

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 20-1200.02 Jacob Baus x2173

HOUSE BILL 20-1361

HOUSE SPONSORSHIP

Esgar and McCluskie,

SENATE SPONSORSHIP

Moreno and Zenzinger, Rankin

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REDUCTION OF THE ADULT DENTAL BENEFIT, AND, IN**
102 **CONNECTION THEREWITH, REDUCING 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/>.)

Joint Budget Committee. Beginning when the higher federal match afforded through the federal "Families First Coronavirus Response Act" expires, the bill reduces the adult dental benefit so that it does not exceed \$1,000 per year for a participant.

From the savings from the reduction of the adult dental benefit in the medical assistance program, the bill transfers \$1,139,402 from the

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.*

HOUSE
2nd Reading Unamended
June 1, 2020

unclaimed property trust fund to the general fund in the 2020-21 fiscal year and \$2,278,804 in the 2021-22 fiscal year. Furthermore, the bill requires \$331,462 to be appropriated from the healthcare affordability and sustainability fee cash fund to offset general fund expenditures for the state medical assistance program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25.5-5-207, **add** (2.5)
3 as follows:

4 **25.5-5-207. Adult dental benefit - adult dental fund - creation**
5 **- legislative declaration - repeal.** (2.5) (a) BEGINNING WHEN THE
6 HIGHER FEDERAL MATCH AFFORDED THROUGH THE FEDERAL "FAMILIES
7 FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, OR ANY
8 AMENDMENT THERETO, EXPIRES THROUGH JUNE 30, 2022, THE ADULT
9 DENTAL BENEFIT PROVIDED BY THIS SECTION MUST NOT EXCEED ONE
10 THOUSAND DOLLARS PER YEAR FOR EACH RECIPIENT.

11 (b) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE DECEMBER 31,
12 2022.

13 **SECTION 2.** In Colorado Revised Statutes, 25.5-4-402.4, **amend**
14 (5)(b)(VIII) and (6)(a)(I); and **add** (4)(a)(II.5), (5)(b)(VIII.5), and
15 (6)(b)(I.5) as follows:

16 **25.5-4-402.4. Hospitals - healthcare affordability and**
17 **sustainability fee - legislative declaration - Colorado healthcare**
18 **affordability and sustainability enterprise - federal waiver - fund**
19 **created - rules - reports - repeal.** (4) **Healthcare affordability and**
20 **sustainability fee.** (a) For the fiscal year commencing July 1, 2017, and
21 for each fiscal year thereafter, the enterprise is authorized to charge and
22 collect a healthcare affordability and sustainability fee, as described in 42
23 CFR 433.68 (b), on outpatient and inpatient services provided by all

1 licensed or certified hospitals, referred to in this section as "hospitals", for
2 the purpose of obtaining federal financial participation under the state
3 medical assistance program as described in this article 4 and articles 5 and
4 6 of this title 25.5, referred to in this section as the "state medical
5 assistance program", and the Colorado indigent care program described
6 in part 1 of article 3 of this title 25.5, referred to in this section as the
7 "Colorado indigent care program". The enterprise shall use the healthcare
8 affordability and sustainability fee revenue to:

9 (II.5) (A) FOR THE 2020-21 STATE FISCAL YEAR ONLY, OFFSET
10 GENERAL FUND EXPENDITURES FOR THE STATE MEDICAL ASSISTANCE
11 PROGRAM.

12 (B) THIS SUBSECTION (4)(a)(II.5) IS REPEALED, EFFECTIVE
13 DECEMBER 31, 2021.

14 (5) **Healthcare affordability and sustainability fee cash fund.**

15 (b) All money in the fund is subject to federal matching as authorized
16 under federal law and, subject to annual appropriation by the general
17 assembly, shall be expended by the enterprise for the following purposes:

18 (VIII) Subject to any necessary federal waivers being obtained, to
19 provide funding for a health care delivery system reform incentive
20 payments program as described in subsection (8) of this section; ~~and~~

21 (VIII.5) (A) FOR THE 2020-21 STATE FISCAL YEAR ONLY, DUE TO
22 REDUCTIONS IN THE ADULT DENTAL BENEFIT PURSUANT TO SECTION
23 25.5-5-207 (2.5), THREE HUNDRED THIRTY-ONE THOUSAND FOUR
24 HUNDRED SIXTY-TWO DOLLARS TO OFFSET GENERAL FUND EXPENDITURES
25 FOR THE STATE MEDICAL ASSISTANCE PROGRAM.

26 (B) THIS SUBSECTION (5)(b)(VIII.5) IS REPEALED, EFFECTIVE
27 DECEMBER 31, 2021.

1 **(6) Appropriations.** (a) (I) EXCEPT AS OTHERWISE PROVIDED IN
2 SUBSECTION (6)(b)(I.5) OF THIS SECTION, the healthcare affordability and
3 sustainability fee is to supplement, not supplant, general fund
4 appropriations to support hospital reimbursements. General fund
5 appropriations for hospital reimbursements shall be maintained at the
6 level of appropriations in the medical services premium line item made
7 for the fiscal year commencing July 1, 2008; except that general fund
8 appropriations for hospital reimbursements may be reduced if an index of
9 appropriations to other providers shows that general fund appropriations
10 are reduced for other providers. If the index shows that general fund
11 appropriations are reduced for other providers, the general fund
12 appropriations for hospital reimbursements shall not be reduced by a
13 greater percentage than the reductions of appropriations for the other
14 providers as shown by the index.

15 (b) If the revenue from the healthcare affordability and
16 sustainability fee is insufficient to fully fund all of the purposes described
17 in subsection (5)(b) of this section:

18 (I.5) (A) FOR THE 2020-21 STATE FISCAL YEAR ONLY, DUE TO
19 REDUCTIONS IN THE ADULT DENTAL BENEFIT PURSUANT TO SECTION
20 25.5-5-207 (2.5), THREE HUNDRED THIRTY-ONE THOUSAND FOUR
21 HUNDRED SIXTY-TWO DOLLARS OF REVENUE SHALL BE USED FIRST TO
22 OFFSET GENERAL FUND EXPENDITURES FOR THE STATE MEDICAL
23 ASSISTANCE PROGRAM.

24 (B) THIS SUBSECTION (6)(b)(I.5) IS REPEALED, EFFECTIVE
25 DECEMBER 31, 2021.

26 **SECTION 3.** In Colorado Revised Statutes, 38-13-801, **as it will**
27 **become effective July 1, 2020, add (2.5) as follows:**

1 **38-13-801. Unclaimed property trust fund - creation -**
2 **payments - interest - appropriations - records - rules - repeal.**

3 (2.5) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
4 CONTRARY, ON JULY 1, 2020, THE STATE TREASURER SHALL TRANSFER
5 ONE MILLION ONE HUNDRED THIRTY-NINE THOUSAND FOUR HUNDRED TWO
6 DOLLARS FROM THE UNCLAIMED PROPERTY TRUST FUND TO THE GENERAL
7 FUND.

8 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
9 CONTRARY, ON JULY 1, 2021, THE STATE TREASURER SHALL TRANSFER
10 TWO MILLION TWO HUNDRED SEVENTY-EIGHT THOUSAND EIGHT HUNDRED
11 FOUR DOLLARS FROM THE UNCLAIMED PROPERTY TRUST FUND TO THE
12 GENERAL FUND.

13 **SECTION 4. Appropriation - adjustments to 2020 long bill.**

14 (1) To implement this act, appropriations made in the annual general
15 appropriation act for the 2020-21 state fiscal year to the department of
16 health care policy and financing for medical services premiums are
17 adjusted as follows:

18 (a) The general fund appropriation, which is subject to the "(M)"
19 notation as defined in the annual general appropriation act for the same
20 fiscal year, is decreased by \$331,462; and

21 (b) The cash funds appropriation from the adult dental fund
22 created in section 25.5-5-207 (4)(a), C.R.S., is decreased by \$1,139,402.

23 (2) The decrease in subsection (1) of this section is based on the
24 assumption that the anticipated amount of federal funds received for the
25 2020-21 state fiscal year by the department of health care policy and
26 financing for medical services premiums will decrease by \$4,094,136.

27 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.