

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 22-0839.01 Shelby Ross x4510

HOUSE BILL 22-1290

HOUSE SPONSORSHIP

Titone and Ortiz,

SENATE SPONSORSHIP

Zenzinger and Coram,

House Committees

Health & Insurance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO MEDICAID TO ALLOW FOR EXPEDITED**
102 **REPAIRS TO COMPLEX REHABILITATION TECHNOLOGY, AND, IN**
103 **CONNECTION THEREWITH, MAKING 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>.)

The bill prohibits the department of health care policy and financing (state department) from requiring prior authorization for any repair of complex rehabilitation technology (CRT).

No later than October 1, 2023, the bill requires the medical services board to promulgate rules establishing repair metrics for all CRT

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.

HOUSE
Amended 2nd Reading
April 22, 2022

suppliers and CRT professionals. Prior to promulgating rules, the bill requires the state department to engage in a stakeholder process. Beginning January 2024, the bill requires the state department to report on the metrics and compliance with the metrics.

The bill authorizes the state department to assess a fine for violations of repair metric rules on a supplier beginning 3 years after the date the repair metric rules are established.

Beginning December 1, 2024, the bill requires the state department to reimburse labor costs at a rate that is 25% higher for clients residing in rural areas than urban areas.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-5-323, **add** (4),
3 (5), (6), and (7) as follows:

4 **25.5-5-323. Complex rehabilitation technology - no prior**
5 **authorization - metrics - report - rules - legislative declaration -**
6 **definitions.** (4) THE STATE DEPARTMENT SHALL NOT REQUIRE PRIOR
7 AUTHORIZATION FOR ANY REPAIR OF COMPLEX REHABILITATION
8 TECHNOLOGY.

9 (5) (a) NO LATER THAN OCTOBER 1, 2023, THE STATE BOARD
10 SHALL PROMULGATE RULES ESTABLISHING REPAIR METRICS FOR ALL
11 COMPLEX REHABILITATION TECHNOLOGY SUPPLIERS AND COMPLEX
12 REHABILITATION TECHNOLOGY PROFESSIONALS. AT A MINIMUM, THE
13 METRICS MUST INCLUDE REQUIREMENTS FOR REPAIRING COMPLEX
14 REHABILITATION TECHNOLOGY IN A TIMELY MANNER AND THE EXPECTED
15 QUALITY OF EACH REPAIR. PRIOR TO PROMULGATING RULES PURSUANT TO
16 THIS SUBSECTION (5)(a), THE STATE DEPARTMENT SHALL ENGAGE IN A
17 STAKEHOLDER PROCESS, WHICH PROCESS MUST INCLUDE QUALIFIED
18 COMPLEX REHABILITATION TECHNOLOGY PROFESSIONALS, QUALIFIED
19 COMPLEX REHABILITATION TECHNOLOGY SUPPLIERS, AND COMPLEX
20 REHABILITATION TECHNOLOGY CLIENTS.

1 (b) BEGINNING JANUARY 2024, AND EACH JANUARY THEREAFTER,
2 THE STATE DEPARTMENT SHALL REPORT ON THE METRICS DEVELOPED
3 PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION AND COMPLIANCE WITH
4 THE METRICS AS PART OF ITS "STATE MEASUREMENT FOR ACCOUNTABLE,
5 RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" HEARING
6 REQUIRED BY SECTION 2-7-203.

7 (6) THREE YEARS AFTER THE DATE THE REPAIR METRIC RULES ARE
8 ESTABLISHED PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION, THE
9 STATE DEPARTMENT MAY ENGAGE IN A STAKEHOLDER PROCESS TO
10 DETERMINE THE NEED FOR ADDITIONAL ACCOUNTABILITY OF A QUALIFIED
11 COMPLEX REHABILITATION TECHNOLOGY SUPPLIER THROUGH FINANCIAL
12 PENALTIES, AUDITS, OR SIMILAR TOOLS, FOR VIOLATIONS OF THE REPAIR
13 METRICS RULES. IF SUCH A STAKEHOLDER PROCESS IS CONVENED, THE
14 PROCESS MUST INCLUDE QUALIFIED COMPLEX REHABILITATION
15 TECHNOLOGY PROFESSIONALS, QUALIFIED COMPLEX REHABILITATION
16 TECHNOLOGY SUPPLIERS, COMPLEX REHABILITATION CLIENTS, AND AN
17 ADVOCACY GROUP FOR PERSONS WITH DISABILITIES.

18 (7) BEGINNING DECEMBER 1, 2024, THE STATE DEPARTMENT
19 SHALL REIMBURSE LABOR COSTS FOR REPAIRS OF COMPLEX
20 REHABILITATION TECHNOLOGY AT A RATE THAT IS TWENTY-FIVE PERCENT
21 HIGHER FOR CLIENTS RESIDING IN RURAL AREAS THAN THE RATE FOR
22 CLIENTS RESIDING IN URBAN AREAS.

23 **SECTION 2. Appropriation.** (1) For the 2022-23 state fiscal
24 year, \$112,668 is appropriated to the department of health care policy and
25 financing. This appropriation is from the general fund. To implement this
26 act, the department may use this appropriation as follows:

27 (a) \$33,720 for use by the executive director's office for personal

1 services, which amount is based on an assumption that the office will
2 require an additional 1.0 FTE;

3 (b) \$3,775 for use by the executive director's office for operating
4 expenses; and

5 (c) \$75,173 for medical and long-term care services for Medicaid
6 eligible individuals, which amount is subject to the "(M)" notation as
7 defined in the annual general appropriation act for the same fiscal year.

8 (2) For the 2022-23 state fiscal year, the general assembly
9 anticipates that the department of health care policy and financing will
10 receive \$112,668 in federal funds. The appropriation in subsection (1) of
11 this section is based on the assumption that the office will receive this
12 amount of federal funds to be used as follows:

13 (a) \$33,720 for use by the executive director's office for personal
14 services, which amount is subject to the "(I)" notation as defined in the
15 annual general appropriation act for the same fiscal year;

16 (b) \$3,775 for use by the executive director's office for operating
17 expenses, which amount is subject to the "(I)" notation as defined in the
18 annual general appropriation act for the same fiscal year; and

19 (c) \$75,173 for medical and long-term care services for Medicaid
20 eligible individuals.

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