

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-1010.01 Brita Darling x2241

SENATE BILL 21-286

SENATE SPONSORSHIP

Moreno and Rankin, Hansen, Bridges, Buckner, Danielson, Ginal, Gonzales, Holbert, Jaquez Lewis, Kolker, Lee, Liston, Pettersen, Priola, Smallwood, Story, Winter, Woodward, Zenzinger

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Senate Committees
Appropriations

House Committees
Appropriations

HOUSE
3rd Reading Unamended
June 3, 2021

A BILL FOR AN ACT

101 **CONCERNING THE DISTRIBUTION OF MONEY RECEIVED UNDER THE**
102 **FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021" FOR HOME-**
103 **AND COMMUNITY-BASED SERVICES, AND, IN CONNECTION**
104 **THEREWITH, MAKING AND REDUCING AN APPROPRIATION.**

HOUSE
Amended 2nd Reading
June 1, 2021

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/>.)

SENATE
3rd Reading Unamended
May 27, 2021

Joint Budget Committee. The bill directs the department of health care policy and financing (department) to develop a spending plan (spending plan) for using enhanced, one-time federal matching money

SENATE
Amended 2nd Reading
May 26, 2021

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.

received pursuant to the "American Rescue Plan Act of 2021" (federal act) to enhance, expand, and strengthen Medicaid-eligible home- and community-based services for older adults and people with disabilities.

The department shall develop a proposed spending plan considering feedback from providers, medical assistance recipients, and advocates consistent with federal guidance on allowable uses of the federal act funding. Money from the federal act may be used for home- and community-based services, as defined in the federal act, including home health services, personal care services, PACE services, waiver services, case management services, and rehabilitative services. The department must develop the spending plan in accordance with federal act guidance. The bill specifies possible components of the spending plan.

As soon as practicable after federal guidance is received, the department shall submit the proposed spending plan to the joint budget committee of the general assembly for approval. The joint budget committee may reject or approve the spending plan and may make recommendations for modifications to the spending plan. If the spending plan is rejected, the department shall submit a new spending plan as soon as possible. The department shall not implement the spending plan unless the spending plan is approved by the joint budget committee.

The bill transfers \$225,735,015 from the general fund to a cash fund created in the bill. The money in the cash fund is appropriated to the state department for the fiscal year commencing on July 1, 2021, for expenditures identified in the spending plan approved by the joint budget committee; except that the spending authority expires if a supplemental appropriation bill is enacted. During the next legislative session, the joint budget committee shall introduce a supplemental appropriation bill for the amount of the expenditures authorized. For fiscal years commencing on and after July 1, 2021, the general assembly may also appropriate money from the fund for purposes authorized under the federal act. Money in the fund may be used for the department's reasonable and necessary administrative expenses.

The bill requires the department to submit expenditure reports with additional information specified in the bill concerning the use of the money received pursuant to the federal act.

The bill repeals the statutory provisions in 2025.

The bill appropriates money to the department to administer the appropriations and adjusts the 2020 and 2021 long bill appropriations to reflect federal funding not already accounted for in the long bills.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 17 to article

1 6 to title 25.5 as follows:

2 PART 17
3 COLORADO MEDICAL ASSISTANCE PROGRAM
4 REQUIREMENTS FOR DISBURSEMENT OF
5 FEDERAL FUNDS UNDER THE
6 FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021"

7 **25.5-6-1701. Legislative declaration.** (1) THE GENERAL
8 ASSEMBLY FINDS AND DECLARES THAT COLORADO HAS A LONG-STANDING
9 COMMITMENT TO SERVING OLDER ADULTS AND PEOPLE WITH DISABILITIES
10 THROUGH HOME- AND COMMUNITY-BASED SERVICES THAT ENABLE THEM
11 TO STAY IN THEIR HOMES IN THEIR COMMUNITIES.

12 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
13 COLORADO IS COMMITTED TO MAXIMIZING THE IMPACT OF THE ONE-TIME,
14 TEN-PERCENTAGE-POINT INCREASE IN THE FEDERAL MATCHING RATE FOR
15 MEDICAID HOME- AND COMMUNITY-BASED SERVICES, AS OUTLINED IN
16 SECTION 9817 OF THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021",
17 TO IMPLEMENT OR SUPPLEMENT THE IMPLEMENTATION OF ONE OR MORE
18 ACTIVITIES TO ENHANCE, EXPAND, AND STRENGTHEN MEDICAID-FUNDED
19 HOME- AND COMMUNITY-BASED SERVICES.

20 **25.5-6-1702. Definitions.** AS USED IN THIS PART 17, UNLESS THE
21 CONTEXT OTHERWISE REQUIRES:

22 (1) "AMERICAN RESCUE PLAN ACT" MEANS THE FEDERAL
23 "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AS AMENDED.

24 (2) "HOME- AND COMMUNITY-BASED SERVICES" MEANS ANY OF
25 THE FOLLOWING:

26 (a) HOME HEALTH-CARE SERVICES AUTHORIZED PURSUANT TO
27 PARAGRAPH (7) OF SECTION 1905(a) OF THE "SOCIAL SECURITY ACT", 42

1 U.S.C. 1396d(a);

2 (b) PERSONAL CARE SERVICES AUTHORIZED PURSUANT TO
3 PARAGRAPH (24) OF SECTION 1905(a) OF THE "SOCIAL SECURITY ACT", 42
4 U.S.C. 1396d(a);

5 (c) PACE SERVICES AUTHORIZED PURSUANT TO PARAGRAPH (26)
6 OF SECTION 1905(a) OF THE "SOCIAL SECURITY ACT", 42 U.S.C. 1396d(a);

7 (d) HOME- AND COMMUNITY-BASED SERVICES AUTHORIZED
8 PURSUANT TO SUBSECTIONS (b), (c), (i), (j), AND (k) OF SECTION 1915 OF
9 THE "SOCIAL SECURITY ACT", 42 U.S.C. 1396n; SERVICES AUTHORIZED
10 PURSUANT TO A WAIVER UNDER SECTION 1115 OF THE "SOCIAL SECURITY
11 ACT", 42 U.S.C. 1315; AND SERVICES THROUGH COVERAGE AUTHORIZED
12 UNDER SECTION 1937 OF THE "SOCIAL SECURITY ACT", 42 U.S.C.
13 1396u-7;

14 (e) CASE MANAGEMENT SERVICES AUTHORIZED UNDER SECTION
15 1905(a)(19) OF THE "SOCIAL SECURITY ACT", 42 U.S.C. 1396d(a)(19),
16 AND SECTION 1915(g) OF THE "SOCIAL SECURITY ACT", 42 U.S.C.
17 1396n(g);

18 (f) REHABILITATIVE SERVICES, INCLUDING THOSE RELATED TO
19 BEHAVIORAL HEALTH, DESCRIBED IN SECTION 1905(a)(13) OF THE "SOCIAL
20 SECURITY ACT", 42 U.S.C. 1396d(a)(13); AND

21 (g) SUCH OTHER SERVICES SPECIFIED BY THE UNITED STATES
22 SECRETARY OF HEALTH AND HUMAN SERVICES.

23 (3) "SOCIAL SECURITY ACT" MEANS THE FEDERAL "SOCIAL
24 SECURITY ACT", AS AMENDED.

25 **25.5-6-1703. Development of spending plan.** (1) IN
26 ACCORDANCE WITH FEDERAL GUIDANCE ISSUED BY THE FEDERAL CENTERS
27 FOR MEDICARE AND MEDICAID SERVICES REGARDING THE

1 IMPLEMENTATION OF SECTION 9817 OF THE "AMERICAN RESCUE PLAN
2 ACT ", THE STATE DEPARTMENT SHALL DEVELOP A PROPOSED SPENDING
3 PLAN USING THE ENHANCED FUNDING, WHICH PLAN MAY INCLUDE BUT IS
4 NOT LIMITED TO THE FOLLOWING COMPONENTS:

5 (a) CONSIDERATION OF METHODS TO MAXIMIZE FEDERAL
6 FINANCIAL PARTICIPATION;

7 (b) INCORPORATION OF FEEDBACK FROM MEDICAL ASSISTANCE
8 RECIPIENTS, ADVOCATES, AND PROVIDERS FOR THE SERVICES FOR WHICH
9 THE "AMERICAN RESCUE PLAN ACT" PROVIDES ADDITIONAL FEDERAL
10 FINANCIAL PARTICIPATION;

11 (c) EXPEDITION OF THE RESPONSE AND RECOVERY FOR MEDICAL
12 ASSISTANCE RECIPIENTS, PROVIDERS, AND OTHER RELEVANT
13 ORGANIZATIONS MOST SIGNIFICANTLY IMPACTED BY THE COVID-19
14 PANDEMIC. RESPONSE AND RECOVERY EFFORTS MAY INCLUDE BUT ARE
15 NOT LIMITED TO:

16 (I) ONE-TIME PROVIDER RATE INCREASES TO SUPPORT
17 ORGANIZATIONS AND THE DIRECT-CARE WORKERS IMPACTED BY
18 COVID-19;

19 (II) ONE-TIME PAYMENTS TO SUPPORT INFECTION CONTROL; AND

20 (III) TRIBAL GRANTS TO INCREASE ACCESS TO AND USE OF HOME-
21 AND COMMUNITY-BASED SERVICES ON TRIBAL LANDS;

22 (d) ADVANCEMENT AND ACCELERATION OF EXISTING AND NEWLY
23 IDENTIFIED SYSTEM REFORM EFFORTS. ADVANCEMENT AND
24 ACCELERATION EFFORTS MAY INCLUDE BUT ARE NOT LIMITED TO:

25 (I) SUPPORT FOR LOCAL ORGANIZATIONS AND STAKEHOLDERS TO
26 PLAN AND PREPARE FOR THE IMPLEMENTATION OF CASE MANAGEMENT
27 REDESIGN EFFORTS;

1 (II) ANALYSIS AND DEVELOPMENT OF RECOMMENDATIONS TO
2 BETTER STABILIZE EXISTING RURAL PROVIDERS AND TO EXPAND PROVIDER
3 ACCESS IN RURAL COMMUNITIES;

4 (III) ANALYSIS AND DEVELOPMENT OF RECOMMENDATIONS FOR
5 NEW MODELS OF CARE FOR INVESTMENT AND INNOVATION;

6 (IV) DEVELOPMENT OF PAY FOR PERFORMANCE PROGRAMS;

7 (V) IMPROVEMENT OF PROVIDER CERTIFICATION OVERSIGHT;

8 (VI) DEVELOPMENT OF ACUITY TOOLS FOR LONG-TERM HOME
9 HEALTH;

10 (VII) DEVELOPMENT OF TRAINING TO ALIGN WITH 988 MOBILE
11 DISPATCH;

12 (VIII) ANALYSIS AND DEVELOPMENT OF RECOMMENDATIONS FOR
13 IMPLEMENTING BEHAVIORAL HEALTH PEER SUPPORTS FOR DAY SERVICES
14 SERVING PEOPLE EXPERIENCING HOMELESSNESS;

15 (IX) DEVELOPMENT OF TRANSITION SUPPORT SERVICES FOR
16 PEOPLE WITH COMPLEX BEHAVIORAL NEEDS;

17 (X) PROVIDER CAPACITY-BUILDING TO SERVE PEOPLE WITH
18 HIGH-INTENSITY NEEDS;

19 (XI) DEVELOPMENT OF PROVIDER CULTURAL AND DISABILITY
20 COMPETENCY TRAINING; AND

21 (XII) HOME- AND COMMUNITY-BASED SERVICES THROUGH THE
22 COMMUNITY FIRST CHOICE OPTION, SECTION 1915(k) OF THE "SOCIAL
23 SECURITY ACT", 42 U.S.C. 1396n;

24 (e) INVESTMENT IN INFRASTRUCTURE AND TECHNOLOGY
25 INNOVATION THAT HAS A LONG-TERM BENEFIT TO THE SYSTEM AND THE
26 PEOPLE OF COLORADO, INCLUDING INTEGRATION WITH OTHER STATEWIDE
27 AND LOCAL EFFORTS. INVESTMENTS MAY INCLUDE BUT ARE NOT LIMITED

1 TO:

2 (I) COMPREHENSIVE TRAINING FOR CASE MANAGERS AND
3 PROVIDERS;

4 (II) SYSTEM ENHANCEMENTS TO SUPPORT STREAMLINED
5 ELIGIBILITY;

6 (III) MEMBER AND FAMILY MATERIAL ON CASE MANAGEMENT,
7 CARE COORDINATION, AND HOME- AND COMMUNITY-BASED SERVICES;

8 (IV) EXPANDING RECIPIENT ACCESS TO TECHNOLOGY AND
9 TECHNOLOGY LITERACY TRAINING;

10 (V) CAPITAL FUNDING FOR IT INFRASTRUCTURE TO PURCHASE
11 DEVICES TO SUPPORT THE IMPLEMENTATION OF THE CARE AND CASE
12 MANAGEMENT TOOL; AND

13 (VI) TELEMEDICINE AND TELEHEALTH ONE-TIME PAYMENTS TO
14 SUPPORT EQUIPMENT FOR SERVICE DELIVERY; AND

15 (f) DEVELOPMENT AND STABILIZATION OF THE DIRECT-CARE
16 WORKFORCE. EFFORTS MAY INCLUDE BUT ARE NOT LIMITED TO:

17 (I) THE ANALYSIS OF NATIONWIDE EFFORTS TO STRENGTHEN THE
18 DIRECT-CARE WORKFORCE;

19 (II) DEVELOPMENT OF A STRATEGIC PLAN TO STABILIZE THE
20 DIRECT-CARE WORKFORCE, INCLUDING PLANS FOR RURAL SUSTAINABILITY;

21 (III) CONSIDERATION OF DIRECT-CARE WORKER WAGE
22 SUSTAINABILITY THROUGH INCREASED RATES AND POTENTIAL WAGE
23 PASS-THROUGH PROGRAMS;

24 (IV) DEVELOPMENT OF TRAINING PROGRAMS FOCUSING ON
25 ADDITIONAL CAREER PATHWAYS; AND

26 (V) CREATION OF STRUCTURE AROUND RECRUITMENT, RETENTION,
27 AND PUBLIC AWARENESS OF DIRECT-CARE WORK.

1 (2) THE STATE DEPARTMENT SHALL CONTINUE TO ENGAGE
2 STAKEHOLDERS FOR INPUT CONCERNING PRIORITIZATION OF THE USE OF
3 THE ENHANCED FUNDING FROM THE "AMERICAN RESCUE PLAN ACT".

4 **25.5-6-1704. Spending plan - approval by joint budget**

5 **committee - reporting.** (1) (a) AS SOON AS PRACTICABLE AFTER
6 RECEIVING FEDERAL GUIDANCE, THE STATE DEPARTMENT SHALL SUBMIT
7 A PROPOSED SPENDING PLAN FOR EXPENDITURES PURSUANT TO THIS PART
8 17 TO THE JOINT BUDGET COMMITTEE FOR THE COMMITTEE'S REJECTION OR
9 APPROVAL. IF A PROPOSED SPENDING PLAN IS REJECTED, THE STATE
10 DEPARTMENT SHALL RESUBMIT A NEW PLAN AS SOON AS POSSIBLE. THE
11 JOINT BUDGET COMMITTEE MAY MAKE RECOMMENDATIONS FOR
12 MODIFICATIONS TO THE SPENDING PLAN. THE STATE DEPARTMENT SHALL
13 NOT IMPLEMENT THE SPENDING PLAN UNLESS THE JOINT BUDGET
14 COMMITTEE APPROVES THE SPENDING PLAN.

15 (b) THE STATE DEPARTMENT SHALL IDENTIFY IN THE PLAN THE
16 DATA, RESEARCH, AND EVIDENCE USED TO DETERMINE THE SPENDING PLAN
17 IN A MANNER CONSISTENT WITH THE INSTRUCTIONS PUBLISHED BY THE
18 OFFICE OF STATE PLANNING AND BUDGETING PURSUANT TO SECTION
19 24-37-302 (1)(a).

20 (c) THE SPENDING PLAN MUST INCORPORATE ANY AVAILABLE
21 FEDERAL FUNDS.

22 (d) THE STATE DEPARTMENT SHALL NOT INCLUDE PROVISIONS IN
23 THE SPENDING PLAN OR IMPLEMENT PROVISIONS OF THE SPENDING PLAN
24 THAT ARE NOT ELIGIBLE FOR FUNDING PURSUANT TO FEDERAL GUIDANCE
25 RELATING TO THE "AMERICAN RESCUE PLAN ACT".

26 (2) COMMENCING NOVEMBER 1, 2021, AND OCCURRING
27 QUARTERLY THEREAFTER, THE STATE DEPARTMENT SHALL REPORT TO THE

1 JOINT BUDGET COMMITTEE CONCERNING THE STATUS OF EXPENDITURES
2 PURSUANT TO THIS PART 17.

3 (3) THE REPORTS MUST INCLUDE:

4 (a) THE SCOPE, INTENDED IMPACT, AND AMOUNT OF MONEY
5 DISBURSED FROM THE MONEY RECEIVED PURSUANT TO THE "AMERICAN
6 RESCUE PLAN ACT";

7 (b) A DESCRIPTION OF HOW THE STATE DEPARTMENT
8 INCORPORATED STAKEHOLDER FEEDBACK INTO PLANS FOR THE
9 DISBURSEMENT OF MONEY; AND

10 (c) AN UPDATE AS TO THE TOTAL AMOUNT OF MONEY DISBURSED
11 FROM THE MONEY RECEIVED PURSUANT TO THE "AMERICAN RESCUE PLAN
12 ACT", THE REMAINING AMOUNT OF MONEY, AND THE PROJECTED AMOUNT
13 OF ANTICIPATED FEDERAL FINANCIAL PARTICIPATION.

14 **25.5-6-1705. Home- and community-based services**
15 **improvement fund - creation - transfer - expenditures.** (1) THE HOME-
16 AND COMMUNITY-BASED SERVICES IMPROVEMENT FUND, REFERRED TO IN
17 THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE
18 FUND CONSISTS OF MONEY TRANSFERRED TO THE FUND PURSUANT TO
19 SUBSECTION (2) OF THIS SECTION.

20 (2) (a) ON THE EFFECTIVE DATE OF THIS PART 17, THE STATE
21 TREASURER SHALL TRANSFER TWO HUNDRED SIXTY MILLION SEVEN
22 HUNDRED THIRTY THOUSAND NINETY-NINE DOLLARS FROM THE GENERAL
23 FUND TO THE FUND.

24 (b) (I) IF THE GENERAL FUND SAVINGS DUE TO THE ENHANCED
25 FEDERAL MATCH UNDER SECTION 9817 OF THE "AMERICAN RESCUE PLAN
26 ACT" IS GREATER THAN THE AMOUNT TRANSFERRED TO THE FUND UNDER
27 SUBSECTION (2)(a) OF THIS SECTION, THEN THE STATE DEPARTMENT SHALL

1 NOTIFY THE STATE TREASURER OF THE AMOUNT BY WHICH THE SAVINGS
2 EXCEEDED THE TRANSFER. THE STATE TREASURER SHALL TRANSFER THIS
3 AMOUNT OF MONEY FROM THE GENERAL FUND TO THE FUND.

4 (II) IF THE GENERAL FUND SAVINGS DUE TO THE ENHANCED
5 FEDERAL MATCH UNDER SECTION 9817 OF THE "AMERICAN RESCUE PLAN
6 ACT" IS LESS THAN THE AMOUNT TRANSFERRED TO THE FUND UNDER
7 SUBSECTION (2)(a) OF THIS SECTION, THEN THE STATE DEPARTMENT SHALL
8 NOTIFY THE STATE TREASURER OF THE AMOUNT BY WHICH THE TRANSFER
9 EXCEEDS THE SAVINGS. THE STATE TREASURER SHALL TRANSFER THIS
10 AMOUNT OF MONEY FROM TO THE FUND TO THE GENERAL FUND.

11 (3) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
12 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
13 FUND TO THE GENERAL FUND.

14 (4) (a) MONEY IN THE FUND IS APPROPRIATED TO THE STATE
15 DEPARTMENT FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2021, FOR
16 THE EXPENDITURES IDENTIFIED IN THE SPENDING PLAN APPROVED BY THE
17 JOINT BUDGET COMMITTEE PURSUANT TO SECTION 25.5-6-1704; EXCEPT
18 THAT THE SPENDING AUTHORITY CONFERRED BY THIS SUBSECTION (4)(a)
19 EXPIRES IF A SUPPLEMENTAL APPROPRIATION BILL THAT APPROPRIATES
20 MONEY FROM THE FUND TO THE STATE DEPARTMENT IS ENACTED.

21 (b) DURING THE NEXT LEGISLATIVE SESSION, THE JOINT BUDGET
22 COMMITTEE SHALL INTRODUCE A SUPPLEMENTAL APPROPRIATION BILL
23 WITH THE SPECIFIC EXPENDITURES AUTHORIZED UNDER SUBSECTION (4)(a)
24 OF THIS SECTION.

25 (5) FOR FISCAL YEARS COMMENCING ON AND AFTER JULY 1, 2021,
26 MONEY IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION TO ENHANCE,
27 EXPAND, AND STRENGTHEN MEDICAID HOME- AND COMMUNITY-BASED

1 SERVICES PURSUANT TO SECTION 9817 OF THE "AMERICAN RESCUE PLAN
2 ACT".

3 (6) THE STATE DEPARTMENT MAY USE THE MONEY IN THE FUND
4 FOR REASONABLE AND NECESSARY ADMINISTRATIVE COSTS ASSOCIATED
5 WITH IMPLEMENTING THIS PART 17.

6 **25.5-6-1706. Repeal of part.** THIS PART 17 IS REPEALED,
7 EFFECTIVE JULY 1, 2025.

8 **SECTION 2.** In Colorado Revised Statutes, 25.5-4-402.4, **add**
9 **(5)(c)** as follows:

10 **25.5-4-402.4. Hospitals - healthcare affordability and**
11 **sustainability fee - legislative declaration - Colorado healthcare**
12 **affordability and sustainability enterprise - federal waiver - fund**
13 **created - rules - reports - repeal. (5) Healthcare affordability and**
14 **sustainability fee cash fund. (c) ARPA home- and community-based**
15 **services account. (I) THERE IS CREATED THE "ARPA HOME- AND**
16 **COMMUNITY-BASED SERVICES ACCOUNT" WITHIN THE FUND, REFERRED TO**
17 **IN THIS SUBSECTION (5)(c) AS THE "ARPA ACCOUNT". NOTWITHSTANDING**
18 **ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, MONEY IN THE**
19 **ARPA ACCOUNT AS A RESULT OF FUND SAVINGS AND FEDERAL MATCHING**
20 **DOLLARS MUST BE USED IN ACCORDANCE WITH SECTION 9817 OF THE**
21 **FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AS**
22 **AMENDED, REFERRED TO IN THIS SECTION AS "ARPA", TO IMPLEMENT OR**
23 **SUPPLEMENT THE IMPLEMENTATION OF HOME- AND COMMUNITY-BASED**
24 **SERVICES UNDER THE MEDICAL ASSISTANCE PROGRAM PURSUANT TO THE**
25 **PROVISIONS OF PART 17 OF ARTICLE 6 OF THIS TITLE 25.5.**

26 **(II) (A) ON THE EFFECTIVE DATE OF THIS SUBSECTION (5)(c), THE**
27 **STATE TREASURER SHALL TRANSFER NINETEEN MILLION EIGHT HUNDRED**

1 THIRTY THOUSAND NINE HUNDRED EIGHTEEN DOLLARS FROM THE FUND TO
2 THE ARPA ACCOUNT.

3 (B) IF THE FUND SAVINGS DUE TO THE ENHANCED FEDERAL MATCH
4 UNDER ARPA IS GREATER THAN THE AMOUNT TRANSFERRED TO THE
5 ARPA ACCOUNT UNDER SUBSECTION (5)(c)(II)(A) OF THIS SECTION, THEN
6 THE STATE DEPARTMENT SHALL NOTIFY THE STATE TREASURER OF THE
7 AMOUNT BY WHICH THE SAVINGS EXCEEDS THE TRANSFER. THE STATE
8 TREASURER SHALL TRANSFER THIS AMOUNT FROM THE FUND TO THE
9 ARPA ACCOUNT.

10 (C) IF THE FUND SAVINGS DUE TO THE ENHANCED FEDERAL MATCH
11 UNDER ARPA IS LESS THAN THE AMOUNT TRANSFERRED TO THE ARPA
12 ACCOUNT UNDER SUBSECTION (5)(c)(II)(A) OF THIS SECTION, THEN THE
13 STATE DEPARTMENT SHALL NOTIFY THE STATE TREASURER OF THE
14 AMOUNT BY WHICH THE TRANSFER EXCEEDS THE SAVINGS. THE STATE
15 TREASURER SHALL TRANSFER THIS AMOUNT FROM THE ARPA ACCOUNT
16 TO THE FUND.

17 (III) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
18 INCOME DERIVED FROM THE MONEY IN THE ARPA ACCOUNT TO THE FUND.

19 (IV) MONEY IN THE ARPA ACCOUNT IS SUBJECT TO ANNUAL
20 APPROPRIATION BY THE GENERAL ASSEMBLY CONSISTENT WITH THE
21 PURPOSES SPECIFIED IN THIS SECTION AND ARPA, AND PURSUANT TO PART
22 17 OF ARTICLE 6 OF THIS TITLE 25.5.

23 (V) MONEY IN THE ARPA ACCOUNT REMAINS IN THE ARPA
24 ACCOUNT UNTIL THE END OF THE SPENDING PERIOD AUTHORIZED UNDER
25 ARPA, AT WHICH TIME MONEY REMAINING IN THE ARPA ACCOUNT
26 BECOMES PART OF THE FUND.

27 (VI) THIS SUBSECTION (5)(c) IS REPEALED, EFFECTIVE JULY 1,

1 2025.

2 **SECTION 3.** In Colorado Revised Statutes, 25.5-5-321, **amend**
3 (3) as follows:

4 **25.5-5-321. Telemedicine - home health care - home health**
5 **telemedicine cash fund - rules.** (3) (a) Reimbursement shall not be
6 provided for purchase or lease of telemedicine equipment.

7 (b) (I) SUBSECTION (3)(a) OF THIS SECTION DOES NOT APPLY TO
8 EXPENDITURES MADE PURSUANT TO PART 17 OF ARTICLE 6 OF THIS TITLE
9 25.5.

10 (II) THIS SUBSECTION (3)(b) IS REPEALED, EFFECTIVE JULY 1, 2025.

11 **SECTION 4. Appropriation.** (1) For the 2021-22 state fiscal
12 year, \$378,843 is appropriated to the department of health care policy and
13 financing for use by the executive director's office. This appropriation is
14 from the the home- and community-based services improvement fund
15 created in section 25.5-6-1705 (1), C.R.S. To implement this act, the
16 office may use this appropriation as follows:

17 (a) \$172,768 for personal services, which amount is based on an
18 assumption that the office will require an additional 4.6 FTE;

19 (b) \$18,875 for operating expenses; and

20 (c) \$187,200 for general professional services and special
21 projects.

22 (2) For the 2021-22 state fiscal year, the general assembly
23 anticipates that the department of health care policy and financing will
24 receive \$378,843 in federal funds to implement this act, which amount is
25 subject to the "(I)" notation as defined in the annual general appropriation
26 act for the same fiscal year. The appropriation in subsection (1) of this
27 section is based on the assumption that the department will receive this

1 amount of federal funds to be used as follows:
2 (a) \$172,768 for personal services; ___
3 (b) \$18,875 for operating expenses; and
4 (c) \$187,200 for general professional services and special
5 projects.

6 **SECTION 5. Appropriation - adjustments to 2021 long bill.**

7 (1) To implement this act, appropriations made in the annual general
8 appropriation act for the 2021-22 state fiscal year to the department of
9 health care policy and financing are adjusted as follows:

10 (a) The general fund appropriation for behavioral health capitation
11 payments is decreased by \$26,708,125; and

12 (b) The cash funds appropriation for behavioral health capitation
13 payments is decreased by \$15,336,964 from the healthcare affordability
14 and sustainability fee cash fund created in section 25.5-4-402.4 (5)(a),
15 C.R.S.

16 (2) The decrease of the appropriations in subsection (1) of this
17 section is based on the assumption that the anticipated amount of federal
18 funds received for the 2021-22 state fiscal year by the department of
19 health care policy and financing for behavioral health capitation payments
20 will increase by \$42,045,089.

APPROPRIATION FROM

| ITEM & SUBTOTAL | TOTAL | GENERAL FUND | GENERAL FUND EXEMPT | CASH FUNDS | REAPPROPRIATED FUNDS | FEDERAL FUNDS |
|--------------------|-------|-----------------|---------------------------|---------------|-------------------------|------------------|
| \$ | \$ | \$ | \$ | \$ | \$ | \$ |

1 **SECTION 6. Appropriation to the department of health care policy and financing for the fiscal year beginning July 1, 2020.** In Session Laws of Colorado 2020, section
 2 of chapter 326, (HB 20-1360), **amend** Part V (3) and the affected totals, as Part V (3) and the affected totals are amended by section 1 of SB 21-043, and as Part V (3) and the affected
 3 totals are amended by section 10 of SB 21-205, as follows:

4 Section 2. **Appropriation.**

PART V

DEPARTMENT OF HEALTH CARE POLICY AND FINANCING

8 **(3) BEHAVIORAL HEALTH COMMUNITY PROGRAMS**

9 Behavioral Health

| | | | | | | |
|--------------------------------|-------------|-------------|----------------|--|-------------------------|-------------|
| 10 Capitation Payments | 869,040,805 | | 200,356,948(M) | | 57,065,690 ^r | 611,618,167 |
| 11 | | | 192,069,989(M) | | 52,571,736 ^a | 624,399,080 |
| 12 Behavioral Health | | | | | | |
| 13 Fee-for-service Payments | 13,863,346 | | 2,486,792(M) | | 938,389 ^a | 10,438,165 |
| 14 | | 882,904,151 | | | | |

15

APPROPRIATION FROM

| ITEM & SUBTOTAL | TOTAL | GENERAL FUND | GENERAL FUND EXEMPT | CASH FUNDS | REAPPROPRIATED FUNDS | FEDERAL FUNDS |
|--------------------|-------|-----------------|---------------------------|---------------|-------------------------|------------------|
| \$ | \$ | \$ | \$ | \$ | \$ | \$ |

1 **SECTION 7. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health,

2 and safety.