

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

PREAMENDED

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

LLS NO. 21-0755.01 Alana Rosen x2606

HOUSE BILL 21-1206

HOUSE SPONSORSHIP

Larson and Valdez A.,

SENATE SPONSORSHIP

Moreno and Coram,

House Committees

Health & Insurance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROTECTION OF CRITICAL SERVICES THROUGH THE**
102 **CREATION OF SUSTAINABLE MEDICAID TRANSPORTATION**
103 **SAFETY REQUIREMENTS, AND, IN CONNECTION THEREWITH,**
104 **MAKING AND REDUCING AN APPROPRIATION.**

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>.)

Current law requires the public utilities commission (commission) to oversee the safety and oversight of medicaid nonmedical and nonemergency medical transportation services (transportation services).

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

The bill eliminates the commission's responsibility to oversee the safety and oversight of the transportation services.

The bill requires the department of health care policy and financing (department) to oversee the safety and oversight of the transportation services. The bill also requires the department to collaborate with stakeholders to establish rules and processes for the transportation services.

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

SECTION 1. In Colorado Revised Statutes, **add** part 8 to article 1 of title 25.5 as follows:

PART 8

MEDICAID NONMEDICAL AND

NONEMERGENCY MEDICAL TRANSPORTATION

25.5-1-801. Definitions. AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "NONEMERGENCY MEDICAL TRANSPORTATION" MEANS TRANSPORTATION TO OR FROM MEDICALLY NECESSARY NONEMERGENCY TREATMENT.

(2) "NONMEDICAL TRANSPORTATION" MEANS TRANSPORTATION TO ENABLE PASSENGERS WHO ARE RECIPIENTS OF MEDICAID TO GAIN ACCESS TO WAIVER AND OTHER COMMUNITY SERVICES, ACTIVITIES, AND RESOURCES.

(3) "TRANSPORTATION SERVICES" MEANS NONEMERGENCY MEDICAL TRANSPORTATION OR NONMEDICAL TRANSPORTATION SERVICES PROVIDED TO MEDICAID RECIPIENTS.

25.5-1-802. Medicaid transportation services - safety and oversight - rules. (1) THE STATE DEPARTMENT SHALL COLLABORATE WITH STAKEHOLDERS TO ESTABLISH RULES AND PROCESSES FOR THE SAFETY AND OVERSIGHT OF NONMEDICAL TRANSPORTATION SERVICES AND

1 NONEMERGENCY MEDICAL TRANSPORTATION SERVICES PROVIDED TO
2 MEDICAID RECIPIENTS PURSUANT TO ARTICLES 4 TO 6 OF THIS TITLE 25.5.

3 THE RULES AND PROCESSES MUST:

- 4 (a) ENSURE THE SAFETY OF PASSENGERS;
- 5 (b) PROTECT PASSENGER ACCESS TO TRANSPORTATION SERVICES;

6 AND

- 7 (c) ESTABLISH DRIVER AND VEHICLE REQUIREMENTS THAT
8 MINIMIZE FINANCIAL AND ADMINISTRATIVE BURDENS FOR PROVIDERS,
9 DIRECT SUPPORT PROFESSIONALS AS DEFINED IN SECTION 25.5-6-406,
10 LONG-TERM CARE DIRECT CARE WORKERS, CONTRACTORS, AND OTHER
11 EMPLOYEES PROVIDING TRANSPORTATION SERVICES.

12 (2) TO THE EXTENT POSSIBLE, THE STATE DEPARTMENT SHALL USE
13 EXISTING OVERSIGHT PROCEDURES TO ENSURE COMPLIANCE WITH THE
14 REQUIREMENTS AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

15 (3) IF A PROVIDER OF TRANSPORTATION SERVICES ALREADY
16 COMPLIES WITH TRANSPORTATION SAFETY STANDARDS ESTABLISHED BY
17 ANOTHER STATE DEPARTMENT WHICH MEET OR EXCEED THE RULES AND
18 PROCESSES ESTABLISHED PURSUANT TO SUBSECTION (1) OF THIS SECTION,
19 DEMONSTRATING SUCH COMPLIANCE TO THE STATE DEPARTMENT IS
20 SUFFICIENT TO VERIFY COMPLIANCE WITH THE REQUIREMENTS OF THIS
21 SECTION.

22 **SECTION 2.** In Colorado Revised Statutes, 40-10.1-105, **amend**
23 (1) introductory portion, (1)(j), and (1)(k); and **add** (1)(l) as follows:

24 **40-10.1-105. Transportation not subject to regulation.** (1) The
25 following types of transportation are not subject to regulation under this
26 ~~article~~ ARTICLE 10.1:

- 27 (j) Transportation performed by the federal government, a state,

1 or any agency or political subdivision of either, whether through an
2 intergovernmental agreement, contractual arrangement, or otherwise; and

3 (k) Transportation of repossessed property by a secured creditor
4 or assignee, or by a reposessor on behalf of a secured creditor or
5 assignee, when repossessing pursuant to section 4-9-629; ~~C.R.S.~~ AND

6 (l) TRANSPORTATION BY MOTOR VEHICLES USED FOR NONMEDICAL
7 TRANSPORTATION AND NONEMERGENCY MEDICAL TRANSPORTATION
8 PROVIDED THROUGH MEDICAID PURSUANT TO SECTION 25.5-1-802.

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

11 **40-10.1-110. Criminal history record check - rules.** (1) (a) An
12 individual who wishes to drive: A taxicab for a motor carrier that is the
13 holder of a certificate to provide taxicab service issued under part 2 of
14 this article 10.1; a motor vehicle for a motor carrier that is the holder of
15 a permit to operate as a charter bus, children's activity bus, luxury
16 limousine, ~~medicaid client transport~~, or off-road scenic charter under part
17 3 of this article 10.1; or a motor vehicle for a motor carrier that is the
18 holder of a permit to operate as a large-market taxicab service under part
19 7 of this article 10.1 must have the individual's fingerprints taken by a
20 local law enforcement agency or any third party approved by the
21 Colorado bureau of investigation for the purpose of obtaining a
22 fingerprint-based criminal history record check.

23 **SECTION 4.** In Colorado Revised Statutes, 40-10.1-301, **repeal**
24 (9), (10), and (11) as follows:

25 **40-10.1-301. Definitions.** As used in this part 3, unless the
26 context otherwise requires:

27 (9) "~~Medicaid client transport~~" means a motor vehicle that

1 transports passengers who are recipients of medicaid pursuant to articles
2 4 to 6 of title 25.5, C.R.S., and are being transported under a medicaid
3 nonemergent medical transportation contract or a medicaid nonmedical
4 transportation contract.

5 (10) ~~"Medicaid nonemergent medical transportation contract"~~
6 ~~means a contract or provider agreement with the department of health~~
7 ~~care policy and financing or its approved agent for the purpose of~~
8 ~~providing nonemergent medical transportation to approved recipients of~~
9 ~~medicaid.~~

10 (11) ~~"Medicaid nonmedical transportation contract" means a~~
11 ~~contract or provider agreement with the department of health care policy~~
12 ~~and financing or its approved agent for the purpose of providing~~
13 ~~nonmedical transportation to approved recipients of medicaid.~~

14 **SECTION 5.** In Colorado Revised Statutes, 40-10.1-302, **amend**
15 **(1)(a); and repeal (2)(b)** as follows:

16 **40-10.1-302. Permit requirements.** (1) (a) A person shall not
17 operate or offer to operate a charter bus, children's activity bus, fire crew
18 transport, luxury limousine, ~~medicaid client transport~~, or off-road scenic
19 charter in intrastate commerce without first having obtained a permit
20 therefor from the commission in accordance with this part 3.

21 (2) (b) ~~(I) In addition to the requirements of paragraph (a) of this~~
22 ~~subsection (2), a person applying for a medicaid client transport permit~~
23 ~~shall provide the commission proof of a medicaid client transport~~
24 ~~agreement with the department of health care policy and financing or its~~
25 ~~approved agent in such form and with such information as the~~
26 ~~commission may require.~~

27 ~~(II) The department of health care policy and financing may~~

1 transfer medicaid money to the commission to assist the commission in
2 its regulation of medicaid transport under this article. Any money that the
3 commission receives from the department of health care policy and
4 financing is continuously appropriated to the commission.

5 **SECTION 6. Appropriation - adjustments to 2021 long bill.**

6 (1) To implement this act, the general fund appropriation made in the
7 annual general appropriation act for the 2021-22 state fiscal year to the
8 department of health care policy and financing for transfer to department
9 of regulatory agencies for regulation of Medicaid transportation is
10 decreased by \$66,003.

11 (2) The decrease of the appropriations in subsection (1) of this
12 section is based on the assumption that the anticipated amount of federal
13 funds received for the 2021-22 state fiscal year by the department of
14 health care policy and financing for transfer to department of regulatory
15 agencies for regulation of Medicaid transportation will decrease by
16 \$37,500, which is subject to the "(I)" notation as defined in the annual
17 general appropriation act for the same fiscal year.

18 (3) For the 2021-22 state fiscal year, \$66,003 is appropriated to the
19 department of health care policy and financing. This appropriation is from
20 the general fund, which is subject to the "(M)" notation as defined in the
21 annual general appropriation act for the same fiscal year. To implement
22 this act, the department may use this appropriation for medical and
23 long-term care services for Medicaid eligible individuals.

24 (4) For the 2021-22 state fiscal year, the general assembly
25 anticipates that the department of health care policy and financing will
26 receive \$37,500 in federal funds for medical and long-term care services
27 for Medicaid eligible individuals to implement this act. The appropriation

1 in subsection (3) of this section is based on the assumption that the
2 department will receive this amount of federal funds.

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