

HOUSE COMMITTEE OF REFERENCE REPORT

March 18, 2022

Chair of Committee

Date

Committee on Public & Behavioral Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB22-1268 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, printed bill, page 2, line 11, strike "**providers.**" and
2 substitute "**providers - definition.**".
- 3 Page 2, line 12, before "REPORT" insert "BEHAVIORAL HEALTH RATES".
- 4 Page 3, line 4, strike "A REPORT AND RECOMMENDATIONS" and substitute
5 "THE BEHAVIORAL HEALTH RATES REPORT, AS DESCRIBED IN THIS
6 SUBSECTION (1)".
- 7 Page 3, lines 5 through 7, strike "ON THE REPORT PUBLISHED AND PRESENT
8 THE AUDITOR'S REPORT TO THE HOUSE OF REPRESENTATIVES PUBLIC AND
9 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE, OR ANY
10 SUCCESSOR COMMITTEE".
- 11 Page 3, lines 8 and 9, strike "THIS INDEPENDENT" and substitute "THE
12 BEHAVIORAL HEALTH RATES".
- 13 Page 3, line 14, after "PROVIDERS." insert "THE STATE DEPARTMENT
14 SHALL PRESENT THE BEHAVIORAL HEALTH RATES REPORT AND
15 RECOMMENDATIONS TO THE HOUSE OF REPRESENTATIVES PUBLIC AND
16 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE, OR ANY
17 SUCCESSOR COMMITTEE".
- 18 Page 4, lines 5 and 6, strike "REPORT, IN ACCORDANCE WITH THIS
19 SECTION, ANNUALLY THROUGH AUGUST 1, 2025," and substitute
20 "PROGRESS REPORT ON THE STATE DEPARTMENT'S PROGRESS MADE IN
21 IMPLEMENTING THE ACTION PLAN PRESENTED TO THE JOINT BUDGET
22 COMMITTEE ON NOVEMBER 15, 2022, ON OR BEFORE AUGUST 1, 2023, AND

1 ANNUALLY THEREAFTER THROUGH AUGUST 1, 2025,".

2 Page 4, line 10, after "RECOMMENDATIONS." add "THE STATE
3 DEPARTMENT MUST FULLY IMPLEMENT THE ACTION PLAN NO LATER THAN
4 DECEMBER 31, 2025."

5 Page 4, after line 10 insert:

6 "(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "INDEPENDENT MENTAL HEALTH AND SUBSTANCE ABUSE
9 TREATMENT PROVIDERS" MEANS ANY OUTPATIENT BEHAVIORAL HEALTH
10 PROVIDER ENROLLED IN MEDICAID AND CONTRACTED WITH A MANAGED
11 CARE ENTITY, AS DEFINED IN SECTION 25.5-5-403 (4), THAT IS NOT
12 LICENSED OR DESIGNATED AS A COMMUNITY MENTAL HEALTH CENTER."

13 Page 4, strike lines 13 through 27.

14 Page 5, strike lines 1 through 5 and substitute:

15 **"25.5-4-403.1. Providers - community mental health centers -**
16 **cost reporting.** (1) FOR THE PURPOSES OF INCREASED PAYMENT
17 METHODOLOGY TRANSPARENCY, NO LATER THAN MARCH 15, 2023, AND
18 EACH MARCH 15 THEREAFTER, THE STATE DEPARTMENT SHALL:

19 (a) PUBLISH COST REPORTS FOR COMMUNITY MENTAL HEALTH
20 CENTERS;

21 (b) ESTABLISH A COST-REPORTING TEMPLATE AND
22 COST-REPORTING SCHEDULE TO ASSIST PROVIDERS IN PROVIDING COST
23 REPORTS;

24 (c) REDACT INFORMATION TO MAINTAIN COMPLIANCE WITH STATE
25 AND FEDERAL LAW INCLUDING, BUT NOT LIMITED TO, PERSONALLY
26 IDENTIFYING INFORMATION AND PROTECTED HEALTH INFORMATION AS
27 NECESSARY TO PROTECT THE PRIVACY OF PATIENTS;

28 (d) CREATE A PUBLICLY AVAILABLE WEBSITE THAT PROVIDES
29 INSIGHT TO MEDICAID MEMBERS, MEDICAID PROVIDERS, AND MEMBERS OF
30 THE PUBLIC REGARDING BEHAVIORAL HEALTH REIMBURSEMENT RATES.
31 THE WEBSITE MUST INCLUDE THE FOLLOWING:

32 (I) ALL COMPLETED COST REPORTS FOR EACH BEHAVIORAL HEALTH
33 SAFETY NET PROVIDER, AS DEFINED IN 27-50-101 (7);

34 (II) AN OVERVIEW OF THE PURPOSE OF THE COST REPORT
35 DESCRIBED IN THIS SUBSECTION (1);

36 (III) INFORMATION ON HOW TO INTERPRET THE COST REPORTS AND
37 WHERE TO FIND INFORMATION IN THE COST REPORTS;

- 1 (IV) AN OVERVIEW OF:
2 (A) HOW REIMBURSEMENT RATES ARE DETERMINED;
3 (B) WHAT CONSTITUTES A REASONABLE AND ALLOWABLE COST;
4 AND
5 (C) HOW VALUE-BASED PAYMENTS IMPACT REIMBURSEMENT
6 RATES; AND
7 (V) THE STATE DEPARTMENT'S PLAN TO IMPROVE BEHAVIORAL
8 HEALTH REIMBURSEMENT RATES AND ANNUAL UPDATES TO THE PLAN."

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