

## CHAPTER 186

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**PUBLIC UTILITIES**

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**HOUSE BILL 16-1097**

BY REPRESENTATIVE(S) Coram and Moreno, Court, Kraft-Tharp, Melton, Primavera, Roupe, Saine, Vigil, Winter, Young;  
also SENATOR(S) Scott, Baumgardner, Cooke, Crowder, Heath, Kefalas, Kerr, Martinez Humenik, Newell, Tate, Todd.

**AN ACT**

**CONCERNING REGULATION OF MEDICAID NONEMERGENCY TRANSPORTATION PROVIDERS, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.**

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

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

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

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

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

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(9) ~~"Off-road scenic charter" means a motor vehicle that transports passengers, on a charter basis, to scenic points within Colorado, originating and terminating at the same location and using a route that is wholly or partly off of paved roads. "Off-road scenic charter" does not include the transport of passengers to commercial locations~~ "MEDICAID CLIENT TRANSPORT" MEANS A MOTOR VEHICLE THAT TRANSPORTS PASSENGERS WHO ARE RECIPIENTS OF MEDICAID PURSUANT TO ARTICLES 4 TO 6 OF TITLE 25.5, C.R.S., AND ARE BEING TRANSPORTED UNDER A MEDICAID NONEMERGENT MEDICAL TRANSPORTATION CONTRACT OR A MEDICAID NONMEDICAL TRANSPORTATION CONTRACT.

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

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

(12) "OFF-ROAD SCENIC CHARTER" MEANS A MOTOR VEHICLE THAT TRANSPORTS PASSENGERS, ON A CHARTER BASIS, TO SCENIC POINTS WITHIN COLORADO, ORIGINATING AND TERMINATING AT THE SAME LOCATION AND USING A ROUTE THAT IS WHOLLY OR PARTLY OFF OF PAVED ROADS. "OFF-ROAD SCENIC CHARTER" DOES NOT INCLUDE THE TRANSPORT OF PASSENGERS TO COMMERCIAL LOCATIONS.

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

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

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

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

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

(II) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING MAY TRANSFER MEDICAID MONEY TO THE COMMISSION TO ASSIST THE COMMISSION IN ITS REGULATION OF MEDICAID TRANSPORT UNDER THIS ARTICLE. ANY MONEY THAT THE COMMISSION RECEIVES FROM THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IS CONTINUOUSLY APPROPRIATED TO THE COMMISSION.

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

**SECTION 4. Appropriation - adjustments to 2016 long bill.** (1) To implement this act, the appropriation made in the annual general appropriation act for the 2016-17 state fiscal year to the department of health care policy and financing for medical services premiums is decreased by \$71,954, which consists of \$69,405 from the general fund and \$2,549 from the hospital provider fee cash fund created in section 25.5-4-402.3 (4) (a), C.R.S.

(2) The figure shown in the federal funds column in the annual general appropriation act for the 2016-17 state fiscal year for the department of health care policy and financing for medical services premiums is decreased by \$143,317. The decrease in subsection (1) of this section is based on the assumption that the federal funds received by the department will decrease by this amount.

(3) For the 2016-17 state fiscal year, \$59,578 is appropriated to the department of health care policy and financing for use by the executive director's office. This appropriation is from the general fund and is subject to the "(M)" notation as defined in the general appropriation act for the same fiscal year. To implement this act, the department may use this appropriation for transfers to the department of regulatory agencies for regulation of Medicaid transportation providers.

(4) For the 2016-17 state fiscal year, the general assembly anticipates that the department of health care policy and financing will receive \$18,750 in federal funds for transfers to the department of regulatory agencies for regulation of Medicaid transportation providers. The appropriation in subsection (3) of this section is based on the assumption that the department will receive this amount of federal funds.

(5) For the 2016-17 state fiscal year, \$2,636 is appropriated to the department of public safety for use by the Colorado bureau of investigation. This appropriation is from the Colorado bureau of investigation identification unit fund created in section 24-33.5-426, C.R.S. To implement this act, the bureau may use this appropriation for operating expenses related to identification.

(6) For the 2016-17 state fiscal year, \$23,753 is appropriated to the department of law. This appropriation is from reappropriated funds received from the public utilities commission in the department of regulatory agencies from money received from the department of health care policy and financing under subsections (3) and (4) of this section and is based on an assumption that the department of law will require an additional 0.1 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of regulatory agencies.

(7) For the 2016-17 state fiscal year, \$8,755 is appropriated to the office of the

governor for use by the office of information technology. This appropriation is from reappropriated funds received from the public utilities commission in the department of regulatory agencies from money received from the department of health care policy and financing under subsections (3) and (4) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of regulatory agencies.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 20, 2016