

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0578.01 Jerry Barry x4341

HOUSE BILL 16-1097

HOUSE SPONSORSHIP

Coram and Moreno,

SENATE SPONSORSHIP

Scott,

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 CONCERNING REGULATION OF MEDICAID NONEMERGENCY
102 TRANSPORTATION PROVIDERS.

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 creates a new category of limited regulation carriers that allows providers of nonemergency transportation to medicaid clients to operate under a limited regulation permit from the public utilities commission (commission) rather than a certificate of public convenience and necessity. The commission may issue a limited regulation permit if the provider satisfies the financial responsibility requirements for permit

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.

holders, provides satisfactory proof of an agreement with the department of health care policy and financing or its agent, and provides such additional information as the commission may require. The bill also establishes that a limited regulation permit is valid for one year after issuance.

The bill authorizes the department of health care policy and financing to forward medicaid money to the commission to offset some of the costs of issuing permits.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-10.1-110, **amend**
3 (1) as follows:

4 **40-10.1-110. Criminal history record check - rules.** (1) An
5 individual who wishes to drive either a taxicab for a motor carrier that is
6 the holder of a certificate to provide taxicab service issued under part 2
7 of this article or a motor vehicle for a motor carrier that is the holder of
8 a permit to operate as a charter bus, children's activity bus, luxury
9 limousine, MEDICAID CLIENT TRANSPORT, or off-road scenic charter under
10 part 3 of this article shall submit a set of his or her fingerprints to the
11 commission. The commission shall forward the fingerprints to the
12 Colorado bureau of investigation for the purpose of obtaining a
13 fingerprint-based criminal history record check. Upon receipt of
14 fingerprints and payment for the costs, the Colorado bureau of
15 investigation shall conduct a state and national fingerprint-based criminal
16 history record check using records of the Colorado bureau of
17 investigation and the federal bureau of investigation. The commission is
18 the authorized agency to receive information regarding the result of a
19 national criminal history record check. The individual whose fingerprints
20 are checked shall pay the actual costs of the state and national
21 fingerprint-based criminal history record check.

1 **SECTION 2.** In Colorado Revised Statutes, 40-10.1-301, **amend**
2 (9); and **add** (10), (11), and (12) as follows:

3 **40-10.1-301. Definitions.** As used in this part 3, unless the
4 context otherwise requires:

5 (9) ~~"Off-road scenic charter" means a motor vehicle that~~
6 ~~transports passengers, on a charter basis, to scenic points within~~
7 ~~Colorado, originating and terminating at the same location and using a~~
8 ~~route that is wholly or partly off of paved roads. "Off-road scenic charter"~~
9 ~~does not include the transport of passengers to commercial locations~~

10 "MEDICAID CLIENT TRANSPORT" MEANS A MOTOR VEHICLE THAT
11 TRANSPORTS PASSENGERS WHO ARE RECIPIENTS OF MEDICAID PURSUANT
12 TO ARTICLES 4 TO 6 OF TITLE 25.5, C.R.S., AND ARE BEING TRANSPORTED
13 UNDER A MEDICAID NONEMERGENT MEDICAL TRANSPORTATION CONTRACT
14 OR A MEDICAID NONMEDICAL TRANSPORTATION CONTRACT.

15 (10) "MEDICAID NONEMERGENT MEDICAL TRANSPORTATION
16 CONTRACT" MEANS A CONTRACT OR PROVIDER AGREEMENT WITH THE
17 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING OR ITS APPROVED
18 AGENT FOR THE PURPOSE OF PROVIDING NONEMERGENT MEDICAL
19 TRANSPORTATION TO APPROVED RECIPIENTS OF MEDICAID.

20 (11) "MEDICAID NONMEDICAL TRANSPORTATION CONTRACT"
21 MEANS A CONTRACT OR PROVIDER AGREEMENT WITH THE DEPARTMENT OF
22 HEALTH CARE POLICY AND FINANCING OR ITS APPROVED AGENT FOR THE
23 PURPOSE OF PROVIDING NONMEDICAL TRANSPORTATION TO APPROVED
24 RECIPIENTS OF MEDICAID.

25 (12) "OFF-ROAD SCENIC CHARTER" MEANS A MOTOR VEHICLE THAT
26 TRANSPORTS PASSENGERS, ON A CHARTER BASIS, TO SCENIC POINTS WITHIN
27 COLORADO, ORIGINATING AND TERMINATING AT THE SAME LOCATION AND

1 USING A ROUTE THAT IS WHOLLY OR PARTLY OFF OF PAVED ROADS.
2 "OFF-ROAD SCENIC CHARTER" DOES NOT INCLUDE THE TRANSPORT OF
3 PASSENGERS TO COMMERCIAL LOCATIONS.

4 **SECTION 3.** In Colorado Revised Statutes, 40-10.1-302, **amend**
5 (1) and (2); and **add** (5) as follows:

6 **40-10.1-302. Permit requirements.** (1) (a) A person shall not
7 operate or offer to operate a charter bus, children's activity bus, fire crew
8 transport, luxury limousine, MEDICAID CLIENT TRANSPORT, or off-road
9 scenic charter in intrastate commerce without first having obtained a
10 permit therefor from the commission in accordance with this part 3.

11 (b) A person may apply for a permit under this part 3 to the
12 commission in such form and with such information as the commission
13 may require. A PERMIT IS VALID FOR ONE YEAR AFTER THE DATE OF
14 ISSUANCE.

15 (2) (a) Except as otherwise provided in subsection (3) of this
16 section, the commission shall issue a permit to a motor carrier of
17 passengers under this part 3 upon completion of the application and
18 compliance with the financial responsibility requirements of this article.

19 (b) (I) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (a) OF
20 THIS SUBSECTION (2), A PERSON APPLYING FOR A MEDICAID CLIENT
21 TRANSPORT PERMIT SHALL PROVIDE THE COMMISSION PROOF OF A
22 MEDICAID CLIENT TRANSPORT AGREEMENT WITH THE DEPARTMENT OF
23 HEALTH CARE POLICY AND FINANCING OR ITS APPROVED AGENT IN SUCH
24 FORM AND WITH SUCH INFORMATION AS THE COMMISSION MAY REQUIRE.

25 (II) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
26 MAY TRANSFER MEDICAID MONEY TO THE COMMISSION TO ASSIST THE
27 COMMISSION IN ITS REGULATION OF MEDICAID TRANSPORT UNDER THIS

1 ARTICLE. ANY MONEY THAT THE COMMISSION RECEIVES FROM THE
2 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IS CONTINUOUSLY
3 APPROPRIATED TO THE COMMISSION.

4 (5) EFFECTIVE JULY 1, 2016, ANY EXISTING PERMIT ISSUED
5 PURSUANT TO THIS PART 3 EXPIRES ON THE ANNIVERSARY OF ITS
6 ISSUANCE.

7 **SECTION 4. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.