HOUSE BILL 16-1097

HOUSE SPONSORSHIP
Coram and Moreno,

SENATE SPONSORSHIP
Scott,

A BILL FOR AN ACT
Concerning regulation of Medicaid nonemergency transportation providers, and, in connection therewith, making and 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://www.leg.state.co.us/billsummaries.)

The bill creates a new category of limited regulation carriers that allows providers of nonemergency transportation to Medicaid clients to operate under a limited regulation permit from the Public Utilities Commission (commission) rather than a certificate of public convenience and necessity. The commission may issue a limited regulation permit if
the provider satisfies the financial responsibility requirements for permit holders, provides satisfactory proof of an agreement with the department of health care policy and financing or its agent, and provides such additional information as the commission may require. The bill also establishes that a limited regulation permit is valid for one year after issuance.

The bill authorizes the department of health care policy and financing to forward medicaid money to the commission to offset some of the costs of issuing permits.

---

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

SECTION 1. In Colorado Revised Statutes, 40-10.1-110, amend (1) as follows:

40-10.1-110. Criminal history record check - rules. (1) An individual who wishes to drive either a taxicab for a motor carrier that is the holder of a certificate to provide taxicab service issued under part 2 of this article or a motor vehicle for a motor carrier that is the holder of a permit to operate as a charter bus, children's activity bus, luxury limousine, MEDICAID CLIENT TRANSPORT, or off-road scenic charter under part 3 of this article shall submit a set of his or her fingerprints to the commission. The commission shall forward the fingerprints to the Colorado bureau of investigation for the purpose of obtaining a fingerprint-based criminal history record check. Upon receipt of fingerprints and payment for the costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check using records of the Colorado bureau of investigation and the federal bureau of investigation. The commission is the authorized agency to receive information regarding the result of a national criminal history record check. The individual whose fingerprints are checked shall pay the actual costs of the state and national
SECTION 2. In Colorado Revised Statutes, 40-10.1-301, amend (9); and add (10), (11), and (12) as follows:

40-10.1-301. Definitions. As used in this part 3, unless the context otherwise requires:

(9) "Off-road scenic charter" means a motor vehicle that transports passengers, on a charter basis, to scenic points within Colorado, originating and terminating at the same location and using a route that is wholly or partly off of paved roads. "Off-road scenic charter" does not include the transport of passengers to commercial locations.

"MEDICAID CLIENT TRANSPORT" means a motor vehicle that transports passengers who are recipients of Medicaid pursuant to articles 4 to 6 of title 25.5, C.R.S., and are being transported under a Medicaid nonemergent medical transportation contract or a Medicaid nonmedical transportation contract.

(10) "MEDICAID NONEMERGENT MEDICAL TRANSPORTATION CONTRACT" means a contract or provider agreement with the Department of Health Care Policy and Financing or its approved agent for the purpose of providing nonemergent medical transportation to approved recipients of Medicaid.

(11) "MEDICAID NONMEDICAL TRANSPORTATION CONTRACT" means a contract or provider agreement with the Department of Health Care Policy and Financing or its approved agent for the purpose of providing nonmedical transportation to approved recipients of Medicaid.

(12) "OFF-ROAD SCENIC CHARTER" means a motor vehicle that transports passengers, on a charter basis, to scenic points within Colorado, originating and terminating at the same location and using a route that is wholly or partly off of paved roads. "Off-road scenic charter" does not include the transport of passengers to commercial locations.
COLORADO, ORIGINATING AND TERMINATING AT THE SAME LOCATION AND USING A ROUTE THAT IS WHOLLY OR PARTLY OFF OF PAVED ROADS. "OFF-ROAD SCENIC CHARTER" DOES NOT INCLUDE THE TRANSPORT OF PASSENGERS TO COMMERCIAL LOCATIONS.

SECTION 3. In Colorado Revised Statutes, 40-10.1-302, amend (1) and (2); and add (5) as follows:

40-10.1-302. Permit requirements. (1) (a) A person shall not operate or offer to operate a charter bus, children's activity bus, fire crew transport, luxury limousine, MEDICAID CLIENT TRANSPORT, or off-road scenic charter in intrastate commerce without first having obtained a permit therefor from the commission in accordance with this part 3.

(b) A person may apply for a permit under this part 3 to the commission in such form and with such information as the commission may require. A PERMIT IS VALID FOR ONE YEAR AFTER THE DATE OF ISSUANCE.

(2) (a) Except as otherwise provided in subsection (3) of this section, the commission shall issue a permit to a motor carrier of passengers under this part 3 upon completion of the application and compliance with the financial responsibility requirements of this article.

(b) (I) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (2), A PERSON APPLYING FOR A MEDICAID CLIENT TRANSPORT PERMIT SHALL PROVIDE THE COMMISSION PROOF OF A MEDICAID CLIENT TRANSPORT AGREEMENT WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING OR ITS APPROVED AGENT IN SUCH FORM AND WITH SUCH INFORMATION AS THE COMMISSION MAY REQUIRE.

(II) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING MAY TRANSFER MEDICAID MONEY TO THE COMMISSION TO ASSIST THE
COMMISSION IN ITS REGULATION OF MEDICAID TRANSPORT UNDER THIS
ARTICLE. ANY MONEY THAT THE COMMISSION RECEIVES FROM THE
DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IS CONTINUOUSLY
APPROPRIATED TO THE COMMISSION.

(5) EFFECTIVE JULY 1, 2016, ANY EXISTING PERMIT ISSUED
Pursuant to this Part 3 Expires on the anniversary of its
issuance.


(1) To implement this act, the appropriation made in the annual general
appropriation act for the 2016-17 state fiscal year to the department of
health care policy and financing for medical services premiums is
decreased by $71,954, which consists of $69,405 from the general fund
and $2,549 from the hospital provider fee cash fund created in section
25.5-4-402.3 (4) (a), C.R.S.

(2) The figure shown in the federal funds column in the annual
general appropriation act for the 2016-17 state fiscal year for the
department of health care policy and financing for medical services
premiums is decreased by $143,317. The decrease in subsection (1) of
this section is based on the assumption that the federal funds received by
the department will decrease by this amount.

(3) For the 2016-17 state fiscal year, $59,578 is appropriated to
the department of health care policy and financing for use by the
executive director's office. This appropriation is from the general fund
and is subject to the "(M)" notation as defined in the general
appropriation act for the same fiscal year. To implement this act, the
department may use this appropriation for transfers to the department of
regulatory agencies for regulation of Medicaid transportation providers.
(4) For the 2016-17 state fiscal year, the general assembly anticipates that the department of health care policy and financing will receive $18,750 in federal funds for transfers to the department of regulatory agencies for regulation of Medicaid transportation providers. The appropriation in subsection (3) of this section is based on the assumption that the department will receive this amount of federal funds.

(5) For the 2016-17 state fiscal year, $2,636 is appropriated to the department of public safety for use by the Colorado bureau of investigation. This appropriation is from the Colorado bureau of investigation identification unit fund created in section 24-33.5-426, C.R.S. To implement this act, the bureau may use this appropriation for operating expenses related to identification.

(6) For the 2016-17 state fiscal year, $23,753 is appropriated to the department of law. This appropriation is from reappropriated funds received from the public utilities commission in the department of regulatory agencies from money received from the department of health care policy and financing under subsections (3) and (4) of this section and is based on an assumption that the department of law will require an additional 0.1 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of regulatory agencies.

(6) For the 2016-17 state fiscal year, $8,755 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the public utilities commission in the department of regulatory agencies from money received from the department of health care policy and financing under subsections (3) and (4) of this section. To implement this act, the office
may use this appropriation to provide information technology services for
the department of regulatory agencies.

SECTION 5. 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.