

SENATE COMMITTEE OF REFERENCE REPORT

_____ May 6, 2022
Chair of Committee Date

Committee on Appropriations.

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

HB22-1302 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend the Health and Human Services Committee Report, dated April
2 25, 2022, page 1, line 10, strike ""CASE" and substitute ""CARE".

3 Amend reengrossed bill, page 11, after line 4 insert:

4 "SECTION 4. In Colorado Revised Statutes, **add** 25.5-6-115 as
5 follows:

6 **25.5-6-115. Community placement transformation - creation**
7 **- report - repeal.** (1) THE STATE DEPARTMENT SHALL UNDERTAKE
8 EFFORTS TO TRANSFORM THE STATE DEPARTMENT'S PROCESS FOR CLIENTS
9 ATTEMPTING TO RECEIVE LONG-TERM CARE IN THE COMMUNITY.

10 (2) IN ORDER TO AFFIRM COLORADO'S COMMITMENT TO THE
11 UNITED STATES SUPREME COURT'S DECISION IN *OLMSTEAD V. L.C.*, 527
12 U.S. 581 (1999), AND TO THE FEDERAL "AMERICANS WITH DISABILITIES
13 ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED, AND RESPOND
14 TO THE UNITED STATES DEPARTMENT OF JUSTICE'S LETTER OF FINDINGS,
15 DATED MARCH 3, 2022, CONCERNING THE INVESTIGATION OF COLORADO'S
16 USE OF NURSING FACILITIES TO SERVE ADULTS WITH PHYSICAL
17 DISABILITIES, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY TO
18 THE STATE DEPARTMENT IN ORDER TO ADVANCE COMMUNITY PLACEMENT
19 AND INTEGRATION FOR INDIVIDUALS WITH DISABILITIES.

20 (3) NO LATER THAN JANUARY 2023, AND JANUARY 2024, THE
21 STATE DEPARTMENT SHALL REPORT TO THE JOINT BUDGET COMMITTEE,
22 THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND
23 HUMAN SERVICES COMMITTEE, AND THE SENATE HEALTH AND HUMAN
24 SERVICES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, AS PART OF ITS
25 "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
26 TRANSPARENT (SMART) GOVERNMENT ACT" HEARING REQUIRED BY

1 SECTION 2-7-203. AT A MINIMUM, THE REPORT MUST INCLUDE AN
2 ANALYSIS AND RECOMMENDATIONS ON THE FOLLOWING:

3 (a) THE STATE DEPARTMENT'S WORK AND STRATEGIC PLANNING
4 REGARDING FULFILLING COLORADO'S COMMITMENT TO THE *OLMSTEAD*
5 DECISION TO ENSURE COMMUNITY LIVING;

6 (b) PROGRAMMATIC DECISIONS, ANALYSIS, AND POLICY CHANGES
7 IN ACCORDANCE WITH THE FEDERAL "AMERICANS WITH DISABILITIES ACT
8 OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED; AND

9 (c) INFORMATION REGARDING THE STATE DEPARTMENT'S
10 COORDINATION, PROGRAMMATIC OR MEDICAID BENEFIT CHANGES,
11 IMPLEMENTATION OF QUALITY OVERSIGHT STRATEGIES, AND METRICS
12 AROUND COMMUNITY INTEGRATION.

13 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

14 **SECTION 5. Appropriation.** (1) For the 2022-23 state fiscal
15 year, \$616,968 is appropriated to the department of health care policy and
16 financing for use by the executive director's office. This appropriation is
17 from the general fund. To implement this act, the office may use this
18 appropriation as follows:

19 (a) \$440,226 for personal services, which amount is based on an
20 assumption that the office will require an additional 12.0 FTE;

21 (b) \$5,882 for operating expenses;

22 (c) \$40,860 for leased space;

23 (d) \$80,000 for general professional services and special projects;

24 and

25 (e) \$50,000 for Medicaid management information system
26 maintenance and projects.

27 (2) For the 2022-23 state fiscal year, the general assembly
28 anticipates that the department of health care policy and financing will
29 receive \$986,948 in federal funds to implement this act, which amount is
30 subject to the "(I)" notation as defined in the annual general appropriation
31 act for the same fiscal year. The appropriation in subsection (1) of this
32 section is based on the assumption that the department will receive this
33 amount of federal funds to be used as follows:

34 (a) \$413,090 for personal services;

35 (b) \$5,518 for operating expenses;

36 (c) \$38,340 for leased space;

37 (d) \$80,000 for general professional services and special projects;

38 and

39 (e) \$450,000 for Medicaid management information system
40 maintenance and projects."

41 Renumber succeeding sections accordingly.

1 Page 12, line 11, strike "later." and substitute "later, and sections 4 and 5
2 of this act take effect only if House Bill 22-1411 becomes law, in which
3 case sections 4 and 5 take effect either upon the effective date of this act
4 or House Bill 22-1411, whichever is later."

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