

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Joint Budget Committee Members
FROM JBC Staff
DATE March 24, 2021
SUBJECT Potential Legislation

This packet includes bill drafts and related memos for the Committee’s consideration. Each individual item has page numbers but also a packet page number to help navigate the whole document. The page numbers below refer to the packet page number.

POTENTIAL LEGISLATION

Primary Care Payments Align Federal Funding LLS 21-0869 (Kurtz) 1
Auxiliary Services Rural Areas LLS21-0826 (Smart)..... 3

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT
3.22.21

DRAFT

LLS NO. 21-0869.01 Brita Darling x2241

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Primary Care Payments Align Federal Funding"

A BILL FOR AN ACT

101 CONCERNING ALIGNING PRIMARY CARE PAYMENTS WITH THE
102 "COLORADO MEDICAL ASSISTANCE ACT" TO MAXIMIZE
103 FEDERAL FUNDS, AND, IN CONNECTION THEREWITH,
104 IDENTIFYING ANTICIPATED FEDERAL FUNDS.

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/>.)

Joint Budget Committee. The bill requires the department of health care policy and financing, to the extent available and permitted by the federal government and the Colorado constitution, to maximize

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Dashes through the words indicate deletions from existing statute.*

federal funds for payments for primary care services by aligning payments with the "Colorado Medical Assistance Act".

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-3-302, **amend**
3 (4); and **add** (5) as follows:

4 **25.5-3-302. Annual allocation - primary care services -**
5 **qualified provider - rules.** (4) ~~The state board shall adopt any rules~~
6 ~~necessary for the administration and implementation of this part 3.~~
7 BEGINNING IN THE 2021-22 STATE FISCAL YEAR, AND TO THE EXTENT
8 AVAILABLE AND PERMITTED BY THE FEDERAL GOVERNMENT AND SECTION
9 21 OF ARTICLE X OF THE STATE CONSTITUTION, THE STATE DEPARTMENT
10 SHALL MAXIMIZE FEDERAL FUNDS FOR PAYMENT TO QUALIFIED PROVIDERS
11 UNDER THIS SECTION BY ALIGNING PAYMENTS WITH THE "COLORADO
12 MEDICAL ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF THIS TITLE 25.5.

13 (5) THE STATE BOARD SHALL ADOPT ANY RULES NECESSARY FOR
14 THE ADMINISTRATION AND IMPLEMENTATION OF THIS PART 3.

15 **SECTION 2. Federal funds.** For the 2021-22 state fiscal year,
16 the general assembly anticipates that the department of health care policy
17 and financing will receive \$25,330,755 in federal funds for the primary
18 care fund program to implement this act. This figure is subject to the "(I)"
19 notation as defined in the annual general appropriation act for the same
20 fiscal year.

21 **SECTION 3. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT

UNEDITED
UNREVISED
REDRAFT
3.22.21
Double underlining
denotes changes from
prior draft

LLS NO. 21-0826.01 Thomas Morris x4218

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: "Auxiliary Services Rural Areas"

A BILL FOR AN ACT

101 **CONCERNING THE COLORADO COMMISSION FOR THE DEAF, HARD OF**
102 **HEARING, AND DEAFBLIND, AND, IN CONNECTION THEREWITH,**
103 **PROVIDING AUXILIARY SERVICES IN RURAL AREAS OF THE STATE**
104 **FOR PERSONS WHO ARE DEAF, HARD OF HEARING, OR DEAFBLIND**
105 **AND REMOVING THE REQUIREMENT THAT A NOT-FOR-PROFIT**
106 **ENTITY MUST BE A COMMUNITY-BASED ORGANIZATION TO BE**
107 **ELIGIBLE TO APPLY TO THE COMMISSION FOR GRANT MONEY.**

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/>.)

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1 up-to-date, accurate information especially critical for all populations in
2 our state, including for persons in our rural areas who are deaf, hard of
3 hearing, or deafblind; and

4 (e) To help level the playing field for all persons who are deaf,
5 hard of hearing, or deafblind in the state, it is imperative that the state
6 develop a statewide program to help organize, dispatch, and finance the
7 provision of auxiliary services throughout the rural areas of the state.

8 =====

9 **SECTION 2.** In Colorado Revised Statutes, 26-21-106, **add** (9)
10 as follows:

11 **26-21-106. Powers, functions, and duties of commission -**
12 **community access program - report - definitions - rules.** (9) (a) THE
13 COMMISSION SHALL ARRANGE FOR THE PROVISION OF AUXILIARY SERVICES
14 IN RURAL AREAS OF THE STATE BY PERFORMING THE FOLLOWING
15 FUNCTIONS:

16 (I) COORDINATING ON A STATEWIDE BASIS THE DAY-TO-DAY
17 SCHEDULING FOR AUXILIARY SERVICES TO BE PROVIDED IN RURAL AREAS;

18 (II) CREATING AND MANAGING A PROCESS FOR THE INTAKE AND
19 FULFILLMENT OF REQUESTS FOR AUXILIARY SERVICES IN RURAL AREAS,
20 INCLUDING THE IDENTIFICATION, COORDINATION, AND APPOINTMENT OF
21 AUXILIARY SERVICES PROVIDERS TO MEET THE NEEDS OF ALL PARTIES
22 INVOLVED IN THE PROCEEDING, EVENT, OR CIRCUMSTANCE FOR WHICH A
23 REQUEST IS MADE;

24 (III) CREATING AND MANAGING EFFICIENT AND CONSISTENT
25 PROCESSES THROUGH WHICH AN AUXILIARY SERVICES PROVIDER MAY
26 SUBMIT REQUIRED DOCUMENTATION AND RECEIVE PAYMENT FOR
27 AUXILIARY SERVICES PROVIDED;

1 (IV) TO RESOLVE ANY ISSUES THAT ARISE WITH REGARD TO
2 AUXILIARY SERVICES, COMMUNICATING WITH AUXILIARY SERVICES USERS,
3 AUXILIARY SERVICES PROVIDERS, AND APPOINTING AUTHORITIES, AS
4 DEFINED IN SECTION 13-90-202 (1), IN THE RURAL AREAS IN WHICH
5 AUXILIARY SERVICES ARE REQUESTED OR ARE BEING PROVIDED PURSUANT
6 TO THIS SUBSECTION (9);

7 (V) PROVIDING TRAINING OPPORTUNITIES FOR POTENTIAL
8 AUXILIARY SERVICES PROVIDERS WHO ARE WILLING TO ACCEPT
9 ASSIGNMENTS IN RURAL AREAS;

10 (VI) AWARDING SCHOLARSHIPS FOR POTENTIAL AUXILIARY
11 SERVICES PROVIDERS' EDUCATION, INTERNSHIP, AND CERTIFICATION
12 TESTING FOR QUALIFIED PROGRAMS;

13 (VII) CONDUCTING OUTREACH TO RURAL USERS IN NEED OF
14 AUXILIARY SERVICES AND AUXILIARY SERVICES PROVIDERS;

15 (VIII) ESTABLISHING, MONITORING, AND PUBLISHING ON THE
16 COMMISSION'S PUBLIC WEBSITE A LIST OF AVAILABLE CART PROVIDERS
17 AND QUALIFIED INTERPRETERS, AS DEFINED IN SUBSECTIONS (4)(g)(II)(A)
18 AND (4)(g)(II)(B) OF THIS SECTION, RESPECTIVELY, WHO ARE WILLING TO
19 WORK IN RURAL AREAS FOR PERSONS WHO ARE DEAF, HARD OF HEARING,
20 OR DEAFBLIND;

21 (IX) CREATING AN ADVISORY COUNCIL TO MAKE
22 RECOMMENDATIONS TO THE COMMISSION ABOUT THE PROVISION OF
23 AUXILIARY SERVICES IN RURAL AREAS; AND

24 (X) DEVELOPING AND IMPLEMENTING OTHER STRATEGIES TO
25 INCREASE CAPACITY FOR AUXILIARY SERVICES IN RURAL AREAS.

26 (b) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES IN
27 CONSULTATION WITH, OR AS PROPOSED BY, THE COMMISSION AND THE

1 DEAF, HARD OF HEARING, AND DEAFBLIND COMMUNITY, REGARDING
2 IMPLEMENTATION OF THIS SUBSECTION (9). THE RULES MUST DEFINE
3 THE TERM "RURAL AREA".

4 (c) (I) ON OR BEFORE NOVEMBER 1, 2022, AND ON OR BEFORE
5 NOVEMBER 1 OF EACH YEAR THEREAFTER, THE COMMISSION SHALL
6 SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE SUMMARIZING THE
7 COMMISSION'S IMPLEMENTATION OF THE PROGRAM DESCRIBED IN THIS
8 SUBSECTION (9) OVER THE PREVIOUS TWELVE MONTHS.

9 (II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
10 REPORTING REQUIREMENT SET FORTH IN SUBSECTION (9)(c)(I) OF THIS
11 SECTION CONTINUES INDEFINITELY.

12 **SECTION 3.** In Colorado Revised Statutes, 26-21-107.5, **amend**
13 (5) as follows:

14 **26-21-107.5. Colorado commission for the deaf, hard of**
15 **hearing, and deafblind grant program - creation - standards -**
16 **applications - definitions.** (5) For purposes of AS USED IN this section,
17 "entity" means a local government, state agency, state-operated program,
18 or private nonprofit or not-for-profit ~~community-based~~ organization.

19 **SECTION 4.** In Colorado Revised Statutes, 40-17-103, **amend**
20 (3)(a)(III)(E) and (3)(a)(III)(F); and **add** (3)(a)(III)(G) as follows:

21 **40-17-103. Commission - powers and duties - rules.** (3) The
22 commission shall, through the promulgation of rules, develop and
23 implement a mechanism to recover its costs and the cost to voice service
24 providers in implementing and administering telecommunications relay
25 services required by this article 17. The mechanism must, at a minimum,
26 provide for the following:

27 (a) (III) Without exceeding the maximum monthly surcharge set

1 forth in subsection (3)(a)(I) of this section, the monthly surcharge must
2 be an amount sufficient to:

3 (E) Reimburse the department of revenue for its administrative
4 costs in collecting prepaid wireless TRS charges on prepaid wireless
5 phones pursuant to section 29-11-102.7; ~~and~~

6 (F) Provide support for library services as authorized by section
7 24-90-105 (1)(e); AND

8 (G) PROVIDE SUPPORT FOR AUXILIARY SERVICES IN RURAL AREAS
9 AS AUTHORIZED BY SECTION 26-21-106 (9).

10 **SECTION 5. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety.