

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 17-1077.04 Brita Darling x2241

HOUSE BILL 17-1353

HOUSE SPONSORSHIP

Young, Hamner, Rankin

SENATE SPONSORSHIP

Lundberg, Lambert, Moreno

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING IMPLEMENTING MEDICAID INITIATIVES THAT CREATE**
102 **HIGHER VALUE IN THE MEDICAID PROGRAM LEADING TO BETTER**
103 **HEALTH OUTCOMES FOR MEDICAID CLIENTS, AND, IN**
104 **CONNECTION THEREWITH, CONTINUING THE IMPLEMENTATION**
105 **OF THE ACCOUNTABLE CARE COLLABORATIVE AND**
106 **AUTHORIZING PERFORMANCE-BASED PROVIDER PAYMENTS.**

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/>.)

Joint Budget Committee. The bill authorizes the department of

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.

health care policy and financing (department) to continue its implementation of the medicaid care delivery system, referred to as the accountable care collaborative (ACC). The bill defines the goals of the ACC and the department's implementation of the ACC, including, in part, establishing primary care medical homes for medicaid clients, providing regional coordination and accountability, and integrating physical and behavioral health care delivery. The medical services board is required to promulgate rules implementing the ACC.

The bill requires the department to submit an annual report concerning the implementation of the ACC to the joint budget committee and to the health care committees of the house of representatives and of the senate that oversee the medicaid program. Among other information listed in the bill, the report must include information on the number of medicaid clients participating in the ACC, performance results, and fiscal impacts of the ACC.

The bill authorizes the department of health care policy and financing (department) to implement performance-based payments for medicaid providers. Prior to implementing performance-based payments, the department shall report to the joint budget committee concerning the performance-based payments, including whether the payments require a budget request, the amount of the payments compared to total reimbursements for the affected service, and a description of the stakeholder process and the department's response to stakeholder feedback. After implementation of performance-based payments, the department shall report to the joint budget committee and the health care committees of the house of representatives and the senate that oversee the medicaid program concerning the design of the performance-based payments, the stakeholder engagement process with respect to the payments, and other information regarding the implementation of the performance-based payments described in the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-4-103, **amend**
3 the introductory portion; and **add** (1.5) as follows:

4 **25.5-4-103. Definitions.** As used in this ~~article~~ ARTICLE 4 and
5 articles 5 and 6 of this ~~title~~ TITLE 25.5, unless the context otherwise
6 requires:

7 (1.5) "ACCOUNTABLE CARE COLLABORATIVE" MEANS A MEDICAID
8 CARE DELIVERY SYSTEM ESTABLISHED PURSUANT TO SECTION 25.5-5-419.

1 **SECTION 2.** In Colorado Revised Statutes, **add 25.5-5-419** as
2 follows:

3 **25.5-5-419. Accountable care collaborative - reporting - rules.**

4 (1) IN 2011, THE STATE DEPARTMENT CREATED THE ACCOUNTABLE CARE
5 COLLABORATIVE, ALSO REFERRED TO IN THIS TITLE 25.5 AS THE MEDICAID
6 COORDINATED CARE SYSTEM. THE STATE DEPARTMENT SHALL CONTINUE
7 TO PROVIDE CARE DELIVERY THROUGH THE ACCOUNTABLE CARE
8 COLLABORATIVE. THE GOALS OF THE ACCOUNTABLE CARE
9 COLLABORATIVE ARE TO IMPROVE MEMBER HEALTH AND REDUCE COSTS
10 IN THE MEDICAID PROGRAM. TO ACHIEVE THESE GOALS, THE STATE
11 DEPARTMENT'S IMPLEMENTATION OF THE ACCOUNTABLE CARE
12 COLLABORATIVE MUST INCLUDE, BUT NEED NOT BE LIMITED TO:

13 (a) ESTABLISHING PRIMARY CARE MEDICAL HOMES FOR MEDICAID
14 CLIENTS WITHIN THE ACCOUNTABLE CARE COLLABORATIVE;

15 (b) PROVIDING REGIONAL CARE COORDINATION AND PROVIDER
16 NETWORK SUPPORT;

17 (c) PROVIDING DATA TO REGIONAL ENTITIES AND PROVIDERS TO
18 HELP MANAGE CLIENT CARE;

19 (d) INTEGRATING THE DELIVERY OF BEHAVIORAL HEALTH,
20 INCLUDING MENTAL HEATH AND SUBSTANCE USE DISORDERS, AND
21 PHYSICAL HEALTH SERVICES FOR CLIENTS;

22 (e) CONNECTING PRIMARY CARE WITH SPECIALTY CARE AND
23 NONHEALTH COMMUNITY SUPPORTS;

24 (f) PROMOTING MEMBER CHOICE AND ENGAGEMENT;

25 (g) UTILIZING INNOVATIVE CARE MODELS AND PROVIDER PAYMENT
26 MODELS AS PART OF THE CARE DELIVERY SYSTEM, INCLUDING CAPITATED
27 MANAGED CARE MODELS WITHIN THE BROADER ACCOUNTABLE CARE

1 COLLABORATIVE;

2 (h) RECEIVING FEEDBACK FROM AFFECTED STAKEHOLDER GROUPS;

3 (i) ESTABLISHING A FLEXIBLE STRUCTURE THAT WOULD ALLOW
4 FOR THE EFFICIENT OPERATION OF THE ACCOUNTABLE CARE
5 COLLABORATIVE TO FURTHER INCLUDE MEDICAID POPULATIONS AND
6 SERVICES, INCLUDING LONG-TERM CARE SERVICES AND SUPPORTS; AND

7 (j) ESTABLISHING A CARE DELIVERY SYSTEM AND PROVIDER
8 PAYMENT PLATFORM THAT CAN ADAPT TO CHANGING FEDERAL FINANCIAL
9 PARTICIPATION MODELS OR FUNDING LEVELS.

10 (2) THE STATE DEPARTMENT SHALL FACILITATE TRANSPARENCY
11 AND COLLABORATION IN THE DEVELOPMENT, PERFORMANCE
12 MANAGEMENT, AND EVALUATION OF THE ACCOUNTABLE CARE
13 COLLABORATIVE THROUGH THE CREATION OF STAKEHOLDER ADVISORY
14 COMMITTEES.

15 (3) ON OR BEFORE DECEMBER 1, 2017, AND ON OR BEFORE
16 DECEMBER 1 EACH YEAR THEREAFTER, THE STATE DEPARTMENT SHALL
17 PREPARE AND SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE, THE
18 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
19 REPRESENTATIVES, AND THE HEALTH AND HUMAN SERVICES COMMITTEE
20 OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, CONCERNING THE
21 IMPLEMENTATION OF THE ACCOUNTABLE CARE COLLABORATIVE.
22 NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), THE
23 REPORT REQUIRED PURSUANT TO THIS SUBSECTION (3) CONTINUES
24 INDEFINITELY. AT A MINIMUM, THE STATE DEPARTMENT'S REPORT MUST
25 INCLUDE THE FOLLOWING INFORMATION CONCERNING THE ACCOUNTABLE
26 CARE COLLABORATIVE:

27 (a) THE NUMBER OF MEDICAID CLIENTS ENROLLED IN THE

- 1 PROGRAM;
- 2 (b) PERFORMANCE RESULTS WITH AN EMPHASIS ON MEMBER
3 HEALTH IMPACTS;
- 4 (c) CURRENT ADMINISTRATIVE FEES AND COSTS FOR THE
5 PROGRAM;
- 6 (d) FISCAL PERFORMANCE;
- 7 (e) A DESCRIPTION OF ACTIVITIES THAT PROMOTE ACCESS TO
8 SERVICES FOR MEDICAID MEMBERS IN RURAL AND FRONTIER COUNTIES;
- 9 (f) INFORMATION ON ANY ADVISORY COMMITTEES CREATED,
10 INCLUDING THE PARTICIPANTS, FOCUS, STAKEHOLDER FEEDBACK, AND
11 OUTCOMES OF THE WORK OF THE ADVISORY COMMITTEES;
- 12 (g) FUTURE AREAS OF PROGRAM FOCUS AND DEVELOPMENT,
13 INCLUDING, AMONG OTHERS, A PLAN TO STUDY THE COSTS AND BENEFITS
14 OF FURTHER COVERAGE OF SUBSTANCE USE DISORDER TREATMENT; AND
- 15 (h) INFORMATION CONCERNING EFFORTS TO REDUCE MEDICAID
16 WASTE AND INEFFICIENCIES THROUGH THE ACCOUNTABLE CARE
17 COLLABORATIVE, INCLUDING:
- 18 (I) THE SPECIFIC EFFORTS WITHIN THE ACCOUNTABLE CARE
19 COLLABORATIVE, INCLUDING A SUMMARY OF TECHNOLOGY-BASED
20 EFFORTS, TO IDENTIFY AND IMPLEMENT BEST PRACTICES RELATING TO
21 COST CONTAINMENT; REDUCING AVOIDABLE, DUPLICATIVE, VARIABLE,
22 AND INAPPROPRIATE USES OF HEALTH CARE RESOURCES; AND THE
23 OUTCOME OF THOSE EFFORTS, INCLUDING COST SAVINGS, IF KNOWN;
- 24 (II) ANY STATUTES, POLICIES, OR PROCEDURES THAT PREVENT
25 REGIONAL ENTITIES FROM REALIZING EFFICIENCIES AND REDUCING WASTE
26 WITHIN THE MEDICAID SYSTEM; AND
- 27 (III) ANY OTHER EFFORTS BY REGIONAL ENTITIES OR THE STATE

1 DEPARTMENT TO ENSURE THAT THOSE WHO PROVIDE CARE FOR MEDICAID
2 CLIENTS ARE AWARE OF AND ACTIVELY PARTICIPATE IN REDUCING WASTE
3 WITHIN THE MEDICAID SYSTEM.

4 (4) ON OR BEFORE DECEMBER 1, 2017, THE STATE DEPARTMENT
5 SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE, THE PUBLIC
6 HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
7 REPRESENTATIVES, AND THE HEALTH AND HUMAN SERVICES COMMITTEE
8 OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, OUTLINING THE
9 STATUTORY CHANGES NEEDED TO PART 4 OF THIS ARTICLE 5 RELATING TO
10 THE STATEWIDE MANAGED CARE SYSTEM, AS WELL AS ANY OTHER
11 SECTIONS OF THE COLORADO REVISED STATUTES, IN ORDER TO ALIGN
12 COLORADO LAW WITH THE FEDERAL "MEDICAID AND CHIP MANAGED
13 CARE FINAL RULE", CMS-2390-F.

14 (5) THE STATE BOARD SHALL PROMULGATE RULES IMPLEMENTING
15 THE ACCOUNTABLE CARE COLLABORATIVE.

16 **SECTION 3.** In Colorado Revised Statutes, **add** 25.5-4-401.2 as
17 follows:

18 **25.5-4-401.2. Performance-based payments - reporting.** (1) TO
19 IMPROVE HEALTH OUTCOMES AND LOWER HEALTH CARE COSTS, THE STATE
20 DEPARTMENT IS AUTHORIZED TO IMPLEMENT PAYMENTS TO PROVIDERS
21 THAT ARE BASED ON QUANTIFIABLE PERFORMANCE OR MEASURES OF
22 QUALITY OF CARE. THESE PERFORMANCE-BASED PAYMENTS MAY INCLUDE,
23 BUT ARE NOT LIMITED TO, PAYMENTS TO:

- 24 (a) PRIMARY CARE PROVIDERS;
- 25 (b) FEDERALLY QUALIFIED HEALTH CENTERS;
- 26 (c) PROVIDERS OF LONG-TERM CARE SERVICES AND SUPPORTS; AND
- 27 (d) BEHAVIORAL HEALTH PROVIDERS, INCLUDING, BUT NOT

1 LIMITED TO:

2 (I) COMMUNITY MENTAL HEALTH CENTERS, AS DEFINED IN SECTION
3 27-66-101; AND

4 (II) ENTITIES CONTRACTED WITH THE DEPARTMENT TO
5 ADMINISTER THE MEDICAID COMMUNITY MENTAL HEALTH SERVICES
6 PROGRAM, ESTABLISHED IN SECTION 25.5-5-411.

7 (2)(a) PRIOR TO IMPLEMENTING PERFORMANCE-BASED PAYMENTS
8 IN THE MEDICAID PROGRAM PURSUANT TO THIS ARTICLE 4 AND ARTICLES
9 5 AND 6 OF THIS TITLE 25.5, INCLUDING PERFORMANCE-BASED PAYMENTS
10 SET FORTH IN THIS SECTION, THE STATE DEPARTMENT SHALL SUBMIT TO
11 THE JOINT BUDGET COMMITTEE:

12 (I)(A) EVIDENCE THAT THE PERFORMANCE-BASED PAYMENTS ARE
13 DESIGNED TO ACHIEVE BUDGET SAVINGS; OR

14 (B) A BUDGET REQUEST FOR COSTS ASSOCIATED WITH THE
15 PERFORMANCE-BASED PAYMENTS;

16 (II) THE ESTIMATED PERFORMANCE-BASED PAYMENTS COMPARED
17 TO TOTAL REIMBURSEMENTS FOR THE AFFECTED SERVICE; AND

18 (III) A DESCRIPTION OF THE STAKEHOLDER ENGAGEMENT PROCESS
19 FOR DEVELOPING THE PERFORMANCE-BASED PAYMENTS, INCLUDING THE
20 PARTICIPANTS IN THE PROCESS AND A SUMMARY OF THE STAKEHOLDER
21 FEEDBACK, AND THE STATE DEPARTMENT'S RESPONSE TO STAKEHOLDER
22 FEEDBACK.

23 (b) THE INFORMATION REQUIRED PURSUANT TO SUBSECTION (2)(a)
24 OF THIS SECTION MUST BE PROVIDED ON OR BEFORE NOVEMBER 1 FOR
25 PERFORMANCE-BASED PAYMENTS THAT WILL TAKE EFFECT IN THE
26 FOLLOWING FISCAL YEAR UNLESS THE STATE DEPARTMENT INCLUDES WITH
27 ITS SUBMISSION AN EXPLANATION OF THE NEED FOR FASTER

1 IMPLEMENTATION OF THE PAYMENT. IF FASTER IMPLEMENTATION IS
2 REQUESTED, THE STATE DEPARTMENT SHALL PROVIDE THE INFORMATION
3 AT LEAST THREE MONTHS PRIOR TO THE IMPLEMENTATION OF THE
4 PERFORMANCE-BASED PAYMENTS UNLESS COMPLIANCE WITH FEDERAL
5 LAW NECESSITATES SHORTER NOTICE.

6 (3) ON OR BEFORE NOVEMBER 1, 2017, AND ON OR BEFORE
7 NOVEMBER 1 EACH YEAR THEREAFTER, THE STATE DEPARTMENT SHALL
8 SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE, THE PUBLIC HEALTH
9 CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
10 REPRESENTATIVES, AND THE HEALTH AND HUMAN SERVICES COMMITTEE
11 OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, DESCRIBING RULES
12 ADOPTED BY THE STATE BOARD AND CONTRACT PROVISIONS APPROVED BY
13 THE CENTERS FOR MEDICARE AND MEDICAID SERVICES IN THE PRECEDING
14 CALENDAR YEAR THAT AUTHORIZE PAYMENTS TO PROVIDERS BASED ON
15 PERFORMANCE. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136
16 (11)(a)(I), THE REPORT REQUIRED PURSUANT TO THIS SUBSECTION (3)
17 CONTINUES INDEFINITELY. THE REPORT MUST INCLUDE, AT A MINIMUM:

18 (a) A DESCRIPTION OF PERFORMANCE-BASED PAYMENTS INCLUDED
19 IN STATE BOARD RULES, INCLUDING WHICH PERFORMANCE STANDARDS
20 ARE TARGETED WITH EACH PERFORMANCE-BASED PAYMENT;

21 (b) A DESCRIPTION OF THE GOALS AND OBJECTIVES OF THE
22 PERFORMANCE-BASED PAYMENTS, AND HOW THOSE GOALS AND
23 OBJECTIVES ALIGN WITH OTHER QUALITY IMPROVEMENT INITIATIVES;

24 (c) A SUMMARY OF THE RESEARCH-BASED EVIDENCE FOR THE
25 PERFORMANCE-BASED PAYMENTS, TO THE EXTENT SUCH EVIDENCE IS
26 AVAILABLE;

27 (d) A SUMMARY OF THE ANTICIPATED IMPACT AND CLINICAL AND

1 NONCLINICAL OUTCOMES OF IMPLEMENTING THE PERFORMANCE-BASED
2 PAYMENTS;

3 (e) A DESCRIPTION OF HOW THE IMPACT OR OUTCOMES WILL BE
4 EVALUATED;

5 (f) AN EXPLANATION OF STEPS TAKEN BY THE STATE DEPARTMENT
6 TO LIMIT THE ADMINISTRATIVE BURDEN ON PROVIDERS;

7 (g) A SUMMARY OF THE STAKEHOLDER ENGAGEMENT PROCESS
8 WITH RESPECT TO EACH PERFORMANCE-BASED PAYMENT, INCLUDING
9 MAJOR CONCERNS RAISED THROUGH THE STAKEHOLDER PROCESS AND
10 HOW THOSE CONCERNS WERE REMEDIATED;

11 (h) WHEN AVAILABLE, EVALUATION RESULTS FOR
12 PERFORMANCE-BASED PAYMENTS THAT WERE IMPLEMENTED IN PRIOR
13 YEARS; AND

14 (i) A DESCRIPTION OF PROPOSED MODIFICATIONS TO CURRENT
15 PERFORMANCE-BASED PAYMENTS.

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