

CHAPTER 86

HEALTH CARE POLICY AND FINANCING

SENATE BILL 21-211

BY SENATOR(S) Moreno, Hansen, Rankin, Simpson;
 also REPRESENTATIVE(S) Herod, McCluskie, Bernett, Bird, Bockenfeld, Caraveo, Cutter, Duran, Esgar, Exum, Hooton, Kipp,
 Lontine, McCormick, Michaelson Jenet, Mullica, Sirota, Snyder, Tipper, Titone, Valdez A., Woodrow, Young.

AN ACT

CONCERNING THE REMOVAL OF CERTAIN MEASURES RELATED TO THE REDUCTION OF THE ADULT DENTAL BENEFIT ENACTED IN HOUSE BILL 20-1361, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

25.5-5-207. Adult dental benefit - adult dental fund - creation - legislative declaration. (2.5) ~~(a) Beginning when the higher federal match afforded through the federal "Families First Coronavirus Response Act", Pub.L. 116-127, or any amendment thereto, expires through June 30, 2022, the adult dental benefit provided by this section must not exceed one thousand dollars per year for each recipient.~~

~~(b) This subsection (2.5) is repealed, effective December 31, 2022.~~

SECTION 2. In Colorado Revised Statutes, 25.5-4-402.4, **amend** (6)(a)(I); and **repeal** (4)(a)(II.5), (5)(b)(VIII.5), and (6)(b)(I.3) as follows:

25.5-4-402.4. Hospitals - healthcare affordability and sustainability fee - legislative declaration - Colorado healthcare affordability and sustainability enterprise - federal waiver - fund created - rules - reports - repeal. (4) **Healthcare affordability and sustainability fee.** (a) For the fiscal year commencing July 1, 2017, and for each fiscal year thereafter, the enterprise is authorized to charge and collect a healthcare affordability and sustainability fee, as described in 42 CFR 433.68 (b), on outpatient and inpatient services provided by all licensed or certified hospitals, referred to in this section as "hospitals", for the purpose of obtaining federal financial participation under the state medical

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assistance program as described in this article 4 and articles 5 and 6 of this title 25.5, referred to in this section as the "state medical assistance program", and the Colorado indigent care program described in part 1 of article 3 of this title 25.5, referred to in this section as the "Colorado indigent care program". If the amount of healthcare affordability and sustainability fee revenue collected exceeds the federal net patient revenue-based limit on the amount of such fee revenue that may be collected, requiring repayment to the federal government of excess federal matching money received, hospitals that received such excess federal matching money shall be responsible for repaying the excess federal money and any associated federal penalties to the federal government. The enterprise shall use the healthcare affordability and sustainability fee revenue to:

~~(II.5) (A) For state fiscal year 2020-21 only, offset general fund expenditures for the state medical assistance program.~~

~~(B) This subsection (4)(a)(II.5) is repealed, effective December 31, 2021.~~

(5) Healthcare affordability and sustainability fee cash fund. (b) All money in the fund is subject to federal matching as authorized under federal law and, subject to annual appropriation by the general assembly, shall be expended by the enterprise for the following purposes:

~~(VIII.5) (A) For the 2020-21 state fiscal year only, due to reductions in the adult dental benefit pursuant to section 25.5-5-207 (2.5), three hundred thirty-one thousand four hundred sixty-two dollars to offset general fund expenditures for the state medical assistance program.~~

~~(B) This subsection (5)(b)(VIII.5) is repealed, effective December 31, 2021.~~

(6) Appropriations. (a) (I) Except as otherwise provided in subsection ~~(6)(b)(I.3); (6)(b)(I.5) or (6)(b)(I.7)~~ of this section, the healthcare affordability and sustainability fee is to supplement, not supplant, general fund appropriations to support hospital reimbursements. General fund appropriations for hospital reimbursements shall be maintained at the level of appropriations in the medical services premium line item made for the fiscal year commencing July 1, 2008; except that general fund appropriations for hospital reimbursements may be reduced if an index of appropriations to other providers shows that general fund appropriations are reduced for other providers. If the index shows that general fund appropriations are reduced for other providers, the general fund appropriations for hospital reimbursements shall not be reduced by a greater percentage than the reductions of appropriations for the other providers as shown by the index.

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

~~(I.3) (A) For the 2020-21 state fiscal year only, due to reductions in the adult dental benefit pursuant to section 25.5-5-207 (2.5), three hundred thirty-one thousand four hundred sixty-two dollars of revenue shall be used first to offset general fund expenditures for the state medical assistance program.~~

~~(B) This subsection (6)(b)(1.3) is repealed, effective December 31, 2021.~~

SECTION 3. In Colorado Revised Statutes, 38-13-801, **amend** (2.5)(b) as follows:

38-13-801. Unclaimed property trust fund - creation - payments - interest - appropriations - records - rules. (2.5) (b) ~~Notwithstanding any provision of this section to the contrary, on July 1, 2021, the state treasurer shall transfer two million two hundred seventy-eight thousand eight hundred four dollars from the unclaimed property trust fund to the general fund~~ ON JUNE 30, 2021, THE STATE TREASURER SHALL TRANSFER ONE MILLION ONE HUNDRED THIRTY-NINE THOUSAND FOUR HUNDRED TWO DOLLARS FROM THE GENERAL FUND TO THE UNCLAIMED PROPERTY TRUST FUND.

SECTION 4. Appropriation. (1) For the 2021-22 state fiscal year, \$1,522,875 is appropriated to the department of health care policy and financing. This appropriation consists of \$335,723 from the healthcare affordability and sustainability fee cash fund created in section 25.5-4-402.4 (5)(a), C.R.S., and \$1,187,152 from the adult dental fund created in section 25.5-5-207 (4)(a), C.R.S. To implement this act, the department may use this appropriation for medical and long-term care services for medicaid-eligible individuals.

(2) For the 2021-22 state fiscal year, the general assembly anticipates that the department of health care policy and financing will receive \$4,042,125 in federal funds for medical and long-term care services for medicaid-eligible individuals to implement this act. The appropriation in subsection (1) of this section is based on the assumption that the department will receive this amount of federal funds.

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

Approved: May 4, 2021