

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-1241.01 Brita Darling x2241

**SENATE BILL 16-199**

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**SENATE SPONSORSHIP**

**Scott and Steadman,**

**HOUSE SPONSORSHIP**

**DelGrosso and Ginal,**

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**Senate Committees**

Health & Human Services  
Appropriations

**House Committees**

Health, Insurance, & Environment  
Finance  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING PROGRAMS OF ALL-INCLUSIVE CARE FOR THE ELDERLY,**  
102 **AND, IN CONNECTION THEREWITH, DETERMINING THE**  
103 **CAPITATED RATE FOR SERVICES, CREATING AN OMBUDSMAN FOR**  
104 **PARTICIPANTS IN PROGRAMS OF ALL-INCLUSIVE CARE FOR THE**  
105 **ELDERLY, AND MAKING AN APPROPRIATION.**

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**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/billsummaries>.)*

The bill requires that contracts between the department of health care policy and financing (department) and an organization providing a

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  
3rd Reading Unamended  
May 4, 2016

SENATE  
Amended 2nd Reading  
May 3, 2016

program of all-inclusive care for the elderly (PACE) include the negotiated monthly capitated rate for services. The rate must be less than the amount that would have been paid under the medicaid state plan if the PACE participants were not enrolled in a PACE program.

The department shall participate with Colorado PACE organizations to develop an actuarially sound upper payment limit methodology that meets conditions stated in the bill. The department shall provide data relevant to computing the upper payment limit, and the computation shall be made with the assistance of an actuary.

Until the upper payment limit methodology is developed and adopted in medical services board rules, the percentage of the upper payment limit used to calculate the monthly capitated rate shall not be less than the percentage negotiated for the 2016-17 state fiscal year.

The bill creates the state PACE ombudsman (ombudsman) in the state long-term care ombudsman program. Each PACE program shall post a notice informing PACE participants of the existence of and contact information for the ombudsman. The ombudsman shall have immediate access to a PACE program or facility and to PACE participants for the purposes of carrying out the duties of the ombudsman.

The bill includes a civil penalty for willful interference with the ombudsman and for retaliation against a PACE participant or other person or entity contacting the ombudsman.

The bill sets forth the duties of the ombudsman, including, among others, establishing statewide policies and procedures to identify, investigate, and seek the resolution or referral of complaints made by or on behalf of a PACE participant related to any action, inaction, or decision of a PACE organization that may adversely affect the health, safety, welfare, or rights of the PACE participant.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-5-412, **amend**  
3 (12); and **add** (7) (d) as follows:

4 **25.5-5-412. Program of all-inclusive care for the elderly -**  
5 **legislative declaration - services - eligibility - rules - definitions -**  
6 **repeal.** (7) For purposes of this section:

7 (d) "UPPER PAYMENT LIMIT" MEANS A FEDERAL UPPER PAYMENT  
8 LIMIT ON THE AMOUNT OF THE MEDICAID PAYMENT FOR WHICH FEDERAL  
9 FINANCIAL PARTICIPATION IS AVAILABLE FOR A CLASS OF SERVICES AND A

1 CLASS OF HEALTH CARE PROVIDERS, AS SPECIFIED IN 42 CFR 447.

2 (12) (a) The general assembly shall make appropriations to the  
3 state department to fund services under this section provided at a monthly  
4 capitated rate. The state department shall annually renegotiate a monthly  
5 capitated rate for the contracted services.

6 (b) Repealed.

7 (c) THE MONTHLY CAPITATED RATE NEGOTIATED WITH THE STATE  
8 DEPARTMENT SHALL BE INCLUDED IN THE CONTRACT WITH THE PACE  
9 ORGANIZATION AND MUST BE BASED UPON A PROSPECTIVE MONTHLY  
10 CAPITATION PAYMENT TO A PACE ORGANIZATION FOR A MEDICAID  
11 PARTICIPANT ENROLLED IN A PACE PROGRAM THAT IS LESS THAN WHAT  
12 WOULD OTHERWISE HAVE BEEN PAID UNDER THE STATE MEDICAID PLAN IF  
13 THE PARTICIPANT WERE NOT ENROLLED IN THE PACE PROGRAM.

14 (d) (I) THE STATE DEPARTMENT, WITH THE PARTICIPATION OF  
15 COLORADO PACE ORGANIZATIONS, SHALL DEVELOP AN ACTUARIALLY  
16 SOUND UPPER PAYMENT LIMIT METHODOLOGY THAT COMPLIES WITH  
17 FEDERAL LAW RELATING TO PACE ORGANIZATIONS AND ADDRESSES A  
18 PACE-COMPARABLE POPULATION AND EMPLOYS FUNCTIONAL,  
19 DIAGNOSTIC, AND OTHER INFORMATION ON THE PACE POPULATION AND  
20 ITS SERVICE USE AND COST CHARACTERISTICS. THE STATE DEPARTMENT  
21 SHALL CONTRACT WITH AN ACTUARY THAT HAS EXPERIENCE WITH THE  
22 METHODS DESCRIBED IN THIS PARAGRAPH (d).

23 (II) FOR PURPOSES OF COMPUTING THE UPPER PAYMENT LIMIT, THE  
24 STATE DEPARTMENT SHALL PROVIDE TO THE CONTRACTED ACTUARY  
25 STATE LONG-TERM CARE OPTIONS DATA DESCRIBING THE HEALTH  
26 CHARACTERISTICS, FUNCTIONAL ACUITY, AND LONG-TERM SERVICES AND  
27 SUPPORTS NEEDS OF THE PACE-COMPARABLE POPULATION, AS WELL AS

1 RELEVANT MEDICARE AND MEDICAID CLAIMS, COST, UTILIZATION, AND  
2 VITAL STATISTICS DATA NECESSARY FOR THE COMPUTATION. THE UPPER  
3 PAYMENT LIMIT METHODOLOGY MUST APPLY GRADE OF MEMBERSHIP  
4 METHODS TO CHARACTERIZE THE HEALTH DEFICIT STRUCTURE OF  
5 LONG-TERM SERVICES AND SUPPORTS POPULATIONS, DEMONSTRATING AN  
6 EMPIRICAL UPPER PAYMENT LIMIT.

7 (III) NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH (d)  
8 TO THE CONTRARY, THE STATE DEPARTMENT SHALL NOT BE REQUIRED TO  
9 DEVELOP AN UPPER PAYMENT LIMIT METHODOLOGY PURSUANT TO THIS  
10 PARAGRAPH (d) OR COMPLY WITH THE REQUIREMENTS OF SUBPARAGRAPH  
11 (I) OF PARAGRAPH (e) OF THIS SUBSECTION (12) IF THE STATE DEPARTMENT  
12 DOES NOT RECEIVE SUFFICIENT GIFTS, GRANTS, AND DONATIONS TO FUND  
13 THE CONTRACT FOR ACTUARIAL SERVICES PURSUANT TO SUBPARAGRAPH  
14 (I) OF THIS PARAGRAPH (d).

15 (e) (I) CONTINGENT UPON ANY NECESSARY FEDERAL APPROVAL,  
16 UNTIL THE UPPER PAYMENT LIMIT METHODOLOGY IS DEVELOPED  
17 PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (12) AND ADOPTED IN  
18 STATE BOARD RULES, THE PERCENTAGE OF THE UPPER PAYMENT LIMIT  
19 USED TO CALCULATE THE MONTHLY CAPITATED RATE SHALL NOT BE LESS  
20 THAN THE PERCENTAGE NEGOTIATED BY THE STATE DEPARTMENT WITH  
21 THE PACE ORGANIZATIONS FOR THE 2016-17 STATE FISCAL YEAR.

22 (II) THIS PARAGRAPH (e) IS REPEALED, EFFECTIVE JULY 1 OF THE  
23 YEAR FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR NOTIFIES  
24 THE REVISOR OF STATUTES THAT THE STATE BOARD HAS ADOPTED RULES  
25 RELATING TO THE UPPER PAYMENT LIMIT METHODOLOGY DEVELOPED  
26 PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (12).

27 **SECTION 2.** In Colorado Revised Statutes, 26-11.5-102, **amend**

1 (2) as follows:

2 **26-11.5-102. Legislative declaration.** (2) The general assembly  
3 finds, determines, and declares that it is the public policy of this state to  
4 encourage community contact and involvement with patients, residents,  
5 and clients of long-term care facilities AND PACE PROGRAMS.

6 **SECTION 3.** In Colorado Revised Statutes, 26-11.5-103, **add**  
7 (5.3), (5.5), and (8) as follows:

8 **26-11.5-103. Definitions.** As used in this article, unless the  
9 context otherwise requires:

10 (5.3) "PACE" MEANS A NONPROFIT OR FOR-PROFIT PROGRAM OF  
11 ALL-INCLUSIVE CARE FOR THE ELDERLY OPERATED PURSUANT TO SECTION  
12 25.5-5-412, C.R.S.

13 (5.5) "PACE PARTICIPANT" MEANS ANY INDIVIDUAL WHO IS A  
14 CURRENT OR PROSPECTIVE OR FORMER PATIENT OR CLIENT OF ANY PACE  
15 PROGRAM IN THE STATE.

16 (8) "STATE PACE OMBUDSMAN" MEANS THE PERSON DESIGNATED  
17 TO IMPLEMENT THE DUTIES AND FUNCTIONS REQUIRED PURSUANT TO  
18 SECTION 26-11.5-113.

19 **SECTION 4.** In Colorado Revised Statutes, 26-11.5-104, **amend**  
20 **(3); and add** (4) as follows:

21 **26-11.5-104. Creation of state long-term care ombudsman**  
22 **program-state PACE ombudsman.** (3) Local ombudsman programs ■  
23 ■ shall be established statewide. Such programs shall be operated by the  
24 state department under contract, grant, or agreement between the state  
25 department and a public agency or an appropriate private nonprofit  
26 organization. Personnel of local programs shall be trained and designated  
27 as qualified representatives of the office in accordance with section

1 26-11.5-105 (1) (b).

2 (4) A STATE PACE OMBUDSMAN OFFICE IS ESTABLISHED IN THE  
3 STATE LONG-TERM CARE OMBUDSMAN PROGRAM TO CARRY OUT THE  
4 DUTIES SET FORTH IN SECTION 26-11.5-113.

5 **SECTION 5.** In Colorado Revised Statutes, 26-11.5-107, **add** (3)  
6 as follows:

7 **26-11.5-107. Notice of ombudsman services.** (3) EVERY PACE  
8 PROGRAM SHALL POST IN A CONSPICUOUS PLACE AT ALL PACE FACILITIES  
9 AND PROVIDE TO ALL PACE PARTICIPANTS, IN WRITING, A NOTICE WITH  
10 THE NAME, ADDRESS, AND PHONE NUMBER OF THE PACE OMBUDSMAN, OR  
11 HIS OR HER DESIGNEE. THE STATE PACE OMBUDSMAN SHALL PROVIDE THE  
12 NOTICE TO BE POSTED BY THE PACE PROGRAM.

13 **SECTION 6.** In Colorado Revised Statutes, 26-11.5-108, **amend**  
14 (2); and **add** (2.5) as follows:

15 **26-11.5-108. Access to facility - residents - records -**  
16 **confidentiality.** (2) In performing ombudsman duties and functions OF  
17 THEIR RESPECTIVE OFFICES in accordance with this article an ombudsman  
18 shall have access to review the medical and social records of a resident  
19 OR PACE PARTICIPANT eligible for ombudsman services pursuant to this  
20 article, provided the resident OR PACE PARTICIPANT has consented to  
21 such review. In the event consent to such review is not available because  
22 the resident OR PACE PARTICIPANT is incapable of consenting and has no  
23 guardian to provide ~~such~~ consent, ~~inspection of such~~ THE RESIDENT'S  
24 RECORDS OR PACE PARTICIPANT'S records may be ~~made~~ INSPECTED by the  
25 state long-term care ombudsman OR THE STATE PACE OMBUDSMAN,  
26 RESPECTIVELY.

27 (2.5) AN OMBUDSMAN, UPON PRESENTING A STATE PACE

1 OMBUDSMAN IDENTIFICATION CARD, SHALL HAVE IMMEDIATE ACCESS TO  
2 A PACE PROGRAM OR FACILITY AND TO ITS PACE PARTICIPANTS FOR THE  
3 PURPOSES OF EFFECTIVELY CARRYING OUT THE PROVISIONS OF THIS  
4 ARTICLE.

5 **SECTION 7.** In Colorado Revised Statutes, 26-11.5-109, **amend**  
6 (2) introductory portion and (4) (a); and **add** (2) (c) and (2) (d) as follows:

7 **26-11.5-109. Interference with ombudsmen prohibited - civil**  
8 **penalty.** (2) No person shall take any discriminatory, disciplinary, or  
9 retaliatory action against the following individuals for any communication  
10 with an ombudsman or for any information provided in good faith to the  
11 STATE LONG-TERM CARE OMBUDSMAN office OR TO THE STATE PACE  
12 OMBUDSMAN OFFICE in carrying out its THEIR RESPECTIVE OMBUDSMAN  
13 duties and responsibilities under this article:

14 (c) ANY PACE PARTICIPANT; OR

15 (d) ANY OFFICER OR EMPLOYEE OF A PROGRAM, ORGANIZATION,  
16 FACILITY, OR GOVERNMENTAL AGENCY PROVIDING SERVICES TO PACE  
17 PARTICIPANTS.

18 (4) (a) Any person listed in paragraphs (a), ~~and~~ (b), (c), AND (d)  
19 of subsection (2) of this section, or any person acting on such person's  
20 behalf, including the state or a local ombudsman, may file a complaint  
21 with the department of human services against any person who violates  
22 subsection (1) or (2) of this section. The said department shall investigate  
23 such a complaint and, if there is sufficient evidence of a violation, shall  
24 be authorized to assess, enforce, and collect the appropriate penalty set  
25 forth in subsection (3) of this section.

26 **SECTION 8.** In Colorado Revised Statutes, 26-11.5-111, **amend**  
27 (1) (a), (1) (b), and (1) (c) as follows:

1           **26-11.5-111. Duties of state department.** (1) In order to  
2 implement the provisions of this article, the state department shall carry  
3 out the following duties:

4           (a) Establish a statewide uniform reporting system to collect and  
5 analyze data relating to complaints and conditions in long-term care  
6 facilities OR PACE PROGRAMS for the purpose of identifying and resolving  
7 significant problems, with specific provision for the submission of such  
8 data on a regular basis to the state agency responsible for licensing or  
9 certifying long-term care facilities AND PACE ORGANIZATIONS;

10           **(b) Establish procedures to assure that information contained in**  
11 **any files maintained in accordance with the state long-term care**  
12 **ombudsman program shall be disclosed only at the discretion of the state**  
13 **long-term care ombudsman OR THE STATE PACE OMBUDSMAN, AS**  
14 **APPLICABLE, and that the identity of a complainant be disclosed only with**  
15 **the written consent of such complainant or in accordance with a court**  
16 **order;**

17           (c) Ensure that ~~no individual~~ INDIVIDUALS involved in the  
18 designation of the state long-term care ombudsman ~~nor~~ AND THE STATE  
19 PACE OMBUDSMAN, AND any officer, employee, or volunteer of the  
20 statewide program in performing ombudsman functions, ~~is subject to any~~  
21 DO NOT HAVE A conflict of interest;

22           **SECTION 9.** In Colorado Revised Statutes, **add** 26-11.5-113 as  
23 follows:

24           **26-11.5-113. Duties of state PACE ombudsman.** (1) THE STATE  
25 PACE OMBUDSMAN HAS THE FOLLOWING DUTIES AND FUNCTIONS:

26           (a) ESTABLISH STATEWIDE POLICIES AND PROCEDURES TO  
27 IDENTIFY, INVESTIGATE, AND SEEK THE RESOLUTION OR REFERRAL OF



1 COMPLAINTS MADE BY OR ON BEHALF OF A PACE PARTICIPANT RELATED  
2 TO ANY ACTION, INACTION, OR DECISION OF ANY PACE ORGANIZATION OR  
3 PACE PROVIDER OR OF ANY PUBLIC AGENCY, INCLUDING THE  
4 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND COUNTY  
5 DEPARTMENTS OF HUMAN OR SOCIAL SERVICES, THAT MAY ADVERSELY  
6 AFFECT THE HEALTH, SAFETY, WELFARE, OR RIGHTS OF THE PACE  
7 PARTICIPANT;

8           ==  
9           (b) ESTABLISH PROCEDURES TO ANALYZE AND MONITOR THE  
10 DEVELOPMENT AND IMPLEMENTATION OF FEDERAL, STATE, AND LOCAL  
11 LAWS, REGULATIONS, AND POLICIES WITH RESPECT TO PACE SERVICES  
12 AND PROGRAMS OR FACILITIES. ON THE BASIS OF THE ANALYSIS AND  
13 MONITORING, THE STATE PACE OMBUDSMAN SHALL RECOMMEND TO THE  
14 APPROPRIATE GOVERNING BODY CHANGES TO LAWS, REGULATIONS, AND  
15 POLICIES.

16           (c) PREPARE A NOTICE INFORMING PACE PARTICIPANTS OF THE  
17 EXISTENCE OF A STATE PACE OMBUDSMAN AND THE DUTIES OF THE STATE  
18 PACE OMBUDSMAN FOR POSTING AT ALL PACE PROGRAMS AND  
19 FACILITIES.

20           (2) THE POLICIES AND PROCEDURES ADOPTED PURSUANT TO  
21 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION MAY BE APPLIED TO  
22 COMPLAINTS BY OR ON BEHALF OF PACE PARTICIPANTS WHERE THE  
23 PROVISION OF OMBUDSMAN SERVICES WILL EITHER BENEFIT OTHER PACE  
24 PARTICIPANTS ENROLLED IN THE SAME PACE PROGRAM THAT IS THE  
25 SUBJECT OF THE COMPLAINT OR PACE PARTICIPANTS IN GENERAL, OR  
26 WHERE OMBUDSMAN SERVICE IS THE ONLY VIABLE AVENUE OF ASSISTANCE  
27 AVAILABLE TO THE PACE PARTICIPANT AND THE OMBUDSMAN SERVICE

1 WILL NOT SIGNIFICANTLY DIMINISH THE PACE ORGANIZATION'S EFFORTS  
2 ON BEHALF OF THE PARTICIPANTS.

3 (3) IN ADDITION TO THE DUTIES AND FUNCTIONS SET FORTH IN  
4 SUBSECTIONS (1) AND (2) OF THIS SECTION, THE STATE PACE OMBUDSMAN  
5 AND HIS OR HER REPRESENTATIVES HAVE THE AUTHORITY TO PURSUE  
6 ADMINISTRATIVE, LEGAL, OR OTHER APPROPRIATE REMEDIES ON BEHALF  
7 OF PACE PARTICIPANTS FOR THE PURPOSES OF EFFECTIVELY CARRYING  
8 OUT THE PROVISIONS OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS  
9 SECTION AND SUBSECTION (2) OF THIS SECTION.

10 (4)(a) THE STATE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND  
11 GIFTS, GRANTS, AND DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR  
12 THE PURPOSES OF ESTABLISHING THE STATE PACE OMBUDSMAN OFFICE  
13 AND IMPLEMENTING THIS SECTION.

14 (b) THE PACE OMBUDSMAN FUND, REFERRED TO IN THIS  
15 PARAGRAPH (b) AS THE "FUND", IS HEREBY CREATED IN THE STATE  
16 TREASURY. THE FUND CONSISTS OF GIFTS, GRANTS, AND DONATIONS  
17 CREDITED TO THE FUND PURSUANT TO THIS SUBSECTION (4) AND ANY  
18 OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR  
19 TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL  
20 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF  
21 MONEY IN THE FUND TO THE FUND. ANY UNEXPENDED AND  
22 UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL  
23 YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED TO  
24 ANY OTHER FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
25 ASSEMBLY, THE STATE DEPARTMENT MAY EXPEND MONEY FROM THE FUND  
26 FOR PURPOSES OF ESTABLISHING THE STATE PACE OMBUDSMAN OFFICE  
27 PURSUANT TO THIS ARTICLE.

1           (c) (I) NOTWITHSTANDING THE PROVISIONS OF THIS ARTICLE TO  
2 THE CONTRARY, IF IN ANY OF STATE FISCAL YEARS 2016-17 THROUGH  
3 2020-21 THE STATE DEPARTMENT DOES NOT RECEIVE SUFFICIENT GIFTS,  
4 GRANTS, OR DONATIONS NECESSARY TO FUND A STATE PACE OMBUDSMAN  
5 TO CARRY OUT THE DUTIES SET FORTH IN THIS SECTION, A STATE PACE  
6 OMBUDSMAN OFFICE SHALL NOT BE ESTABLISHED IN THE STATE  
7 LONG-TERM CARE OMBUDSMAN PROGRAM.

8           (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2021.

9           **SECTION 10.** In Colorado Revised Statutes, **add 26-11.5-114** as  
10 follows:

11           **26-11.5-114. Stakeholder process - state PACE ombudsman -**  
12 **reporting.** (1) THE STATE DEPARTMENT SHALL CONVENE A STAKEHOLDER  
13 GROUP FOR PURPOSES OF DEVELOPING LEGISLATION TO BE INTRODUCED  
14 DURING THE 2017 LEGISLATIVE SESSION CONCERNING A COMPREHENSIVE  
15 STATEWIDE PACE OMBUDSMAN PROGRAM WITHIN THE STATE PACE  
16 OMBUDSMAN OFFICE THAT INCLUDES LOCAL PACE OMBUDSMEN.

17           (2) THE STAKEHOLDER GROUP SHALL INCLUDE, AT A MINIMUM:

18           (a) THE STATE PACE OMBUDSMAN, ONCE ESTABLISHED;

19           (b) THE STATE LONG-TERM CARE OMBUDSMAN AND ONE OR MORE  
20 LOCAL OMBUDSMEN;

21           (c) REPRESENTATIVES OF PACE ORGANIZATIONS;

22           (d) COMMUNITY ADVOCATES; AND

23           (e) ANY OTHER INTERESTED STAKEHOLDERS, INCLUDING  
24 REPRESENTATIVES OF STATE AGENCIES, AS DETERMINED BY THE STATE  
25 DEPARTMENT.

26           (3) THE STAKEHOLDER GROUP SHALL CONSIDER THE NUMBER AND  
27 LOCATION OF ANY NECESSARY LOCAL PACE OMBUDSMEN AND PROJECTED

1 SERVICE LEVELS FOR THE COMPREHENSIVE STATEWIDE PACE OMBUDSMAN  
2 PROGRAM.

3 (4) THE STATE DEPARTMENT SHALL REPORT ON THE WORK OF THE  
4 STAKEHOLDER GROUP TO THE JOINT BUDGET COMMITTEE AND TO THE  
5 STATE DEPARTMENT'S LEGISLATIVE COMMITTEE OF REFERENCE AS PART OF  
6 THE AGENCY'S ANNUAL PRESENTATION PURSUANT TO SECTION 2-7-103,  
7 C.R.S., MADE DURING THE INTERIM PRIOR TO THE START OF THE 2017  
8 LEGISLATIVE SESSION.

9 **SECTION 11. Appropriation.** (1) For the 2016-17 state fiscal  
10 year, \$125,000 is appropriated to the department of health care policy and  
11 financing for use by the executive director's office. This appropriation is  
12 from the department of health care policy and financing cash fund created  
13 in section 25.5-1-109, C.R.S. To implement this act, the executive  
14 director's office may use this appropriation for general professional  
15 services and special projects.

16 (2) For the 2016-17 state fiscal year, \$81,675 is appropriated to the  
17 department of human services for use by the state ombudsman program.  
18 This appropriation is from the PACE ombudsman fund created in section  
19 26-11.5-113 (4) (b), C.R.S., and is based on an assumption that the state  
20 ombudsman program will require an additional 1.0 FTE. The state  
21 ombudsman program may use this appropriation to implement this act.

22 **SECTION 12. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, and safety.