

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0240.01 Kate Meyer

SENATE BILL 10-073

SENATE SPONSORSHIP

Tapia,

HOUSE SPONSORSHIP

McFadyen,

Senate Committees
Health and Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE NURSE HOME VISITOR PROGRAM DUTIES OF THE
102 HEALTH SCIENCES FACILITY AT THE UNIVERSITY OF COLORADO.

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://www.leg.state.co.us/billsummaries>.)

The bill modifies and clarifies the roles of the department of public health and environment (department) and the health sciences facility at the university of Colorado (health sciences facility) with regard to the nurse home visitor program (program), which receives moneys from tobacco litigation settlement funds. Specifically, the bill:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! Clarifies that the term "health sciences facility" means the Anschutz medical campus, or a successor facility selected by the president of the university of Colorado, at the university of Colorado health sciences center;
- ! Designates the health sciences facility, rather than the department, as the recipient of applications for the program;
- ! Requires the state board of health to consult with the health sciences facility when promulgating rules regarding program applications;
- ! Clarifies that the health sciences facility shall monitor and evaluate the implementation, operation, and effectiveness of the program;
- ! Requires program contractors and entities administering the program to cooperate with the health sciences facility and the department in preparation of those reports;
- ! Requires the nurse home visitor program to pay the annual program evaluation costs incurred by the department and the health sciences facility; and
- ! Clarifies that, except for duties related to program reports, the role of the department under the program is limited to financial administration, and limits to one full-time equivalent employee the annual amount that the department may retain from the nurse home visitor program fund for costs in executing this duty.

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

2 **SECTION 1.** 2-3-113 (1) and (4), Colorado Revised Statutes, are
 3 amended to read:

4 **2-3-113. Programs that receive tobacco settlement moneys -**
 5 **program review.** (1) As used in this section:

6 (a) "HEALTH SCIENCES FACILITY" HAS THE MEANING SET FORTH IN
 7 SECTION 25-31-103, C.R.S. FOR PURPOSES OF THIS SECTION, "HEALTH
 8 SCIENCES FACILITY" INCLUDES ANY CONTRACTOR OR SUBCONTRACTOR
 9 ENGAGED BY THE HEALTH SCIENCES FACILITY TO ASSIST IN THE
 10 IMPLEMENTATION AND MONITORING OF THE NURSE HOME VISITOR
 11 PROGRAM ESTABLISHED UNDER ARTICLE 31 OF TITLE 25, C.R.S.

1 (a) (b) "Master settlement agreement" means the master settlement
2 agreement, the smokeless tobacco master settlement agreement, and the
3 consent decree approved and entered by the court in the case denominated
4 *State of Colorado, ex rel. Gale A. Norton, Attorney General v. R.J.*
5 *Reynolds Tobacco Co.; American Tobacco Co., Inc.; Brown &*
6 *Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard Tobacco*
7 *Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T.*
8 *Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and*
9 *Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the
10 city and county of Denver.

11 (b) (c) "Tobacco settlement program" means any program that
12 receives appropriations from moneys received by the state pursuant to the
13 master settlement agreement.

14 (4) The joint budget committee staff, the legislative council staff,
15 the office of legislative legal services, and the department of public health
16 and environment, AND THE HEALTH SCIENCES FACILITY shall work with
17 the state auditor's office in conducting the program reviews and
18 evaluations of tobacco settlement programs.

19 **SECTION 2.** 25-1-108.5 (1), the introductory portion to
20 25-1-108.5 (2), and 25-1-108.5 (5), Colorado Revised Statutes, are
21 amended to read:

22 **25-1-108.5. Additional powers and duties of state board of**
23 **health and department - programs that receive tobacco settlement**
24 **moneys - monitoring - annual report.** (1) As used in this section:

25 (a) "HEALTH SCIENCES FACILITY" HAS THE MEANING SET FORTH IN
26 SECTION 25-31-103.

27 (a) (b) "Master settlement agreement" means the master settlement

1 agreement, the smokeless tobacco master settlement agreement, and the
2 consent decree approved and entered by the court in the case denominated
3 *State of Colorado, ex rel. Gale A. Norton, Attorney General v. R.J.*
4 *Reynolds Tobacco Co.; American Tobacco Co., Inc.; Brown &*
5 *Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard Tobacco*
6 *Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T.*
7 *Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and*
8 *Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the
9 city and county of Denver.

10 (c) "NURSE HOME VISITOR PROGRAM" MEANS THE TOBACCO
11 SETTLEMENT PROGRAM ESTABLISHED IN ARTICLE 31 OF THIS TITLE.

12 ~~(b)~~ (d) "Tobacco settlement program" means any program that
13 receives appropriations from moneys received by the state pursuant to the
14 master settlement agreement.

15 (2) EXCEPT FOR THE NURSE HOME VISITOR PROGRAM, WHICH
16 SHALL BE MONITORED BY THE HEALTH SCIENCES FACILITY IN ACCORDANCE
17 WITH SECTION 25-31-105 (2), the state board and the department shall
18 monitor the operation and effectiveness of tobacco settlement programs.
19 Each tobacco settlement program shall annually submit to the department,
20 in accordance with rules promulgated by the state board, the following
21 information:

22 (5) ~~Each tobacco settlement~~ THE NURSE HOME VISITOR program
23 shall pay a ~~proportionate share of~~ the costs incurred by the department
24 AND THE HEALTH SCIENCES FACILITY in implementing the requirements
25 of this section; EXCEPT THAT THE TOTAL AMOUNT OF THE PROGRAM
26 EVALUATION COSTS SHALL NOT EXCEED FOUR-TENTHS OF ONE PERCENT OF
27 THE ANNUAL AMOUNT APPROPRIATED TO THE NURSE HOME VISITOR

1 PROGRAM. EVERY OTHER TOBACCO SETTLEMENT PROGRAM SHALL PAY A
2 PROPORTIONATE SHARE OF THE COSTS INCURRED BY THE DEPARTMENT
3 UNDER THIS SECTION, WITH the amount paid by each tobacco settlement
4 program ~~shall be~~ proportionate to the amounts annually appropriated to
5 each tobacco settlement program; except that the total amount of the
6 program evaluation costs shall not exceed four-tenths of one percent of
7 the total amount of moneys, EXCLUDING THE AMOUNT APPROPRIATED TO
8 THE NURSE HOME VISITOR PROGRAM, received by the state pursuant to the
9 master settlement agreement in any fiscal year. ~~For the fiscal year~~
10 ~~2001-2002, seventy-five thousand nine hundred seventy-eight dollars~~
11 ~~from the moneys paid to the department from the tobacco settlement~~
12 ~~programs pursuant to this section shall be appropriated to the stroke~~
13 ~~prevention and treatment cash fund created in section 25-34-105 for~~
14 ~~allocation to the stroke advisory board created in section 25-34-104 to~~
15 ~~cover the costs of such board's duties pursuant to such section.~~

16 **SECTION 3.** 25-31-103 (3), Colorado Revised Statutes, is
17 amended to read:

18 **25-31-103. Definitions.** As used in this article, unless the context
19 otherwise requires:

20 (3) "Health sciences facility" MEANS THE ANSCHUTZ MEDICAL
21 CAMPUS OR a SUCCESSOR facility located at the university of Colorado
22 health sciences center that is selected by the president of the university of
23 Colorado pursuant to section 25-31-105 to assist the state board in
24 administering the program.

25 **SECTION 4.** 25-31-104 (2), Colorado Revised Statutes, is
26 amended, and the said 25-31-104 is further amended BY THE
27 ADDITION OF A NEW SUBSECTION, to read:

1 **25-31-104. Nurse home visitor program - created - rules.**

2 (2) The program shall be administered in communities throughout the
3 state by entities selected on a competitive basis by the state board. Any
4 entity that seeks to administer the program shall submit an application to
5 the ~~department~~ HEALTH SCIENCES FACILITY as provided in section
6 25-31-106. The entities selected pursuant to section 25-31-107 shall be
7 expected to provide services to a minimum of one hundred low-income,
8 first-time mothers in the community in which the entity administers the
9 program; except that the state board may grant a waiver of this
10 requirement if the population base of the community does not have the
11 capacity to enroll one hundred eligible families. The state board shall
12 consult with the health sciences facility prior to granting the waiver to
13 ensure that the entity can implement the program within the smaller
14 community and maintain compliance with the program requirements. A
15 mother shall be eligible to receive services through the program if she is
16 pregnant with her first child, or her first child is less than one month old,
17 and her gross annual income does not exceed two hundred percent of the
18 federal poverty level.

19 (5) THE STATE BOARD SHALL CONSULT WITH THE HEALTH
20 SCIENCES FACILITY WHEN PROMULGATING RULES REGARDING PROGRAM
21 APPLICATIONS UNDER SECTION 25-31-106 (1).

22 **SECTION 5.** 25-31-105, Colorado Revised Statutes, is amended
23 to read:

24 **25-31-105. Health sciences facility - duties.** (1) The president
25 of the university of Colorado shall identify a facility at the university of
26 Colorado health sciences center with the knowledge and expertise
27 necessary to:

1 (a) Assist the state board in selecting entities from among the
2 applications submitted pursuant to section 25-31-106; ~~and in monitoring~~
3 ~~and evaluating~~

4 (b) MONITOR, EVALUATE, AND SUPPORT the implementation,
5 OPERATION, AND EFFECTIVENESS of the program in communities
6 throughout the state; AND

7 (c) WORK WITH THE STATE AUDITOR'S OFFICE AS REQUIRED IN
8 SECTION 2-3-113 (4), C.R.S.

9 (2) The health sciences facility shall monitor the administration
10 of the program by the selected entities to ensure that the program is
11 implemented AND OPERATED according to the program training
12 requirements, ~~program~~ protocols, ~~program~~ management information
13 systems, and ~~program~~ evaluation requirements established by rule of the
14 state board. The health sciences facility shall evaluate the overall
15 implementation, OPERATION, AND EFFECTIVENESS of the program and
16 include ~~such~~ THE evaluation, along with any recommendations concerning
17 the selected entities or changes in the IMPLEMENTATION, OPERATION, AND
18 EFFECTIVENESS OF THE PROGRAM, INCLUDING program training
19 requirements, ~~program~~ protocols, ~~program~~ management information
20 systems, or ~~program~~ evaluation requirements, in the annual report
21 submitted to the department pursuant to section 25-31-108.

22 (3) The department shall compensate the health sciences facility
23 for the HEALTH SCIENCES FACILITY'S ACTUAL costs incurred in performing
24 its duties under this article, WHICH SHALL INCLUDE THE COSTS INCURRED
25 BY ANY CONTRACTOR OR SUBCONTRACTOR OF THE HEALTH SCIENCES
26 FACILITY FOR THOSE DUTIES. Such compensation shall be ~~included in the~~
27 ~~actual costs incurred by the department in administering the program and~~

1 paid out of the ~~amount allocated to the department for administrative~~
2 ~~costs pursuant to section 25-31-107 (2) (b)~~ NURSE HOME VISITOR
3 PROGRAM FUND CREATED IN SECTION 25-31-107.

4 **SECTION 6.** The introductory portion to 25-31-106 (1) and
5 25-31-106 (3), Colorado Revised Statutes, are amended to read:

6 **25-31-106. Program applications - requirements.** (1) ~~Any~~ AN
7 entity that seeks to administer the program in a community shall submit
8 an application to the ~~department~~ HEALTH SCIENCES FACILITY in
9 accordance with rules adopted by the state board, IN CONSULTATION WITH
10 THE HEALTH SCIENCES FACILITY. At a minimum, the application shall
11 specify the basic elements and procedures that the entity shall use in
12 administering the program. Basic program elements shall include ~~but are~~
13 ~~not limited to~~, the following:

14 (3) The ~~department~~ HEALTH SCIENCES FACILITY shall ~~initially~~
15 review the applications received pursuant to this section. ~~and submit to~~
16 ~~the health sciences facility for review those applications that include the~~
17 ~~basic program elements as required by the rules adopted by the state~~
18 ~~board.~~ Following its review, the health sciences facility shall submit to
19 the state board a list of the applying entities that the health sciences
20 facility recommends to administer the program in communities
21 throughout the state.

22 **SECTION 7.** 25-31-107 (2) (b), Colorado Revised Statutes, is
23 amended, and the said 25-31-107 (2) is further amended BY THE
24 ADDITION OF A NEW PARAGRAPH, to read:

25 **25-31-107. Selection of entities to administer the program -**
26 **grants - nurse home visitor program fund - created.** (2) (a.5) EXCEPT
27 AS OTHERWISE PROVIDED IN SECTION 25-31-108, THE DEPARTMENT SHALL

1 BE RESPONSIBLE SOLELY FOR FINANCIAL ADMINISTRATION OF THIS
2 ARTICLE, WHICH SHALL INCLUDE COMPENSATING THE HEALTH CARE
3 SCIENCES FACILITY PURSUANT TO SECTION 25-31-105 (3) AND PAYING
4 GRANTS TO ENTITIES SELECTED TO ADMINISTER THE PROGRAM. THE
5 DEPARTMENT SHALL NOT BE RESPONSIBLE FOR ANY DUTIES DELEGATED TO
6 THE HEALTH SCIENCES FACILITY WITH RESPECT TO THE PROGRAM.

7 (b) Grants awarded pursuant to paragraph (a) of this subsection
8 (2) shall be payable from the nurse home visitor program fund, which
9 fund is hereby created in the state treasury. The nurse home visitor
10 program fund, referred to in this section as the "fund", shall BE
11 ADMINISTERED BY THE DEPARTMENT AND SHALL consist of moneys
12 transferred thereto by the state treasurer from moneys received pursuant
13 to the master settlement agreement in the amount described in paragraph
14 (d) of this subsection (2). In addition, the state treasurer ~~may~~ SHALL
15 credit to the fund any public or private gifts, grants, or donations received
16 by the department for implementation of the program, INCLUDING ANY
17 MONEYS RECEIVED FROM THE UNITED STATES FEDERAL GOVERNMENT.
18 The fund shall be subject to annual appropriation by the general assembly
19 to the department for grants to entities for operation of the program. In
20 addition, the department may retain up to five percent of the amount
21 annually appropriated from the fund for the actual costs incurred by the
22 department in implementing the provisions of PARAGRAPH (a.5) OF this
23 ~~article~~ SUBSECTION (2); EXCEPT THAT SUCH COSTS SHALL NOT EXCEED ONE
24 FULL-TIME EQUIVALENT EMPLOYEE. Notwithstanding ~~the provisions of~~
25 section 24-36-114, C.R.S., all interest derived from the deposit and
26 investment of moneys in the fund shall be credited to the fund. Any
27 unencumbered moneys appropriated from moneys received pursuant to

1 the master settlement agreement remaining in the fund at the end of any
2 fiscal year shall be transferred to the tobacco litigation settlement trust
3 fund created in section 24-22-115.5, C.R.S.

4 **SECTION 8.** 25-31-108 (1), Colorado Revised Statutes, is
5 amended to read:

6 **25-31-108. Annual program review - audit.** (1) The health
7 sciences facility shall annually prepare and submit to the department a
8 report including an evaluation of the implementation of the program, the
9 results achieved by the program based on the annual reports submitted by
10 the administering entities pursuant to section 25-31-106 (1) (e), the extent
11 to which the program serves medicaid-eligible persons and provides
12 services that may be provided in part through medicaid funding, and any
13 recommendations concerning changes to the program, including ~~but not~~
14 ~~limited to~~ any changes that may be appropriate to enable the program to
15 receive medicaid funding. The department shall include ~~said~~ THE report
16 in the annual report on ~~programs that are funded by moneys received~~
17 ~~pursuant to the master settlement agreement~~ THE PROGRAM prepared
18 pursuant to section 25-1-108.5 (3). EACH PROGRAM CONTRACTOR AND
19 SUBCONTRACTOR AND EACH ENTITY THAT ADMINISTERS THE PROGRAM
20 SHALL WORK WITH THE HEALTH SCIENCES FACILITY AND THE DEPARTMENT
21 TO PREPARE THE REPORTS REQUIRED UNDER THIS SECTION AND SECTIONS
22 2-3-113 (2) AND 25-1-108.5 (3), C.R.S. Any entity that is administering
23 the program ~~may be~~ IS subject to a reduction in or cessation of funding if
24 the state board, based on recommendations from the health sciences
25 facility, determines that the entity is not operating the program in
26 accordance with the program requirements established by rule of the state
27 board or is operating the program in such a manner that the program does

1 not demonstrate positive results.

2 **SECTION 9. Effective date.** This act shall take effect June 30,
3 2010.

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