

CHAPTER 328

HEALTH CARE POLICY AND FINANCING

HOUSE BILL 22-1290

BY REPRESENTATIVE(S) Titone and Ortiz, Amabile, Benavidez, Bernett, Bird, Boesenecker, Caraveo, Cutter, Esgar, Exum, Froelich, Gonzales-Gutierrez, Herod, Jodeh, Kennedy, Kipp, Lindsay, Lontine, McCluskie, McLachlan, Michaelson Jenet, Ricks, Roberts, Snyder, Valdez A., Valdez D., Weissman, Woodrow, Young, Garnett; also SENATOR(S) Zenzinger and Coram, Cooke, Ginal, Moreno, Rankin.

AN ACT

CONCERNING CHANGES TO MEDICAID TO ALLOW FOR EXPEDITED REPAIRS TO COMPLEX REHABILITATION TECHNOLOGY, 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, 25.5-5-323, **add** (4), (5), (6), and (7) as follows:

25.5-5-323. Complex rehabilitation technology - no prior authorization - metrics - report - rules - legislative declaration - definitions. (4) THE STATE DEPARTMENT SHALL NOT REQUIRE PRIOR AUTHORIZATION FOR ANY REPAIR OF COMPLEX REHABILITATION TECHNOLOGY.

(5)(a) **NO LATER THAN OCTOBER 1, 2023,** THE STATE BOARD SHALL PROMULGATE RULES ESTABLISHING REPAIR METRICS FOR ALL COMPLEX REHABILITATION TECHNOLOGY SUPPLIERS AND COMPLEX REHABILITATION TECHNOLOGY PROFESSIONALS. AT A MINIMUM, THE METRICS MUST INCLUDE REQUIREMENTS FOR REPAIRING COMPLEX REHABILITATION TECHNOLOGY IN A TIMELY MANNER AND THE EXPECTED QUALITY OF EACH REPAIR. **PRIOR TO PROMULGATING RULES PURSUANT TO THIS SUBSECTION (5)(a),** THE STATE DEPARTMENT SHALL ENGAGE IN A STAKEHOLDER PROCESS, WHICH PROCESS MUST INCLUDE QUALIFIED COMPLEX REHABILITATION TECHNOLOGY PROFESSIONALS, QUALIFIED COMPLEX REHABILITATION TECHNOLOGY SUPPLIERS, AND COMPLEX REHABILITATION TECHNOLOGY CLIENTS.

(b) **BEGINNING JANUARY 2024,** AND EACH JANUARY THEREAFTER, THE STATE DEPARTMENT SHALL REPORT ON THE METRICS DEVELOPED PURSUANT TO

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.

SUBSECTION (5)(a) OF THIS SECTION AND COMPLIANCE WITH THE METRICS AS PART OF ITS "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" HEARING REQUIRED BY SECTION 2-7-203.

(6) THREE YEARS AFTER THE DATE THE REPAIR METRIC RULES ARE ESTABLISHED PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION, THE STATE DEPARTMENT MAY ENGAGE IN A STAKEHOLDER PROCESS TO DETERMINE THE NEED FOR ADDITIONAL ACCOUNTABILITY OF A QUALIFIED COMPLEX REHABILITATION TECHNOLOGY SUPPLIER THROUGH FINANCIAL PENALTIES, AUDITS, OR SIMILAR TOOLS, FOR VIOLATIONS OF THE REPAIR METRICS RULES. IF SUCH A STAKEHOLDER PROCESS IS CONVENED, THE PROCESS MUST INCLUDE QUALIFIED COMPLEX REHABILITATION TECHNOLOGY PROFESSIONALS, QUALIFIED COMPLEX REHABILITATION TECHNOLOGY SUPPLIERS, COMPLEX REHABILITATION CLIENTS, AND AN ADVOCACY GROUP FOR PERSONS WITH DISABILITIES.

(7) BEGINNING DECEMBER 1, 2024, THE STATE DEPARTMENT SHALL REIMBURSE LABOR COSTS FOR REPAIRS OF COMPLEX REHABILITATION TECHNOLOGY AT A RATE THAT IS TWENTY-FIVE PERCENT HIGHER FOR CLIENTS RESIDING IN RURAL AREAS THAN THE RATE FOR CLIENTS RESIDING IN URBAN AREAS.

SECTION 2. Appropriation. (1) For the 2022-23 state fiscal year, \$112,668 is appropriated to the department of health care policy and financing. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$33,720 for use by the executive director's office for personal services, which amount is based on an assumption that the office will require an additional 1.0 FTE;

(b) \$3,775 for use by the executive director's office for operating expenses; and

(c) \$75,173 for medical and long-term care services for Medicaid eligible individuals, which amount is subject to the "(M)" notation as defined in the annual general appropriation act for the same fiscal year.

(2) For the 2022-23 state fiscal year, the general assembly anticipates that the department of health care policy and financing will receive \$112,668 in federal funds. The appropriation in subsection (1) of this section is based on the assumption that the office will receive this amount of federal funds to be used as follows:

(a) \$33,720 for use by the executive director's office for personal services, which amount is subject to the "(I)" notation as defined in the annual general appropriation act for the same fiscal year;

(b) \$3,775 for use by the executive director's office for operating expenses, which amount is subject to the "(I)" notation as defined in the annual general appropriation act for the same fiscal year; and

(c) \$75,173 for medical and long-term care services for Medicaid eligible individuals.

SECTION 3. 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: June 2, 2022