY ADVOCATES REPRESENTING
- 7 POPULATIONS WITH DIVERSE MOBILITY, HEALTH, AND ACCESS NEEDS; AND
- 8 (f) HOSPITAL AND HEALTH SYSTEM REPRESENTATIVES, INCLUDING
- 9 ENTITIES INVOLVED IN DISCHARGE PLANNING AND CARE TRANSITIONS FOR
- 10 MEMBERS; AND
- 11 (g) A REPRESENTATIVE FROM THE STATE DEPARTMENT WITH
- 12 KNOWLEDGE AND SPECIALIZATION IN NEMT.

13 (5) (a) TO ENSURE THAT THE COMPOSITION OF THE BOARD
14 REPRESENTS ACTIVE TRANSPORTATION PROVIDERS, FORTY PERCENT OF
15 BOARD MEMBERS MUST BE PROVIDERS WITH DIRECT NEMT OPERATIONAL
16 EXPERIENCE, INCLUDING MANAGEMENT, DISPATCH, DRIVING, OR
17 COMPLIANCE.

18 (b) THE BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.

19 (6) BOARD MEMBERS SERVE TWO-YEAR TERMS. BOARD MEMBERS
20 SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR
21 EXPENSES.

22 (7) THE BOARD CHAIR AND STATE DEPARTMENT SHALL CIRCULATE
23 MEETING AGENDAS TO THE BOARD MEMBERS AT LEAST TEN DAYS IN
24 ADVANCE OF MEETINGS. THE BOARD SHALL DOCUMENT MEETING MINUTES
25 AND APPROVE MEETING MINUTES WITHIN FIFTEEN BUSINESS DAYS AFTER
26 EACH MEETING. THE BOARD MUST GIVE BOARD MEMBERS THE
27 OPPORTUNITY TO SUBMIT WRITTEN RECOMMENDATIONS OR COMMENTS TO

1 THE BOARD PRIOR TO BOARD ACTION OR ADVICE.

2 (8) THE BOARD IS AN ADVISORY BODY. THE BOARD DOES NOT
3 REPLACE OR LIMIT THE STATE DEPARTMENT'S COLLABORATION WITH
4 NEMT PROVIDERS WHEN DEVELOPING RULES, PROCESSES, OR POLICIES.

5 (9) THE BOARD SHALL PROVIDE RECOMMENDATIONS TO THE STATE
6 DEPARTMENT ABOUT THE STATE DEPARTMENT'S RULES, PROCESSES, AND
7 POLICIES THAT GOVERN NEMT. FINAL DECISIONS REGARDING RULES,
8 PROCESSES, AND POLICIES REMAIN THE RESPONSIBILITY OF THE STATE
9 DEPARTMENT.

10 (10) THE STATE DEPARTMENT, IN COLLABORATION WITH THE
11 BOARD, SHALL ADOPT RULES THAT:

12 (a) ESTABLISH DRIVER, VEHICLE, AND TRANSPORTATION PROVIDER
13 CREDENTIALING REQUIREMENTS;

14 (b) PROHIBIT TRIP CAPS, MARKET-SHARE RESTRICTIONS, OR OTHER
15 POLICIES THAT LIMIT TRANSPORTATION PROVIDER PARTICIPATION IN THE
16 MARKET, EXCEPT AS ALLOWED PURSUANT TO SUBSECTION (11) OF THIS
17 SECTION;

18 (c) REQUIRE THE STATE DEPARTMENT TO HOST MEETINGS WITH
19 THE BOARD NO LESS THAN QUARTERLY TO REVIEW PROGRAM
20 PERFORMANCE, IDENTIFY AND ADDRESS PROGRAM CHALLENGES, DISCUSS
21 PROGRESS TOWARD PROGRAM GOALS, AND IDENTIFY OPPORTUNITIES TO
22 ENHANCE EFFICIENCY AND OUTCOMES OF THE PROGRAM;

23 (d) REQUIRE REASONABLE ACCOMMODATION OF MEMBER
24 REQUESTS FOR AN ALTERNATE OR SPECIFIC TRANSPORTATION PROVIDER
25 WHEN OPERATIONALLY FEASIBLE;

26 (e) CREATE A PROCESS FOR MEMBERS AND TRANSPORTATION
27 PROVIDERS TO FILE CONCERNS WITH THE STATE DEPARTMENT AND FOR THE

1 STATE DEPARTMENT TO REPORT TO THE BOARD THE NUMBER OF CONCERNS
2 FILED;

3 (f) ESTABLISH PROCESSES FOR CLAIM SUBMISSION FROM
4 TRANSPORTATION PROVIDERS AND PAYMENT OF TRANSPORTATION
5 PROVIDERS;

6 (g) ESTABLISH POLICIES REGARDING THE STORAGE, ACCESS,
7 RETENTION, AND DELETION OF VIDEO RECORDINGS OF MEMBERS MADE
8 DURING NONEMERGENCY MEDICAL TRANSPORTATION. THE POLICIES MUST
9 NOT PROHIBIT THE USE OF VIDEO RECORDING FOR SAFETY OR DRIVER
10 ACCOUNTABILITY PURPOSES;

11 (h) DEVELOP BILLING PROCEDURES AND REQUIREMENTS FOR THE
12 PAYMENT OF TRANSPORTATION PROVIDERS;

13 (i) DEVELOP A PROCESS FOR TRANSPORTATION PROVIDERS TO
14 RESOLVE BILLING ISSUES WITH THE STATE DEPARTMENT OR
15 TRANSPORTATION BROKER;

16 (j) ESTABLISH POLICIES AND PROCEDURES TO VERIFY MEMBER
17 ELIGIBILITY PRIOR TO A MEMBER RECEIVING TRANSPORTATION SERVICES;

18 (k) REQUIRE A TRANSPORTATION PROVIDER TO MAINTAIN
19 AUDITABLE ELECTRONIC TRIP RECORDS THAT INCLUDE, AT A MINIMUM,
20 MEMBER PICKUP AND DROP-OFF LOCATIONS; GPS LOCATION DATA WITH
21 TIME STAMPS, WHEN AVAILABLE; MILEAGE TRAVELED; DRIVER AND
22 VEHICLE IDENTIFICATION; AND ANY OTHER DATA REQUIRED BY THE STATE
23 DEPARTMENT; AND

24 (l) ESTABLISH THAT MEMBERS HAVE A RIGHT TO RECEIVE NEMT
25 SERVICES THAT ARE ACCESSIBLE AND APPROPRIATE TO THEIR INDIVIDUAL
26 MEDICAL AND FUNCTIONAL NEEDS, INCLUDING MOBILITY AND
27 COMMUNICATION ACCOMMODATIONS.

1 (11) THE STATE DEPARTMENT MAY IMPOSE TRIP CAPS OR
2 MARKET-SHARE RESTRICTIONS ON A TRANSPORTATION PROVIDER AS
3 CORRECTIVE ACTION AS PART OF A CORRECTIVE ACTION PLAN BASED ON
4 A TRANSPORTATION PROVIDER'S DOCUMENTED MATERIAL PERFORMANCE
5 DEFICIENCIES THAT ARE SUPPORTED BY OBJECTIVE MEASURABLE CRITERIA
6 APPLIED ON AN INDIVIDUALIZED, PROPORTIONAL, AND TIME-LIMITED BASIS
7 FOLLOWING PRIOR WRITTEN NOTICE OF THE DEFICIENCIES AND A
8 MEANINGFUL OPPORTUNITY TO CURE.

9 (12) FOR THE PRIMARY PURPOSE OF SAFETY AND DRIVER
10 ACCOUNTABILITY, EACH TRANSPORTATION PROVIDER SHALL IMPLEMENT
11 AND UTILIZE A VIDEO RECORDING SYSTEM WITHIN EACH VEHICLE USED TO
12 TRANSPORT MEMBERS. THE POLICIES REGARDING THE USE OF VIDEO
13 RECORDING DURING NONEMERGENCY MEDICAL TRANSPORTATION OF
14 MEMBERS, ESTABLISHED PURSUANT TO SUBSECTION (10)(g) OF THIS
15 SECTION, MUST ADDRESS MEMBER PRIVACY, OPERATIONAL FEASIBILITY,
16 AND COMPLIANCE. VIDEO RECORDING OF MEMBERS MUST NOT BE
17 REQUIRED FOR BILLING PURPOSES.

18 (13) THE STATE DEPARTMENT SHALL, IN ACCORDANCE WITH THE
19 "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,
20 PROVIDE ADVANCED NOTICE AND THE OPPORTUNITY FOR PUBLIC COMMENT
21 PRIOR TO THE IMPLEMENTATION OF AN NEMT RULE CHANGE.

22 (14) THE STATE DEPARTMENT SHALL ESTABLISH BILLING
23 PROCEDURES, DOCUMENTATION REQUIREMENTS, AND PAYMENT
24 STANDARDS FOR TRANSPORTATION PROVIDERS PURSUANT TO SUBSECTION
25 (10)(f) OF THIS SECTION. THE PROCEDURES MUST BE CONSISTENT WITH
26 STATE AND FEDERAL MEDICAID REQUIREMENTS AND MUST NOT REQUIRE
27 PAYMENT FOR CLAIMS THAT DO NOT MEET APPLICABLE PROGRAM

1 INTEGRITY, DOCUMENTATION, OR ELIGIBILITY STANDARDS. THE
2 PROCEDURES MUST ESTABLISH:

- 3 (a) REQUIRED CLAIM FORMATS AND SUPPORTING DOCUMENTS;
- 4 (b) CLAIM DENIAL CRITERIA; AND
- 5 (c) REIMBURSEMENT REQUIREMENTS.

6 (15) THE STATE DEPARTMENT MAY ISSUE INTERIM OPERATIONAL
7 GUIDANCE TO CLARIFY PROCEDURES, IMPROVE ADMINISTRATIVE
8 EFFICIENCY, OR PROVIDE TECHNICAL INSTRUCTIONS TO TRANSPORTATION
9 PROVIDERS. INTERIM GUIDANCE MUST NOT SUBSTANTIVELY CHANGE
10 BILLING, DOCUMENTATION, OR PAYMENT STANDARDS IDENTIFIED IN THE
11 PROCEDURES ADOPTED PURSUANT TO SUBSECTION (14) OF THIS SECTION,
12 EXCEPT AS NECESSARY TO ADDRESS PROGRAM INTEGRITY RISKS,
13 INCLUDING FRAUD, WASTE, OR ABUSE, OR TO ENSURE COMPLIANCE WITH
14 STATE OR FEDERAL LAW. IN INSTANCES OF FRAUD, WASTE, OR ABUSE OF
15 NEMT SERVICES, THE STATE DEPARTMENT MAY PROVIDE IMMEDIATE
16 INTERIM OPERATIONAL GUIDANCE IF THE STATE DEPARTMENT INCLUDES
17 THE JUSTIFICATION FOR THE INTERIM OPERATIONAL GUIDANCE IN THE
18 GUIDANCE AND PROVIDES REASONABLE ADVANCED NOTICE TO AFFECTED
19 TRANSPORTATION PROVIDERS, UNLESS IMMEDIATE ACTION IS REQUIRED TO
20 PREVENT ONGOING FRAUD. IF THE STATE DEPARTMENT TAKES IMMEDIATE
21 ACTION, THE ACTIONS MUST BE:

- 22 (a) LIMITED IN SCOPE AND DURATION;
- 23 (b) INCLUDE PROMPT WRITTEN NOTICE EXPLAINING THE CHANGE;
- 24 (c) APPLIED PROSPECTIVELY TO THE EXTENT PERMITTED BY STATE
25 AND FEDERAL LAW AND MUST NOT ALTER CLAIMS SUBMITTED PRIOR TO
26 THE EFFECTIVE DATE OF THE INTERIM OPERATIONAL GUIDANCE, EXCEPT AS
27 REQUIRED TO ADDRESS FRAUD, WASTE, OR ABUSE.

1 (16) THE STATE DEPARTMENT SHALL NOTIFY TRANSPORTATION
2 PROVIDERS OF NEW BILLING OR DOCUMENTATION REQUIREMENTS OR
3 SUBSTANTIVE CHANGES, WHETHER ISSUED BY RULE OR BY INTERIM
4 GUIDANCE, AT LEAST THIRTY DAYS BEFORE THE CHANGES BECOME
5 EFFECTIVE. FORMS, TEMPLATES, OR DOCUMENTATION THAT WAS VALID
6 PRIOR TO THE EFFECTIVE DATE OF A NEW RULE CONTINUES TO BE VALID
7 THROUGH ITS EXPIRATION OR UNTIL THE END OF THE NOTICE PERIOD,
8 WHICHEVER IS LATER.

9 (17) NOTHING IN THIS SECTION ENTITLES A PROVIDER TO PAYMENT
10 OR LIMITS THE STATE DEPARTMENT'S AUTHORITY TO DENY, RECOUP, OR
11 ADJUST CLAIMS IN ACCORDANCE WITH STATE OR FEDERAL LAW.

12 (18) MATTERS OUTSIDE THE SCOPE OF THE BOARD OR THAT
13 CANNOT BE RESOLVED AMONG BOARD MEMBERS MUST BE DIRECTED TO
14 THE STATE DEPARTMENT.

15 **SECTION 3.** In Colorado Revised Statutes, **add 25.5-1-803** as
16 follows:

17 **25.5-1-803. State nonemergency transportation broker -**
18 **transportation providers.**

19 (1) (a) THE STATE DEPARTMENT MAY CONTRACT WITH A
20 TRANSPORTATION BROKER.

21 (b) A TRANSPORTATION BROKER SHALL CREATE A PUBLICLY
22 AVAILABLE CONTINGENCY PLAN TO ENSURE UNINTERRUPTED NEMT
23 SERVICES IN THE EVENT THE TRANSPORTATION BROKER EXPERIENCES
24 SYSTEM OUTAGES OR IS OTHERWISE UNABLE TO PERFORM REQUIRED
25 FUNCTIONS. THE TRANSPORTATION BROKER SHALL SHARE THE
26 CONTINGENCY PLAN WITH TRANSPORTATION PROVIDERS.

27 (c) IF THE STATE DEPARTMENT CONTRACTS WITH A

1 TRANSPORTATION BROKER, THE STATE DEPARTMENT SHALL DESIGNATE
2 REGIONS WITHIN THE STATE FOR IMPLEMENTATION OF A BROKERED NEMT
3 PROGRAM.

4 (2) THE TRANSPORTATION BROKER SHALL IMPLEMENT A BROKERED
5 NEMT PROGRAM ON A PHASED BASIS, ONE REGION AT A TIME, AND SHALL
6 NOT BEGIN IMPLEMENTATION IN A SUBSEQUENT REGION UNTIL THE
7 PROGRAM IS FULLY IMPLEMENTED IN THE PRIOR REGION. FOR PURPOSES OF
8 THIS SECTION, A PROGRAM IS FULLY IMPLEMENTED IN A REGION WHEN:

9 (a) TECHNOLOGY SYSTEMS FOR SCHEDULING, ELIGIBILITY
10 VERIFICATION, TRIP ASSIGNMENT, PROVIDER PAYMENT, AND CUSTOMER
11 SUPPORT ARE FULLY OPERATIONAL;

12 (b) TRANSPORTATION PROVIDERS IN THE REGION ARE PROVIDED A
13 REASONABLE OPPORTUNITY TO COMPLETE THE BROKER ONBOARDING
14 PROCESS, INCLUDING PROVIDER TRAINING, SYSTEM ACCESS, AND REQUIRED
15 VEHICLE AND DRIVER VERIFICATION;

16 (c) A SUFFICIENT NETWORK OF TRANSPORTATION PROVIDERS IS
17 AVAILABLE TO MEET MEMBERS' MEDICAL NEEDS AND ENSURE TIMELY
18 ACCESS TO NEMT SERVICES; AND

19 (d) THE STATE DEPARTMENT HAS VERIFIED THAT PROVIDER
20 PAYMENT PROCESSES AND CUSTOMER SUPPORT FUNCTIONS OPERATE
21 EFFECTIVELY.

22 (3) THE STATE DEPARTMENT AND TRANSPORTATION BROKER
23 SHALL PROVIDE TIMELY NOTICE AND TECHNICAL ASSISTANCE TO
24 TRANSPORTATION PROVIDERS REGARDING THE ONBOARDING PROCESS.
25 PROVIDERS MAY CONTINUE TO COMPLETE ONBOARDING DURING THE
26 IMPLEMENTATION PERIOD.

27 (4) FOR TRIPS ORIGINATING IN REGIONS THAT HAVE NOT YET BEEN

1 DESIGNATED BY THE STATE DEPARTMENT FOR IMPLEMENTATION OF A
2 BROKERED NEMT PROGRAM, TRANSPORTATION PROVIDERS MAY
3 CONTINUE TO PROVIDE TRANSPORTATION SERVICES AND BILL THE STATE
4 DEPARTMENT DIRECTLY. ONCE A REGION HAS BEEN DESIGNATED FOR
5 IMPLEMENTATION OF A BROKERED NEMT PROGRAM, TRANSPORTATION
6 SERVICES PROVIDED TO MEMBERS IN THAT REGION MUST BE SCHEDULED
7 AND AUTHORIZED THROUGH THE TRANSPORTATION BROKER IN
8 ACCORDANCE WITH STATE DEPARTMENT RULES.

9 (5) NOTHING IN THIS SECTION LIMITS MEMBER ACCESS TO
10 TRANSPORTATION SERVICES OR CREATES SERVICE GAPS DURING
11 IMPLEMENTATION OF A BROKERED PROGRAM.

12 (6) TRANSPORTATION PROVIDERS MAY COMMUNICATE WITH
13 MEMBERS REGARDING TRANSPORTATION SERVICES, INCLUDING TRIP
14 SCHEDULING, SERVICE DELIVERY, AND OPERATIONAL QUESTIONS. THE
15 STATE DEPARTMENT AND BOARD SHALL DEVELOP POLICIES REGARDING
16 WHEN AND HOW TRANSPORTATION PROVIDERS CAN COMMUNICATE WITH
17 MEMBERS.

18 (7) THE STATE DEPARTMENT SHALL DEVELOP AND PROVIDE
19 TRANSPORTATION PROVIDERS A PROVIDER COMMUNICATION TOOLKIT TO
20 ASSIST TRANSPORTATION PROVIDERS IN DISCUSSING THE TRANSITION TO
21 TRANSPORTATION BROKER CONTROL OR OTHER PROGRAM CHANGES. THE
22 PROVIDER COMMUNICATION TOOLKIT MUST INCLUDE TALKING POINTS,
23 SCRIPTS, AND GUIDANCE TO ENSURE ACCURATE AND CONSISTENT
24 INFORMATION IS COMMUNICATED TO MEMBERS. THE STATE DEPARTMENT
25 SHALL MAKE THE PROVIDER COMMUNICATION TOOLKIT AVAILABLE TO
26 TRANSPORTATION PROVIDERS AT LEAST NINETY DAYS PRIOR TO THE
27 IMPLEMENTATION OF A BROKERED NEMT PROGRAM IN THE REGION IN

1 WHICH THE PROVIDER OPERATES.

2 (8) AT LEAST NINETY DAYS PRIOR TO THE IMPLEMENTATION OF A
3 BROKERED NEMT PROGRAM IN A REGION, THE TRANSPORTATION BROKER,
4 IN COORDINATION WITH THE STATE DEPARTMENT, SHALL PROVIDE
5 TRAINING AND TECHNICAL SUPPORT TO TRANSPORTATION PROVIDERS THAT
6 PROVIDE SERVICES IN THE REGION. THE STATE DEPARTMENT MAY EXTEND
7 THE NINETY-DAY PERIOD AS NEEDED BASED ON PROVIDER READINESS OR
8 DELAYS IN MATERIALS OR INSTRUCTION. THE TRANSPORTATION BROKER
9 SHALL PROVIDE TRAINING AND TECHNICAL SUPPORT TO TRANSPORTATION
10 PROVIDERS, WITH SUPPORT AND OVERSIGHT BY THE STATE DEPARTMENT.

11 (9) THE TRANSPORTATION BROKER SHALL PROVIDE ALL
12 TRANSPORTATION PROVIDERS IN A BROKERED NEMT PROGRAM REGION
13 WITH SOFTWARE TO FACILITATE NEMT SERVICES. THE TRANSPORTATION
14 BROKER SHALL NOT REQUIRE TRANSPORTATION PROVIDERS TO PAY THE
15 COST OF SOFTWARE LICENSING, IMPLEMENTATION, MAINTENANCE,
16 UPGRADES, OR TRAINING.

17 (10) THE TRANSPORTATION BROKER MAY ENCOURAGE A MEMBER
18 TO SCHEDULE TRANSPORTATION SERVICES AT LEAST TWO DAYS PRIOR TO
19 THEIR REQUESTED TRANSPORTATION DATE. THE TRANSPORTATION
20 BROKER SHALL ACCEPT AND MAKE REASONABLE EFFORTS TO FULFILL
21 SAME-DAY AND NEXT-DAY TRANSPORTATION REQUESTS, INCLUDING
22 REQUESTS FOR URGENT MEDICAL AND BEHAVIORAL HEALTH OUTPATIENT,
23 SPECIALTY, AND HOSPITAL VISITS; TIME-SENSITIVE IN-STATE AND
24 OUT-OF-STATE TRANSFERS; AND DISCHARGES FROM HEALTH-CARE
25 FACILITIES, WHEN FEASIBLE, AND SHALL NOT REQUIRE ADVANCED NOTICE
26 THAT WOULD UNREASONABLY LIMIT ACCESS TO MEDICALLY NECESSARY
27 SERVICES. THE TRANSPORTATION BROKER SHALL ALLOW MEMBERS TO

1 SCHEDULE SINGLE AND RECURRING TRANSPORTATION SERVICES. THE
2 TRANSPORTATION BROKER SHALL ALLOW MEMBERS, PRIOR TO THE
3 REQUESTED TRANSPORTATION SERVICES, TO REQUEST A TRANSPORTATION
4 PROVIDER OR REQUEST A DIFFERENT TRANSPORTATION PROVIDER. THE
5 TRANSPORTATION BROKER SHALL NOT DIRECT MEMBERS AWAY FROM
6 THEIR PREFERRED TRANSPORTATION PROVIDER. THE TRANSPORTATION
7 BROKER SHALL DOCUMENT AND RETAIN ALL PROVIDER PREFERENCE
8 REQUESTS FOR AUDIT PURPOSES. THE TRANSPORTATION BROKER MAY
9 ONLY PROVIDE MEMBERS THE OPTION TO REQUEST A SPECIFIC PROVIDER
10 AFTER ALL SERVICE REGIONS HAVE BEEN IMPLEMENTED.

11 (11) A TRANSPORTATION BROKER, OR A TRANSPORTATION
12 PROVIDER IF THERE IS NO TRANSPORTATION BROKER, SHALL VERIFY A
13 MEMBER'S ELIGIBILITY FOR NEMT SERVICES IMMEDIATELY UPON A
14 MEMBER'S REQUEST FOR NEMT TRANSPORTATION SERVICES USING
15 REAL-TIME ACCESS TO THE STATE DEPARTMENT'S ELIGIBILITY SYSTEM. IF
16 VERIFICATION CANNOT BE COMPLETED DUE TO SYSTEM ISSUES OR
17 INCOMPLETE INFORMATION, THE TRANSPORTATION BROKER SHALL NOTIFY
18 THE MEMBER AND THE STATE DEPARTMENT AS SOON AS PRACTICABLE AND
19 TAKE ACTION TO RESOLVE THE ISSUE PROMPTLY. ONCE ELIGIBILITY IS
20 VERIFIED, THE MEMBER IS IMMEDIATELY ELIGIBLE TO SCHEDULE TRIPS, IN
21 ACCORDANCE WITH PROGRAM RULES.

22 (12) THE TRANSPORTATION BROKER SHALL NOT IMPOSE
23 ADDITIONAL CREDENTIAL REQUIREMENTS ON TRANSPORTATION
24 PROVIDERS THAT ARE NOT REQUIRED IN RULES ADOPTED BY THE STATE
25 DEPARTMENT.

26 (13) THE TRANSPORTATION BROKER SHALL NOT OPERATE, OWN, OR
27 CONTROL A TRANSPORTATION PROVIDER THAT OPERATES IN COLORADO.

1 THE TRANSPORTATION BROKER SHALL MAINTAIN POLICIES CONCERNING
2 PREVENTING CONFLICTS OF INTEREST AND ENSURE THAT TRIP
3 ASSIGNMENTS ARE MADE CONSISTENT WITH SAFETY, COMPLIANCE, AND
4 OPERATIONAL STANDARDS. NOTHING IN THIS SUBSECTION (13) LIMITS
5 PROVIDER PARTICIPATION OR IMPOSES TRIP CAPS.

6 (14) THE TRANSPORTATION BROKER, OR THE STATE DEPARTMENT
7 IF THERE IS NO TRANSPORTATION BROKER, SHALL NOT RESTRICT THE
8 NUMBER OF VEHICLES A TRANSPORTATION PROVIDER CAN UTILIZE OR
9 RESTRICT THE AREAS WHERE OR TYPES OF SERVICES A TRANSPORTATION
10 PROVIDER OPERATES.

11 (15) A TRANSPORTATION BROKER SHALL PROVIDE THEIR TRIP
12 ASSIGNMENT RULES AND PROCEDURES TO THE STATE DEPARTMENT FOR
13 APPROVAL. UPON APPROVAL, THE STATE DEPARTMENT SHALL MAKE THE
14 TRANSPORTATION BROKER TRIP ASSIGNMENT RULES AND PROCEDURES
15 PUBLICLY AVAILABLE ON THE STATE DEPARTMENT'S WEBSITE.

16 (16) TRANSPORTATION PROVIDERS HAVE SOLE AUTHORITY OVER
17 DRIVER SCHEDULING, VEHICLE DISPATCHING, AND DRIVER MANAGEMENT.

18 (17) NEMT DRIVERS AND VEHICLES MUST MEET SAFETY,
19 LICENSING, AND PROGRAM COMPLIANCE REQUIREMENTS. NEMT TRIPS
20 CONDUCTED BY NONCOMPLIANT DRIVERS OR VEHICLES ARE NOT ELIGIBLE
21 FOR REIMBURSEMENT.

22 (18) TO ENSURE CONTINUITY OF CARE, TRANSPORTATION
23 PROVIDERS MAY BILL THE STATE DEPARTMENT DIRECTLY FOR COMPLIANT
24 TRANSPORTATION SERVICES PROVIDED TO MEMBERS DURING THE
25 IMPLEMENTATION OF A BROKERED NEMT PROGRAM IN A REGION OR IN
26 THE EVENT OF TRANSPORTATION BROKER TERMINATION. DIRECT BILLING
27 OUTSIDE OF THESE CIRCUMSTANCES IS NOT PERMITTED.

1 (19) (a) TRANSPORTATION NETWORK COMPANIES, AS DEFINED IN
2 SECTION 40-10.1-602, MAY PROVIDE NEMT SERVICES IF:

3 (I) THE TRANSPORTATION PROVIDER ORIGINALLY ASSIGNED TO
4 COMPLETE A TRIP IS UNABLE TO FULFILL THE ASSIGNMENT AND NO OTHER
5 ENROLLED TRANSPORTATION PROVIDER IS AVAILABLE TO COMPLETE THE
6 TRIP WITHIN THE TIME FRAME NECESSARY TO ENSURE THE MEMBER
7 ARRIVES AT THEIR APPOINTMENT; OR

8 (II) NO TRANSPORTATION PROVIDER IS AVAILABLE TO SERVE THE
9 MEMBER IN THE MEMBER'S COUNTY OR SERVICE AREA AT THE TIME THE
10 TRIP IS REQUESTED.

11 (b) EACH USE OF A TRANSPORTATION NETWORK COMPANY IN
12 ACCORDANCE WITH THIS SUBSECTION MUST BE DOCUMENTED BY THE
13 TRANSPORTATION BROKER IN WRITING OR AN ELECTRONIC RECORDS,
14 INCLUDING THE REASON FOR USING THE TRANSPORTATION NETWORK
15 COMPANY, THE REASON A TRANSPORTATION PROVIDER WAS UNABLE TO
16 COMPLETE THE TRIP, AND THE DATE AND TIME OF THE REQUEST. THE
17 TRANSPORTATION BROKER SHALL MAKE THE DOCUMENTATION AVAILABLE
18 TO THE STATE DEPARTMENT OR ITS DESIGNEE UPON REQUEST FOR AUDIT
19 PURPOSES.

20 (c) THE TRANSPORTATION NETWORK COMPANY PROVIDING NEMT
21 SERVICES MUST COMPLY WITH ALL APPLICABLE DRIVER AND VEHICLE
22 SAFETY REQUIREMENTS INCLUDING VIDEO RECORDING REQUIREMENTS
23 ESTABLISHED IN SECTION 25.5-1-802.

24 (20) A LICENSED AMBULANCE SERVICE PROVIDER IS NOT SUBJECT
25 TO THE REQUIREMENTS OF THIS SECTION AND MAY PROVIDE NEMT
26 SERVICES TO MEMBERS.

27 **SECTION 4.** In Colorado Revised Statutes, **add** 25.5-1-804 as

1 follows:

2 **25.5-1-804. Medicaid member eligibility and verification.**

3 (1) THE TRANSPORTATION BROKER, OR A TRANSPORTATION
4 PROVIDER IF THERE IS NO BROKER, SHALL ENSURE DURING SCHEDULING
5 THAT INDIVIDUALS WHO SIGN UP TO RECEIVE TRANSPORTATION SERVICES
6 ARE MEMBERS WHO ARE ELIGIBLE TO RECEIVE NONEMERGENCY MEDICAL
7 TRANSPORTATION SERVICES.

8 (2) THE MEMBER ELIGIBILITY VERIFICATION PROCESS MUST
9 PROTECT MEMBER PRIVACY. MEMBER ELIGIBILITY VERIFICATION MUST
10 NOT REQUIRE DISPLAYING A MEMBER IDENTIFICATION CARD ON CAMERA
11 OR THE VIDEO RECORDING OF MEMBERS FOR ROUTINE BILLING PURPOSES.
12 NOTHING IN THIS SUBSECTION (2) PROHIBITS THE USE OF VIDEO
13 RECORDING FOR DRIVER OR MEMBER SAFETY, OPERATIONAL MONITORING,
14 OR COMPLAINT RESOLUTION PURPOSES. THE STATE DEPARTMENT MAY
15 REQUEST VIDEO RECORDINGS FOR PROGRAM INTEGRITY REVIEW WITHOUT
16 ADVANCED NOTICE TO THE TRANSPORTATION PROVIDER, PROVIDED THAT
17 REQUESTS ARE NARROWLY TAILORED TO SPECIFIC ISSUES UNDER REVIEW.
18 THE USE OF VIDEO RECORDINGS MUST COMPLY WITH APPLICABLE PRIVACY
19 AND CONFIDENTIALITY REQUIREMENTS. TRANSPORTATION PROVIDERS ARE
20 NOT REQUIRED TO RETAIN OR PRODUCE VIDEO RECORDINGS BEYOND THE
21 STANDARD RETENTION PERIOD ESTABLISHED IN THEIR OPERATING
22 PROCEDURES. ABSENCE OF VIDEO RECORDINGS OUTSIDE A RETENTION
23 PERIOD DOES NOT CONSTITUTE NONCOMPLIANCE, AND ADVERSE ACTION
24 SHALL NOT BE TAKEN AGAINST A TRANSPORTATION PROVIDER ON THIS
25 BASIS.

26 (3) IF A TRANSPORTATION PROVIDER PROVIDES SCHEDULED
27 TRANSPORTATION SERVICES IN GOOD FAITH BASED ON INFORMATION

1 PROVIDED BY A TRANSPORTATION BROKER OR THE STATE DEPARTMENT,
2 THE STATE DEPARTMENT SHALL NOT DENY PAYMENT SOLELY BECAUSE THE
3 BROKER OR THE STATE DEPARTMENT LATER DETERMINES THAT THE
4 MEMBER'S ELIGIBILITY OR TRIP INFORMATION WAS INACCURATE, IF:

5 (a) THE PROVIDER HAD NO KNOWLEDGE OF THE INACCURACY AT
6 THE TIME OF SERVICE; AND


7 (b) THE PROVIDER FOLLOWED ALL APPLICABLE RULES,
8 PROCEDURES, AND DOCUMENTATION REQUIREMENTS FOR CLAIM
9 SUBMISSION.

10 (4) NOTHING IN THIS SECTION ALTERS OR SUPERSEDES FEDERAL
11 MEDICAID REQUIREMENTS. IF IT IS LATER DETERMINED THAT A MEMBER
12 WAS NOT ELIGIBLE FOR MEDICAID AT THE TIME OF SERVICE, THE STATE
13 DEPARTMENT MAY BE REQUIRED TO ADJUST OR RETRACT PAYMENT, EVEN
14 IF THE PROVIDER RENDERED SERVICES IN GOOD FAITH.

15 (5) THE STATE DEPARTMENT SHALL PROVIDE TRANSPORTATION
16 PROVIDERS WITH ACCESS TO ELIGIBILITY VERIFICATION TOOLS VIA THE
17 TRANSPORTATION BROKER OR OTHER AUTHORIZED SYSTEMS TO REDUCE
18 THE LIKELIHOOD OF INELIGIBLE TRIPS.

19 **SECTION 5.** In Colorado Revised Statutes, **add** 25.5-1-805 as
20 follows:

21 **25.5-1-805. Nonemergency medical transportation provider**
22 **and broker audits - reporting.**

23 
24 (1) THE STATE DEPARTMENT SHALL, SUBJECT TO AVAILABLE
25 APPROPRIATIONS, AUDIT TRANSPORTATION PROVIDERS TO ENSURE
26 REIMBURSEMENT IS MADE ONLY FOR TRIPS PERFORMED BY CREDENTIALLED
27 DRIVERS OPERATING CREDENTIALLED VEHICLES PURSUANT TO THE RULES

1 ADOPTED PURSUANT TO SECTION 25.5-1-802.

2 (2) THE STATE DEPARTMENT MAY USE DATA ANALYTICS,
3 COMPLAINTS BY MEMBERS, AND OTHER PROGRAM INTEGRITY INDICATORS
4 TO PRIORITIZE WHICH TRANSPORTATION PROVIDERS TO AUDIT. THE STATE
5 DEPARTMENT IS NOT REQUIRED TO ANNUALLY PERFORM AUDITS BUT MUST
6 PERFORM AUDITS AS RESOURCES ALLOW. AN AUDIT OF A TRANSPORTATION
7 PROVIDER MAY INCLUDE A REVIEW OF THE FOLLOWING, AS THEY RELATE
8 TO THE PROVIDER:

9 (a) CLAIMS SUBMITTED;

10 (b) THE PROVIDER'S POLICIES AND PROCEDURES;

11 (c) DRIVER AND VEHICLE CREDENTIALS;

12 (d) COMPLIANCE WITH STATE DEPARTMENT AND BROKER
13 REQUIREMENTS;

14 (e) TRIP RECORDS;

15 (f) MEMBER GRIEVANCES, COMPLAINTS, AND INCIDENTS,
16 INCLUDING THEIR RESOLUTION; OR

17 (g) OTHER DATA NECESSARY TO EVALUATE SAFETY, TIMELINESS,
18 AND QUALITY OF THE SERVICES PROVIDED BY THE PROVIDER.

19 (3) THE STATE DEPARTMENT SHALL, SUBJECT TO AVAILABLE
20 APPROPRIATIONS, CONDUCT AUDITS OF EACH TRANSPORTATION BROKER
21 AT LEAST ANNUALLY. THE DEPARTMENT MAY USE THIRD-PARTY
22 CONTRACTORS TO CONDUCT AUDITS OF TRANSPORTATION BROKERS. AN
23 AUDIT OF A TRANSPORTATION BROKER MAY INCLUDE A REVIEW OF THE
24 BROKER'S:

25 (a) POLICIES AND PROCEDURES;

26 (b) TRIP DISTRIBUTION AMONG TRANSPORTATION PROVIDERS,
27 INCLUDING ANALYSIS BY GEOGRAPHY AND TRIP TYPE;

1 (c) COMPLIANCE WITH PROHIBITIONS ON TRIP CAPS ESTABLISHED
2 IN STATE DEPARTMENT RULE;

3 (d) COMPLIANCE WITH DRIVER, VEHICLE, AND PROVIDER
4 CREDENTIALING REQUIREMENTS ESTABLISHED IN STATE DEPARTMENT
5 RULE; AND

6 (f) RESPONSE TO MEMBER REQUESTS FOR SPECIFIC
7 TRANSPORTATION PROVIDERS, INCLUDING WHETHER THEY WERE HONORED
8 AND, IF NOT, THE REASON FOR DENIAL.

9 **SECTION 6.** In Colorado Revised Statutes, 25.5-5-102, **amend**
10 (1)(m); and **add** (1)(n), (3), (4), (5), and (6) as follows:

11 **25.5-5-102. Basic services for the categorically needy -**
12 **mandated services.**

13 (1) Subject to the provisions of subsection (2) of this section and
14 section 25.5-4-104, the program for the categorically needy must include
15 the following services as mandated and defined by federal law:

16 (m) Federally qualified health centers; AND

17 (n) NONEMERGENCY MEDICAL TRANSPORTATION SERVICES, AS
18 REQUIRED BY 42 U.S.C. 1396a(a)(4)(A).

19 (3) THE STATE DEPARTMENT SHALL CLASSIFY NONEMERGENCY
20 MEDICAL TRANSPORTATION EXPENDITURES AS MEDICAL SERVICES FOR ALL
21 ELIGIBLE POPULATIONS AND SERVICES.

22 (4) THE STATE DEPARTMENT SHALL, TO THE EXTENT PERMITTED BY
23 FEDERAL LAW, ENSURE THAT ALL ELIGIBLE NONEMERGENCY MEDICAL
24 TRANSPORTATION EXPENDITURES CLASSIFIED AS MEDICAL SERVICES
25 RECEIVE AVAILABLE FEDERAL FINANCIAL PARTICIPATION.

26 (5) ON NOVEMBER 1, 2026, AND NOVEMBER 1, 2027, THE STATE
27 DEPARTMENT SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE

1 AND THE COLORADO HEALTHCARE AFFORDABILITY AND SUSTAINABILITY
2 ENTERPRISE BOARD ABOUT STATE SAVINGS EXPECTED OR RECEIVED AS A
3 RESULT OF CLASSIFYING NONEMERGENCY MEDICAL TRANSPORTATION AS
4 A MEDICAL SERVICE. THE REPORT MUST INCLUDE, AT A MINIMUM:

5 (a) THE TOTAL AMOUNT OF NONEMERGENCY MEDICAL
6 TRANSPORTATION EXPENDITURES CLASSIFIED AS MEDICAL SERVICES;

7 (b) THE FEDERAL FINANCIAL PARTICIPATION AS A RESULT OF THE
8 CLASSIFICATION;

9 (c) A DESCRIPTION OF ACTIONS TAKEN TO IMPLEMENT SUBSECTION
10 (3) OF THIS SECTION, INCLUDING STATE PLAN AMENDMENTS, WAIVERS, OR
11 PROGRAM CHANGES;

12 (d) IDENTIFICATION OF REMAINING NONEMERGENCY MEDICAL
13 TRANSPORTATION EXPENDITURES NOT YET CLASSIFIED AS MEDICAL
14 SERVICES AND THE BARRIERS TO THE CLASSIFICATION; AND

15 (e) RECOMMENDATIONS FOR ADDITIONAL STATUTORY OR
16 ADMINISTRATIVE CHANGES NECESSARY TO MAXIMIZE FEDERAL FINANCIAL
17 PARTICIPATION.

18 (6) SUBSECTION (5) OF THIS SECTION REPEALS, EFFECTIVE
19 JANUARY 1, 2028.

20 **SECTION 7.** In Colorado Revised Statutes, 25.5-5-202, **amend**
21 (1) introductory portion; and **repeal** (2) as follows:

22 **25.5-5-202. Basic services for the categorically needy - optional**
23 **services - repeal.**

24 (1) ~~Subject to the provisions of subsection (2) of this section,~~ The
25 following are services for which federal financial participation is
26 available and that Colorado has selected to provide as optional services
27 under the medical assistance program:

1 (2) ~~In addition to the services described in subsection (1) of this~~
2 ~~section and subject to continued federal financial participation, Colorado~~
3 ~~has selected to provide transportation services as an administrative cost.~~

4 **SECTION 8. Appropriation - adjustments to 2026 long bill.**

5 (1) Except as provided in subsection (3) of this section, to implement this
6 act, appropriations made in the annual general appropriation act for the
7 2026-27 state fiscal year to the department of health care policy and
8 financing for medical and long-term care services for Medicaid eligible
9 individuals are adjusted as follows:

10 (a) The general fund appropriation is decreased by \$76,639, which
11 is subject to the "(M)" notation as defined in the annual general
12 appropriation act for the same fiscal year; and

13 (b) The appropriation from the healthcare affordability and
14 sustainability hospital provider fee cash fund created in section
15 25.5-4-402.4 (5)(a), C.R.S., is decreased by \$20,941,853.

16 (2) The decrease of the appropriations in subsection (1) of this
17 section is based on the assumption that the anticipated amount of federal
18 funds received for the 2025-26 state fiscal year by the department of
19 health care policy and financing for medical and long-term care services
20 for Medicaid eligible individuals will increase by 21,018,492.

21 (3) Subsection (1) of this section does not require a reduction of
22 an appropriation in the annual general appropriation act to the department
23 of health care policy and financing for the 2026-27 state fiscal year for
24 medical and long-term care services for Medicaid eligible individuals if:

25 (a) The amount of the general fund appropriation made is less than
26 the amount of the adjustment required in subsection (1)(a) of this section;

27 (b) The amount of the appropriation from the healthcare

1 affordability and sustainability hospital provider fee cash fund is less than
2 the amount of the adjustment required in subsection (1)(b) of this section;
3 or

4 (c) The annual general appropriation act for the 2026-27 state
5 fiscal year does not include an appropriation to the department of health
6 care policy and financing for medical and long-term care services for
7 Medicaid eligible individuals.

8 **SECTION 9. Effective date.** This act takes effect July 1, 2026;
9 except that section 9 of this act takes effect only if the annual general
10 appropriation act for the 2026-27 state fiscal year becomes law, in which
11 case section 9 takes effect upon the effective date of this act or of the
12 annual general appropriation act for state fiscal year 2026-27, whichever
13 is later.

14 **SECTION 10. Safety clause.** The general assembly finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety or for appropriations for
17 the support and maintenance of the departments of the state and state
18 institutions.