

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 16-0578.01 Jerry Barry x4341

HOUSE BILL 16-1097

HOUSE SPONSORSHIP

Coram and Moreno,

SENATE SPONSORSHIP

Scott,

House Committees

Transportation & Energy
Appropriations

Senate Committees

Transportation
Appropriations

A BILL FOR AN ACT

101 CONCERNING REGULATION OF MEDICAID NONEMERGENCY
102 TRANSPORTATION PROVIDERS, AND, IN CONNECTION
103 THEREWITH, MAKING AND REDUCING 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://www.leg.state.co.us/bills summaries>.)

The bill creates a new category of limited regulation carriers that allows providers of nonemergency transportation to medicaid clients to operate under a limited regulation permit from the public utilities commission (commission) rather than a certificate of public convenience and necessity. The commission may issue a limited regulation permit if

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
May 3, 2016

HOUSE
3rd Reading Unamended
April 19, 2016

HOUSE
Amended 2nd Reading
April 15, 2016

the provider satisfies the financial responsibility requirements for permit holders, provides satisfactory proof of an agreement with the department of health care policy and financing or its agent, and provides such additional information as the commission may require. The bill also establishes that a limited regulation permit is valid for one year after issuance.

The bill authorizes the department of health care policy and financing to forward medicaid money to the commission to offset some of the costs of issuing permits.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-10.1-110, **amend**
3 (1) as follows:

4 **40-10.1-110. Criminal history record check - rules.** (1) An
5 individual who wishes to drive either a taxicab for a motor carrier that is
6 the holder of a certificate to provide taxicab service issued under part 2
7 of this article or a motor vehicle for a motor carrier that is the holder of
8 a permit to operate as a charter bus, children's activity bus, luxury
9 limousine, MEDICAID CLIENT TRANSPORT, or off-road scenic charter under
10 part 3 of this article shall submit a set of his or her fingerprints to the
11 commission. The commission shall forward the fingerprints to the
12 Colorado bureau of investigation for the purpose of obtaining a
13 fingerprint-based criminal history record check. Upon receipt of
14 fingerprints and payment for the costs, the Colorado bureau of
15 investigation shall conduct a state and national fingerprint-based criminal
16 history record check using records of the Colorado bureau of
17 investigation and the federal bureau of investigation. The commission is
18 the authorized agency to receive information regarding the result of a
19 national criminal history record check. The individual whose fingerprints
20 are checked shall pay the actual costs of the state and national

1 fingerprint-based criminal history record check.

2 **SECTION 2.** In Colorado Revised Statutes, 40-10.1-301, **amend**
3 (9); and **add** (10), (11), and (12) as follows:

4 **40-10.1-301. Definitions.** As used in this part 3, unless the
5 context otherwise requires:

6 (9) ~~"Off-road scenic charter" means a motor vehicle that~~
7 ~~transports passengers, on a charter basis, to scenic points within~~
8 ~~Colorado, originating and terminating at the same location and using a~~
9 ~~route that is wholly or partly off of paved roads. "Off-road scenic charter"~~
10 ~~does not include the transport of passengers to commercial locations~~

11 "MEDICAID CLIENT TRANSPORT" MEANS A MOTOR VEHICLE THAT
12 TRANSPORTS PASSENGERS WHO ARE RECIPIENTS OF MEDICAID PURSUANT
13 TO ARTICLES 4 TO 6 OF TITLE 25.5, C.R.S., AND ARE BEING TRANSPORTED
14 UNDER A MEDICAID NONEMERGENT MEDICAL TRANSPORTATION CONTRACT
15 OR A MEDICAID NONMEDICAL TRANSPORTATION CONTRACT.

16 (10) "MEDICAID NONEMERGENT MEDICAL TRANSPORTATION
17 CONTRACT" MEANS A CONTRACT OR PROVIDER AGREEMENT WITH THE
18 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING OR ITS APPROVED
19 AGENT FOR THE PURPOSE OF PROVIDING NONEMERGENT MEDICAL
20 TRANSPORTATION TO APPROVED RECIPIENTS OF MEDICAID.

21 (11) "MEDICAID NONMEDICAL TRANSPORTATION CONTRACT"
22 MEANS A CONTRACT OR PROVIDER AGREEMENT WITH THE DEPARTMENT OF
23 HEALTH CARE POLICY AND FINANCING OR ITS APPROVED AGENT FOR THE
24 PURPOSE OF PROVIDING NONMEDICAL TRANSPORTATION TO APPROVED
25 RECIPIENTS OF MEDICAID.

26 (12) "OFF-ROAD SCENIC CHARTER" MEANS A MOTOR VEHICLE THAT
27 TRANSPORTS PASSENGERS, ON A CHARTER BASIS, TO SCENIC POINTS WITHIN

1 COLORADO, ORIGINATING AND TERMINATING AT THE SAME LOCATION AND
2 USING A ROUTE THAT IS WHOLLY OR PARTLY OFF OF PAVED ROADS.
3 "OFF-ROAD SCENIC CHARTER" DOES NOT INCLUDE THE TRANSPORT OF
4 PASSENGERS TO COMMERCIAL LOCATIONS.

5 **SECTION 3.** In Colorado Revised Statutes, 40-10.1-302, **amend**
6 (1) and (2); and **add** (5) as follows:

7 **40-10.1-302. Permit requirements.** (1) (a) A person shall not
8 operate or offer to operate a charter bus, children's activity bus, fire crew
9 transport, luxury limousine, MEDICAID CLIENT TRANSPORT, or off-road
10 scenic charter in intrastate commerce without first having obtained a
11 permit therefor from the commission in accordance with this part 3.

12 (b) A person may apply for a permit under this part 3 to the
13 commission in such form and with such information as the commission
14 may require. A PERMIT IS VALID FOR ONE YEAR AFTER THE DATE OF
15 ISSUANCE.

16 (2) (a) Except as otherwise provided in subsection (3) of this
17 section, the commission shall issue a permit to a motor carrier of
18 passengers under this part 3 upon completion of the application and
19 compliance with the financial responsibility requirements of this article.

20 (b) (I) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (a) OF
21 THIS SUBSECTION (2), A PERSON APPLYING FOR A MEDICAID CLIENT
22 TRANSPORT PERMIT SHALL PROVIDE THE COMMISSION PROOF OF A
23 MEDICAID CLIENT TRANSPORT AGREEMENT WITH THE DEPARTMENT OF
24 HEALTH CARE POLICY AND FINANCING OR ITS APPROVED AGENT IN SUCH
25 FORM AND WITH SUCH INFORMATION AS THE COMMISSION MAY REQUIRE.

26 (II) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
27 MAY TRANSFER MEDICAID MONEY TO THE COMMISSION TO ASSIST THE

1 COMMISSION IN ITS REGULATION OF MEDICAID TRANSPORT UNDER THIS
2 ARTICLE. ANY MONEY THAT THE COMMISSION RECEIVES FROM THE
3 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IS CONTINUOUSLY
4 APPROPRIATED TO THE COMMISSION.

5 (5) EFFECTIVE JULY 1, 2016, ANY EXISTING PERMIT ISSUED
6 PURSUANT TO THIS PART 3 EXPIRES ON THE ANNIVERSARY OF ITS
7 ISSUANCE.

8 **SECTION 4. Appropriation - adjustments to 2016 long bill.**

9 (1) To implement this act, the appropriation made in the annual general
10 appropriation act for the 2016-17 state fiscal year to the department of
11 health care policy and financing for medical services premiums is
12 decreased by \$71,954, which consists of \$69,405 from the general fund
13 and \$2,549 from the hospital provider fee cash fund created in section
14 25.5-4-402.3 (4) (a), C.R.S.

15 (2) The figure shown in the federal funds column in the annual
16 general appropriation act for the 2016-17 state fiscal year for the
17 department of health care policy and financing for medical services
18 premiums is decreased by \$143,317. The decrease in subsection (1) of
19 this section is based on the assumption that the federal funds received by
20 the department will decrease by this amount.

21 (3) For the 2016-17 state fiscal year, \$59,578 is appropriated to
22 the department of health care policy and financing for use by the
23 executive director's office. This appropriation is from the general fund
24 and is subject to the "(M)" notation as defined in the general
25 appropriation act for the same fiscal year. To implement this act, the
26 department may use this appropriation for transfers to the department of
27 regulatory agencies for regulation of Medicaid transportation providers.

1 (4) For the 2016-17 state fiscal year, the general assembly
2 anticipates that the department of health care policy and financing will
3 receive \$18,750 in federal funds for transfers to the department of
4 regulatory agencies for regulation of Medicaid transportation providers.
5 The appropriation in subsection (3) of this section is based on the
6 assumption that the department will receive this amount of federal funds.

7 (5) For the 2016-17 state fiscal year, \$2,636 is appropriated to the
8 department of public safety for use by the Colorado bureau of
9 investigation. This appropriation is from the Colorado bureau of
10 investigation identification unit fund created in section 24-33.5-426,
11 C.R.S. To implement this act, the bureau may use this appropriation for
12 operating expenses related to identification.

13 (6) For the 2016-17 state fiscal year, \$23,753 is appropriated to
14 the department of law. This appropriation is from reappropriated funds
15 received from the public utilities commission in the department of
16 regulatory agencies from money received from the department of health
17 care policy and financing under subsections (3) and (4) of this section and
18 is based on an assumption that the department of law will require an
19 additional 0.1 FTE. To implement this act, the department of law may use
20 this appropriation to provide legal services for the department of
21 regulatory agencies.

22 (6) For the 2016-17 state fiscal year, \$8,755 is appropriated to the
23 office of the governor for use by the office of information technology.
24 This appropriation is from reappropriated funds received from the public
25 utilities commission in the department of regulatory agencies from money
26 received from the department of health care policy and financing under
27 subsections (3) and (4) of this section. To implement this act, the office

1 may use this appropriation to provide information technology services for
2 the department of regulatory agencies.

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