

CHAPTER 14

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 22-1188

BY REPRESENTATIVE(S) Herod and McCluskie, Ransom, Bennett, Bird, Boesenecker, Cutter, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Hooton, Jodeh, Kennedy, Kipp, Lindsay, Lontine, Michaelson Jenet, Ricks, Sirota, Snyder, Titone, Young;
 also SENATOR(S) Moreno and Rankin, Hansen, Buckner, Fenberg, Fields, Ginal, Gonzales, Jaquez Lewis, Lee, Pettersen, Priola, Story, Winter.

AN ACT

CONCERNING AUTHORIZING MONEY IN THE ARPA ACCOUNT WITHIN THE HEALTHCARE AFFORDABILITY AND SUSTAINABILITY FEE CASH FUND TO BE USED FOR HOME- AND COMMUNITY-BASED SERVICES THAT ARE INELIGIBLE FOR A FEDERAL MATCH BUT OTHERWISE AUTHORIZED PURSUANT TO THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021".

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

SECTION 1. In Colorado Revised Statutes, 25.5-4-402.4, **amend** (5)(c)(I) 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. (5) **Healthcare affordability and sustainability fee cash fund.** (c) **ARPA home- and community-based services account.** (I) (A) There is created the "ARPA home- and community-based services account" within the fund, referred to in this subsection (5)(c) as the "ARPA account". Notwithstanding any other provision of this section to the contrary, money in the ARPA account as a result of fund savings and federal matching dollars must be used in accordance with section 9817 of the federal "American Rescue Plan Act of 2021", Pub.L. 117-2, as amended, referred to in this section as "ARPA", to implement or supplement the implementation of home- and community-based services under the medical assistance program pursuant to the provisions of part 18 of article 6 of this title 25.5.

(B) NOTWITHSTANDING SUBSECTION (5)(c)(I)(A) OR ANY OTHER PROVISION OF THIS SECTION, MONEY IN THE ARPA ACCOUNT MAY BE USED FOR A PURPOSE THAT

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

IS INELIGIBLE FOR A FEDERAL MATCH BUT OTHERWISE AUTHORIZED PURSUANT TO THE ARPA IF THE GENERAL ASSEMBLY APPROPRIATES THE MONEY FOR THAT PURPOSE.

SECTION 2. 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: March 7, 2022