



Informing Policy. Advancing Health.

## CHI Bill Tracker: 2012 Colorado Legislative Session

CHI has been tracking the 2012 Colorado legislative session closely for bills related to health policy. Below is a list of the bills, including summaries and statuses. The list is broken into several categories: reducing regulations and simplifying administration, reducing or modifying health care services, increasing options for long-term services and supports for elderly, and increasing transparency of hospital services and charity care policies.

### Category: Reducing regulations and simplifying administration

[HB 12-1015](#): Modifies the Department of Regulatory Agencies' Sunrise Review Process –**signed by the Governor**

(Sponsors: Rep. Chris Holbert (R) and Sen. Tim Neville (R))

- Modifies the sunrise review process for occupational and professional groups.

[HB 12-1041](#): Electronic Death Registration System – **sent to the Governor**

(Sponsors: Rep. Jeanne Labuda (D) and Sen. Lucia Guzman (D))

- Directs CDPHE to create an electronic death registration system to allow coroners and others responsible for reporting deaths to do so electronically. This bill would allow for better records and reporting of death data, similar to the state's birth registry.

[HB 12-1052](#): Health Care Work Force Data Collection – **sent to the Governor**

(Sponsors: Rep. Ken Summers (R), Sen. Ellen Roberts (R) and Sen. Betty Boyd (D))

- Requires the director of DORA to implement a system to collect health care work force data from health care professionals who are eligible for the Colorado Health Service Corps, from practical and professional nurses, and from pharmacists. The health care workforce data will assist in planning for future state health care workforce needs.

[HB 12-1054](#): Simplify Procurement for HCPF Health Care Providers –**signed by the Governor**

(Sponsor: Rep. Rhonda Fields (D))

- Reduces the number of different contracts and commitment vouchers required for multiple programs under the HCPF.

[HB 12-1058](#): Health Department Infant Eye Prophylaxis – **signed by the Governor**

(Sponsors: Rep. Janek Joshi (R) and Sen. Jeanne Nicholson (D))

- Deletes requirements that CDPHE specify, approve, and provide, free of charge, a prophylaxis to treat the eyes of newborns. Instead, requires the health care provider to treat a newborn



Informing Policy. Advancing Health.

with a prophylaxis meeting current medical standard of care. The bill would reduce burden on CDPHE.

[HB-1268](#): Health Facility Safety Inspection Transfer to CDPS – **sent to the Governor**

(Sponsors: Rep. Cindy Acree (R))

- Transfers the responsibility for inspecting health care facilities for building and fire safety standards from CDPHE to the Colorado Department of Public Safety, which performs similar reviews of public school buildings.

[HB 1294](#): Modifications to the System of Health Facilities Regulation by CDPHE – **sent to the Governor**

(Sponsors: Rep. Larry Liston (R) and Sen. Lois Tochtrop (D))

- Modifies the regulatory processes of CDPHE and the Department of Human Services (DHS). To reduce duplication and unnecessary government oversight and regulation of health facilities.

[HB 12-1300](#) Continuation of Professional Review – **sent to the Governor**

(Sponsor: Rep. Bob Gardner (R) and Sen. Irene Aguilar (D))

- Continues the Colorado Professional Review Act (CPRA) and updates and modernizes the process used to review the quality of patient care provided by other physicians. Authorizes the professional review of physician assistants and advanced practice nurses.

[SB 12-037](#): Electronic Prescription Transfer for Controlled Substances – **signed by the Governor**

(Sponsors: Rep. Dave Young (D) and Sen. Steve King (R))

- Allows for electronic transfer of prescriptions for controlled substances. Currently, a pharmacy is prohibited from dispensing a prescribed schedule II, III, IV, or V controlled substance without a written prescription from the practitioner.

[SB 12-065](#): Prior Authorization Form Prescription Drugs – **died in committee**

(Sponsor: Sen. John Morse (R))

- Requires providers and plans to use a standard prior authorization form to submit and receive requests for prior coverage approval of a prescription drug. This provision reduces the confusion and time required to complete different forms. If the health benefit plan fails to use or accept the prior authorization form or fails to respond to a request within two business days, the request is deemed granted. This last provision may decrease the amount of time to dispense a prescription but it may increase the costs if a more expensive medication is provided in the absence of a timely prescription.

[SB 12-161](#) Reduce Correctional Facility Health Care Costs – **sent to the Governor**

(Sponsor: Rep. Laura Bradford (R) and Sen. Jeanne Nicholson (D))

- Allows correctional facilities to return certain unused medications, medical devices and medical supplies to be re-dispensed to another patient.

**Category: Reducing or modifying health care services**

Two proposals would lower Medicaid expenditures by reducing eligibility. In contrast, another proposal allows HCPF to incorporate payment reform pilot programs in the Medicaid Accountable Care Collaborative program. The bill sponsors anticipate that the pilot payment reform proposals will reduce costs and improve quality in the Medicaid program. Two proposals would provide oral health services to new populations.

[HB 12-1017](#): Extend Local Access to Health Care Pilot –**signed by the Governor**

(Sponsors: Representatives Sal Pace (D) and Keith Swerdfeger (R) and Sen. Angela Giron (D))

[HB 12-1281](#): Medicaid Payment Reform Pilot Program – **sent to the Governor**

(Sponsors: Representatives Dave Young (D) and Cheri Gerou (R) and Senators Pat Steadman (D) and Ellen Roberts (R))

- Directs HCPF to create a process for interested RCCOs to submit proposals for pilot programs designed around payment reform using global payments, risk adjustment, risk sharing, and aligned payment incentives. Preference will be given to proposals using global payments. Additional considerations will be for RCCOs who have the ability to coordinate among providers of physical, behavioral and oral health care and long-term services and supports.

[HB 12-1326](#): Concerning Assistance to the Elderly – **sent to the Governor**

(Sponsors: Rep. Cindy Acree (R) and Senator Michael Johnston (D))

- Authorizes the state board of human services to increase the monthly old age pension (OAP) award from \$699 a month to \$725. The monthly assistance is provided to persons 60 years or older with little or no income. The bill appropriates money for dental services for OAP recipients and expands those services to individuals over age 60 with incomes less than 135% of the federal poverty.

[SB 12-032](#): Medicaid Reform Federal Waiver - **died in committee**

(Sponsor: Sen. Greg Brophy (R))

- Requires HCPF to seek a federal waiver to allow the state more flexibility to modify Medicaid eligibility, such as adding an asset test for eligibility. Would allow the program to be funded like a block grant with a capped federal payment adjusted for population and inflation growth.



Informing Policy. Advancing Health.

[SB 12-060](#): Improve Medicaid Fraud Prosecution – **signed by the Governor**

(Sponsor: Sen. Ellen Roberts (R))

- Requires HCPF to provide an annual report on client fraud and the Attorney General to report on provider fraud. Increases the amount counties can recover when fraud is reported and collected.

[SB12-085](#): Reducing General Fund Expenditures – **died in committee**

(Sponsor: Sen. Shawn Mitchell (R))

- Reduces eligibility and services in the Medicaid and Child Health Insurance (CHP+) program to levels in effect in 2006. For example, the proposal would lower the income eligibility for children and pregnant women in CHP+ from 250% of the federal poverty level (FPL) to 205% of the FPL and lowers the income eligibility for parents from 100% of the FPL to 60% of the FPL.

[SB12-090](#): Restore Medicaid Funding for Circumcision – **died in committee**

(Sponsors: Rep. Lois Court (D) and Sen. Joyce Foster (D))

- Restores reimbursements to providers for male circumcision in the Medicaid program.

[SB12-108](#): Medicaid Oral Health Services for Pregnant Women- **passed House Health and Environment Committee, referred to House floor**

(Sponsors: Sen. Jeanne Nicholson (D))

- Provides oral health services for pregnant women under Colorado's Medicaid program.

### **Category: Increasing options for long-term services and supports for elderly**

The Department of Health Care Policy (HCPF) is preparing to include persons who are dually eligible for Medicare and Medicaid in the Accountable Care Collaborative to improve care coordination and to reduce duplication of services and costs. Three bills have been proposed with the goal of ensuring that these individuals (often referred to as dual eligibles) who are often in need of LTSS are provided a range of options as they try to find the setting that best suits their preferences and needs.

[HB 12-1177](#): Developmental Disabilities Home Care Allowance Grant Program – **signed by the Governor**

(Sponsors: Rep. Cheri Gerou (R) and Sen. Mary Hodge (D))

- Establishes a new grant program in the Department of Human Services to provide to certain individuals with developmental disabilities receiving benefits under either the home- and community-based supported living services or the children's extensive support waiver a home

care allowance benefit consistent with benefits received by persons under the home care allowance program.

[HB 12-1230](#): Study Redesign of Developmental Disabilities Services – **died in committee**

(Sponsors: Rep. Dave Young (D) and Sen. Irene Aguilar (D))

- Directs the Department of Health Care Policy and Financing conduct a study of redesigning the long-term services and supports system for persons with a developmental disability. If the study finds cost savings or increased satisfaction, the Department is authorized to seek federal authorization to implement the changes.

[SB 12-023](#): Improve Eligible Persons Access to PACE Program – **signed by the Governor**

(Sponsor: Sen. Betty Boyd (D))

- Requires that organizations and staff who enroll elderly persons who qualify for both Medicare and Medicaid services to provide information about PACE, a program of all-inclusive care for the elderly. Would allow elderly persons currently enrolled in an ACC or any other managed care organization to terminate from that program and enroll in a PACE program, if one is available where they live.

[SB 12-074](#): Consumer-directed Care Designee Service Provider – **signed by the Governor**

(Sponsors: Sen. Irene Aguilar (D) and Rep. Bob Gardner (R))

- Allows a family member or authorized representative to be employed by a Medicaid recipient receiving consumer-directed attendant support service benefits (CDASS). The bill allows a person designated as a CDASS caregiver to act as the person's guardian, conservator or direct service provider.

[SB 12-127](#): Providers of Long-term Services and Supports as Medicaid Health Homes – **signed by the Governor**

(Sponsors: Sen. Linda Newell (D) and Rep. Ken Summers (R))

- Directs the Department of Health Care Policy and Financing to permit providers of LTSS to contract with the Regional Care Collaborative Organizations (RCCO) as health homes or to provide some or all of the services provided by the RCCO.

[SB 12-128](#): Alternative Care Facility Reimbursement Pilot – **sent to the Governor**

(Sponsors: Sen. Ellen Roberts (R) and Rep. Ken Summers (R))

- Creates a three-year alternative care facilities pilot program designed to increase the use of alternative care facilities in the Medicaid program for individuals currently enrolled in a nursing facility who may achieve the same or better outcomes in the alternative care facility.

**Category: Increasing transparency of hospital services and charity care policies**

Two hospital bills would increase transparency about the services that hospitals do not provide and about their charity care policies for uninsured patients. The goal is to provide information about the services prior to admission, if practical, to enable consumer choice of hospitals.

[SB12-093](#): Notice of Hospitals of Services Not Provided by Hospital Due to Religious Beliefs – **died in committee**

(Sponsors: Sen. Morgan Carroll (D) and Rep. Crisanta Duran (D))

- Requires hospitals to notify patients which services they do not provide because of religious beliefs or moral convictions. Patients are to be informed of their right to obtain the services from another hospital.

[SB12-134](#): Financial Assistance in Colorado Hospitals – **signed by the Governor**

(Sponsors: Sen. Irene Aguilar (D))

- Require hospitals to communicate the charity program and discount program available to uninsured patients in a clear manner. In addition the proposal would prohibit hospitals from charging a patient more than the cost of care.

**Other bills**

[SB12-020](#): Immunity for Reporters of Overdoses – **sent to the Governor**

(Sponsors: Rep. Ken Summers (R) Sen. Irene Aguilar (D))

- Allows one or more persons immunity from arrest and criminal prosecution if they report an emergency drug or alcohol overdose and remain at the scene until law enforcement or an emergency medical responder arrives.

[SB12-053](#): Colorado Health Benefit Exchange Repeal – **died in committee**

(Sponsors: Rep. Marsha Looper (R) and Sen. Tim Neville (R))

- Repeals SB 11-200, the Colorado Health Benefit Exchange Act, in the event that the federal Affordable Care Act is repealed or the United States Supreme Court rules that all or any part of the federal act is unconstitutional.

[SB 12-068](#): No Trans Fats in Public School Foods – **sent to the Governor**

(Sponsors: Rep. Tom Massey (R) and Sen. Lucia Guzman (D))

- Prohibits schools from providing or selling foods that contain industrially produced trans fats, including in school stores and vending machines.



Informing Policy. Advancing Health.

[SB 12- 167](#) Higher Education Student Health Trusts and Plans – **lost in Senate**

(Sponsors: Rep. Ken Summers (R) Sen. Rollie Health (D))

- Authorizes state institutions of higher education to establish student health trusts for self-funded health plans to provide health benefits for students and their dependents. Exempts the trusts and self-funded plans from the state insurance regulations but requires reports to be filed with the commissioner of insurance.

[HB 12-1100](#) Pregnancy & Evidence of Substance Abuse – **signed by the Governor**

(Rep. Ken Summers (R) and Sen. Irene Aguilar (D))

- Allows pregnant women to enter treatment for substance abuse without being prosecuted for using illegal drugs when their addiction is detected as part of a medical exam.