

## **BILLS SPONSORED BY REPRESENTATIVE JIM RIESBERG IN THE 2010 SESSION**

### **HB 10-1002**

This bill increases the threshold necessary to trigger the Temporary Income Tax Rate Reduction TABOR refund mechanism so that the refund only applies if there is also enough surplus revenue to trigger the Earned Income Tax Credit (EITC) refund. Therefore, this bill reorders the TABOR refund mechanisms, where the EITC refund would precede the Temporary Income Tax Rate Reduction mechanism (and all other mechanisms) when the TABOR surplus is large enough.

### **HB 10-1016**

This bill was recommended by the Police Officers' and Firefighters' Pension Reform Commission, a legislative committee, during the 2009 interim. Effective for terms beginning on or after January 1, 2010, the bill extends the term of the retired firefighter or police officer serving as a member of the Fire and Police Pension Association's board of directors from four years to six years.

### **HB 10-1024**

The bill eliminates the ability of advanced practice nurses to declare a patient terminally ill for purposes of triggering end-of-life decisions and leaves such ability to the sole discretion of a physician.

### **HB 10-1025**

This bill repeals and reenacts the "Colorado Medical Treatment Decision Act" which affirms the right of each patient to accept or reject medical treatment and creates a procedure to make such decisions in advance through a written declaration. The bill maintains much of the language included in current law. Changes include modifying various medical terms, adding new terms, removing the legal form for declaration as to medical or surgical treatment from statute and allowing for existing declarations and declarations made in other states as long as they do not violate Colorado law.

### **HB 10-1029**

This bill directs the Department of Health Care Policy and Financing (HCPF) to work with non-profit organizations to create a vendor list for durable medical equipment and supplies (DME). The approved DME vendor list will include suppliers that meet HCPF-specified criteria and agree to provide discounted pricing to persons receiving or on a waiting list for public medical benefits. HCPF is required to publish the vendor list on its website and provide copies to county departments and other sites that accept medical assistance applications.

### **HB 10-1043**

Since 1996, persons in the Aid to Families with Dependent Children (AFDC) program were eligible for Medicaid based on income and resources. Federal law required states to set Medicaid eligibility using the same eligibility criteria in place for AFDC as of July 16, 1996. This bill eliminates all references to the former AFDC program. As amended, the Medical Services Board is required to develop an income- and resource-counting method to replace the method used under the AFDC program. The method shall be no more restrictive than the former rules, and no less restrictive than the method used to determine eligibility for other covered groups.

### **HB 10-1050**

The bill authorizes an entity that facilitates the exchange of health information to promote the confidential exchange of forms containing an individual's advanced directives for medical treatment. The Department of Public Health and Environment (DPHE) is required to maintain a link on the department's web site with a copy of any relevant forms.

### **HB 10-1053**

The Departments of Health Care Policy and Financing and Human Services to each contract for a study to explore savings and efficiencies in long term care under home and community based services (HCBS) and the

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Older Coloradoans Program respectively. If cost savings are to be found, the general assembly may authorize actions to realize them.

### **HB 10-1058**

Currently, the Department of Revenue is authorized to impose a civil penalty of 25 cents per cigarette seized from any person or entity from whom unstamped cigarettes found in Colorado have been confiscated. The bill allows the department to impose the same civil penalty for the purchase or possession of unstamped cigarettes, regardless of whether the cigarettes have been confiscated.

### **HB 10-1076**

The bill allows any governmental entity or private nonprofit or for-profit entity that has a contract with a governmental entity for a property tax work-off program to opt the participant in or out of the "Workers' Compensation Act of Colorado" and the "Colorado Employment Security Act." By default, a program participant would not be covered by workers' compensation unless the local government chooses to cover those individuals.

### **HB 10-1121**

The state currently apportions 27% of state cigarette tax revenues to local governments in proportion to the amount of state sales tax revenues collected within their. Currently, local governments are prohibited from receiving this allocation if they impose their own fees, licenses, or taxes on cigarette sales. The bill would repeal this prohibition, allowing local governments the option to impose fees, licenses, or taxes on cigarettes without losing their apportioned state cigarette tax revenues.

### **HB 10-1122**

The bill establishes the processes for creating medical orders for scope of treatment (MOST), including setting forth a form and requirements for health care providers to follow when treating patients with MOST. Existing advance medical directives continue to be valid as long as they do not conflict with new bill language.

### **HB 10-1137**

The bill requires the use of people first language when drafting new or amended state statutes and administrative rules. People first language is language that refers to persons with disabilities as persons first. For example, people first language uses the term "persons with developmental disabilities" rather than "the developmentally disabled".

### **HB 10-1138**

The bill changes the name of the State Health Care Professional Loan Repayment Program to the Colorado Health Services Corps. The program (under the Department of Public Health & Environment) provides loan repayment assistance to primary care doctors who serve in federally designated health professional shortage areas. It also changes the loan repayment limits, exempts health care professionals from competitive bidding requirements and changes the reporting requirements.

### **HB 10-1140**

This bill allows moneys in the Colorado State Veterans Trust Fund to be used for construction projects to build National Guard armories at Alamosa, Grand Junction, and Windsor. The use of moneys in the trust fund for this purpose is repealed July 1, 2012.

### **HB 10-1142**

This bill creates the Direct Care Provider Career Path program, which will involve coordination among the Departments of Higher Education, of Health Care Policy and Financing, of Public Health and Environment and

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of Regulatory Agencies to encourage participation and approval from the federal government. Rules established for the program by the State Board of Nursing must provide 3 tiers of certification for persons who perform the tasks of a nurse aide paraprofessional. The 3 tiers are to be defined by the training requirements and specific tasks to be performed at each level. The tiers of certification are: 1) a certified personal care provider, 2) a certified nurse aide, and 3) a certified nurse aide with a specialty or advanced training.

### **HB 10-1179**

The bill takes several measures to increase the availability of primary health care services in underserved areas of the state. Specifically, it allows insurers to offer a 50 percent discount on medical malpractice insurance to primary care doctors serving in federally designated health professional shortage areas, it removes the \$35,000 per year cap on loan repayment awards under the State Health Care Professional Loan Repayment Program, and it requires the Department of Health Care Policy and Financing (DHCPF) to develop a five-year strategic plan to increase reimbursement rates statewide for primary care providers and remove any differences in reimbursement rates based on where a provider is working or located.

### **HB 10-1185**

This bill extends the Petroleum Storage Tank Fund repeal date to July 1, 2018. Under current law, when the balance of the fund is greater than \$12 million, no environmental response surcharge is charged. This balance amount is scheduled to be reduced to \$8 million on July 1, 2012, but is extended to July 1, 2018. The date for payment of the environmental response surcharge is moved from the 25th to the 26th day of each month to synchronize with the due date for excise taxes.

### **HB 10-1208**

This bill requires the creation of statewide college degree transfer agreements between institutions of higher education. Under the agreements, students who complete an associate's degree at a two-year school and are then accepted into a baccalaureate program at a four-year school must be enrolled with junior status and are not required to complete any additional general education credit hours. No later than July 1, 2012, this bill requires the Colorado Commission on Higher Education (CCHE) and the state institutions of higher education to establish at least four statewide transfer agreements. No later than July 1, 2016, there must be at least 14 statewide transfer agreements.

### **HB 10-1213**

The bill removes the statutory requirement that community centered boards (CCBs) develop and annually review an individualize plan (IP) for persons with developmental disabilities who become eligible for services. Instead, an IP must be developed when a person with disabilities actually enrolls into a program to receive services. The bill clarifies that a plan is not required for persons who are on a waiting list for services, but that the CCB must maintain contact with the person as required by rule.

### **HB 10-1216**

This bill allows a licensed pharmacist to take immunizations and vaccines off the premises of the pharmacy to administer the drug. The State Board of Pharmacy is required to adopt rules regarding the storage, transportation, and record-keeping of immunizations and vaccines administered off-site.

### **HB 10-1224**

This bill continues the functions of the Colorado Podiatry Board until July 1, 2019. Among its many provisions, the bill allows a licensed podiatrist to perform additional types of surgery, increases the minimum amount of professional liability insurance a licensed podiatrist must carry, creates a podiatry training license for persons in residency programs and a voluntary license for retired podiatrists, requires completion of a 1-year approved residency program and requires that applicants for an initial license demonstrate 2 years of active practice of

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podiatry, prohibits the public member of the board from being a licensed healthcare professional or being employed in the healthcare industry and repeals the office of the secretary from the board, allows the board to impose a fine for violations of the practice act in lieu of suspending a license, increases the time in which a podiatrist must respond to complaints and clarifies definitions and removes obsolete language.

### **HB 10-1229**

The bill requires that verbal medical orders in hospitals be authenticated by the physician with such authority within 48 hours (unless verified by read-back processes, which must be authenticated within 30 days of discharge) and specifies that such orders be used infrequently.

### **HB 10-1242**

This bill requires the Commissioner of Insurance to implement a uniform application for individual sickness and accident health benefit plans to be used on or after January 1, 2012.

### **HB 10-1244**

Under current law, medical doctors may create professional service corporations which permit them to practice medicine through a corporate entity. Only licensed doctors may be shareholders in the corporation. This bill allows the heir of a deceased shareholder to inherit shares regardless of whether the heir is licensed to practice medicine.

### **HB 10-1255**

This bill extends the repeal date for the Colorado Commission for the Deaf and Hard of Hearing, located in the Department of Human Services, until July 1, 2015.

### **HB 10-1260**

The bill renames the State Board of Medical Examiners to the Colorado Medical Board and extends it through July 1, 2019. It expands the size of the board and allows it to impose fines and fees for licenses and the peer health assistance program. It also allows physicians to supervise up to four assistants, creates a licensing panel in the board, creates a pro bono limited license and requires licensee disclosure of physical or mental illness. The bill also transfers regulation of emergency medical technicians (EMTs) to a new advisory council in the Department of Public Health and Environment effective January 1, 2011.

### **HB 10-1273**

This bill requires that all public schools provide classes in performing and visual arts. Schools are encouraged to use innovative ways to deliver arts education, such as technology and software, and forming partnerships with other schools, districts, or community colleges. Schools must include arts education in students' individual career and academic plans. Beginning with the graduating class of 2014, each public school must require demonstrated proficiency in arts education as a condition of graduation. The bill specifies that arts education qualifies as a service for which a public school may seek grant assistance under the Student Re-engagement Grant Program. The bill also clarifies that state support for programs in post secondary career and technical education may include programs in arts education.

### **HB 10-1283**

The State Board of Medical Examiners must adopt rules for a professional development program for physicians and physician assistants by 2013. The bill also creates the Patient Safety Act to require that health care providers to make reasonable efforts to verify employment history and references of all applicants for jobs with patient access (including drug/alcohol abuse, tampering or diversion, patient abuse or violent crimes). The Act permits protected communications with patients and other interested parties to be shared among health care providers without waiving the confidentiality of the information if it is part of a health care assessment. Finally,

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the Health and Humans Services Committees must request one or more health care provider associations prepare a report on demonstration projects for alternatives to the existing medical liability litigation system by January 31, 2012.

### **HB 10-1329**

The bill includes a number of provisions related to funding and support of the Hazardous Substance Response Fund, the Solid Waste Management Fund, and the fees which support the Solid Waste Management Program and the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA / Superfund). The repeal date for the solid waste user fee is extended to July 1, 2017. Otherwise, several transfers and changes to fees are proposed to maintain constant funding and service levels where possible.

### **HB 10-1330**

The bill requires the Department of Health Care Policy and Financing (HCPF) to create an advisory committee to make recommendations for creating a Colorado all-payer health claims database. The database is to be user-friendly, public, and meet certain criteria for transparency and data quality.

### **HB 10-1333**

The bill creates the Green Jobs Colorado Training Program. The program is a 2-year pilot program that offers grants to entities to provide job training for the wind, solar, renewable energy, and energy efficiency industries. A 9-member Green Jobs Colorado Advisory Council will administer the program, review grant applications, award grants, and establish reporting requirements for grantees. In awarding grants, the council is required to give priority to programs that demonstrate a high likelihood of resulting in job offers for participating individuals and to those programs that target low-income individuals, entry-level or incumbent workers, and dislocated workers from industries in decline.

### **HB 10-1339**

Under current law, transfers from the Limited Gaming Fund to certain programs in the Governor's Office of Economic Development are triggered only when total state appropriations grow by 6 percent over the prior year. Based on forecasts, revenue will be insufficient to increase General Fund appropriations by 6 percent during FY 2009-10 and FY 2010-11. As a result, current law requires that a total of \$35.0 million automatically go to the General Fund rather than these programs in FY 2009-10. For FY 2009-10, this bill transfers \$19.9 million of the \$35.0 million that would otherwise go to the General Fund under current law to these programs. The remaining \$14.2 million will continue to be transferred to the General Fund.

### **SB 10-022**

This bill will allow the board of the fire and police pension association to increase the members contribution rates for the defined benefit plan if it does not require an increase in employer contributions or affect its' status under federal law and if it is approved by a supermajority of plan members and employers

### **SB 10-023**

This bill allows the board of directors of the fire and police pension association to adopt rules suspending the distribution of benefits to any retired member participating in the defined benefit system who has returned to work with an employer who also participates in the defined benefit system. It also allows the board to adopt rules that allow a member to continue to receive retirement benefits and earn additional benefits.

### **SB 10-024**

The bill repeals the authority of the board of directors of the Fire and Police Pension Association (FPPA) to enter into an agreement with an employer to establish a money purchase plan for the purposes of having the

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board manage and invest funds held in such a plan. Affiliated money purchase plans are removed from the fire and police members' self-directed investment fund and audit requirements for any such plans are eliminated.

### **SB 10-036**

This bill requires the Colorado Department of Education (CDE) to prepare an annual report on the effectiveness of teacher preparation programs as indicated by teacher performance during the first three years of placement. The report must examine the correlation between teacher preparation programs in the state and student achievement, teacher placement, and teacher mobility and retention.

### **SB 10-056**

The bill requires the state charter school institute and each school district board of education to adopt and implement a policy requiring each school to annually provide parents and legal guardians with a paper or email copy of a standardized immunization document developed and updated, as instructed, by the Department of Public Health and Environment.

### **SB 10-061**

Subject to the receipt of any necessary federal authorization, the bill requires the Department of Health Care Policy and Financing to pay a nursing facility directly for inpatient services provided to a Medicaid recipient who elects to receive hospice care rather than paying the hospice provider who then pays the nursing facility.

### **SB 10-071**

The bill creates the Aspen Leaf Lifetime Pass, which will be available for purchase (for \$150 or less) by a state resident who meets the age of eligibility set by the Board of Parks and Outdoor Recreation for the Aspen Leaf Annual Pass. The pass allows its holder entry into state parks and recreation areas for the duration of the holder's lifetime.

### **SB 10-090**

The bill requires the Office of Economic Development and International Trade (OEDIT) to host on its official web site the Colorado Bioscience and Clean Technology Capital Investment (CBCTCI) Bulletin Board. This will create a virtual marketplace for early stage bioscience and clean technology projects with capital funding opportunities. The BioScience Association and the Colorado Cleantech Industry Association will maintain and monitor the bulletin board. The bill will also create a Bulletin Board Fund of gifts, grants, and donations from private and public sources to cover costs associated with the development and maintenance of the bulletin board. Public contributions are subject to appropriation so the OEDIT will be instructed not to host the board until sufficient moneys are available in the fund to cover implementation costs.

### **SB 10-116**

In this bill any public entity that requires additional work on a construction contract is required to reimburse the contractor's costs on a periodic basis until the change order is complete. Contractors are required to submit an estimate to the public entity before receiving payment.

### **SB 10-132**

Currently, a person eligible for Medicaid who chooses to receive hospice care but who also needs residential care must go to a Class I Nursing Facility. Subject to federal approval, this bill will also give persons the choice to go to a licensed inpatient hospice facility instead.

### **SB 10-166**

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Current law prohibits most state agencies from entering into lease purchase agreements for real property where the total payments exceed \$500,000 unless specifically authorized. This bill allows the executive director of the Department of Personnel and Administration to enter into such agreements if certain conditions are met. The streamlined process would only be available if the total cost of the lease-purchase is less than what would be paid in rent. In addition, the lease purchase agreement must be approved by the Governor's Office of State Planning and Budgeting and the Capital Development Committee.

### **SB 10-167**

The bill creates the Colorado Medical False Claims Act to ensure duplicate benefits are not being paid by other states, implementing an automated pre-payment review system to reduce coding errors and purchase private insurance through the Health Insurance Buy-in Program to create cost savings. The Act establishes fines and remedies for engaging in fraud or intent to defraud Medicaid. The bill also encourages whistle blower behavior to increase efficiency.

### **SB 10-169**

This bill transfers funds from the Hospital Provider Fee Cash Fund to the Health Care Expansion Fund. The amount of the transfer is equal to the increased federal funds for Medicaid received under the American Reinvestment and Recovery Act (ARRA) generated from the hospital provider fee created by HB09-1293. The first \$41.4 million transferred will replace moneys in the Health Care Expansion Fund used by HB 10-1320 to offset General Fund appropriations to Medicaid. Any funds transferred above this amount must be used to offset additional General Fund appropriations to the Medicaid program. *This bill is conditioned upon federal approval to implement the hospital provider fee created by HB09-1293.*

### **SB 10-175**

The bill relocates provisions in statute relating to behavioral health disorders.