

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**REVISED**

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

LLS NO. 20-1200.02 Jacob Baus x2173

**HOUSE BILL 20-1361**

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**HOUSE SPONSORSHIP**

**Esgar and McCluskie,**

**SENATE SPONSORSHIP**

**Moreno and Zenzinger,** Rankin

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**House Committees**  
Appropriations

**Senate Committees**  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING THE REDUCTION OF THE ADULT DENTAL BENEFIT, AND, IN**  
102 **CONNECTION THEREWITH, REDUCING 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://leg.colorado.gov/>.)*

**Joint Budget Committee.** Beginning when the higher federal match afforded through the federal "Families First Coronavirus Response Act" expires, the bill reduces the adult dental benefit so that it does not exceed \$1,000 per year for a participant.

From the savings from the reduction of the adult dental benefit in the medical assistance program, the bill transfers \$1,139,402 from the

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.

SENATE  
2nd Reading Unamended  
June 5, 2020

HOUSE  
3rd Reading Unamended  
June 3, 2020

HOUSE  
2nd Reading Unamended  
June 1, 2020

unclaimed property trust fund to the general fund in the 2020-21 fiscal year and \$2,278,804 in the 2021-22 fiscal year. Furthermore, the bill requires \$331,462 to be appropriated from the healthcare affordability and sustainability fee cash fund to offset general fund expenditures for the state medical assistance program.

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

2           **SECTION 1.** In Colorado Revised Statutes, 25.5-5-207, **add** (2.5)  
3 as follows:

4           **25.5-5-207. Adult dental benefit - adult dental fund - creation**  
5 **- legislative declaration - repeal.** (2.5) (a) BEGINNING WHEN THE  
6 HIGHER FEDERAL MATCH AFFORDED THROUGH THE FEDERAL "FAMILIES  
7 FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, OR ANY  
8 AMENDMENT THERETO, EXPIRES THROUGH JUNE 30, 2022, THE ADULT  
9 DENTAL BENEFIT PROVIDED BY THIS SECTION MUST NOT EXCEED ONE  
10 THOUSAND DOLLARS PER YEAR FOR EACH RECIPIENT.

11           (b) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE DECEMBER 31,  
12 2022.

13           **SECTION 2.** In Colorado Revised Statutes, 25.5-4-402.4, **amend**  
14 (5)(b)(VIII) and (6)(a)(I); and **add** (4)(a)(II.5), (5)(b)(VIII.5), and  
15 (6)(b)(I.5) as follows:

16           **25.5-4-402.4. Hospitals - healthcare affordability and**  
17 **sustainability fee - legislative declaration - Colorado healthcare**  
18 **affordability and sustainability enterprise - federal waiver - fund**  
19 **created - rules - reports - repeal.** (4) **Healthcare affordability and**  
20 **sustainability fee.** (a) For the fiscal year commencing July 1, 2017, and  
21 for each fiscal year thereafter, the enterprise is authorized to charge and  
22 collect a healthcare affordability and sustainability fee, as described in 42  
23 CFR 433.68 (b), on outpatient and inpatient services provided by all

1 licensed or certified hospitals, referred to in this section as "hospitals", for  
2 the purpose of obtaining federal financial participation under the state  
3 medical assistance program as described in this article 4 and articles 5 and  
4 6 of this title 25.5, referred to in this section as the "state medical  
5 assistance program", and the Colorado indigent care program described  
6 in part 1 of article 3 of this title 25.5, referred to in this section as the  
7 "Colorado indigent care program". The enterprise shall use the healthcare  
8 affordability and sustainability fee revenue to:

9 (II.5) (A) FOR THE 2020-21 STATE FISCAL YEAR ONLY, OFFSET  
10 GENERAL FUND EXPENDITURES FOR THE STATE MEDICAL ASSISTANCE  
11 PROGRAM.

12 (B) THIS SUBSECTION (4)(a)(II.5) IS REPEALED, EFFECTIVE  
13 DECEMBER 31, 2021.

14 (5) **Healthcare affordability and sustainability fee cash fund.**

15 (b) All money in the fund is subject to federal matching as authorized  
16 under federal law and, subject to annual appropriation by the general  
17 assembly, shall be expended by the enterprise for the following purposes:

18 (VIII) Subject to any necessary federal waivers being obtained, to  
19 provide funding for a health care delivery system reform incentive  
20 payments program as described in subsection (8) of this section; ~~and~~

21 (VIII.5) (A) FOR THE 2020-21 STATE FISCAL YEAR ONLY, DUE TO  
22 REDUCTIONS IN THE ADULT DENTAL BENEFIT PURSUANT TO SECTION  
23 25.5-5-207 (2.5), THREE HUNDRED THIRTY-ONE THOUSAND FOUR  
24 HUNDRED SIXTY-TWO DOLLARS TO OFFSET GENERAL FUND EXPENDITURES  
25 FOR THE STATE MEDICAL ASSISTANCE PROGRAM.

26 (B) THIS SUBSECTION (5)(b)(VIII.5) IS REPEALED, EFFECTIVE  
27 DECEMBER 31, 2021.

1           **(6) Appropriations.** (a) (I) EXCEPT AS OTHERWISE PROVIDED IN  
2 SUBSECTION (6)(b)(I.5) OF THIS SECTION, the healthcare affordability and  
3 sustainability fee is to supplement, not supplant, general fund  
4 appropriations to support hospital reimbursements. General fund  
5 appropriations for hospital reimbursements shall be maintained at the  
6 level of appropriations in the medical services premium line item made  
7 for the fiscal year commencing July 1, 2008; except that general fund  
8 appropriations for hospital reimbursements may be reduced if an index of  
9 appropriations to other providers shows that general fund appropriations  
10 are reduced for other providers. If the index shows that general fund  
11 appropriations are reduced for other providers, the general fund  
12 appropriations for hospital reimbursements shall not be reduced by a  
13 greater percentage than the reductions of appropriations for the other  
14 providers as shown by the index.

15           (b) If the revenue from the healthcare affordability and  
16 sustainability fee is insufficient to fully fund all of the purposes described  
17 in subsection (5)(b) of this section:

18           (I.5) (A) FOR THE 2020-21 STATE FISCAL YEAR ONLY, DUE TO  
19 REDUCTIONS IN THE ADULT DENTAL BENEFIT PURSUANT TO SECTION  
20 25.5-5-207 (2.5), THREE HUNDRED THIRTY-ONE THOUSAND FOUR  
21 HUNDRED SIXTY-TWO DOLLARS OF REVENUE SHALL BE USED FIRST TO  
22 OFFSET GENERAL FUND EXPENDITURES FOR THE STATE MEDICAL  
23 ASSISTANCE PROGRAM.

24           (B) THIS SUBSECTION (6)(b)(I.5) IS REPEALED, EFFECTIVE  
25 DECEMBER 31, 2021.

26           **SECTION 3.** In Colorado Revised Statutes, 38-13-801, **as it will**  
27 **become effective July 1, 2020, add (2.5) as follows:**

1           **38-13-801. Unclaimed property trust fund - creation -**  
2           **payments - interest - appropriations - records - rules - repeal.**

3           (2.5) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
4           CONTRARY, ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER  
5           ONE MILLION ONE HUNDRED THIRTY-NINE THOUSAND FOUR HUNDRED TWO  
6           DOLLARS FROM THE UNCLAIMED PROPERTY TRUST FUND TO THE GENERAL  
7           FUND.

8           (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
9           CONTRARY, ON JULY 1, 2021, THE STATE TREASURER SHALL TRANSFER  
10          TWO MILLION TWO HUNDRED SEVENTY-EIGHT THOUSAND EIGHT HUNDRED  
11          FOUR DOLLARS FROM THE UNCLAIMED PROPERTY TRUST FUND TO THE  
12          GENERAL FUND.

13           **SECTION 4. Appropriation - adjustments to 2020 long bill.**

14          (1) To implement this act, appropriations made in the annual general  
15          appropriation act for the 2020-21 state fiscal year to the department of  
16          health care policy and financing for medical services premiums are  
17          adjusted as follows:

18           (a) The general fund appropriation, which is subject to the "(M)"  
19          notation as defined in the annual general appropriation act for the same  
20          fiscal year, is decreased by \$331,462; and

21           (b) The cash funds appropriation from the adult dental fund  
22          created in section 25.5-5-207 (4)(a), C.R.S., is decreased by \$1,139,402.

23          (2) The decrease in subsection (1) of this section is based on the  
24          assumption that the anticipated amount of federal funds received for the  
25          2020-21 state fiscal year by the department of health care policy and  
26          financing for medical services premiums will decrease by \$4,094,136.

27           **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.