

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

INTRODUCED

LLS NO. 21-0159.01 Yelana Love x2295

SENATE BILL 21-187

SENATE SPONSORSHIP

Danielson,

HOUSE SPONSORSHIP

Jackson,

Senate Committees
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A DIALYSIS TRANSPORTATION**
102 **PROVIDER REIMBURSEMENT PROGRAM.**

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>.)

The bill creates the dialysis transportation provider reimbursement program (program) within the department of transportation. The program is created to reimburse dialysis transportation providers that transport dialysis patients who are 50 years of age or older and are not otherwise covered by medicaid. The program is funded by a per-treatment fee paid by each for-profit dialysis treatment clinic.

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.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Dialysis treatment is a matter of life and death for individuals
5 with end-stage renal disease;

6 (b) Many individuals do not have reliable and affordable
7 transportation options to get to and from a dialysis treatment center three
8 times each week, although missing treatments is potentially life
9 threatening;

10 (c) Dialysis transportation using public and nonprofit
11 transportation providers must be booked in advance. It is not unusual for
12 demand to peak in the mornings, putting a severe strain on the
13 transportation providers.

14 (d) There are instances when there are no public or nonprofit
15 transportation providers available, and the patient must turn to a friend,
16 neighbor, relative, or other private transportation; and

17 (e) It is essential to bridge the gap for patients who need dialysis
18 transportation and would otherwise be unable to receive their
19 life-sustaining treatment without this act.

20 **SECTION 2.** In Colorado Revised Statutes, 25-1.5-108, **add** (5.7)
21 as follows:

22 **25-1.5-108. Regulation of dialysis treatment clinics - training**
23 **for hemodialysis technicians - state board of health rules - definitions**
24 **- repeal.** (5.7) STARTING JULY 1, 2021, EACH FOR-PROFIT DIALYSIS
25 TREATMENT CLINIC SHALL SUBMIT A FEE TO THE DEPARTMENT OF
26 TRANSPORTATION IN THE AMOUNT DETERMINED BY THE DEPARTMENT OF

1 TRANSPORTATION PURSUANT TO SECTION 43-1-127 (4)(a).

2 **SECTION 3.** In Colorado Revised Statutes, **add** 43-1-127 as
3 follows:

4 **43-1-127. Dialysis transportation reimbursement program -**
5 **fee for dialysis treatment clinics - dialysis transportation fund -**
6 **eligibility for reimbursement - definitions.** (1) AS USED IN THIS
7 SECTION:

8 (a) "DIALYSIS PATIENT" MEANS A PATIENT WHO:

9 (I) OBTAINS DIALYSIS TREATMENT AT A DIALYSIS TREATMENT
10 CLINIC;

11 (II) IS FIFTY YEARS OF AGE OR OLDER; AND

12 (III) IS NOT ELIGIBLE FOR MEDICAL ASSISTANCE UNDER THE
13 "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4 TO 6 OF TITLE 25.5.

14 (b) "DIALYSIS TRANSPORTATION PROVIDER" MEANS A
15 NONMEDICAL TRANSPORTATION PROVIDER, FAMILY MEMBER, OR FRIEND
16 TRANSPORTING A DIALYSIS PATIENT TO OR FROM A DIALYSIS TREATMENT
17 CLINIC.

18 (c) "DIALYSIS TREATMENT CLINIC" HAS THE SAME MEANING AS SET
19 FORTH IN SECTION 25-1.5-108 (1)(a).

20 (d) "FUND" MEANS THE DIALYSIS TRANSPORTATION FUND CREATED
21 IN SUBSECTION (3) OF THIS SECTION.

22 (e) "PROGRAM" MEANS THE DIALYSIS TRANSPORTATION PROVIDER
23 REIMBURSEMENT PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

24 (2) THERE IS HEREBY CREATED IN THE DEPARTMENT THE DIALYSIS
25 TRANSPORTATION PROVIDER REIMBURSEMENT PROGRAM. THE
26 DEPARTMENT SHALL ADMINISTER THE PROGRAM, WHICH IS CREATED TO
27 REIMBURSE DIALYSIS TRANSPORTATION PROVIDERS AS REQUIRED IN THIS

1 SECTION.

2 (3) (a) THE DIALYSIS TRANSPORTATION FUND IS HEREBY CREATED
3 IN THE STATE TREASURY. THE FUND CONSISTS OF FEES CREDITED TO THE
4 FUND PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION AND ANY OTHER
5 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
6 TO THE FUND.

7 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
8 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
9 FUND TO THE FUND.

10 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
11 DEPARTMENT TO PROVIDE MILEAGE REIMBURSEMENT FOR DIALYSIS
12 TRANSPORTATION PROVIDERS WHO TRANSPORT DIALYSIS PATIENTS TO OR
13 FROM A DIALYSIS TREATMENT CLINIC.

14 (4) (a) THE DEPARTMENT SHALL ESTABLISH AND IMPOSE ON EACH
15 FOR-PROFIT DIALYSIS TREATMENT CLINIC A FEE PER DIALYSIS TREATMENT
16 PROVIDED BY THE FOR-PROFIT DIALYSIS TREATMENT CLINIC. EXCEPT AS
17 AUTHORIZED IN SUBSECTION (4)(b) OF THIS SECTION, THE FEE MUST NOT
18 EXCEED FIFTEEN PERCENT OF THE PER-TREATMENT REIMBURSEMENT RATE
19 PAID TO TREATMENT PROVIDERS IN THE PREVIOUS CALENDAR YEAR
20 PURSUANT TO THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4
21 TO 6 OF TITLE 25.5. THE DEPARTMENT SHALL DEPOSIT THE FEES IN THE
22 FUND.

23 (b) AT THE END OF EACH STATE FISCAL YEAR, THE DEPARTMENT
24 SHALL CONSIDER THE FUND BALANCE AND ANALYZE THE AMOUNT OF FEES
25 COLLECTED PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION, THE TOTAL
26 AMOUNT OF REIMBURSEMENTS REQUESTED BY DIALYSIS TRANSPORTATION
27 PROVIDERS, THE TOTAL AMOUNT OF MONEY REIMBURSED TO DIALYSIS

1 TRANSPORTATION PROVIDERS PURSUANT TO SUBSECTION (6) OF THIS
2 SECTION, THE DIFFERENCE BETWEEN THE AMOUNT OF REIMBURSEMENTS
3 REQUESTED AND THE AMOUNT OF REIMBURSEMENTS PAID, IF ANY, AND
4 THE DEPARTMENT'S ADMINISTRATIVE COSTS INCURRED IN OPERATING THE
5 PROGRAM. IF THE FEES COLLECTED IN THE PRIOR STATE FISCAL YEAR AND
6 THE BALANCE IN THE FUND WERE INSUFFICIENT TO REIMBURSE ALL
7 DIALYSIS TRANSPORTATION PROVIDERS ELIGIBLE FOR REIMBURSEMENT
8 PURSUANT TO THIS SECTION IN THAT STATE FISCAL YEAR AND TO COVER
9 THE DEPARTMENT'S ADMINISTRATIVE COSTS IN OPERATING THE PROGRAM,
10 THE DEPARTMENT SHALL INCREASE THE FEE IMPOSED ON DIALYSIS
11 TREATMENT CLINICS TO BE APPLIED IN THE FOLLOWING STATE FISCAL
12 YEAR, RETROACTIVELY IF NECESSARY, IN THE AMOUNT NECESSARY TO
13 PROVIDE REIMBURSEMENT FOR ALL DIALYSIS TRANSPORTATION PROVIDERS
14 AND TO COVER THE DEPARTMENT'S ADMINISTRATIVE COSTS.

15 (5) EACH DIALYSIS TRANSPORTATION PROVIDER IN THE STATE,
16 OTHER THAN A FRIEND OR FAMILY MEMBER OF A DIALYSIS PATIENT, SHALL
17 SUBMIT A MONTHLY REPORT TO THE DEPARTMENT, IN THE FORM AND
18 MANNER REQUIRED BY THE DEPARTMENT, REGARDING THE MILES
19 TRAVELED TO AND FROM DIALYSIS TREATMENT AND THE DIALYSIS
20 PATIENTS TRANSPORTED.

21 (6) (a) SUBJECT TO AVAILABLE FUNDING, ON AND AFTER JANUARY
22 1, 2022, THE DEPARTMENT SHALL PROVIDE MILEAGE REIMBURSEMENT TO
23 DIALYSIS TRANSPORTATION PROVIDERS THAT TRANSPORT A DIALYSIS
24 PATIENT TO OR FROM A DIALYSIS TREATMENT CLINIC. THE DEPARTMENT
25 SHALL DETERMINE THE REIMBURSEMENT RATE, WHICH RATE MUST EQUAL
26 OR EXCEED THE MILEAGE REIMBURSEMENT RATE FOR THE
27 TRANSPORTATION OF DIALYSIS PATIENTS RECEIVING ASSISTANCE UNDER

1 THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4 TO 6 OF TITLE
2 25.5.

3 (b) A DIALYSIS TRANSPORTATION PROVIDER IS ELIGIBLE TO
4 RECEIVE REIMBURSEMENT PURSUANT TO SUBSECTION (6)(a) OF THIS
5 SECTION FOR MILES TRAVELED TRANSPORTING DIALYSIS PATIENTS.

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