

CHAPTER 204

HUMAN SERVICES - BEHAVIORAL HEALTH

SENATE BILL 18-207

BY SENATOR(S) Moreno, Lambert, Lundberg;
also REPRESENTATIVE(S) Rankin, Hamner, Young, Becker K., Singer.

AN ACT

CONCERNING AUTHORITY FOR THE DEPARTMENT OF HUMAN SERVICES TO RETAIN AMOUNTS FROM CERTAIN CASH FUNDS FOR ITS INDIRECT COSTS.

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

SECTION 1. In Colorado Revised Statutes, 26-11-205.5, **amend** (2) as follows:

26-11-205.5. Older Coloradans program - distribution formula - cash fund.

(2) ~~Moneys~~ AFTER RETAINING AN AMOUNT FOR THE STATE DEPARTMENT'S INDIRECT COSTS, AS CALCULATED UNDER THE FEDERALLY APPROVED COST ALLOCATION PLAN, MONEY appropriated for the program shall be distributed to area agencies on aging using the same formula that the state office uses to distribute ~~moneys~~ MONEY available under Title III, parts (B), (C), (D), and (F) of the federal "Older Americans Act of 1965", as amended, but such ~~moneys~~ MONEY shall be allocated as a whole and not allocated to individual parts of Title III; except that appropriations from the fund of accumulated interest are not subject to the restriction that requires allocations as a whole. An area agency on aging shall use no more than ten percent of the ~~moneys~~ MONEY received from the program for administrative expenses.

SECTION 2. In Colorado Revised Statutes, 26-6.4-107, **amend** (2)(b) as follows:

26-6.4-107. Selection of entities to administer the program - grants - nurse home visitor program fund - created. (2) (b) Grants awarded pursuant to ~~paragraph (a) of this subsection~~ (2) SUBSECTION (2)(a) OF THIS SECTION are payable from the nurse home visitor program fund, which fund is hereby created in the state treasury. The nurse home visitor program fund, referred to in this section as the "fund", is administered by the state department and consists of ~~moneys~~ MONEY transferred thereto by the state treasurer from ~~moneys~~ MONEY received pursuant to

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

the master settlement agreement in the amount described in ~~paragraph (d) of this subsection (2)~~ SUBSECTION (2)(d) OF THIS SECTION. In addition, the state treasurer shall credit to the fund any public or private gifts, grants, or donations received by the state department to implement the program, including any ~~moneys~~ MONEY received from the United States federal government for the program. The fund is subject to annual appropriation by the general assembly to the state department for grants to entities for operation of the program. The state department may retain THE AMOUNT NEEDED TO PAY FOR THE PROGRAM'S SHARE OF THE STATE DEPARTMENT'S INDIRECT COSTS, AS CALCULATED UNDER THE FEDERALLY APPROVED COST ALLOCATION PLAN. IN ADDITION, THE STATE DEPARTMENT MAY RETAIN a total of up to five percent of the amount annually appropriated from the fund for the program, in order to compensate the health sciences facility pursuant to section 26-6.4-105 (3), as set forth in the scope of work in the agreement between the state department and the health sciences facility, and to compensate the state department for the actual costs the state department incurs in implementing the provisions of ~~paragraph (a.5) of this subsection (2)~~ SUBSECTION (2)(a.5) OF THIS SECTION, as determined by the state department; except that the portion of the costs to compensate the state department for implementing the provisions of ~~paragraph (a.5) of this subsection (2)~~ SUBSECTION (2)(a.5) OF THIS SECTION shall not exceed two percent of the amount annually appropriated from the fund for the program, and the portion of such costs to compensate the health sciences facility under section 26-6.4-105 (3), as set forth in the scope of work in the contract between the state department and the health sciences facility, shall not exceed three percent of the amount annually appropriated from the fund for the program. In addition, if the total amount annually appropriated from the fund for the program exceeds nineteen million dollars, the state department and the health sciences facility shall assess whether a smaller percentage of the appropriated funds exceeding nineteen million dollars is adequate to cover their actual costs and shall jointly submit to the general assembly a report articulating their conclusions on this subject. The actual costs of the state department include state department personnel and operating costs and any necessary transfers to the department of health care policy and financing for administrative costs incurred for the medicaid program associated with the program. The actual costs of the health sciences facility include the facility's own actual program costs and those of its contractors and subcontractors. Any costs for time studies required to obtain medicaid reimbursement for the program may be paid from program funds and are not subject to the five percent limit in this section. Notwithstanding section 24-36-114, ~~C.R.S.~~; all interest derived from the deposit and investment of ~~moneys~~ MONEY in the fund shall be credited to the fund. All unexpended and unencumbered ~~moneys~~ MONEY in the fund at the end of any fiscal year ~~remain~~ REMAINS in the fund and shall not be transferred to the general fund or any other fund.

SECTION 3. 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 4, 2018