

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 24-0528.02 Anna Petrini x5497

HOUSE BILL 24-1322

HOUSE SPONSORSHIP

Brown and Bird,

SENATE SPONSORSHIP

Kirkmeyer and Rodriguez,

House Committees

Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE DEPARTMENT OF HEALTH CARE POLICY AND**
102 **FINANCING CONDUCTING A FEASIBILITY STUDY TO DETERMINE**
103 **WHETHER TO SEEK FEDERAL AUTHORIZATION TO PROVIDE**
104 **SERVICES THAT ADDRESS MEDICAID MEMBERS'**
105 **HEALTH-RELATED SOCIAL NEEDS, AND, IN CONNECTION**
106 **THEREWITH, MAKING AN APPROPRIATION.**

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>.)

The bill directs the department of health care policy and financing

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
April 20, 2024

(state department) to conduct a feasibility study (study) to explore the feasibility of seeking federal authorization to provide nutrition and housing services that address medicaid members' health-related social needs (HRSN). The state department shall report the study's findings to the joint budget committee on or before November 10, 2024. The study and report must address integrating HRSN services with existing housing-related and nutrition-related services.

The bill requires the state department to seek federal authorization to provide HRSN services no later than July 1, 2025, if seeking federal authorization would be budget neutral.

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

SECTION 1. In Colorado Revised Statutes, **add 25.5-5-337** as follows:

25.5-5-337. Coverage for services addressing health-related social needs feasibility study - federal authorization - report - rules.

(1) (a) THE STATE DEPARTMENT SHALL STUDY THE FEASIBILITY OF PROVIDING NUTRITION, HOUSING, AND TENANT SUPPORTIVE SERVICES THAT ADDRESS MEMBERS' HEALTH-RELATED SOCIAL NEEDS IN ORDER TO DETERMINE WHETHER TO SEEK A FEDERAL AUTHORIZATION TO PROVIDE THE SERVICES.

(b) THE FEASIBILITY STUDY MUST ADDRESS THE COSTS, IMPLEMENTATION FACTORS, AFFECTED POPULATIONS, FEDERAL AND STATE FUNDING MECHANISMS, AND TIMELINE FOR THE STATE DEPARTMENT TO SEEK A FEDERAL AUTHORIZATION THAT, AT A MINIMUM, PROVIDES:

(I) HOUSING-RELATED SERVICES AND TENANT SUPPORTIVE SERVICES, INCLUDING UP TO SIX MONTHS OF RENTAL ASSISTANCE OR TEMPORARY HOUSING AND UTILITY ASSISTANCE, WHERE APPLICABLE, FOR:

(A) INDIVIDUALS TRANSITIONING OUT OF INSTITUTIONAL CARE OR A CONGREGATE CARE SETTING, OR INDIVIDUALS AT RISK OF INSTITUTIONALIZATION;

1 (B) INDIVIDUALS WHO ARE EXPERIENCING HOMELESSNESS, AT RISK
2 OF HOMELESSNESS, OR TRANSITIONING OUT OF AN EMERGENCY SHELTER,
3 NONCONGREGATE SHELTER, OR MICRO-COMMUNITY; AND

4 (C) YOUTH IN OR TRANSITIONING OUT OF FOSTER CARE, OR
5 FORMER FOSTER CARE YOUTH; AND

6 (II) NUTRITION-RELATED SERVICES, INCLUDING UP TO THREE
7 MEDICALLY TAILORED MEALS PER DAY, INITIALLY FOR UP TO SIX MONTHS
8 WITH THE POSSIBILITY OF CONTINUING THE MEALS UPON A STATE
9 DEPARTMENT DETERMINATION TO CONTINUE THE MEALS, DELIVERED TO
10 A MEMBER'S HOME OR OTHER PRIVATE RESIDENCE IF THE MEMBER HAS AN
11 ELIGIBLE HEALTH-RELATED MEDICAL OR HEALTH-RELATED SOCIAL NEED,
12 AS DETERMINED BY THE STATE DEPARTMENT.

13 (c) THE FEASIBILITY STUDY MUST ALSO ADDRESS THE COSTS,
14 IMPLEMENTATION FACTORS, TIMELINE, PROVIDER TYPES, SETTINGS, AND
15 FULL RANGE OF SERVICES TO BE COVERED FOR THE STATE DEPARTMENT TO
16 SEEK A FEDERAL AUTHORIZATION THAT PROVIDES:

17 (I) PRE-TENANCY AND TENANCY-SUSTAINING SERVICES,
18 INCLUDING, BUT NOT LIMITED TO, TENANT RIGHTS EDUCATION AND
19 EVICTION PREVENTION;

20 (II) HOUSING TRANSITION NAVIGATION SERVICES, INCLUDING, BUT
21 NOT LIMITED TO, INDIVIDUALIZED CASE MANAGEMENT, SKILLS BUILDING,
22 AND PEER SUPPORT SERVICES;

23 (III) ONE-TIME HOUSING TRANSITION AND MOVING COSTS,
24 INCLUDING, BUT NOT LIMITED TO, SECURITY DEPOSITS; FIRST MONTH'S
25 RENT; MOVERS; RELOCATION EXPENSES; AND COSTS ASSOCIATED WITH
26 UTILITY ACTIVATION, IDENTIFICATION REQUIREMENTS, AND HOUSING
27 APPLICATIONS AND INSPECTIONS;

1 (IV) PANTRY STOCKING OR UP TO THREE MEALS PER DAY,
2 DELIVERED TO THE MEMBER'S HOME OR OTHER PRIVATE RESIDENCE FOR A
3 CHILD OR YOUTH UNDER TWENTY-ONE YEARS OF AGE OR A PREGNANT
4 PERSON FOR UP TO SIX MONTHS; AND

5 (V) NUTRITION PRESCRIPTIONS THAT ARE TARGETED TO
6 MEDICALLY VULNERABLE POPULATIONS, AS DETERMINED BY THE STATE
7 DEPARTMENT, AND TAILORED TO THE MEMBER'S HEALTH AND SOCIAL RISK,
8 NUTRITION-SENSITIVE HEALTH CONDITIONS, OR HAVE A DEMONSTRATED
9 OUTCOME IMPROVEMENT, INCLUDING FRUIT AND VEGETABLE
10 PRESCRIPTIONS AND PROTEIN BOXES FOR UP TO SIX MONTHS.

11 (2) IN ADDITION TO THE STUDY TOPICS DETAILED IN SUBSECTION
12 (1) OF THIS SECTION, THE FEASIBILITY STUDY MUST ADDRESS HOW TO
13 BEST:

14 (a) ENSURE THE HOUSING-RELATED SERVICES AND TENANT
15 SUPPORTIVE SERVICES DESCRIBED IN SUBSECTION (1) OF THIS SECTION
16 SUPPLEMENT AND INTEGRATE WITH OTHER EXISTING HOUSING-RELATED
17 SERVICES AND TENANT SUPPORTIVE SERVICES;

18 (b) COORDINATE ELIGIBILITY AND PRIORITY DETERMINATIONS FOR
19 THE HOUSING-RELATED SERVICES AND TENANT SUPPORTIVE SERVICES
20 DESCRIBED IN SUBSECTION (1) OF THIS SECTION WITH EXISTING PROCESSES,
21 INCLUDING WAIT LISTS AND COORDINATED ENTRY SYSTEMS;

22 (c) ALIGN TEMPORARY HOUSING ASSISTANCE DESCRIBED IN
23 SUBSECTION (1)(b)(I) OF THIS SECTION WITH EXISTING LONG-TERM RENTAL
24 ASSISTANCE PROGRAM REQUIREMENTS AND PROCESSES;

25 (d) ENSURE THE NUTRITION-RELATED SERVICES DESCRIBED IN
26 SUBSECTION (1) OF THIS SECTION SUPPLEMENT RATHER THAN SUPPLANT
27 EXISTING FEDERAL, STATE, AND LOCAL NUTRITION-RELATED SERVICES;

1 (e) COORDINATE WITH STATE AGENCIES AND COUNTY
2 DEPARTMENTS TO CONNECT MEMBERS EXPERIENCING FOOD INSECURITY TO
3 OTHER STATE AND FEDERAL NUTRITION PROGRAMS, INCLUDING THE
4 FEDERAL SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS,
5 AND CHILDREN, 42 U.S.C. SEC. 1786, AS AMENDED; THE SUPPLEMENTAL
6 NUTRITION ASSISTANCE PROGRAM, ESTABLISHED IN PART 3 OF ARTICLE 2
7 OF TITLE 26; AND TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, AS
8 DEFINED IN SECTION 26-2-703;

9 (f) COORDINATE WITH OTHER STATE AND LOCAL HOUSING
10 AUTHORITIES TO ASSIST MEMBERS IN OBTAINING OTHER EXISTING
11 HOUSING-RELATED SERVICES AND TENANT SUPPORTIVE SERVICES;

12 (g) ENSURE THAT ALL HEALTH-RELATED SOCIAL NEEDS SERVICES
13 PROVIDED PURSUANT TO SUBSECTION (1) OF THIS SECTION ARE:

14 (I) MEDICALLY APPROPRIATE, AS DETERMINED BY STATE-DEFINED
15 CLINICAL AND SOCIAL RISK CRITERIA; AND

16 [REDACTED]
17 (II) OPTIONAL FOR MEMBERS, WHO MAY OPT OUT AT ANY TIME;

18 AND

19 [REDACTED]
20 (h) UTILIZE MANAGED CARE ENTITIES, AS DEFINED IN SECTION

21 25.5-5-403, TO COORDINATE SERVICES THAT ADDRESS THE
22 HEALTH-RELATED SOCIAL NEEDS OF MEMBERS DESCRIBED IN SUBSECTION
23 (1) OF THIS SECTION.

24 (3)(a) IN CONDUCTING THE FEASIBILITY STUDY PURSUANT TO THIS
25 SECTION, THE STATE DEPARTMENT SHALL DETERMINE:

26 (I) WHAT PROVIDER TYPES MAY BE REIMBURSED FOR
27 HOUSING-RELATED SERVICES AND TENANT SUPPORTIVE SERVICES, WHICH

1 MUST NOT BE LIMITED TO CLINICAL PROVIDERS;

2 (II) THE TYPES OF HOUSING-RELATED SERVICES AND TENANT
3 SUPPORTIVE SERVICES, INCLUDING SUPPORTIVE OR WRAPAROUND
4 SERVICES, THAT ARE REQUIRED TO KEEP PEOPLE STABLY HOUSED AND
5 THAT ARE AVAILABLE FOR REIMBURSEMENT, INCLUDING, BUT NOT LIMITED
6 TO, CASE MANAGEMENT, ON-SITE PHYSICAL AND BEHAVIORAL HEALTH
7 CARE, PEER SUPPORT SERVICES, SKILL-BUILDING SERVICES, AND
8 NAVIGATION SERVICES; AND

9 (III) THE HOUSING SETTINGS IN WHICH HOUSING-RELATED
10 SERVICES AND TENANT SUPPORTIVE SERVICES MAY BE PROVIDED,
11 INCLUDING, BUT NOT LIMITED TO, TRADITIONAL CONGREGATE SHELTERS,
12 NONCONGREGATE SHELTERS, AND MICRO-COMMUNITIES, WHERE PEOPLE
13 ARE TRANSITIONALLY HOUSED.

14 (b) IN DETERMINING THE REIMBURSEMENT METHODOLOGY FOR
15 HOUSING-RELATED SERVICES AND TENANT SUPPORTIVE SERVICES
16 PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION, THE STATE
17 DEPARTMENT SHALL CONSIDER A PER MEMBER PER MONTH LUMP SUM
18 PAYMENT COMBINED WITH HOUSING VOUCHERS AND OTHER AVAILABLE
19 SUBSIDIES RATHER THAN A DIRECT REIMBURSEMENT MODEL.

20 (c) IN CONDUCTING THE FEASIBILITY STUDY PURSUANT TO THIS
21 SECTION, THE STATE DEPARTMENT SHALL CONSIDER HOW BEST TO
22 LEVERAGE AVAILABLE STATE-DESIGNATED HEALTH PROGRAM FUNDING.

23 (4) IN CONDUCTING THE FEASIBILITY STUDY PURSUANT TO THIS
24 SECTION, THE STATE DEPARTMENT SHALL TAKE INTO CONSIDERATION
25 EXAMPLES OF FEDERAL AUTHORIZATIONS GRANTED TO OTHER STATES IN
26 ORDER TO STREAMLINE THE DEVELOPMENT OF A POTENTIAL FEDERAL
27 AUTHORIZATION FOR HEALTH-RELATED SOCIAL NEEDS IN COLORADO AND

1 INCREASE THE LIKELIHOOD OF ITS APPROVAL.

2 (5) IF, IN CONDUCTING THE FEASIBILITY STUDY PURSUANT TO THIS
3 SECTION, THE STATE DEPARTMENT DETERMINES THAT PROVIDING
4 NUTRITION, HOUSING, AND TENANT SUPPORTIVE SERVICES THAT ADDRESS
5 MEMBERS' HEALTH-RELATED SOCIAL NEEDS THROUGH FEDERAL
6 AUTHORIZATION WOULD BE BUDGET NEUTRAL TO THE GENERAL FUND DUE
7 TO OFFSETTING REDUCTIONS IN MEDICAL SERVICES EXPENDITURES OR
8 OTHER STATE EXPENDITURES, THEN THE STATE DEPARTMENT SHALL SEEK
9 FEDERAL AUTHORIZATION NO LATER THAN JULY 1, 2025, TO PROVIDE ANY
10 OF THE NUTRITION, HOUSING, AND TENANT SUPPORTIVE SERVICES
11 DESCRIBED IN THIS SECTION.

12 (6) ON OR BEFORE NOVEMBER 10, 2024, THE STATE DEPARTMENT
13 SHALL SUBMIT A REPORT DETAILING THE FINDINGS AND
14 RECOMMENDATIONS FROM THE FEASIBILITY STUDY TO THE JOINT BUDGET
15 COMMITTEE. IF THE DETERMINATION TO SEEK FEDERAL AUTHORIZATION
16 IS MADE PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE STATE
17 DEPARTMENT SHALL NOTIFY THE JOINT BUDGET COMMITTEE IN THE STATE
18 DEPARTMENT'S REPORT OF THE STATE DEPARTMENT'S INTENT TO SEEK
19 FEDERAL AUTHORIZATION PURSUANT TO SUBSECTION (5) OF THIS SECTION.
20 THE STATE DEPARTMENT SHALL ALSO NOTIFY THE JOINT BUDGET
21 COMMITTEE OF THE COST OF NUTRITION, HOUSING, AND TENANT
22 SUPPORTIVE SERVICES THAT ADDRESS MEMBERS' HEALTH-RELATED SOCIAL
23 NEEDS THROUGH FEDERAL AUTHORIZATION IF THE STATE DEPARTMENT
24 DETERMINES THAT NUTRITION, HOUSING, AND TENANT SUPPORTIVE
25 SERVICES THAT ADDRESS MEMBERS' HEALTH-RELATED SOCIAL NEEDS
26 WOULD NOT BE BUDGET NEUTRAL.

27 (7) THE STATE DEPARTMENT MAY HIRE A CONSULTANT TO ASSIST

1 WITH DEVELOPING THE FEASIBILITY STUDY AND RELATED REPORT, THE
2 PROCESS OF SEEKING FEDERAL AUTHORIZATION, AND ANY RESULTING
3 MONITORING, RENEWAL, OR AMENDMENT PROCESSES.

4 (8) THE STATE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND
5 GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR
6 THE PURPOSES OF CONDUCTING THE FEASIBILITY STUDY PURSUANT TO THIS
7 SECTION.

8 (9) THE STATE BOARD SHALL PROMULGATE ANY RULES NECESSARY
9 TO IMPLEMENT AND ADMINISTER THIS SECTION.

10 (10) THE STATE DEPARTMENT SHALL CONTINUE TO COVER THE
11 COSTS OF CURRENT HOUSING-RELATED AND TENANT SUPPORTIVE SERVICES
12 THROUGH THE STATEWIDE SUPPORTIVE SERVICES EXPANSION PILOT
13 PROGRAM UNTIL FEDERAL AUTHORIZATION IS GRANTED.

14 **SECTION 2. Appropriation.** (1) For the 2024-25 state fiscal
15 year, \$222,920 is appropriated to the department of health care policy and
16 financing for use by the executive director's office. This appropriation is
17 from the general fund. To implement this act, the office may use this
18 appropriation as follows:

19 (a) \$67,070 for personal services, which amount is based on an
20 assumption that the office will require an additional 1.0 FTE;

21 (b) \$3,975 for operating expenses; and

22 (c) \$151,875 for general professional services and special
23 projects.

24 (2) For the 2024-25 state fiscal year, the general assembly
25 anticipates that the department of health care policy and financing will
26 receive \$222,919 in federal funds to implement this act, which amount is
27 subject to the "(I)" notation as defined in the annual general appropriation

1 act for the same fiscal year. The appropriation in subsection (1) of this
2 section is based on the assumption that the department will receive this
3 amount of federal funds to be used as follows:

4 (a) \$67,069 for personal services;

5 (b) \$3,975 for operating expenses; and

6 (c) \$151,875 for general professional services and special
7 projects.

8 **SECTION 3. Safety clause.** The general assembly finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, or safety or for appropriations for
11 the support and maintenance of the departments of the state and state
12 institutions.