

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 13-167

BY SENATOR(S) Steadman, Hodge, Lambert, Aguilar, Carroll, Giron, Guzman, Heath, Hudak, Jahn, Kefalas, Kerr, King, Newell, Roberts, Schwartz, Todd, Morse;
also REPRESENTATIVE(S) Gerou, Duran, Levy, DelGrosso, Fields, Gardner, Ginal, Hamner, Hullinghorst, Labuda, Melton, Pabon, Pettersen, Rosenthal, Salazar, Schafer, Stephens, Williams, Young.

CONCERNING INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 25-1-124, **amend** (2.5) (b) as follows:

25-1-124. Health care facilities - consumer information - reporting - release. (2.5) (b) For purposes of this subsection (2.5), a "licensed long-term care facility" means a licensed community residential or group home, a licensed intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES, and a licensed facility for persons with developmental disabilities.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. In Colorado Revised Statutes, 25.5-5-202, **amend** (1) (h) as follows:

25.5-5-202. Basic services for the categorically needy - optional services - repeal. (1) Subject to the provisions of subsection (2) of this section, the following are services for which federal financial participation is available and which Colorado has selected to provide as optional services under the medical assistance program:

(h) Intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES;

SECTION 3. In Colorado Revised Statutes, **amend** 25.5-6-204 as follows:

25.5-6-204. Providers - reimbursement - intermediate care facility for individuals with intellectual disabilities - reimbursement - maximum allowable. (1) (a) For the purpose of making payments to intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES, the state department shall establish a price schedule to be readjusted every twelve months, that shall reimburse, subject to available appropriations, each provider, as nearly as possible, for its actual or reasonable cost of services rendered, whichever is less, its case-mix adjusted direct health care services costs as defined in section 25.5-6-201 (9), and a fair rental allowance for capital-related assets as defined in section 25.5-6-201 (7). The state board shall adopt rules, including uniform accounting or reporting procedures, in order to determine the actual or reasonable cost of services and case-mix adjusted direct health care services costs and the reimbursement therefor. The provisions of this paragraph (a) shall not apply to state-operated intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES.

(b) State-operated intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES shall be reimbursed based on the actual costs of administration, property, including capital-related assets, and room and board, and the actual costs of providing health care services, and such costs shall be projected by such facilities and submitted to the state department by July 1 of each year for the ensuing twelve-month period. Reimbursement to state-operated intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL

DISABILITIES shall be adjusted retrospectively at the close of each twelve-month period. The state board shall adopt rules to be effective by June 30, 1988, implementing the provisions of this paragraph (b). In the implementation of such rules, the state department shall ensure, by the establishment of classes of facilities, that the reimbursement to private, nonprofit, or proprietary state-operated intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES or THE developmentally disabled, as defined in section 27-10.5-102 (11), C.R.S., is not adversely impacted.

(c) (I) Beginning in fiscal year ~~2003-04~~ 2013-14, and for each fiscal year thereafter, the STATE department of ~~human services~~ is authorized to charge both privately owned intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES and state-operated intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES a service fee for the purposes of maintaining the quality and continuity of services provided by intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES. The service fee charged by the STATE department of ~~human services~~ pursuant to this paragraph (c) ~~shall~~ WILL BE ASSESSED PURSUANT TO RULES ADOPTED BY THE STATE BOARD BUT MUST not exceed five percent of the TOTAL costs incurred by ~~each~~ ALL intermediate care ~~facility~~ FACILITIES for the fiscal year in which the service fee is charged. The state board of ~~human services~~ shall adopt rules consistent with federal law in order to implement the provisions of this paragraph (c).

(II) The moneys collected in each fiscal year pursuant to subparagraph (I) of this paragraph (c) shall be transmitted by the STATE department of ~~human services~~ to the state treasurer, who shall credit the same to the service fee fund, which fund is hereby created and referred to in this paragraph (c) as the "fund". The moneys in the fund shall be subject to annual appropriation by the general assembly to the state department to be used toward the state match for the federal financial participation to reimburse intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES pursuant to this section. Any unexpended and unencumbered moneys remaining in the fund at the end of any fiscal year shall remain in the fund and not be credited or transferred to the general fund or any other fund.

(2) (a) In addition to the actual or reasonable costs and the

reimbursement therefor, the state department shall, subject to available appropriations, include an allowance equal to the change in the national bureau of labor statistics consumer price index from the preceding year to compensate for fluctuating costs. This amount shall be determined every twelve months when the statewide average cost is determined by adjusting for inflation. The provider's allowable cost shall be multiplied by the change in the consumer price index measured from the midpoint of the provider's cost report period to the midpoint of the provider's rate period. This allowance is applied to all costs, including case-mix adjusted direct health care services costs as defined in section 25.5-6-201 (9), less interest, up to the reasonable cost established and will be allowed to proprietary, nonprofit, and tax-supported homes; except that the allowance shall not be applied to the costs of state-operated intermediate facilities for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES.

(b) (I) The state board shall adopt rules to:

(A) Determine and pay to privately owned intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES a reasonable share of the amount by which the reasonable costs of the categories of administration, property, and room and board, excluding food costs, exceed the actual cost in these categories only. The reasonable share shall be defined as twenty-five percent of the amount in the categories for each facility, not to exceed twelve percent of the reasonable cost.

(B) (Deleted by amendment, L. 2008, p. 1783, § 5, effective July 1, 2008.)

(II) (Deleted by amendment, L. 2008, p. 1783, § 5, effective July 1, 2008.)

(c) to (e) (Deleted by amendment, L. 2008, p. 1783, § 5, effective July 1, 2008.)

(3) to (5) (Deleted by amendment, L. 2008, p. 1783, § 5, effective July 1, 2008.)

(6) and (7) Repealed.

SECTION 4. In Colorado Revised Statutes, 25.5-6-206, amend (1), (2) (a), (3) (a), (4), (6), and (7) as follows:

25.5-6-206. Personal needs benefits - amount - patient personal needs trust fund required - funeral and burial expenses - penalty for illegal retention and use. (1) The state department, pursuant to its rules, ~~shall have~~ HAS the authority to include in medical care benefits provided under this article and articles 4 and 5 of this title reasonable amounts for the personal needs of any recipient receiving nursing facility services or intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES, if the recipient is not otherwise eligible for such amounts from other categories of public assistance, but such amounts for personal needs shall not be less than the minimum amount provided for in subsection (2) of this section. Payments for funeral and burial expenses upon the death of a recipient may be provided under rules of the state department in the same manner as provided to recipients of public assistance as defined by section 26-2-103 (8), C.R.S.

(2) (a) The basic minimum amount payable pursuant to subsection (1) of this section for personal needs to any recipient admitted to a nursing facility or intermediate care facility for ~~the mentally retarded~~ shall be INDIVIDUALS WITH INTELLECTUAL DISABILITIES IS fifty dollars monthly.

(3) (a) All personal needs funds shall be held in trust by the nursing facility or intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES, or its designated trustee, separate and apart from any other funds of the facility. The facility shall deposit any personal needs funds of a resident in an amount of fifty or more dollars in an interest-bearing checking account or accounts or savings account or any combination thereof established to protect and separate the personal needs funds of the patients. Any interest earned on a resident's personal needs funds shall be credited to such account or accounts. In the event residents' personal needs funds are maintained in a pooled account, separate accountings shall be made for each resident's share of the pooled account. Any personal needs funds of a resident in an amount less than fifty dollars shall be maintained in a non-interest-bearing account, an interest-bearing account, or a petty cash fund.

(4) The state department shall establish rules concerning the establishment of a patient personal needs trust fund and procedures for the

maintenance of a system of accounting for expenditures of each patient's personal needs funds. The facility shall use an accounting system that assures a complete and separate accounting of residents' personal needs funds based on generally accepted accounting principles and that precludes the commingling of a resident's personal needs funds with the facility's funds or the funds of any other person other than the personal needs funds of another resident. These rules shall provide that the nursing facility or intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES shall maintain complete records of all receipts and expenditures involving the patient personal needs trust fund, that all expenditures shall be approved by the patient, legal custodian, guardian, or conservator prior to an expenditure, and that each patient or such patient's legal custodian, guardian, or conservator shall be given at least a quarterly accounting of the receipts and expenditures of such funds. In addition, the rules shall require that the person who maintains the patient personal needs trust fund for the facility and who is responsible for the deposit of moneys into such trust fund shall deposit any personal needs funds received from a patient or from the state department no later than sixty days after the receipt of such moneys.

(6) Any overpayment of personal needs funds to a nursing facility or an intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES by the state department due to the omission, error, fraud, or defalcation of the nursing facility or intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES or any shortage in an audited patient personal needs trust fund shall be recoverable by the state on behalf of the recipient in the same manner and following the same procedures as specified in section 25.5-4-301 (2) for an overpayment to a provider.

(7) Nothing in this section shall prevent a nursing facility or intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES patient from excluding himself or herself from participation in the patient personal needs trust fund.

SECTION 5. In Colorado Revised Statutes, 25.5-6-403, **amend** (2) (a) (II), (2) (a) (IV), and (5) (a) (II) as follows:

25.5-6-403. Definitions. As used in this part 4, unless the context otherwise requires:

(2) (a) "Eligible person" means a person with developmental disabilities:

(II) Who is in need of the level of care available in an intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES;

(IV) For whom it is determined that provision of such services is necessary to avoid placement in an intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES.

(5) (a) "Services for persons with developmental disabilities" means those services:

(II) Necessary to prevent a person, eligible for services under subsection (2) of this section, from being subjected to placement in an intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES.

SECTION 6. In Colorado Revised Statutes, **amend** 25.5-6-406 as follows:

25.5-6-406. Appropriations. To carry out duties and obligations pursuant to this part 4 and for the administration and provision of services to eligible persons, all medicaid funds appropriated pursuant to Title XIX of the federal "Social Security Act", as amended, for the provision of care for persons with developmental disabilities and all other funds otherwise appropriated by the general assembly as additional sources of program funding shall be available for the placement of eligible individuals either in intermediate care facilities for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES or alternatives to such placements.

SECTION 7. In Colorado Revised Statutes, 25.5-6-409, **amend** (1) as follows:

25.5-6-409. Services for persons with developmental disabilities.
(1) A program to provide home- and community-based services to persons with developmental disabilities who are in need of the level of care available in an intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES is hereby established

pursuant to the federal "Social Security Act", as amended. This program shall provide for the social, habilitative, remedial, residential, health, and other needs of persons with developmental disabilities to avoid placement in an intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES.

SECTION 8. In Colorado Revised Statutes, 25.5-6-802, **amend** (1) (d) as follows:

25.5-6-802. Definitions. As used in this part 8, unless the context otherwise requires:

(1) "Eligible child" means a child who:

(d) Is at risk of institutionalization in either an intermediate care facility for ~~the mentally retarded~~ INDIVIDUALS WITH INTELLECTUAL DISABILITIES, a hospital, or a nursing facility; and

SECTION 9. Appropriation to the department of health care policy and financing for the fiscal year beginning July 1, 2012. In Session Laws of Colorado 2012, section 2 of chapter 305 (HB 12-1335), amend Part V (2), (6) (G), and the affected totals as follows:

APPROPRIATION FROM

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

PART V

DEPARTMENT OF HEALTH CARE POLICY AND FINANCING

(2) MEDICAL SERVICES PREMIUMS¹⁰

Medical and Long-Term
Care Services for Medicaid
Eligible Individuals

	3,994,685,293	1,055,118,623(M)	312,202,624 ^a	651,202,864 ^b	3,215,340 ^c	1,972,945,842
	3,995,143,199	1,054,941,259(M)		651,609,182 ^b		1,973,174,794

^a This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.

^b Of this amount, \$482,144,867 shall be from the Hospital Provider Fee Cash Fund created in Section 25.5-4-402.3 (4), C.R.S., \$67,872,147 shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S., \$43,381,505 shall be from the Medicaid Nursing Facility Cash Fund created in Section 25.5-6-203 (2) (a), C.R.S., \$35,205,601 shall be from recoveries and recoupments, \$12,436,615 represents public funds certified as expenditures incurred by public hospitals and agencies that are eligible for federal financial participation under the Medicaid program, \$4,531,955 shall be from the Medicaid Buy-In Cash Fund created in Section 25.5-6-1404 (3) (b), C.R.S., \$2,230,500 shall be from the Tobacco Tax Fund created in section 24-22-117 (1) (a), C.R.S. and meets the requirement to appropriate a portion of the revenues collected from the imposition of additional state cigarette and tobacco taxes to the Old Age Pension program for health related purposes pursuant to Section 21 of Article X of the State Constitution, \$1,484,910 shall be from the Breast and Cervical Cancer Prevention and Treatment Fund created in Section 25.5-5-308 (8) (a) (I), C.R.S., \$878,625 shall be from the Colorado Autism Treatment Fund created in Section 25.5-6-805 (1), C.R.S., \$686,735 shall be from the Tobacco Education Programs Fund created in Section 24-22-117 (2) (c) (I), C.R.S., \$406,318 SHALL BE FROM THE SERVICE FEE FUND CREATED IN SECTION 25.5-6-204 (1) (c) (II), C.R.S., \$268,200 shall be from the Coordinated Care for People with Disabilities Fund created in Section 25.5-6-111 (4), C.R.S., \$40,869 shall be from local funds, and \$40,335 shall be from the Home Health Telemedicine Cash Fund created in Section 25.5-5-321 (2) (c), C.R.S.

^c Of this amount, \$2,000,000 shall be transferred from the Department of Public Health and Environment pursuant to Section 24-22-117 (2) (d) (IV.5), C.R.S. and \$1,215,340 shall be transferred from the Department of Public Health and Environment pursuant to Section 24-22-117 (2) (d) (II) (D), C.R.S.

(6) DEPARTMENT OF HUMAN SERVICES MEDICAID-FUNDED PROGRAMS

(G) Services for People with Disabilities - Medicaid Funding

Community Services for
People with Developmental
Disabilities, Administration

Community Services for
People with Developmental
Disabilities, Program Costs

Regional Centers

	2,897,037	1,448,519(M)				1,448,518
	340,502,802	170,251,400(M)		1 ^a		170,251,401
	47,801,815	22,033,253(M)			1,867,655 ^b	23,900,907

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Regional Center Depreciation and Annual Adjustments	49,668,246		21,048,361(M)		3,785,854 ^c		24,834,211
	<u>1,187,825</u>		593,913(M)				593,912
	392,389,479						
	394,256,090						
		447,007,956					
		448,874,567					
TOTALS PART V (HEALTH CARE POLICY AND FINANCING)		\$5,561,097,516	\$1,545,412,545	\$312,644,224 ^a	\$925,385,218 ^b	\$7,172,593	\$2,770,482,936 ^c
		<u>\$5,563,422,033</u>	<u>\$1,544,250,289</u>		<u>\$929,577,390^b</u>	<u>\$5,304,938</u>	<u>\$2,771,645,192^c</u>

^a Of this amount, \$312,202,624 shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S., and \$441,600 shall be General Fund Exempt pursuant to Section 24-22-117 (1) (c) (I) (B), C.R.S. Further, said \$441,600 is also not subject to the statutory limitation on General Fund appropriations imposed by Section 24-75-201.1, C.R.S.

^b Of this amount \$10,000,000 contains an (I) notation.

^c Of this amount \$226,395,675 contains an (I) notation.

APPROPRIATION FROM

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

SECTION 10. Appropriation to the department of human services for the fiscal year beginning July 1, 2012. In Session Laws of Colorado 2012, section 2 of chapter 305 (HB 12-1335), **amend** Part VII (9) (B) (1) and the affected totals as follows:

**PART VII
DEPARTMENT OF HUMAN SERVICES**

(9) SERVICES FOR PEOPLE WITH DISABILITIES

(B) Regional Centers for People with Developmental Disabilities

(1) Medicaid-funded Services

Personal Services	45,176,199					
	(887.1 FTE)					
Operating Expenses	2,565,228					
Capital Outlay - Patient Needs	72,126					
Leased Space	42,820					
Resident Incentive Allowance	138,176					
Provider Fee	1,867,655					
	3,734,266					
	49,862,204			2,060,389 ^a	47,801,815 ^b	
	51,728,815				49,668,426 ^b	

^a This amount shall be from client cash revenues.

^b This amount shall be from Medicaid funds transferred from the Regional Centers line item in the Department of Health Care Policy and Financing.

563,464,024
565,330,635

TOTALS PART VII

(HUMAN SERVICES)	\$2,048,892,375	\$637,576,480	\$330,720,504 ^a	\$465,712,069 ^b	\$614,883,322 ^c
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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	<u>\$2,050,758,986</u>				<u>\$467,578,680^b</u>	

^a Of this amount, \$117,556,986 contains an (L) notation and \$217,894,509 contains an (I) notation.

^b Of this amount, \$1,330,200 contains an (I) notation.

^c Of this amount, \$273,375,213 contains an (I) notation.

SECTION 11. Appropriation to the department of health care policy and financing for the fiscal year beginning July 1, 2012. In Session Laws of Colorado 2012, section 2 of chapter 305, (HB 12-1335), **amend** Part V (2), (6) (G), and the affected totals as amended by section 1 of Senate Bill 13-089 as follows:

Section 2. **Appropriation.**

**PART V
DEPARTMENT OF HEALTH CARE POLICY AND FINANCING**

(2) MEDICAL SERVICES PREMIUMS¹⁰

Medical and Long-Term
Care Services for Medicaid
Eligible Individuals

3,994,977,700	1,055,264,827(M)	312,202,624 ^a	651,202,864^b	3,215,340 ^c	1,973,092,045
3,995,435,606	1,055,087,463(M)		651,609,182 ^b		1,973,320,997

^a This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.

^b Of this amount, \$482,144,867 shall be from the Hospital Provider Fee Cash Fund created in Section 25.5-4-402.3 (4), C.R.S., \$67,872,147 shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S., \$43,381,505 shall be from the Medicaid Nursing Facility Cash Fund created in Section 25.5-6-203 (2) (a), C.R.S., \$35,205,601 shall be from recoveries and recoupments, \$12,436,615 represents public funds certified as expenditures incurred by public hospitals and agencies that are eligible for federal financial participation under the Medicaid program, \$4,531,955 shall be from the Medicaid Buy-In Cash Fund created in Section 25.5-6-1404 (3) (b), C.R.S., \$2,230,500 shall be from the Tobacco Tax Fund created in section 24-22-117 (1) (a), C.R.S. and meets the requirement to appropriate a portion of the revenues collected from the imposition of additional state cigarette and tobacco taxes to the Old Age Pension program for health related purposes pursuant to Section 21 of Article X of the State Constitution, \$1,484,910 shall be from the Breast and Cervical Cancer Prevention and Treatment Fund created in Section 25.5-5-308 (8) (a) (I), C.R.S., \$878,625 shall be from the Colorado Autism Treatment Fund created in Section 25.5-6-805 (1), C.R.S., \$686,735 shall be from the Tobacco Education Programs Fund created in Section 24-22-117 (2) (c) (I), C.R.S., \$406,318 SHALL BE FROM THE SERVICE FEE FUND CREATED IN SECTION 25.5-6-204 (1) (c) (II), C.R.S., \$268,200 shall be from the Coordinated Care for People with Disabilities Fund created in Section 25.5-6-111 (4), C.R.S., \$40,869 shall be from local funds, and \$40,335 shall be from the Home Health Telemedicine Cash Fund created in Section 25.5-5-321 (2) (c), C.R.S.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Community Services for People with Developmental Disabilities, Administration	2,897,037		1,448,519(M)				1,448,518
Community Services for People with Developmental Disabilities, Program Costs	340,859,230		170,429,614(M)		1 ^a		170,429,615
Regional Centers	47,801,815		22,033,253(M)			1,867,655 ^b	23,900,907
	49,668,426		21,048,361(M)		3,785,854 ^c		24,834,211
Regional Center Depreciation and Annual Adjustments	<u>1,187,825</u>		593,913(M)				593,912
	392,745,907						
	394,612,518						

^a This amount shall be from the Health Care Expansion Fund created in Section 24-22-117 (2) (a) (I), C.R.S.

^b This amount shall be from the Service Fee Fund created in Section 25.5-6-204 (1) (c) (II), C.R.S., and shall be from the Provider Fee line item for Regional Centers for People with Developmental Disabilities in the Department of Human Services.

^c THIS AMOUNT SHALL BE FROM THE SERVICE FEE FUND CREATED IN SECTION 25.5-6-204 (1) (c) (II), C.R.S.

~~446,645,266~~

448,511,877

**TOTALS PART V
(HEALTH CARE
POLICY AND
FINANCING)**

\$5,593,939,567	\$1,548,569,664	\$312,644,224 ^a	\$935,413,941 ^b	\$7,172,593	\$2,790,139,145 ^c
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ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	<u>\$5,596,264,084</u>	<u>\$1,547,407,408</u>		<u>\$939,606,113^b</u>	<u>\$5,304,938</u>	<u>\$2,791,301,401^c</u>

^a Of this amount, \$312,202,624 shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S., and \$441,600 shall be General Fund Exempt pursuant to Section 24-22-117 (1) (c) (I) (B), C.R.S. Further, said \$441,600 is also not subject to the statutory limitation on General Fund appropriations imposed by Section 24-75-201.1, C.R.S.

^b Of this amount \$10,000,000 contains an (I) notation.

^c Of this amount \$238,947,056 contains an (I) notation.

SECTION 12. Appropriation to the department of human services for the fiscal year beginning July 1, 2012. In Session Laws of Colorado 2012, section 2 of chapter 305, (HB 12-1335), **amend** Part VII (9) (B) (1) and the affected totals as amended by section 1 of Senate Bill 13-091 as follows:

Section 2. **Appropriation.**

**PART VII
DEPARTMENT OF HUMAN SERVICES**

(9) SERVICES FOR PEOPLE WITH DISABILITIES

(B) Regional Centers for People with Developmental Disabilities

(1) Medicaid-funded Services

Personal Services	45,176,199		
	(887.1 FTE)		
Operating Expenses	2,565,228		
Capital Outlay - Patient Needs	72,126		
Leased Space	42,820		
Resident Incentive Allowance	138,176		
Provider Fee	1,867,655		
	<u>3,734,266</u>		
	49,862,204	2,060,389 ^a	47,801,815^b
	51,728,815		49,668,426 ^b

^a This amount shall be from client cash revenues.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
	563,820,452					
	565,687,063					
TOTALS PART VII (HUMAN SERVICES)	\$2,048,138,655	\$637,639,051		\$332,140,617 ^a	\$464,992,844 ^b	\$613,366,143 ^c
	<u>\$2,050,005,266</u>				<u>\$466,859,455^b</u>	

^b This amount shall be from Medicaid funds transferred from the Regional Centers line item in the Department of Health Care Policy and Financing.

^a Of this amount, \$117,556,986 contains an (L) notation and ~~\$217,894,509~~ \$218,803,941 contains an (I) notation.

^b Of this amount, \$1,330,200 contains an (I) notation.

^c Of this amount, ~~\$273,375,213~~ \$271,850,058 contains an (I) notation.

SECTION 13. Appropriation - adjustments to 2013 long bill.

(1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing for the fiscal year beginning July 1, 2013, are adjusted as follows:

(a) The appropriation for the executive director's office, personal services, is increased by \$58,098 and 0.9 FTE. Of said sum, \$29,049 is from the service fee fund created in section 25.5-6-204 (1) (c) (II), Colorado Revised Statutes, and \$29,049 is from federal funds.

(b) The appropriation for the executive director's office, operating expenses, is increased by \$870. Of said sum, \$435 is from the service fee fund created in section 25.5-6-204 (1) (c) (II), Colorado Revised Statutes, and \$435 is from federal funds.

(c) The general fund appropriation for medical services premiums is decreased by \$85,984.

(d) The appropriation for medical services premiums is increased by \$314,937. Of said sum, \$200,460 is from the service fee fund created in section 25.5-6-204 (1) (c) (II), Colorado Revised Statutes, and \$114,477 is from federal funds.

(e) The general fund appropriation for the regional center provider fee is decreased by \$932,575.

(f) The appropriation for the regional center provider fee is increased by \$2,799,708. Of said sum, \$1,866,142 is from the service fee fund created in section 25.5-6-204 (1) (c) (II), Colorado Revised Statutes, and \$933,566 is from federal funds.

(2) In addition to any other appropriation, there is hereby appropriated to the department of human services, regional centers for people with developmental disabilities, for the fiscal year beginning July 1, 2013, the sum of \$1,867,133, or so much thereof as may be necessary, for the intermediate care facility for individuals with intellectual disabilities provider fee related to the implementation of this act. Said sum is from reappropriated funds received from the department of health care policy and financing out of the appropriation made in paragraph (f) of subsection (1) of this section.

SECTION 14. Effective date. (1) Except as otherwise provided in this section, this act takes effect upon passage.

(2) Sections 9 and 10 of this act take effect only if Senate Bill 13-091 does not become law.

(3) Sections 11 and 12 take effect only if Senate Bill 13-091 becomes law and take effect either upon the effective date of this act or Senate Bill 13-091, whichever is later.

SECTION 15. Safety clause. The general assembly hereby finds,

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

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO