

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**ENGROSSED**

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

LLS NO. 22-0413.01 Shelby Ross x4510

**HOUSE BILL 22-1114**

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**HOUSE SPONSORSHIP**

**Larson and Valdez A.,**

**SENATE SPONSORSHIP**

**Zenzinger and Kirkmeyer,**

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**House Committees**

Public & Behavioral Health & Human Services  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING AUTHORIZING A TRANSPORTATION NETWORK COMPANY**  
102 **TO PROVIDE NONMEDICAL TRANSPORTATION SERVICES TO**  
103 **PERSONS WHO ARE ENROLLED IN CERTAIN MEDICAID WAIVER**  
104 **PROGRAMS, AND, IN CONNECTION THEREWITH, MAKING AN**  
105 **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>.)*

Beginning July 1, 2024, the bill authorizes a transportation network company to provide nonmedical transportation services to

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.*

HOUSE  
Amended 2nd Reading  
April 22, 2022

persons enrolled in certain medicaid waiver programs, including home- and community-based services for the elderly, blind, and disabled; home- and community-based services for persons with intellectual and developmental disabilities; home- and community-based services for persons with major mental health disorders; home- and community-based services for persons with brain injury; and complementary and alternative medicine for a person with a spinal cord injury.

No later than January 2024, the bill requires the department of health care policy and financing to submit a report to specified committees of the general assembly identifying a reimbursement system with a goal to incentivize and increase transportation provider participation.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds that:

4 (a) Adults with disabilities deserve an opportunity to live, work,  
5 and perform everyday activities in a community of their choice, at the  
6 time of their choosing, wherever and whenever possible;

7 (b) Coloradans with disabilities are unemployed and  
8 underemployed at a higher rate than the general population and often live  
9 in relative isolation due to myriad barriers and disincentives despite their  
10 interest and eagerness to work and engage in the community;

11 (c) Colorado is an Employment First state committed to  
12 addressing barriers and disincentives to employment to ensure that all  
13 Coloradans can access meaningful, competitive integrated employment;

14 (d) Meaningful employment and day habilitation services, whether  
15 accessed separately or jointly, foster independence and allow adults with  
16 disabilities to make meaningful connections in their community;

17 (e) For adults with disabilities, transportation represents a  
18 significant barrier to accessing employment and day habilitation services  
19 in the community;

1 (f) Many adults with disabilities are reliant on transportation  
2 available through home- and community-based services waivers to gain  
3 access to the community, including employment;

4 (g) Traditional methods of transportation outlined in the waivers  
5 are often inefficient and overburdened;

6 (h) For the past decade, Colorado, following national trends, has  
7 experienced a shortage in direct service providers, including  
8 transportation service providers;

9 (i) Even where accessible public transportation exists, adults with  
10 disabilities and service providers consider current transportation options  
11 inadequate; and

12 (j) Adults with disabilities require workplace and day habilitation  
13 transportation that is safe, efficient, and cost effective.

14 (2) Therefore, the general assembly declares that it is imperative  
15 that Colorado allow for flexibility and growth in available transportation  
16 options for adults with disabilities at comparable costs and funded as an  
17 alternative to mass transportation in a way that maintains safety and  
18 fosters community living and independence for adults with disabilities.

19 **SECTION 2.** In Colorado Revised Statutes, 25.5-6-307, **add** (5)  
20 as follows:

21 **25.5-6-307. Services for the elderly, blind, and disabled - rules.**

22 (5) (a) NO LATER THAN JANUARY 2024, THE STATE DEPARTMENT  
23 SHALL SUBMIT A REPORT TO THE SENATE HEALTH AND HUMAN  
24 SERVICES COMMITTEE, THE HOUSE OF REPRESENTATIVES PUBLIC AND  
25 BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE, AND THE HOUSE  
26 OF REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE, OR ANY  
27 SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR

1 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)  
2 GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. AT A  
3 MINIMUM, THE REPORT MUST IDENTIFY:

4 (I) A REIMBURSEMENT SYSTEM WITH A GOAL TO INCENTIVIZE AND  
5 INCREASE TRANSPORTATION PROVIDER PARTICIPATION;

6 (II) HOW THE STATE DEPARTMENT WILL ENSURE COMPLIANCE  
7 WITH APPLICABLE FEDERAL LAWS AND WAIVER REQUIREMENTS;

8 (III) A SYSTEM OF COMMON REPORTING TO ENSURE A RECIPIENT  
9 DOES NOT EXCEED THE MEDICAID BENEFIT IN A MULTI-PROVIDER  
10 SCENARIO; AND

11 (IV) BEST PRACTICES BASED ON WHAT OTHER STATES HAVE DONE  
12 TO ALLOW TRANSPORTATION NETWORK COMPANIES TO PROVIDE  
13 NONMEDICAL TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING  
14 SERVICES, INCLUDING BUT NOT LIMITED TO, REIMBURSEMENT RATES;  
15 DRIVER COMPENSATION; AND INTEGRATION WITH PROGRAMS THAT  
16 PROVIDE NONMEDICAL TRANSPORTATION SERVICES.

17 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL  
18 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH  
19 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,  
20 INDIVIDUALS WITH DISABILITIES, AND TRANSPORTATION NETWORK  
21 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE  
22 REPORTING REQUIREMENT IN SECTIONS 25.5-6-409 (6), 25.5-6-606 (9),  
23 25.5-6-704 (8), AND 25.5-6-1303 (9).

24 (c) (I) UPON COMPLETION OF THE REPORT DESCRIBED IN  
25 SUBSECTION (5)(a) OF THIS SECTION, THE STATE DEPARTMENT SHALL  
26 ANALYZE AND REVIEW EACH OPERATIONAL TRANSPORTATION NETWORK  
27 COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3). THE STATE

1 DEPARTMENT SHALL VERIFY EACH TRANSPORTATION NETWORK  
2 COMPANY'S VIABILITY TO ENSURE THE HEALTH, SAFETY, WELFARE, COST  
3 EFFECTIVENESS, AND CAPABILITY IN EXPANDING NONMEDICAL  
4 TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING SERVICES  
5 PURSUANT TO THIS SECTION AND COMPLY WITH ALL RULES PROMULGATED  
6 PURSUANT TO SUBSECTION (5)(e)(I) OF THIS SECTION.

7 (II) NO LATER THAN JULY 1, 2024, THE STATE DEPARTMENT SHALL  
8 AUTHORIZE VERIFIED TRANSPORTATION NETWORK COMPANIES TO PROVIDE  
9 NONMEDICAL TRANSPORTATION SERVICES IF THE STATE DEPARTMENT  
10 FINDS THE TRANSPORTATION NETWORK COMPANY VIABLE UNDER FEDERAL  
11 REQUIREMENTS AND WITHIN BUDGETARY CONSTRAINTS.

12 (III) FOR THE PURPOSES OF THIS SUBSECTION (5)(c), "VERIFY"  
13 MEANS A TRANSPORTATION NETWORK COMPANY MEETS ALL  
14 REQUIREMENTS RESULTING FROM THE REPORT DESCRIBED IN SUBSECTION  
15 (5)(a) OF THIS SECTION.

16 (d) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL  
17 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (5).

18 (e) (I) THE STATE DEPARTMENT SHALL PROMULGATE ANY  
19 NECESSARY RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES  
20 COMPLY WITH FEDERAL AND STATE OVERSIGHT REQUIREMENTS AND SHALL  
21 INCLUDE ALL RELEVANT STAKEHOLDERS, INCLUDING MEDICAID  
22 RECIPIENTS, TRANSPORTATION NETWORK COMPANIES, CURRENT  
23 PROVIDERS AND DRIVERS FOR NONMEDICAL TRANSPORTATION SERVICES,  
24 AND OTHER INTERESTED PARTIES IN THE DEVELOPMENT OF SUCH  
25 REQUIREMENTS.

26 (II) PURSUANT TO SECTION 40-10.1-105 (1)(I), TRANSPORTATION  
27 NETWORK COMPANIES ARE NOT SUBJECT TO REGULATION BY THE PUBLIC

1 UTILITIES COMMISSION WHEN PROVIDING NONMEDICAL TRANSPORTATION  
2 SERVICES PURSUANT TO THIS SECTION AND ARE INSTEAD SUBJECT TO  
3 RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO THIS  
4 SUBSECTION (5)(e).

5 (f) THIS SUBSECTION (5) DOES NOT APPLY TO A PROVIDER  
6 AUTHORIZED TO PROVIDE TRANSPORTATION SERVICES PURSUANT TO PART  
7 8 OF ARTICLE 1 OF TITLE 25.5 PRIOR TO THE EFFECTIVE DATE OF THIS  
8 SUBSECTION (5).

9 SECTION 3. In Colorado Revised Statutes, 25.5-6-409, add (5)  
10 as follows:

11 25.5-6-409. Services for persons with intellectual and  
12 developmental disabilities - rules. (5) (a) NO LATER THAN JANUARY

13 2024, THE STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE  
14 SENATE HEALTH AND HUMAN SERVICES COMMITTEE, THE HOUSE OF  
15 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN  
16 SERVICES COMMITTEE, AND THE HOUSE OF REPRESENTATIVES HEALTH AND  
17 INSURANCE COMMITTEE, OR ANY SUCCESSOR COMMITTEES, AS PART OF ITS  
18 "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND  
19 TRANSPARENT (SMART) GOVERNMENT ACT" PRESENTATION REQUIRED  
20 BY SECTION 2-7-203. AT A MINIMUM, THE REPORT MUST IDENTIFY:

21 (I) A REIMBURSEMENT SYSTEM WITH A GOAL TO INCENTIVIZE AND  
22 INCREASE TRANSPORTATION PROVIDER PARTICIPATION;

23 (II) HOW THE STATE DEPARTMENT WILL ENSURE COMPLIANCE  
24 WITH APPLICABLE FEDERAL LAWS AND WAIVER REQUIREMENTS;

25 (III) A SYSTEM OF COMMON REPORTING TO ENSURE A RECIPIENT  
26 DOES NOT EXCEED THE MEDICAID BENEFIT IN A MULTI-PROVIDER  
27 SCENARIO; AND

1 (IV) BEST PRACTICES BASED ON WHAT OTHER STATES HAVE DONE  
2 TO ALLOW TRANSPORTATION NETWORK COMPANIES TO PROVIDE  
3 NONMEDICAL TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING  
4 SERVICES, INCLUDING BUT NOT LIMITED TO, REIMBURSEMENT RATES;  
5 DRIVER COMPENSATION; AND INTEGRATION WITH PROGRAMS THAT  
6 PROVIDE NONMEDICAL TRANSPORTATION SERVICES.

7 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL  
8 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH  
9 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,  
10 INDIVIDUALS WITH DISABILITIES, AND TRANSPORTATION NETWORK  
11 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE  
12 REPORTING REQUIREMENT IN SECTIONS 25.5-6-307 (6), 25.5-6-606 (9),  
13 25.5-6-704 (8), AND 25.5-6-1303 (9).

14 (c) (I) UPON COMPLETION OF THE REPORT DESCRIBED IN  
15 SUBSECTION (5)(a) OF THIS SECTION, THE STATE DEPARTMENT SHALL  
16 ANALYZE AND REVIEW EACH OPERATIONAL TRANSPORTATION NETWORK  
17 COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3). THE STATE  
18 DEPARTMENT SHALL VERIFY EACH TRANSPORTATION NETWORK  
19 COMPANY'S VIABILITY TO ENSURE THE HEALTH, SAFETY, WELFARE, COST  
20 EFFECTIVENESS, AND CAPABILITY IN EXPANDING NONMEDICAL  
21 TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING SERVICES  
22 PURSUANT TO THIS SECTION AND COMPLY WITH ALL RULES PROMULGATED  
23 PURSUANT TO SUBSECTION (5)(e)(I) OF THIS SECTION.

24 (II) NO LATER THAN JULY 1, 2024, THE STATE DEPARTMENT SHALL  
25 AUTHORIZE VERIFIED TRANSPORTATION NETWORK COMPANIES TO PROVIDE  
26 NONMEDICAL TRANSPORTATION SERVICES IF THE STATE DEPARTMENT  
27 FINDS THE TRANSPORTATION NETWORK COMPANY VIABLE UNDER FEDERAL

1 REQUIREMENTS AND WITHIN BUDGETARY CONSTRAINTS.

2 (III) FOR THE PURPOSES OF THIS SUBSECTION (5)(c), "VERIFY"  
3 MEANS A TRANSPORTATION NETWORK COMPANY MEETS ALL  
4 REQUIREMENTS RESULTING FROM THE REPORT DESCRIBED IN SUBSECTION  
5 (5)(a) OF THIS SECTION.

6 (d) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL  
7 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (5).

8 (e) (I) THE STATE DEPARTMENT SHALL PROMULGATE ANY  
9 NECESSARY RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES  
10 COMPLY WITH FEDERAL AND STATE OVERSIGHT REQUIREMENTS AND SHALL  
11 INCLUDE ALL RELEVANT STAKEHOLDERS, INCLUDING MEDICAID  
12 RECIPIENTS, TRANSPORTATION NETWORK COMPANIES, CURRENT  
13 PROVIDERS AND DRIVERS FOR NONMEDICAL TRANSPORTATION SERVICES,  
14 AND OTHER INTERESTED PARTIES IN THE DEVELOPMENT OF SUCH  
15 REQUIREMENTS.

16 (II) PURSUANT TO SECTION 40-10.1-105 (1)(I), TRANSPORTATION  
17 NETWORK COMPANIES ARE NOT SUBJECT TO REGULATION BY THE PUBLIC  
18 UTILITIES COMMISSION WHEN PROVIDING NONMEDICAL TRANSPORTATION  
19 SERVICES PURSUANT TO THIS SECTION AND ARE INSTEAD SUBJECT TO  
20 RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO THIS  
21 SUBSECTION (5)(e).

22 (f) THIS SUBSECTION (5) DOES NOT APPLY TO A PROVIDER  
23 AUTHORIZED TO PROVIDE TRANSPORTATION SERVICES PURSUANT TO PART  
24 8 OF ARTICLE 1 OF TITLE 25.5 PRIOR TO THE EFFECTIVE DATE OF THIS  
25 SUBSECTION (5).

26 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-606, **add** (8)  
27 as follows:



1           **25.5-6-606. Implementation of program for persons with**  
2           **mental health disorders authorized - federal waiver - duties of the**  
3           **department of health care policy and financing and the department**  
4           **of human services - rules.** (8) (a) NO LATER THAN JANUARY 2024, THE

5           STATE DEPARTMENT SHALL SUBMIT A REPORT TO THE SENATE HEALTH  
6           AND HUMAN SERVICES COMMITTEE, THE HOUSE OF REPRESENTATIVES  
7           PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE, AND  
8           THE HOUSE OF REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE, OR  
9           ANY SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR  
10          ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)  
11          GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. AT A  
12          MINIMUM, THE REPORT MUST IDENTIFY:

13               (I) A REIMBURSEMENT SYSTEM WITH A GOAL TO INCENTIVIZE AND  
14               INCREASE TRANSPORTATION PROVIDER PARTICIPATION;

15               (II) HOW THE STATE DEPARTMENT WILL ENSURE COMPLIANCE  
16               WITH APPLICABLE FEDERAL LAWS AND WAIVER REQUIREMENTS;

17               (III) A SYSTEM OF COMMON REPORTING TO ENSURE A RECIPIENT  
18               DOES NOT EXCEED THE MEDICAID BENEFIT IN A MULTI-PROVIDER  
19               SCENARIO; AND

20               (IV) BEST PRACTICES BASED ON WHAT OTHER STATES HAVE DONE  
21               TO ALLOW TRANSPORTATION NETWORK COMPANIES TO PROVIDE  
22               NONMEDICAL TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING  
23               SERVICES, INCLUDING BUT NOT LIMITED TO, REIMBURSEMENT RATES;  
24               DRIVER COMPENSATION; AND INTEGRATION WITH PROGRAMS THAT  
25               PROVIDE NONMEDICAL TRANSPORTATION SERVICES.

26               (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL  
27               ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH

1 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,  
2 INDIVIDUALS WITH DISABILITIES, AND TRANSPORTATION NETWORK  
3 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE  
4 REPORTING REQUIREMENT IN SECTIONS 25.5-6-307(6), 25.5-6-409 (6),  
5 25.5-6-704 (8), AND 25.5-6-1303 (9).

6 (c) (I) UPON COMPLETION OF THE REPORT DESCRIBED IN  
7 SUBSECTION (8)(a) OF THIS SECTION, THE STATE DEPARTMENT SHALL  
8 ANALYZE AND REVIEW EACH OPERATIONAL TRANSPORTATION NETWORK  
9 COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3). THE STATE  
10 DEPARTMENT SHALL VERIFY EACH TRANSPORTATION NETWORK  
11 COMPANY'S VIABILITY TO ENSURE THE HEALTH, SAFETY, WELFARE, COST  
12 EFFECTIVENESS, AND CAPABILITY IN EXPANDING NONMEDICAL  
13 TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING SERVICES  
14 PURSUANT TO THIS SECTION AND COMPLY WITH ALL RULES PROMULGATED  
15 PURSUANT TO SUBSECTION (8)(e)(I) OF THIS SECTION.

16 (II) NO LATER THAN JULY 1, 2024, THE STATE DEPARTMENT SHALL  
17 AUTHORIZE VERIFIED TRANSPORTATION NETWORK COMPANIES TO PROVIDE  
18 NONMEDICAL TRANSPORTATION SERVICES IF THE STATE DEPARTMENT  
19 FINDS THE TRANSPORTATION NETWORK COMPANY VIABLE UNDER FEDERAL  
20 REQUIREMENTS AND WITHIN BUDGETARY CONSTRAINTS.

21 (III) FOR THE PURPOSES OF THIS SUBSECTION (8)(c), "VERIFY"  
22 MEANS A TRANSPORTATION NETWORK COMPANY MEETS ALL  
23 REQUIREMENTS RESULTING FROM THE REPORT DESCRIBED IN SUBSECTION  
24 (8)(a) OF THIS SECTION.

25 (d) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL  
26 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (8).

27 (e) (I) THE STATE DEPARTMENT SHALL PROMULGATE ANY

1 NECESSARY RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES  
2 COMPLY WITH FEDERAL AND STATE OVERSIGHT REQUIREMENTS AND SHALL  
3 INCLUDE ALL RELEVANT STAKEHOLDERS, INCLUDING MEDICAID  
4 RECIPIENTS, TRANSPORTATION NETWORK COMPANIES, CURRENT  
5 PROVIDERS AND DRIVERS FOR NONMEDICAL TRANSPORTATION SERVICES,  
6 AND OTHER INTERESTED PARTIES IN THE DEVELOPMENT OF SUCH  
7 REQUIREMENTS.

8 (II) PURSUANT TO SECTION 40-10.1-105 (1)(I), TRANSPORTATION  
9 NETWORK COMPANIES ARE NOT SUBJECT TO REGULATION BY THE PUBLIC  
10 UTILITIES COMMISSION WHEN PROVIDING NONMEDICAL TRANSPORTATION  
11 SERVICES PURSUANT TO THIS SECTION AND ARE INSTEAD SUBJECT TO  
12 RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO THIS  
13 SUBSECTION (8)(e).

14 (f) THIS SUBSECTION (8) DOES NOT APPLY TO A PROVIDER  
15 AUTHORIZED TO PROVIDE TRANSPORTATION SERVICES PURSUANT TO PART  
16 8 OF ARTICLE 1 OF TITLE 25.5 PRIOR TO THE EFFECTIVE DATE OF THIS  
17 SUBSECTION (8).

18 SECTION 5. In Colorado Revised Statutes, 25.5-6-704, add (7)  
19 as follows:

20 25.5-6-704. Implementation of home- and community-based  
21 services program for persons with brain injury authorized - federal  
22 waiver - duties of the department - rules. (7) (a) NO LATER THAN  
23 JANUARY 2024, THE STATE DEPARTMENT SHALL SUBMIT A REPORT TO  
24 THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE, THE HOUSE OF  
25 REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH AND HUMAN  
26 SERVICES COMMITTEE, AND THE HOUSE OF REPRESENTATIVES HEALTH AND  
27 INSURANCE COMMITTEE, OR ANY SUCCESSOR COMMITTEES, AS PART OF ITS

1 "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND  
2 TRANSPARENT (SMART) GOVERNMENT ACT" PRESENTATION REQUIRED  
3 BY SECTION 2-7-203. AT A MINIMUM, THE REPORT MUST IDENTIFY:

4 (I) A REIMBURSEMENT SYSTEM WITH A GOAL TO INCENTIVIZE AND  
5 INCREASE TRANSPORTATION PROVIDER PARTICIPATION;

6 (II) HOW THE STATE DEPARTMENT WILL ENSURE COMPLIANCE  
7 WITH APPLICABLE FEDERAL LAWS AND WAIVER REQUIREMENTS;

8 (III) A SYSTEM OF COMMON REPORTING TO ENSURE A RECIPIENT  
9 DOES NOT EXCEED THE MEDICAID BENEFIT IN A MULTI-PROVIDER  
10 SCENARIO; AND

11 (IV) BEST PRACTICES BASED ON WHAT OTHER STATES HAVE DONE  
12 TO ALLOW TRANSPORTATION NETWORK COMPANIES TO PROVIDE  
13 NONMEDICAL TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING  
14 SERVICES, INCLUDING BUT NOT LIMITED TO, REIMBURSEMENT RATES;  
15 DRIVER COMPENSATION; AND INTEGRATION WITH PROGRAMS THAT  
16 PROVIDE NONMEDICAL TRANSPORTATION SERVICES.

17 (b) IN DEVELOPING THE REPORT, THE STATE DEPARTMENT SHALL  
18 ENGAGE IN A STAKEHOLDER PROCESS THAT INCLUDES INDIVIDUALS WITH  
19 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES,  
20 INDIVIDUALS WITH DISABILITIES, AND TRANSPORTATION NETWORK  
21 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE  
22 REPORTING REQUIREMENT IN SECTIONS 25.5-6-307 (6), 25.5-6-409 (6),  
23 25.5-6-606 (9), AND 25.5-6-1303 (9).

24 (c) (I) UPON COMPLETION OF THE REPORT DESCRIBED IN  
25 SUBSECTION (7)(a) OF THIS SECTION, THE STATE DEPARTMENT SHALL  
26 ANALYZE AND REVIEW EACH OPERATIONAL TRANSPORTATION NETWORK  
27 COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3). THE STATE

1 DEPARTMENT SHALL VERIFY EACH TRANSPORTATION NETWORK  
2 COMPANY'S VIABILITY TO ENSURE THE HEALTH, SAFETY, WELFARE, COST  
3 EFFECTIVENESS, AND CAPABILITY IN EXPANDING NONMEDICAL  
4 TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING SERVICES  
5 PURSUANT TO THIS SECTION AND COMPLY WITH ALL RULES PROMULGATED  
6 PURSUANT TO SUBSECTION (7)(e)(I) OF THIS SECTION.

7 (II) NO LATER THAN JULY 1, 2024, THE STATE DEPARTMENT SHALL  
8 AUTHORIZE VERIFIED TRANSPORTATION NETWORK COMPANIES TO PROVIDE  
9 NONMEDICAL TRANSPORTATION SERVICES IF THE STATE DEPARTMENT  
10 FINDS THE TRANSPORTATION NETWORK COMPANY VIABLE UNDER FEDERAL  
11 REQUIREMENTS AND WITHIN BUDGETARY CONSTRAINTS.

12 (III) FOR THE PURPOSES OF THIS SUBSECTION (7)(c), "VERIFY"  
13 MEANS A TRANSPORTATION NETWORK COMPANY MEETS ALL  
14 REQUIREMENTS RESULTING FROM THE REPORT DESCRIBED IN SUBSECTION  
15 (7)(a) OF THIS SECTION.

16 (d) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL  
17 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (7).

18 (e) (I) THE STATE DEPARTMENT SHALL PROMULGATE ANY  
19 NECESSARY RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES  
20 COMPLY WITH FEDERAL AND STATE OVERSIGHT REQUIREMENTS AND SHALL  
21 INCLUDE ALL RELEVANT STAKEHOLDERS, INCLUDING MEDICAID  
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23 PROVIDERS AND DRIVERS FOR NONMEDICAL TRANSPORTATION SERVICES,  
24 AND OTHER INTERESTED PARTIES IN THE DEVELOPMENT OF SUCH  
25 REQUIREMENTS.

26 (II) PURSUANT TO SECTION 40-10.1-105 (1)(I), TRANSPORTATION  
27 NETWORK COMPANIES ARE NOT SUBJECT TO REGULATION BY THE PUBLIC

1 UTILITIES COMMISSION WHEN PROVIDING NONMEDICAL TRANSPORTATION  
2 SERVICES PURSUANT TO THIS SECTION AND ARE INSTEAD SUBJECT TO  
3 RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO THIS  
4 SUBSECTION (7)(e).

5 (f) THIS SUBSECTION (7) DOES NOT APPLY TO A PROVIDER  
6 AUTHORIZED TO PROVIDE TRANSPORTATION SERVICES PURSUANT TO PART  
7 8 OF ARTICLE 1 OF TITLE 25.5 PRIOR TO THE EFFECTIVE DATE OF THIS  
8 SUBSECTION (7).

9 SECTION 6. In Colorado Revised Statutes, 25.5-6-1303, add (8)  
10 as follows:

11 25.5-6-1303. Pilot program - complementary or alternative

12 medicine - rules. (8) (a) NO LATER THAN JANUARY 2024, THE STATE  
13 DEPARTMENT SHALL SUBMIT A REPORT TO THE SENATE HEALTH AND  
14 HUMAN SERVICES COMMITTEE, THE HOUSE OF REPRESENTATIVES PUBLIC  
15 AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE, AND THE  
16 HOUSE OF REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE, OR  
17 ANY SUCCESSOR COMMITTEES, AS PART OF ITS "STATE MEASUREMENT FOR  
18 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)  
19 GOVERNMENT ACT" PRESENTATION REQUIRED BY SECTION 2-7-203. AT A  
20 MINIMUM, THE REPORT MUST IDENTIFY:

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22 INCREASE TRANSPORTATION PROVIDER PARTICIPATION;

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26 DOES NOT EXCEED THE MEDICAID BENEFIT IN A MULTI-PROVIDER  
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2 TO ALLOW TRANSPORTATION NETWORK COMPANIES TO PROVIDE  
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4 SERVICES, INCLUDING BUT NOT LIMITED TO, REIMBURSEMENT RATES;  
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6 PROVIDE NONMEDICAL TRANSPORTATION SERVICES.

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10 INDIVIDUALS WITH DISABILITIES, AND TRANSPORTATION NETWORK  
11 COMPANIES. THE REPORT MAY BE DEVELOPED IN CONJUNCTION WITH THE  
12 REPORTING REQUIREMENT IN SECTIONS 25.5-6-307 (6), 25.5-6-409 (6),  
13 25.5-6-606 (9), AND 25.5-6-704 (8).

14 (c) (I) UPON COMPLETION OF THE REPORT DESCRIBED IN  
15 SUBSECTION (8)(a) OF THIS SECTION, THE STATE DEPARTMENT SHALL  
16 ANALYZE AND REVIEW EACH OPERATIONAL TRANSPORTATION NETWORK  
17 COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3). THE STATE  
18 DEPARTMENT SHALL VERIFY EACH TRANSPORTATION NETWORK  
19 COMPANY'S VIABILITY TO ENSURE THE HEALTH, SAFETY, WELFARE, COST  
20 EFFECTIVENESS, AND CAPABILITY IN EXPANDING NONMEDICAL  
21 TRANSPORTATION SERVICES FOR INDIVIDUALS RECEIVING SERVICES  
22 PURSUANT TO THIS SECTION AND COMPLY WITH ALL RULES PROMULGATED  
23 PURSUANT TO SUBSECTION (8)(e)(I) OF THIS SECTION.

24 (II) NO LATER THAN JULY 1, 2024, THE STATE DEPARTMENT SHALL  
25 AUTHORIZE VERIFIED TRANSPORTATION NETWORK COMPANIES TO PROVIDE  
26 NONMEDICAL TRANSPORTATION SERVICES IF THE STATE DEPARTMENT  
27 FINDS THE TRANSPORTATION NETWORK COMPANY VIABLE UNDER FEDERAL

1 REQUIREMENTS AND WITHIN BUDGETARY CONSTRAINTS.

2 (III) FOR THE PURPOSES OF THIS SUBSECTION (8)(c), "VERIFY"  
3 MEANS A TRANSPORTATION NETWORK COMPANY MEETS ALL  
4 REQUIREMENTS RESULTING FROM THE REPORT DESCRIBED IN SUBSECTION  
5 (8)(a) OF THIS SECTION.

6 (d) THE STATE DEPARTMENT MAY SEEK ANY NECESSARY FEDERAL  
7 AUTHORIZATION FOR THE IMPLEMENTATION OF THIS SUBSECTION (8).

8 (e) (I) THE STATE DEPARTMENT SHALL PROMULGATE ANY  
9 NECESSARY RULES TO ENSURE TRANSPORTATION NETWORK COMPANIES  
10 COMPLY WITH FEDERAL AND STATE OVERSIGHT REQUIREMENTS AND SHALL  
11 INCLUDE ALL RELEVANT STAKEHOLDERS, INCLUDING MEDICAID  
12 RECIPIENTS, TRANSPORTATION NETWORK COMPANIES, CURRENT  
13 PROVIDERS AND DRIVERS FOR NONMEDICAL TRANSPORTATION SERVICES,  
14 AND OTHER INTERESTED PARTIES IN THE DEVELOPMENT OF SUCH  
15 REQUIREMENTS.

16 (II) PURSUANT TO SECTION 40-10.1-105 (1)(l), TRANSPORTATION  
17 NETWORK COMPANIES ARE NOT SUBJECT TO REGULATION BY THE PUBLIC  
18 UTILITIES COMMISSION WHEN PROVIDING NONMEDICAL TRANSPORTATION  
19 SERVICES PURSUANT TO THIS SECTION AND ARE INSTEAD SUBJECT TO  
20 RULES PROMULGATED BY THE STATE DEPARTMENT PURSUANT TO THIS  
21 SUBSECTION (8)(e).

22 (f) THIS SUBSECTION (8) DOES NOT APPLY TO A PROVIDER  
23 AUTHORIZED TO PROVIDE TRANSPORTATION SERVICES PURSUANT TO PART  
24 8 OF ARTICLE 1 OF TITLE 25.5 PRIOR TO THE EFFECTIVE DATE OF THIS  
25 SUBSECTION (8).

26 **SECTION 7. Appropriation.** (1) For the 2022-23 state fiscal  
27 year, \$110,811 is appropriated to the department of health care policy and



1 financing. This appropriation consists of \$88,411 from the general fund,  
2 \$16,726 from the healthcare affordability and sustainability fee cash fund  
3 created in section 25.5-4-402.4 (5)(a), C.R.S., and \$5,674 from the  
4 children's basic health plan trust created in section 25.5-8-105 (a), C.R.S.  
5 To implement this act, the department may use this appropriation as  
6 follows:

7 (a) \$62,115 from the general fund for use by the executive  
8 director's office for general professional services and special projects; and

9 (b) \$48,686, which consists of \$26,296 from the general fund,  
10 \$16,726 from the healthcare affordability and sustainability fee cash fund  
11 created in section 25.5-4-402.4 (5)(a), C.R.S., and \$5,674 from the  
12 children's basic health plan trust created in section 25.5-8-105 (a), C.R.S.,  
13 for use by the executive director's office for medicaid management  
14 information system maintenance and projects.

15 (2) For the 2022-23 state fiscal year, the general assembly  
16 anticipates that the department of health care policy and financing will  
17 receive \$436,863 in federal funds. The appropriation in subsection (1) of  
18 this section is based on the assumption that the office will receive this  
19 amount of federal funds to be used as follows:

20 (a) \$62,115 for use by the executive director's office for general  
21 professional services and special projects, which amount is subject to the  
22 "(I)" notation as defined in the annual general appropriation act for the  
23 same fiscal year;

24 (b) \$374,748 for use by the executive director's office for medicaid  
25 management information system maintenance and projects, which amount  
26 is subject to the "(I)" notation as defined in the annual general  
27 appropriation act for the same fiscal year.

1           **SECTION 8. Act subject to petition - effective date.** This act  
2 takes effect at 12:01 a.m. on the day following the expiration of the  
3 ninety-day period after final adjournment of the general assembly; except  
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
5 of the state constitution against this act or an item, section, or part of this  
6 act within such period, then the act, item, section, or part will not take  
7 effect unless approved by the people at the general election to be held in  
8 November 2022 and, in such case, will take effect on the date of the  
9 official declaration of the vote thereon by the governor.