

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 21-0868.01 Jacob Baus x2173

SENATE BILL 21-211

SENATE SPONSORSHIP

Moreno, Hansen, Rankin, Simpson

HOUSE SPONSORSHIP

Herod, McCluskie

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REMOVAL OF CERTAIN MEASURES RELATED TO THE**
102 **REDUCTION OF THE ADULT DENTAL BENEFIT ENACTED IN HOUSE**
103 **BILL 20-1361, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **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/>.)

Joint Budget Committee. The bill eliminates certain measures that reduce the adult dental benefit.

The bill requires the state treasurer to transfer money from the

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.

SENATE
3rd Reading Unamended
April 9, 2021

SENATE
2nd Reading Unamended
April 8, 2021

general fund to the unclaimed property trust fund to repay the unclaimed property trust fund for money transferred from it to the general fund in the 2020-21 fiscal year from savings from the reduction of the adult dental benefit in the medical assistance program.

The bill makes an appropriation.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-5-207, **repeal**
3 (2.5) as follows:

4 **25.5-5-207. Adult dental benefit - adult dental fund - creation**
5 **- legislative declaration.** (2.5) ~~(a) Beginning when the higher federal~~
6 ~~match afforded through the federal "Families First Coronavirus Response~~
7 ~~Act", Pub.L. 116-127, or any amendment thereto, expires through June~~
8 ~~30, 2022, the adult dental benefit provided by this section must not~~
9 ~~exceed one thousand dollars per year for each recipient.~~

10 ~~(b) This subsection (2.5) is repealed, effective December 31,~~
11 ~~2022.~~

12 **SECTION 2.** In Colorado Revised Statutes, 25.5-4-402.4, **amend**
13 (6)(a)(I); and **repeal** (4)(a)(II.5), (5)(b)(VIII.5), and (6)(b)(I.3) as follows:

14 **25.5-4-402.4. Hospitals - healthcare affordability and**
15 **sustainability fee - legislative declaration - Colorado healthcare**
16 **affordability and sustainability enterprise - federal waiver - fund**
17 **created - rules - reports - repeal.** (4) **Healthcare affordability and**
18 **sustainability fee.** (a) For the fiscal year commencing July 1, 2017, and
19 for each fiscal year thereafter, the enterprise is authorized to charge and
20 collect a healthcare affordability and sustainability fee, as described in 42
21 CFR 433.68 (b), on outpatient and inpatient services provided by all
22 licensed or certified hospitals, referred to in this section as "hospitals", for
23 the purpose of obtaining federal financial participation under the state

1 medical assistance program as described in this article 4 and articles 5 and
2 6 of this title 25.5, referred to in this section as the "state medical
3 assistance program", and the Colorado indigent care program described
4 in part 1 of article 3 of this title 25.5, referred to in this section as the
5 "Colorado indigent care program". If the amount of healthcare
6 affordability and sustainability fee revenue collected exceeds the federal
7 net patient revenue-based limit on the amount of such fee revenue that
8 may be collected, requiring repayment to the federal government of
9 excess federal matching money received, hospitals that received such
10 excess federal matching money shall be responsible for repaying the
11 excess federal money and any associated federal penalties to the federal
12 government. The enterprise shall use the healthcare affordability and
13 sustainability fee revenue to:

14 ~~(II.5) (A) For state fiscal year 2020-21 only, offset general fund~~
15 ~~expenditures for the state medical assistance program.~~

16 ~~(B) This subsection (4)(a)(II.5) is repealed, effective December~~
17 ~~31, 2021.~~

18 **(5) Healthcare affordability and sustainability fee cash fund.**

19 (b) All money in the fund is subject to federal matching as authorized
20 under federal law and, subject to annual appropriation by the general
21 assembly, shall be expended by the enterprise for the following purposes:

22 ~~(VIII.5) (A) For the 2020-21 state fiscal year only, due to~~
23 ~~reductions in the adult dental benefit pursuant to section 25.5-5-207(2.5),~~
24 ~~three hundred thirty-one thousand four hundred sixty-two dollars to offset~~
25 ~~general fund expenditures for the state medical assistance program.~~

26 ~~(B) This subsection (5)(b)(VIII.5) is repealed, effective December~~
27 ~~31, 2021.~~

1 (6) **Appropriations.** (a) (I) Except as otherwise provided in
2 subsection ~~(6)(b)(I.3)~~; (6)(b)(I.5) or (6)(b)(I.7) of this section, the
3 healthcare affordability and sustainability fee is to supplement, not
4 supplant, general fund appropriations to support hospital reimbursements.
5 General fund appropriations for hospital reimbursements shall be
6 maintained at the level of appropriations in the medical services premium
7 line item made for the fiscal year commencing July 1, 2008; except that
8 general fund appropriations for hospital reimbursements may be reduced
9 if an index of appropriations to other providers shows that general fund
10 appropriations are reduced for other providers. If the index shows that
11 general fund appropriations are reduced for other providers, the general
12 fund appropriations for hospital reimbursements shall not be reduced by
13 a greater percentage than the reductions of appropriations for the other
14 providers as shown by the index.

15 (b) If the revenue from the healthcare affordability and
16 sustainability fee is insufficient to fully fund all of the purposes described
17 in subsection (5)(b) of this section:

18 (I.3) ~~(A) For the 2020-21 state fiscal year only, due to reductions~~
19 ~~in the adult dental benefit pursuant to section 25.5-5-207 (2.5), three~~
20 ~~hundred thirty-one thousand four hundred sixty-two dollars of revenue~~
21 ~~shall be used first to offset general fund expenditures for the state medical~~
22 ~~assistance program.~~

23 ~~(B) This subsection (6)(b)(I.3) is repealed, effective December 31,~~
24 ~~2021.~~

25 **SECTION 3.** In Colorado Revised Statutes, 38-13-801, **amend**
26 (2.5)(b) as follows:

27 **38-13-801. Unclaimed property trust fund - creation -**

1 **payments - interest - appropriations - records - rules.**

2 (2.5) (b) ~~Notwithstanding any provision of this section to the contrary,~~
3 ~~on July 1, 2021, the state treasurer shall transfer two million two hundred~~
4 ~~seventy-eight thousand eight hundred four dollars from the unclaimed~~
5 ~~property trust fund to the general fund~~ ON JUNE 30, 2021, THE STATE
6 TREASURER SHALL TRANSFER ONE MILLION ONE HUNDRED THIRTY-NINE
7 THOUSAND FOUR HUNDRED TWO DOLLARS FROM THE GENERAL FUND TO
8 THE UNCLAIMED PROPERTY TRUST FUND.

9 **SECTION 4. Appropriation.** (1) For the 2021-22 state fiscal
10 year, \$1,522,875 is appropriated to the department of health care policy
11 and financing. This appropriation consists of \$335,723 from the
12 healthcare affordability and sustainability fee cash fund created in section
13 25.5-4-402.4 (5)(a), C.R.S., and \$1,187,152 from the adult dental fund
14 created in section 25.5-5-207 (4)(a), C.R.S. To implement this act, the
15 department may use this appropriation for medical and long-term care
16 services for medicaid-eligible individuals.

17 (2) For the 2021-22 state fiscal year, the general assembly
18 anticipates that the department of health care policy and financing will
19 receive \$4,042,125 in federal funds for medical and long-term care
20 services for medicaid-eligible individuals to implement this act. The
21 appropriation in subsection (1) of this section is based on the assumption
22 that the department will receive this amount of federal funds.

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