

**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., Bacon, Barron, Boesenecker, Brown, Carter, Clifford, Duran, Gonzalez R., Hamrick, Jackson, Johnson, Lieder, Lukens, McCluskie, Nguyen, Paschal, Phillips, Rutinel, Rydin, Story

SENATE SPONSORSHIP

Mullica and Kirkmeyer,

House Committees

Health & Human Services
Appropriations

Senate Committees

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Appropriations

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.*

HOUSE
3rd Reading Unamended
May 4, 2026

HOUSE
Amended 2nd Reading
May 1, 2026

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) (a) "Transportation provider" means an individual or ENTITY,
4 INCLUDING, BUT NOT LIMITED TO, A NONPROFIT, PUBLIC, OR business
5 entity, ~~other than a transportation broker~~, that:

6 ~~(a)~~ (I) Provides transportation services TO MEDICAID MEMBERS; or

7 ~~(b)~~ (II) Arranges the facilitation of transportation services FOR
8 MEDICAID MEMBERS by an individual.

9 (b) "TRANSPORTATION PROVIDER" DOES NOT INCLUDE A
10 TRANSPORTATION BROKER OR A TRANSPORTATION NETWORK COMPANY AS
11 DEFINED IN SECTION 40-10.1-602.

12 (6) "TRANSPORTATION COMMUNITY ADVISORY BOARD" OR
13 "BOARD" MEANS THE TRANSPORTATION COMMUNITY ADVISORY BOARD
14 DESCRIBED IN SECTION 25.5-1-802 (4).

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

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

22 **25.5-1-802. Medicaid transportation services - transportation**
23 **community advisory board - safety and oversight - rules.**

24 (1) The state department shall collaborate with ~~stakeholders,~~
25 ~~including, but not limited to, disability and consumer advocates, PACE~~
26 ~~providers operating pursuant to section 25.5-5-412, transportation~~
27 ~~brokers, and transportation providers,~~ THE TRANSPORTATION COMMUNITY

1 ADVISORY BOARD to establish rules and processes for the safety and
2 oversight of nonmedical transportation services and nonemergency
3 medical transportation services provided to medicaid members pursuant
4 to articles 4 to 6 of this title 25.5. ~~The rules and processes must:~~

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

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

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

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

- 27 (a) **MEDICAID MEMBERS FROM BOTH RURAL AND URBAN AREAS**

1 WHO UTILIZE NEMT SERVICES;

2 (b) BEHAVIORAL HEALTH, PRIMARY CARE, AND OTHER TREATMENT

3 PROVIDERS SERVING MEDICAID MEMBERS;

4 (c) NEMT PROVIDERS REPRESENTING:

5 (I) RURAL AND URBAN SERVICE AREAS; AND

6 (II) LARGE, MEDIUM, AND SMALL PROVIDER ORGANIZATIONS;

7 (d) NEMT PROVIDERS WITH EXPERIENCE IN MANAGEMENT,

8 DISPATCH, DRIVING, AND COMPLIANCE;

9 (e) CONSUMER AND DISABILITY ADVOCATES REPRESENTING

10 POPULATIONS WITH DIVERSE MOBILITY, HEALTH, AND ACCESS NEEDS; AND

11 (f) HOSPITAL AND HEALTH SYSTEM REPRESENTATIVES, INCLUDING

12 ENTITIES INVOLVED IN DISCHARGE PLANNING AND CARE TRANSITIONS FOR

13 MEMBERS;

14 (g) A REPRESENTATIVE FROM THE STATE DEPARTMENT WITH

15 KNOWLEDGE AND SPECIALIZATION IN NEMT; AND

16 (h) A NONPROFIT OR PUBLIC TRANSPORTATION PROVIDER

17 REPRESENTING BOTH RURAL AND URBAN SERVICE AREAS.

18 (5) (a) TO ENSURE THAT THE COMPOSITION OF THE BOARD

19 REPRESENTS ACTIVE TRANSPORTATION PROVIDERS, FORTY PERCENT OF

20 BOARD MEMBERS MUST BE PROVIDERS WITH DIRECT NEMT OPERATIONAL

21 EXPERIENCE, INCLUDING MANAGEMENT, DISPATCH, DRIVING, OR

22 COMPLIANCE.

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

24 (c) WHEN APPOINTING OR APPROVING NEMT PROVIDER

25 REPRESENTATIVES TO THE BOARD, THE TRANSPORTATION BROKER AND

26 THE STATE DEPARTMENT SHALL ENSURE EQUITABLE REPRESENTATION

27 AMONG:

- 1 (I) FOR-PROFIT TRANSPORTATION PROVIDERS;
2 (II) NONPROFIT TRANSPORTATION PROVIDERS; AND
3 (III) PUBLIC TRANSPORTATION PROVIDERS, INCLUDING LOCAL
4 GOVERNMENT OR PUBLIC TRANSIT AGENCIES.

5 (6) BOARD MEMBERS SERVE TWO-YEAR TERMS. BOARD MEMBERS
6 SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR
7 EXPENSES.

8 (7) THE BOARD CHAIR AND STATE DEPARTMENT SHALL CIRCULATE
9 MEETING AGENDAS TO THE BOARD MEMBERS AT LEAST TEN DAYS IN
10 ADVANCE OF MEETINGS. THE BOARD SHALL DOCUMENT MEETING MINUTES
11 AND APPROVE MEETING MINUTES WITHIN FIFTEEN BUSINESS DAYS AFTER
12 EACH MEETING. THE BOARD MUST GIVE BOARD MEMBERS THE
13 OPPORTUNITY TO SUBMIT WRITTEN RECOMMENDATIONS OR COMMENTS TO
14 THE BOARD PRIOR TO BOARD ACTION OR ADVICE.

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

18 (9) THE BOARD SHALL PROVIDE RECOMMENDATIONS TO THE STATE
19 DEPARTMENT ABOUT THE STATE DEPARTMENT'S RULES, PROCESSES, AND
20 POLICIES THAT GOVERN NEMT. FINAL DECISIONS REGARDING RULES,
21 PROCESSES, AND POLICIES REMAIN THE RESPONSIBILITY OF THE STATE
22 DEPARTMENT.

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

25 (a) ESTABLISH DRIVER, VEHICLE, AND TRANSPORTATION PROVIDER
26 CREDENTIALING REQUIREMENTS;

27 (b) PROHIBIT TRIP CAPS, MARKET-SHARE RESTRICTIONS, OR OTHER

1 POLICIES THAT LIMIT TRANSPORTATION PROVIDER PARTICIPATION IN THE
2 MARKET, EXCEPT AS ALLOWED PURSUANT TO SUBSECTION (11) OF THIS
3 SECTION;

4 (c) REQUIRE THE STATE DEPARTMENT TO HOST MEETINGS WITH
5 THE BOARD NO LESS THAN QUARTERLY TO REVIEW PROGRAM
6 PERFORMANCE, IDENTIFY AND ADDRESS PROGRAM CHALLENGES, DISCUSS
7 PROGRESS TOWARD PROGRAM GOALS, AND IDENTIFY OPPORTUNITIES TO
8 ENHANCE EFFICIENCY AND OUTCOMES OF THE PROGRAM;

9 (d) REQUIRE REASONABLE ACCOMMODATION OF MEMBER
10 REQUESTS FOR AN ALTERNATE OR SPECIFIC TRANSPORTATION PROVIDER
11 WHEN OPERATIONALLY FEASIBLE;

12 (e) CREATE A PROCESS FOR MEMBERS AND TRANSPORTATION
13 PROVIDERS TO FILE CONCERNS WITH THE STATE DEPARTMENT AND FOR THE
14 STATE DEPARTMENT TO REPORT TO THE BOARD THE NUMBER OF CONCERNS
15 FILED;

16 (f) ESTABLISH PROCESSES FOR CLAIM SUBMISSION FROM
17 TRANSPORTATION PROVIDERS AND PAYMENT OF TRANSPORTATION
18 PROVIDERS;

19 (g) ESTABLISH POLICIES REGARDING THE STORAGE, ACCESS,
20 RETENTION, AND DELETION OF VIDEO RECORDINGS OF MEMBERS MADE
21 DURING NONEMERGENCY MEDICAL TRANSPORTATION. THE POLICIES MUST
22 NOT PROHIBIT THE USE OF VIDEO RECORDING FOR SAFETY OR DRIVER
23 ACCOUNTABILITY PURPOSES;

24 (h) DEVELOP BILLING PROCEDURES AND REQUIREMENTS FOR THE
25 PAYMENT OF TRANSPORTATION PROVIDERS;

26 (i) DEVELOP A PROCESS FOR TRANSPORTATION PROVIDERS TO
27 RESOLVE BILLING ISSUES WITH THE STATE DEPARTMENT OR

1 TRANSPORTATION BROKER; ■

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

4 (k) ESTABLISH POLICIES REQUIRING TRANSPORTATION PROVIDERS
5 OR THE TRANSPORTATION BROKER, OR BOTH, TO UTILIZE A DIGITAL
6 DISPATCH SOFTWARE SYSTEM THAT AUTOMATICALLY RECORDS PICK-UP
7 AND DROP-OFF ADDRESSES, GPS COORDINATES, TIMES OF PICK-UP AND
8 DROP-OFF, ROUTES DRIVEN, MILES DRIVEN, AND THE DRIVER AND VEHICLE
9 THAT PERFORMED THE TRIP; AND

10 (l) ESTABLISH THAT MEMBERS HAVE A RIGHT TO RECEIVE NEMT
11 SERVICES THAT ARE ACCESSIBLE AND APPROPRIATE TO THEIR INDIVIDUAL
12 MEDICAL AND FUNCTIONAL NEEDS, INCLUDING MOBILITY AND
13 COMMUNICATION ACCOMMODATIONS.

14 (11) THE STATE DEPARTMENT MAY IMPOSE TRIP CAPS OR
15 MARKET-SHARE RESTRICTIONS ON A TRANSPORTATION PROVIDER AS
16 CORRECTIVE ACTION AS PART OF A CORRECTIVE ACTION PLAN BASED ON
17 A TRANSPORTATION PROVIDER'S DOCUMENTED MATERIAL PERFORMANCE
18 DEFICIENCIES THAT ARE SUPPORTED BY OBJECTIVE MEASURABLE CRITERIA
19 APPLIED ON AN INDIVIDUALIZED, PROPORTIONAL, AND TIME-LIMITED BASIS
20 FOLLOWING PRIOR WRITTEN NOTICE OF THE DEFICIENCIES AND A
21 MEANINGFUL OPPORTUNITY TO CURE.

22 (12) THE STATE DEPARTMENT SHALL ENSURE ALL
23 TRANSPORTATION PROVIDERS, DRIVERS, AND VEHICLES ARE
24 CREDENTIALLED IN A MANNER SUFFICIENT TO PROTECT MEMBER SAFETY
25 AND ENSURE PROGRAM INTEGRITY. THE STATE DEPARTMENT SHALL
26 ESTABLISH REQUIREMENTS FOR TRANSPORTATION PROVIDER, DRIVER, AND
27 VEHICLE CREDENTIALING THROUGH CONTRACT OR PROGRAM POLICY. THE

1 TRANSPORTATION BROKER SHALL VERIFY COMPLIANCE WITH
2 CREDENTIALING REQUIREMENTS.

3 (13) SERVICES PROVIDED BY NONCOMPLIANT OR
4 NONCREDENTIALLED DRIVERS OR IN NONCOMPLIANT OR NONCREDENTIALLED
5 VEHICLES ARE NOT ELIGIBLE FOR REIMBURSEMENT.

6 (14) FOR THE PRIMARY PURPOSE OF SAFETY, DRIVER
7 ACCOUNTABILITY, AND FRAUD PREVENTION, TRANSPORTATION PROVIDERS
8 SHALL USE VEHICLES EQUIPPED WITH TWO-WAY VIDEO DASH CAMERAS
9 AND A VIDEO RECORDING SYSTEM WHEN TRANSPORTING MEMBERS. THE
10 VIDEO DASH CAMERA AND VIDEO RECORDING SYSTEM MUST CAPTURE
11 VISUAL DOCUMENTATION OF TRIPS, INCLUDING IMAGES OF PICK-UP AND
12 DROP-OFF OF A MEMBER. THE POLICIES REGARDING THE USE OF VIDEO
13 RECORDING DURING TRANSPORTATION SERVICES ESTABLISHED PURSUANT
14 TO SUBSECTION (10)(g) OF THIS SECTION MUST ADDRESS MEMBER
15 PRIVACY, OPERATIONAL FEASIBILITY, AND COMPLIANCE WITH APPLICABLE
16 FEDERAL AND STATE LAWS AND RELATED REGULATORY STANDARDS,
17 INCLUDING MEDICAID REQUIREMENTS. VIDEO RECORDINGS OF MEMBERS
18 ARE NOT REQUIRED FOR BILLING PURPOSES, BUT MAY BE USED FOR
19 AUDITING PURPOSES. THIS SUBSECTION (14) DOES NOT APPLY TO
20 TRANSPORTATION PROVIDERS OPERATING FLEETS OF FIVE OR FEWER
21 VEHICLES.

22 (15) THE DATA COLLECTED PURSUANT TO SUBSECTION (10)(k) OF
23 THIS SECTION MUST ONLY BE MADE AVAILABLE TO THE STATE
24 DEPARTMENT OR THE TRANSPORTATION BROKER IN DIGITAL FORMAT.

25
26 (16) THE STATE DEPARTMENT SHALL, IN ACCORDANCE WITH THE
27 "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,

1 PROVIDE ADVANCED NOTICE AND THE OPPORTUNITY FOR PUBLIC COMMENT
2 PRIOR TO THE IMPLEMENTATION OF AN NEMT RULE CHANGE.

3 (17) THE STATE DEPARTMENT SHALL ESTABLISH BILLING
4 PROCEDURES, DOCUMENTATION REQUIREMENTS, AND PAYMENT
5 STANDARDS FOR TRANSPORTATION PROVIDERS PURSUANT TO SUBSECTION
6 (10)(f) OF THIS SECTION. THE PROCEDURES MUST BE CONSISTENT WITH
7 STATE AND FEDERAL MEDICAID REQUIREMENTS AND MUST NOT REQUIRE
8 PAYMENT FOR CLAIMS THAT DO NOT MEET APPLICABLE PROGRAM
9 INTEGRITY, DOCUMENTATION, OR ELIGIBILITY STANDARDS. THE
10 PROCEDURES MUST ESTABLISH:

- 11 (a) REQUIRED CLAIM FORMATS AND SUPPORTING DOCUMENTS;
- 12 (b) CLAIM DENIAL CRITERIA; AND
- 13 (c) REIMBURSEMENT REQUIREMENTS.

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

1 PREVENT ONGOING FRAUD. IF THE STATE DEPARTMENT TAKES IMMEDIATE
2 ACTION, THE ACTIONS MUST BE:

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

9 (19) THE STATE DEPARTMENT SHALL NOTIFY TRANSPORTATION
10 PROVIDERS OF NEW BILLING OR DOCUMENTATION REQUIREMENTS OR
11 SUBSTANTIVE CHANGES, WHETHER ISSUED BY RULE OR BY INTERIM
12 GUIDANCE, AT LEAST THIRTY DAYS BEFORE THE CHANGES BECOME
13 EFFECTIVE. FORMS, TEMPLATES, OR DOCUMENTATION THAT WAS VALID
14 PRIOR TO THE EFFECTIVE DATE OF A NEW RULE CONTINUES TO BE VALID
15 THROUGH ITS EXPIRATION OR UNTIL THE END OF THE NOTICE PERIOD,
16 WHICHEVER IS LATER.

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

20 (21) MATTERS OUTSIDE THE SCOPE OF THE BOARD OR THAT
21 CANNOT BE RESOLVED AMONG BOARD MEMBERS MUST BE DIRECTED TO
22 THE STATE DEPARTMENT.

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

25 **25.5-1-803. State nonemergency transportation broker -**
26 **transportation providers - repeal.**

27 (1) (a) THE STATE DEPARTMENT MAY CONTRACT WITH A

1 TRANSPORTATION BROKER.

2 (b) A TRANSPORTATION BROKER SHALL CREATE A PUBLICLY
3 AVAILABLE CONTINGENCY PLAN TO ENSURE UNINTERRUPTED NEMT
4 SERVICES IN THE EVENT THE TRANSPORTATION BROKER EXPERIENCES
5 SYSTEM OUTAGES OR IS OTHERWISE UNABLE TO PERFORM REQUIRED
6 FUNCTIONS. THE TRANSPORTATION BROKER SHALL SHARE THE
7 CONTINGENCY PLAN WITH TRANSPORTATION PROVIDERS.

8 (c) IF THE STATE DEPARTMENT CONTRACTS WITH A
9 TRANSPORTATION BROKER, THE STATE DEPARTMENT SHALL DESIGNATE
10 REGIONS WITHIN THE STATE FOR IMPLEMENTATION OF A BROKERED NEMT
11 PROGRAM.

12 (2) THE TRANSPORTATION BROKER SHALL IMPLEMENT A BROKERED
13 NEMT PROGRAM ON A PHASED BASIS, ONE REGION AT A TIME, AND SHALL
14 NOT BEGIN IMPLEMENTATION IN A SUBSEQUENT REGION UNTIL THE
15 PROGRAM IS FULLY IMPLEMENTED IN THE PRIOR REGION. FOR PURPOSES OF
16 THIS SECTION, A PROGRAM IS FULLY IMPLEMENTED IN A REGION WHEN:

17 (a) TECHNOLOGY SYSTEMS FOR SCHEDULING, ELIGIBILITY
18 VERIFICATION, TRIP ASSIGNMENT, PROVIDER PAYMENT, AND CUSTOMER
19 SUPPORT ARE FULLY OPERATIONAL;

20 (b) TRANSPORTATION PROVIDERS IN THE REGION ARE PROVIDED A
21 REASONABLE OPPORTUNITY TO COMPLETE THE BROKER ONBOARDING
22 PROCESS, INCLUDING PROVIDER TRAINING, SYSTEM ACCESS, AND REQUIRED
23 VEHICLE AND DRIVER VERIFICATION;

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

27 (d) THE STATE DEPARTMENT HAS VERIFIED THAT PROVIDER

1 PAYMENT PROCESSES AND CUSTOMER SUPPORT FUNCTIONS OPERATE
2 EFFECTIVELY.

3 (3) THE STATE DEPARTMENT AND TRANSPORTATION BROKER
4 SHALL PROVIDE TIMELY NOTICE AND TECHNICAL ASSISTANCE TO
5 TRANSPORTATION PROVIDERS REGARDING THE ONBOARDING PROCESS.
6 PROVIDERS MAY CONTINUE TO COMPLETE ONBOARDING DURING THE
7 IMPLEMENTATION PERIOD.

8 (4) FOR TRIPS ORIGINATING IN REGIONS THAT HAVE NOT YET BEEN
9 DESIGNATED BY THE STATE DEPARTMENT FOR IMPLEMENTATION OF A
10 BROKERED NEMT PROGRAM, TRANSPORTATION PROVIDERS MAY
11 CONTINUE TO PROVIDE TRANSPORTATION SERVICES AND BILL THE STATE
12 DEPARTMENT DIRECTLY. ONCE A REGION HAS BEEN DESIGNATED FOR
13 IMPLEMENTATION OF A BROKERED NEMT PROGRAM, TRANSPORTATION
14 SERVICES PROVIDED TO MEMBERS IN THAT REGION MUST BE SCHEDULED
15 AND AUTHORIZED THROUGH THE TRANSPORTATION BROKER IN
16 ACCORDANCE WITH STATE DEPARTMENT RULES.

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

20 (6) TRANSPORTATION PROVIDERS MAY COMMUNICATE WITH
21 MEMBERS REGARDING TRANSPORTATION SERVICES, INCLUDING TRIP
22 SCHEDULING, SERVICE DELIVERY, AND OPERATIONAL QUESTIONS. THE
23 STATE DEPARTMENT AND BOARD SHALL DEVELOP POLICIES REGARDING
24 WHEN AND HOW TRANSPORTATION PROVIDERS CAN COMMUNICATE WITH
25 MEMBERS.

26 (7) THE STATE DEPARTMENT SHALL DEVELOP AND PROVIDE
27 TRANSPORTATION PROVIDERS A PROVIDER COMMUNICATION TOOLKIT TO

1 ASSIST TRANSPORTATION PROVIDERS IN DISCUSSING THE TRANSITION TO
2 TRANSPORTATION BROKER CONTROL OR OTHER PROGRAM CHANGES. THE
3 PROVIDER COMMUNICATION TOOLKIT MUST INCLUDE TALKING POINTS,
4 SCRIPTS, AND GUIDANCE TO ENSURE ACCURATE AND CONSISTENT
5 INFORMATION IS COMMUNICATED TO MEMBERS. THE STATE DEPARTMENT
6 SHALL MAKE THE PROVIDER COMMUNICATION TOOLKIT AVAILABLE TO
7 TRANSPORTATION PROVIDERS AT LEAST NINETY DAYS PRIOR TO THE
8 IMPLEMENTATION OF A BROKERED NEMT PROGRAM IN THE REGION IN
9 WHICH THE PROVIDER OPERATES.

10 (8) AT LEAST NINETY DAYS PRIOR TO THE IMPLEMENTATION OF A
11 BROKERED NEMT PROGRAM IN A REGION, THE TRANSPORTATION BROKER,
12 IN COORDINATION WITH THE STATE DEPARTMENT, SHALL PROVIDE
13 TRAINING AND TECHNICAL SUPPORT TO TRANSPORTATION PROVIDERS THAT
14 PROVIDE SERVICES IN THE REGION. THE STATE DEPARTMENT MAY EXTEND
15 THE NINETY-DAY PERIOD AS NEEDED BASED ON PROVIDER READINESS OR
16 DELAYS IN MATERIALS OR INSTRUCTION. THE TRANSPORTATION BROKER
17 SHALL PROVIDE TRAINING AND TECHNICAL SUPPORT TO TRANSPORTATION
18 PROVIDERS, WITH SUPPORT AND OVERSIGHT BY THE STATE DEPARTMENT.

19 (9) THE TRANSPORTATION BROKER SHALL PROVIDE ALL
20 TRANSPORTATION PROVIDERS IN A BROKERED NEMT PROGRAM REGION
21 WITH SOFTWARE TO FACILITATE NEMT SERVICES. THE TRANSPORTATION
22 BROKER SHALL NOT REQUIRE TRANSPORTATION PROVIDERS TO PAY THE
23 COST OF SOFTWARE LICENSING, IMPLEMENTATION, MAINTENANCE,
24 UPGRADES, OR TRAINING.

25 (10) THE TRANSPORTATION BROKER MAY ENCOURAGE A MEMBER
26 TO SCHEDULE TRANSPORTATION SERVICES AT LEAST TWO DAYS PRIOR TO
27 THEIR REQUESTED TRANSPORTATION DATE. THE TRANSPORTATION

1 BROKER SHALL ACCEPT AND MAKE REASONABLE EFFORTS TO FULFILL
2 SAME-DAY AND NEXT-DAY TRANSPORTATION REQUESTS, INCLUDING
3 REQUESTS FOR URGENT MEDICAL AND BEHAVIORAL HEALTH OUTPATIENT,
4 SPECIALTY, AND HOSPITAL VISITS; TIME-SENSITIVE IN-STATE AND
5 OUT-OF-STATE TRANSFERS; AND DISCHARGES FROM HEALTH-CARE
6 FACILITIES, WHEN FEASIBLE, AND SHALL NOT REQUIRE ADVANCED NOTICE
7 THAT WOULD UNREASONABLY LIMIT ACCESS TO MEDICALLY NECESSARY
8 SERVICES. THE TRANSPORTATION BROKER SHALL ALLOW MEMBERS TO
9 SCHEDULE SINGLE AND RECURRING TRANSPORTATION SERVICES. THE
10 TRANSPORTATION BROKER SHALL ALLOW MEMBERS, PRIOR TO THE
11 REQUESTED TRANSPORTATION SERVICES, TO REQUEST A TRANSPORTATION
12 PROVIDER OR REQUEST A DIFFERENT TRANSPORTATION PROVIDER. THE
13 TRANSPORTATION BROKER SHALL NOT DIRECT MEMBERS AWAY FROM
14 THEIR PREFERRED TRANSPORTATION PROVIDER. THE TRANSPORTATION
15 BROKER SHALL DOCUMENT AND RETAIN ALL PROVIDER PREFERENCE
16 REQUESTS FOR AUDIT PURPOSES. THE TRANSPORTATION BROKER MAY
17 ONLY PROVIDE MEMBERS THE OPTION TO REQUEST A SPECIFIC PROVIDER
18 AFTER ALL SERVICE REGIONS HAVE BEEN IMPLEMENTED. THE PROHIBITION
19 ON DIRECTING MEMBERS AWAY FROM PREFERRED TRANSPORTATION
20 PROVIDERS DOES NOT APPLY WHEN THE PROVIDER IS SUBJECT TO TRIP CAPS
21 OR MARKET-SHARE RESTRICTIONS AS PART OF A CORRECTIVE ACTION PLAN
22 PURSUANT TO SECTION 25.5-1-802 (11).

23 (11) A TRANSPORTATION BROKER, OR A TRANSPORTATION
24 PROVIDER IF THERE IS NO TRANSPORTATION BROKER, SHALL VERIFY A
25 MEMBER'S ELIGIBILITY FOR NEMT SERVICES IMMEDIATELY UPON A
26 MEMBER'S REQUEST FOR NEMT TRANSPORTATION SERVICES USING
27 REAL-TIME ACCESS TO THE STATE DEPARTMENT'S ELIGIBILITY SYSTEM. IF

1 VERIFICATION CANNOT BE COMPLETED DUE TO SYSTEM ISSUES OR
2 INCOMPLETE INFORMATION, THE TRANSPORTATION BROKER SHALL NOTIFY
3 THE MEMBER AND THE STATE DEPARTMENT AS SOON AS PRACTICABLE AND
4 TAKE ACTION TO RESOLVE THE ISSUE PROMPTLY. ONCE ELIGIBILITY IS
5 VERIFIED, THE MEMBER IS IMMEDIATELY ELIGIBLE TO SCHEDULE TRIPS, IN
6 ACCORDANCE WITH PROGRAM RULES.

7 (12) THE TRANSPORTATION BROKER SHALL ENSURE ALL
8 TRANSPORTATION PROVIDERS MEET THE CREDENTIALING REQUIREMENTS
9 ESTABLISHED BY STATE DEPARTMENT RULE. NOTHING IN THIS SUBSECTION
10 (12) PROHIBITS A TRANSPORTATION BROKER FROM IMPOSING ADDITIONAL
11 CREDENTIALING, TRAINING, OR SAFETY REQUIREMENTS NECESSARY TO
12 ENSURE MEMBER SAFETY, PROGRAM INTEGRITY, OR QUALITY OF SERVICE.

13 (13)(a) THE TRANSPORTATION BROKER SHALL NOT OPERATE, OWN,
14 OR CONTROL AN NEMT TRANSPORTATION PROVIDER THAT OPERATES IN
15 COLORADO. THE TRANSPORTATION BROKER SHALL MAINTAIN POLICIES
16 CONCERNING PREVENTING CONFLICTS OF INTEREST AND ENSURE THAT TRIP
17 ASSIGNMENTS ARE MADE CONSISTENT WITH SAFETY, COMPLIANCE, AND
18 OPERATIONAL STANDARDS. NOTHING IN THIS SUBSECTION (13) LIMITS
19 PROVIDER PARTICIPATION OR IMPOSES TRIP CAPS.

20 (b) A TRANSPORTATION BROKER THAT ENTERED INTO A CONTRACT
21 WITH THE STATE DEPARTMENT PRIOR TO JANUARY 1, 2026, TO PROVIDE
22 TRANSPORTATION SERVICES AS A TRANSPORTATION PROVIDER MAY
23 CONTINUE PROVIDING TRANSPORTATION SERVICES AS A TRANSPORTATION
24 PROVIDER UNTIL SEPTEMBER 1, 2026. A TRANSPORTATION BROKER WHO
25 HAS CONTRACTED WITH THE STATE DEPARTMENT TO PROVIDE
26 TRANSPORTATION SERVICES AS A TRANSPORTATION PROVIDER AND WHOSE
27 CONTRACT IS EXECUTED, AMENDED, OR RENEWED ON OR AFTER JANUARY

1 1, 2026, SHALL NOT OPERATE, OWN OR CONTROL AN NEMT
2 TRANSPORTATION PROVIDER THAT OPERATES IN COLORADO PURSUANT TO
3 SUBSECTION (13)(a) OF THIS SECTION.

4 (c) SUBSECTION (13)(b) OF THIS SECTION AND THIS SUBSECTION
5 (13)(c) ARE REPEALED, EFFECTIVE JANUARY 1, 2027.

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 MEET THE DRIVER, VEHICLE, SAFETY, AND CREDENTIALING
22 REQUIREMENTS ESTABLISHED BY THE STATE DEPARTMENT FOR
23 TRANSPORTATION NETWORK COMPANIES PARTICIPATING IN THE NEMT
24 PROGRAM, AS APPLICABLE.

25 (20) A LICENSED AMBULANCE SERVICE PROVIDER IS NOT SUBJECT
26 TO THE REQUIREMENTS OF THIS SECTION.

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.