

CHAPTER 191

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 19-1320

BY REPRESENTATIVE(S) Kennedy and Lontine, Bird, Buentello, Caraveo, Cutter, Duran, Exum, Galindo, Hooton, Jackson, McCluskie, Mullica, Roberts, Singer, Sirota, Snyder, Titone;
also SENATOR(S) Winter, Fenberg.

AN ACT

CONCERNING REQUIRING CERTAIN HEALTH CARE PROVIDERS TO BE ACCOUNTABLE TO THEIR COMMUNITIES.

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

SECTION 1. In Colorado Revised Statutes, **add** part 7 to article 1 of title 25.5 as follows:

PART 7
HEALTH CARE PROVIDERS' ACCOUNTABILITY
TO COMMUNITIES

25.5-1-701. Definitions. AS USED IN THIS PART 7, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMUNITY" MEANS THE COMMUNITY THAT A HOSPITAL HAS DEFINED AS THE COMMUNITY THAT IT SERVES PURSUANT TO 26 CFR 1.501(r)-3 (b)(3).

(2) "COMMUNITY BENEFIT IMPLEMENTATION PLAN" MEANS A PLAN THAT SATISFIES THE REQUIREMENTS OF AN IMPLEMENTATION STRATEGY, AS SET FORTH IN 26 CFR 1.501(r)-3 (c).

(3) "COMMUNITY HEALTH NEEDS ASSESSMENT" MEANS A COMMUNITY HEALTH NEEDS ASSESSMENT THAT SATISFIES THE REQUIREMENTS OF 26 CFR 1.501(r)-3.

(4) "COMMUNITY-IDENTIFIED HEALTH NEED" MEANS A HEALTH NEED OF A COMMUNITY THAT IS IDENTIFIED IN A COMMUNITY HEALTH NEEDS ASSESSMENT.

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

(5) (a) "REPORTING HOSPITAL" MEANS:

(I) A HOSPITAL LICENSED AS A GENERAL HOSPITAL PURSUANT TO PART 1 OF ARTICLE 3 OF THIS TITLE 25.5 AND EXEMPT FROM FEDERAL TAXATION PURSUANT TO SECTION 501 (c)(3) OF THE FEDERAL INTERNAL REVENUE CODE;

(II) A HOSPITAL ESTABLISHED PURSUANT TO SECTION 25-29-103; OR

(III) A HOSPITAL ESTABLISHED PURSUANT TO SECTION 23-21-503.

(b) NOTWITHSTANDING SUBSECTION (5)(a) OF THIS SECTION, "REPORTING HOSPITAL" DOES NOT INCLUDE A HOSPITAL THAT IS LICENSED AS A GENERAL HOSPITAL WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THAT IS:

(I) FEDERALLY CERTIFIED OR UNDERGOING FEDERAL CERTIFICATION AS A LONG-TERM CARE HOSPITAL PURSUANT TO 42 CFR 412.23 (e); OR

(II) FEDERALLY CERTIFIED OR UNDERGOING FEDERAL CERTIFICATION AS A CRITICAL ACCESS HOSPITAL PURSUANT TO 42 CFR 485 SUBPART F.

25.5-1-702. Hospitals - public community meeting requirement. (1) AT LEAST ONCE EACH YEAR, EACH HOSPITAL SHALL CONVENE A PUBLIC MEETING TO SEEK FEEDBACK REGARDING THE HOSPITAL'S COMMUNITY BENEFIT ACTIVITIES DURING THE PREVIOUS YEAR AND THE HOSPITAL'S COMMUNITY BENEFIT IMPLEMENTATION PLAN FOR THE FOLLOWING YEAR.

(2) (a) EACH HOSPITAL SHALL INVITE, AT A MINIMUM, REPRESENTATIVES FROM THE FOLLOWING ENTITIES TO PARTICIPATE IN THE MEETING DESCRIBED IN SUBSECTION (1) OF THIS SECTION, IF ANY SUCH ENTITIES OPERATE IN THE HOSPITAL'S COMMUNITY:

(I) LOCAL PUBLIC HEALTH AGENCIES;

(II) LOCAL CHAMBERS OF COMMERCE AND ECONOMIC DEVELOPMENT ORGANIZATIONS;

(III) LOCAL HEALTH CARE CONSUMER ORGANIZATIONS;

(IV) SCHOOL DISTRICTS;

(V) COUNTY GOVERNMENTS;

(VI) CITY AND TOWN GOVERNMENTS;

(VII) COMMUNITY HEALTH CENTERS;

(VIII) CERTIFIED RURAL HEALTH CLINICS OR PRIMARY CARE CLINICS LOCATED IN A COUNTY THAT HAS BEEN DESIGNATED BY THE FEDERAL OFFICE OF MANAGEMENT AND BUDGET AS A RURAL OR FRONTIER COUNTY;

(IX) AREA AGENCIES ON AGING; AND

(X) HEALTH CARE CONSUMER ADVOCACY ORGANIZATIONS.

(b) IN ADDITION TO THE ENTITIES DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION, EACH HOSPITAL SHALL INVITE, AT A MINIMUM, REPRESENTATIVES FROM THE FOLLOWING STATE AGENCIES TO PARTICIPATE IN THE MEETING DESCRIBED IN SUBSECTION (1) OF THIS SECTION:

(I) THE STATE DEPARTMENT;

(II) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

(III) THE DEPARTMENT OF HUMAN SERVICES;

(IV) THE COLORADO COMMISSION ON HIGHER EDUCATION; AND

(V) THE OFFICE OF SAVING PEOPLE MONEY ON HEALTH CARE IN THE LIEUTENANT GOVERNOR'S OFFICE.

(c) IN ADDITION TO THE ENTITIES DESCRIBED IN SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION, EACH HOSPITAL SHALL INVITE THE GENERAL PUBLIC TO THE ANNUAL MEETING DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE HOSPITAL SHALL ISSUE SUCH INVITATION IN AN ADVERTISEMENT PLACED IN ANY MAJOR NEWSPAPER PUBLISHED IN THE HOSPITAL'S COMMUNITY.

(3) TO SATISFY THE REQUIREMENTS OF THIS SECTION, A HOSPITAL MAY CONVENE A JOINT PUBLIC MEETING WITH ONE OR MORE OTHER HOSPITALS THAT SHARE SOME OR ALL OF THE HOSPITAL'S COMMUNITY.

25.5-1-703. Hospitals - community health needs assessments - community benefit implementation plans - reports - rules. (1) ON OR BEFORE A DATE TO BE DETERMINED BY RULES PROMULGATED BY THE STATE BOARD, AND ON OR BEFORE SUCH DATE EVERY THREE YEARS THEREAFTER, EACH REPORTING HOSPITAL SHALL COMPLETE A COMMUNITY HEALTH NEEDS ASSESSMENT.

(2) ON OR BEFORE A DATE TO BE DETERMINED BY RULES PROMULGATED BY THE STATE BOARD, AND ON OR BEFORE SUCH DATE EACH YEAR THEREAFTER, EACH REPORTING HOSPITAL SHALL COMPLETE A COMMUNITY BENEFIT IMPLEMENTATION PLAN THAT ADDRESSES THE NEEDS DESCRIBED BY THE REPORTING HOSPITAL'S COMMUNITY HEALTH NEEDS ASSESSMENT.

(3) ON OR BEFORE A DATE TO BE DETERMINED BY RULES PROMULGATED BY THE STATE BOARD, AND ON OR BEFORE SUCH DATE EACH YEAR THEREAFTER, EACH REPORTING HOSPITAL SHALL PREPARE AND SUBMIT TO THE STATE DEPARTMENT A REPORT ON CERTAIN COMMUNITY BENEFITS, COSTS, AND SHORTFALLS. THE REPORT MUST INCLUDE:

(a) THE REPORTING HOSPITAL'S MOST RECENT COMMUNITY HEALTH NEEDS ASSESSMENT COMPLETED PURSUANT TO SUBSECTION (1) OF THIS SECTION;

(b) THE REPORTING HOSPITAL'S COMMUNITY BENEFIT IMPLEMENTATION PLAN FOR THE COMING YEAR COMPLETED PURSUANT TO SUBSECTION (2) OF THIS SECTION;

(c) A COPY OF THE REPORTING HOSPITAL'S MOST RECENT FORM 990 SUBMITTED TO THE FEDERAL INTERNAL REVENUE SERVICE; AND

(d) A DESCRIPTION OF CERTAIN SPENDING AND INVESTMENTS MADE BY THE REPORTING HOSPITAL DURING THE PRECEDING YEAR, INCLUDING:

(I) A LIST OF THE INVESTMENTS MADE BY THE REPORTING HOSPITAL THAT WERE INCLUDED IN PART I, PART II, AND PART III OF SCHEDULE H OF THE REPORTING HOSPITAL'S FORM 990. FOR EACH SUCH INVESTMENT, THE REPORTING HOSPITAL SHALL:

(A) INDICATE THE COST OF THE INVESTMENT;

(B) INDICATE WHETHER THE INVESTMENT ADDRESSED A COMMUNITY-IDENTIFIED HEALTH NEED;

(C) FOR ANY INVESTMENT THAT ADDRESSED A COMMUNITY-IDENTIFIED HEALTH NEED, IDENTIFY ANY OF THE FOLLOWING CATEGORIES, WHICH MAY BE FURTHER DEFINED BY RULES PROMULGATED BY THE STATE BOARD, THAT ARE APPLICABLE: FREE OR DISCOUNTED HEALTH CARE SERVICES, PROGRAMS THAT ADDRESS HEALTH BEHAVIORS OR RISKS, PROGRAMS THAT ADDRESS THE SOCIAL DETERMINANTS OF HEALTH, AND SUCH OTHER CATEGORIES AS MAY BE DEFINED IN RULES PROMULGATED BY THE STATE BOARD; AND

(D) FOR ANY INVESTMENT THAT ADDRESSED A COMMUNITY-IDENTIFIED HEALTH NEED, DESCRIBE AVAILABLE EVIDENCE THAT SHOWS HOW THE INVESTMENT IMPROVES COMMUNITY HEALTH OUTCOMES.

(II) THE REPORTING HOSPITAL'S TOTAL EXPENSES INCLUDED IN LINE 18 OF SECTION 1 OF THE FORM 990 SUBMITTED BY THE REPORTING HOSPITAL OR BY THE REPORTING HOSPITAL'S OWNERSHIP ENTITY; AND

(III) THE REPORTING HOSPITAL'S REVENUE LESS EXPENSES INCLUDED IN LINE 19 OF SECTION 1 OF THE FORM 990 SUBMITTED BY THE REPORTING HOSPITAL OR BY THE REPORTING HOSPITAL'S OWNERSHIP ENTITY.

(4) A REPORTING HOSPITAL THAT PREPARES AND SUBMITS A REPORT PURSUANT TO SUBSECTION (3) OF THIS SECTION SHALL POST THE REPORT TO THE REPORTING HOSPITAL'S PUBLIC WEBSITE.

(5) (a) THE STATE BOARD SHALL PROMULGATE RULES ESTABLISHING REPORTING REQUIREMENTS FOR REPORTING HOSPITALS THAT ARE NOT REQUIRED TO COMPLETE SCHEDULE H OF THE FORM 990. THE RULES MUST PROMOTE UNIFORMITY WITH THE REQUIREMENTS SET FORTH IN SUBSECTION (3) OF THIS SECTION.

(b) A GENERAL HOSPITAL THAT IS LICENSED AS A GENERAL HOSPITAL PURSUANT TO PART 1 OF ARTICLE 3 OF THIS TITLE 25.5 AND THAT IS NOT A REPORTING HOSPITAL MAY SUBMIT A REPORT ON CERTAIN COMMUNITY BENEFITS, COSTS, AND SHORTFALLS

THAT IS CONSISTENT WITH THIS SECTION.

(6) TO FACILITATE THE SUBMISSION OF THE REPORTS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, THE STATE DEPARTMENT SHALL DEVELOP AND PROVIDE A WEBSITE AT WHICH EACH REPORTING HOSPITAL SHALL SUBMIT THE REPORTS. THE STATE DEPARTMENT SHALL ENSURE THAT THE WEBSITE AND THE REPORTS REMAIN AVAILABLE TO THE PUBLIC.

(7) AS PART OF THE REPORT AUTHORIZED IN SECTION 25.5-4-402.8, THE STATE DEPARTMENT SHALL INCLUDE A SUMMARY OF THE REPORTS SUBMITTED TO THE STATE DEPARTMENT PURSUANT TO SUBSECTION (3) OF THIS SECTION DURING THE PRECEDING YEAR. THE SUMMARY MUST INCLUDE:

(a) THE AMOUNT THAT EACH REPORTING HOSPITAL INVESTED IN:

(I) FREE OR REDUCED-COST HEALTH CARE SERVICES THAT ADDRESSED COMMUNITY-IDENTIFIED HEALTH NEEDS;

(II) PROGRAMS THAT ADDRESSED HEALTH BEHAVIORS OR RISKS;

(III) PROGRAMS THAT ADDRESSED SOCIAL DETERMINANTS OF HEALTH; AND

(IV) ALL SERVICES AND PROGRAMS THAT ADDRESSED COMMUNITY-IDENTIFIED HEALTH NEEDS;

(b) A SUMMARY OF THE REPORTING HOSPITALS' INVESTMENTS THAT HAVE BEEN EFFECTIVE IN IMPROVING COMMUNITY HEALTH OUTCOMES; AND

(c) ANY LEGISLATIVE RECOMMENDATIONS THE STATE DEPARTMENT HAS FOR THE GENERAL ASSEMBLY.

(8) THE STATE DEPARTMENT SHALL POST THE REPORTS COMPLETED PURSUANT TO SUBSECTION (7) OF THIS SECTION TO A PUBLIC WEB PAGE THAT THE STATE DEPARTMENT CREATES FOR THIS SOLE PURPOSE.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 16, 2019