

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

BILLPAPER

LLS NO. R15-0454.01 Christy Chase x2008

HOUSE Concurrent Resolution

HOUSE SPONSORSHIP

Ginal,

SENATE SPONSORSHIP

Aguilar,

House Committees

Senate Committees

HOUSE CONCURRENT RESOLUTION

101 **SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF**
102 **COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION**
103 **CONCERNING THE CREATION OF A POLITICAL SUBDIVISION OF**
104 **THE STATE CALLED COLORADO CARE TO FINANCE ACCESS TO**
105 **HEALTH CARE FOR ALL INDIVIDUALS WHOSE PRIMARY**
106 **RESIDENCE IS IN COLORADO, AND, IN CONNECTION THEREWITH,**
107 **CREATING AN INTERIM BOARD OF TRUSTEES AND THEN A**
108 **PERMANENT, ELECTED BOARD OF TRUSTEES TO GOVERN**
109 **COLORADO CARE; REQUIRING COLORADO CARE TO CONTRACT**
110 **WITH HEALTH CARE PROVIDERS TO PAY FOR SPECIFIC HEALTH**
111 **CARE BENEFITS; ASSESSING A SIX AND**
112 **SIXTY-SEVEN-ONE-HUNDREDTHS PERCENT PAYROLL PREMIUM**
113 **ON EMPLOYERS, A THREE AND THIRTY-ONE-ONE-HUNDREDTHS**

*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.*

101 PERCENT PAYROLL PREMIUM ON EMPLOYEES, AND A TEN
102 PERCENT PREMIUM ON OTHER SPECIFIED NONPAYROLL INCOME;
103 ASSESSING PREMIUMS AT A LOWER RATE UNTIL
104 COLORADOCARE ASSUMES RESPONSIBILITY FOR HEALTH CARE
105 PAYMENTS; PLACING A CAP ON THE AMOUNT OF INCOME
106 SUBJECT TO THE PREMIUMS; AUTHORIZING THE BOARD TO
107 INCREASE THE PREMIUMS IN SPECIFIED CIRCUMSTANCES UPON
108 MAJORITY APPROVAL OF VOTING MEMBERS OF
109 COLORADOCARE; AND REQUIRING THE DEPARTMENT OF
110 REVENUE TO COLLECT AND TRANSFER THE PREMIUMS TO PAY
111 FOR HEALTH CARE SERVICES FUNDED THROUGH
112 COLORADOCARE.

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not reflect any amendments that may be subsequently adopted. If this resolution passes third reading in the house of introduction, a resolution summary that applies to the reengrossed version of this resolution will be available at <http://www.leg.state.co.us/bills/summaries>.)

The concurrent resolution amends the Colorado constitution to create a political subdivision of the state called "ColoradoCare" to finance access to health care for all individuals whose primary residence is in Colorado. ColoradoCare will provide a unified system for the payment of health care services for all Colorado residents. Transitional provisions specify that once ColoradoCare receives adequate funding and any necessary federal waivers, operations of the Colorado health benefit exchange would terminate, and ColoradoCare would finance health care services with a premium tax on specified income. ColoradoCare would assume responsibility for administering state and federal health care funds and the following:

- Medicaid;
- The children's basic health plan; and
- Medical benefits to workers who suffer injuries or illnesses arising out of their employment;

Following the transition, the Colorado department of revenue would collect premium taxes directly and remit them to ColoradoCare, which would then compensate health care providers directly. Implementation is conditioned upon the receipt of any necessary federal

waivers and would be preceded by the required passage of specified enabling legislation.

Be It Resolved by the House of Representatives of the Seventieth General Assembly of the State of Colorado, the Senate concurring herein:

SECTION 1. At the election held on November 3, 2015, the secretary of state shall submit to the registered electors of the state the ballot title set forth in section 2 for the following amendment to the state constitution:

In the constitution of the state of Colorado, **add** article XXX as follows:

ARTICLE XXX

ColoradoCare

Section 1. Purpose and findings. (1) THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT:

(a) COLORADANS NEED THE SECURITY OF KNOWING THAT THEY CAN AFFORD HEALTH CARE FOR THEMSELVES AND THEIR FAMILIES;

(b) BUSINESSES NEED RELIEF FROM THE UNSUSTAINABLE FINANCIAL AND ADMINISTRATIVE BURDENS OF PROVIDING HEALTH INSURANCE FOR THEIR EMPLOYEES;

(c) ANNUAL INSURANCE CHANGES DISRUPT COORDINATED LIFETIME HEALTH CARE;

(d) HEALTH CARE COSTS HAVE BEEN INCREASING AT UNSUSTAINABLE RATES AND MUST BE STABILIZED;

(e) COLORADO NEEDS A HEALTH CARE PAYMENT SYSTEM THAT PRIORITIZES VALUE OVER VOLUME AND THAT ENCOURAGES QUALITY, EFFICIENT, AND ACCESSIBLE HEALTH CARE;

(f) COLORADO HEALTH CARE PROVIDERS NEED RELIEF FROM THE

1 ADMINISTRATIVE BURDENS THAT INTERFERE WITH QUALITY HEALTH CARE;

2 (g) SECTION 1332 OF THE AFFORDABLE CARE ACT ALLOWS
3 COLORADO TO OBTAIN WAIVERS FROM THE INSURANCE EXCHANGE
4 PROGRAM IN ORDER TO CREATE A UNIQUE COLORADO HEALTH CARE
5 SYSTEM; AND, THEREFORE,

6 (h) COLORADO WILL FINANCE HEALTH CARE THROUGH
7 COLORADOCARE, A POLITICAL SUBDIVISION OF THE STATE GOVERNED BY
8 A TWENTY-ONE-MEMBER BOARD OF TRUSTEES THAT WILL ADMINISTER A
9 COORDINATED PAYMENT SYSTEM FOR HEALTH CARE SERVICES AND
10 CONTROL THE PER CAPITA COST OF HEALTH CARE, THEREBY IMPROVING
11 ACCESS TO HEALTH CARE FOR ALL COLORADANS, ENHANCING THEIR
12 HEALTH CARE EXPERIENCES, GIVING COLORADANS THE RIGHT TO CHOOSE
13 THEIR PRIMARY HEALTH CARE PROVIDERS, AND IMPROVING THE WORKING
14 LIVES OF HEALTH CARE PROVIDERS.

15 **Section 2. Definitions.** FOR THE PURPOSE OF THIS ARTICLE:

16 (1) "AFFORDABLE CARE ACT" MEANS THE FEDERAL "PATIENT
17 PROTECTION AND AFFORDABLE CARE ACT", PUB.L. 111-148, AS
18 AMENDED BY THE FEDERAL "HEALTH CARE AND EDUCATION
19 RECONCILIATION ACT OF 2010", PUB.L. 111-152, AND AS MAY BE
20 FURTHER AMENDED, INCLUDING ANY FEDERAL REGULATIONS ADOPTED
21 UNDER THE ACT.

22 (2) "BENEFICIARY" MEANS AN INDIVIDUAL WHOSE PRIMARY
23 RESIDENCE IS IN COLORADO.

24 (3) "BOARD" OR "ELECTED BOARD" MEANS THE ELECTED BOARD
25 OF TRUSTEES ESTABLISHED IN SECTION 5 OF THIS ARTICLE UNLESS THE
26 CONTEXT INDICATES THAT "BOARD" MEANS THE INTERIM BOARD DEFINED
27 IN SUBSECTION (9) OF THIS SECTION.

1 (4) "CHILDREN'S BASIC HEALTH PLAN" MEANS THE HEALTH
2 BENEFIT PLAN ESTABLISHED IN ARTICLE 8 OF TITLE 25.5, COLORADO
3 REVISED STATUTES, OR ANY SUCCESSOR PLAN.

4 (5) "COLORADO HEALTH BENEFIT EXCHANGE" MEANS THE
5 COLORADO HEALTH BENEFIT EXCHANGE CREATED IN ARTICLE 22 OF TITLE
6 10, COLORADO REVISED STATUTES, OR ITS SUCCESSOR ENTITY.

7 (6) "EFFECTIVE DATE" MEANS THE EFFECTIVE DATE OF THIS
8 ARTICLE AS SPECIFIED IN SECTION 14 OF THIS ARTICLE.

9 (7) "EMPLOYEE" MEANS AN INDIVIDUAL WHO WORKS OR RESIDES
10 IN COLORADO AND WHO RECEIVES WAGES, SALARIES, TIPS, OR ANY OTHER
11 INCOME THAT MUST BE REPORTED ON INTERNAL REVENUE SERVICE FORM
12 W-2.

13 (8) "EMPLOYER" MEANS AN INDIVIDUAL OR A PUBLIC, PRIVATE,
14 FOR-PROFIT, OR NONPROFIT ORGANIZATION OR ENTITY THAT:

15 (a) PAYS COMPENSATION TO ONE OR MORE INDIVIDUALS FOR WORK
16 PERFORMED; AND

17 (b) IS REQUIRED BY COLORADO LAW TO WITHHOLD A PORTION OF
18 THE COMPENSATION FOR THE PAYMENT OF COLORADO INCOME TAXES OR
19 TO REPORT THOSE EARNINGS TO THE COLORADO DEPARTMENT OF
20 REVENUE.

21 (9) "INTERIM BOARD" MEANS THE BOARD OF TRUSTEES APPOINTED
22 PURSUANT TO SECTION 4 OF THIS ARTICLE.

23 (10) "MEDICAID PROGRAM" MEANS THE MEDICAL ASSISTANCE
24 PROGRAM AUTHORIZED IN TITLE XIX OF THE FEDERAL "SOCIAL SECURITY
25 ACT", 42 U.S.C. SEC. 1305 ET SEQ., AS AMENDED, AND UNDER THE
26 "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF TITLE
27 25.5, COLORADO REVISED STATUTES, OR ANY SUCCESSOR STATUTES.

1 (11) "MEMBER" MEANS A BENEFICIARY WHO IS AT LEAST EIGHTEEN
2 YEARS OF AGE AND WHOSE DOMICILE HAS BEEN IN COLORADO FOR AT
3 LEAST ONE CONTINUOUS YEAR.

4 (12) "NONPAYROLL INCOME" MEANS TOTAL INCOME FROM ALL
5 SOURCES SPECIFIED ON LINES 8 TO 10, 12 TO 18, AND 20 TO 21 OF THE
6 INTERNAL REVENUE SERVICE FORM 1040 FOR THE TAX YEAR 2014 OR THE
7 CORRESPONDING LINES OF ANY SUCCESSOR FORM. "NONPAYROLL INCOME"
8 DOES NOT INCLUDE ANY PENSION OR ANNUITY INCOME THAT IS NOT
9 SUBJECT TO STATE INCOME TAX PURSUANT TO SECTION 39-22-104 (4) (f),
10 COLORADO REVISED STATUTES, AS AMENDED, OR ANY SUCCESSOR
11 STATUTE.

12 (13) "PAYROLL INCOME" MEANS WAGES, TIPS, SALARIES, AND ALL
13 OTHER INCOME THAT MUST BE REPORTED ON INTERNAL REVENUE SERVICE
14 FORM W-2.

15 (14) "PREMIUM TAX" MEANS THOSE TAXES SPECIFIED IN SECTION
16 9 (2) OF THIS ARTICLE.

17 (15) "PROVIDER" MEANS A HEALTH CARE PROFESSIONAL LICENSED
18 BY THE STATE OF COLORADO AND INCLUDES INDIVIDUALS, HOSPITALS,
19 AND OTHER HEALTH CARE FACILITIES LICENSED OR CERTIFIED BY THE
20 STATE. "PROVIDER" INCLUDES AN INDIVIDUAL OR ENTITY THAT PROVIDES
21 SERVICES, MEDICAL INTERVENTIONS, PHARMACEUTICALS, OR EQUIPMENT
22 USED TO TREAT BENEFICIARIES.

23 (16) "TRANSITIONAL OPERATING FUND TAX" MEANS THOSE TAXES
24 SPECIFIED IN SECTION 9 (1) OF THIS ARTICLE.

25 (17) "TRUSTEE" MEANS AN INDIVIDUAL APPOINTED OR ELECTED TO
26 SERVE ON THE INTERIM OR PERMANENT BOARD OF TRUSTEES.

27 **Section 3. ColoradoCare - establishment.** (1) THERE IS HEREBY

1 ESTABLISHED A POLITICAL SUBDIVISION OF THE STATE CALLED
2 "COLORADOCARE". COLORADOCARE IS NOT AN AGENCY OF THE STATE
3 AND IS NOT SUBJECT TO ADMINISTRATIVE DIRECTION OR CONTROL BY ANY
4 STATE EXECUTIVE, DEPARTMENT, COMMISSION, BOARD, BUREAU, OR
5 AGENCY.

6 (2) THE PURPOSE OF COLORADOCARE IS TO FINANCE HEALTH CARE
7 SERVICES FOR ALL COLORADO RESIDENTS, ADMINISTER STATE AND
8 FEDERAL HEALTH CARE FUNDS, AND INSTITUTE FISCALLY SOUND PAYMENT
9 POLICIES THAT IMPROVE AND MAINTAIN HIGH STANDARDS FOR VALUE,
10 QUALITY, AND HEALTHY OUTCOMES FOR ALL BENEFICIARIES.

11 **Section 4. Interim board - governance and responsibilities.**

12 (1) (a) WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE,
13 THE PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE,
14 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE MINORITY LEADER
15 OF THE HOUSE OF REPRESENTATIVES, AND THE GOVERNOR SHALL EACH
16 APPOINT THREE TRUSTEES TO THE INTERIM BOARD. IN MAKING THE
17 APPOINTMENTS TO THE INTERIM BOARD, THE APPOINTING AUTHORITIES
18 SHALL MAKE GOOD-FAITH EFFORTS TO ENSURE THAT:

19 (I) EACH TRUSTEE WILL STRIVE TO REPRESENT THE INTERESTS OF
20 ALL COLORADANS;

21 (II) THEIR APPOINTMENTS REFLECT THE SOCIAL, DEMOGRAPHIC,
22 AND GEOGRAPHIC DIVERSITY OF THE STATE; AND

23 (III) THEIR APPOINTEES ARE COMMITTED TO SUCCESSFULLY
24 IMPLEMENTING THIS ARTICLE.

25 (b) AN INTERIM TRUSTEE MAY BE REMOVED FOR CAUSE BY A
26 MAJORITY VOTE OF THE OTHER TRUSTEES.

27 (c) IF A VACANCY OCCURS ON THE INTERIM BOARD, THE

1 APPOINTING AUTHORITY SHALL APPOINT A NEW TRUSTEE TO FILL THE
2 VACANCY WITHIN THIRTY DAYS AFTER THE VACANCY OCCURS.

3 (2) (a) THE INTERIM BOARD SHALL CARRY OUT ALL DUTIES AND
4 RESPONSIBILITIES OF THE BOARD UNTIL THE ELECTED BOARD ASSUMES
5 RESPONSIBILITY FOR GOVERNING COLORADOCARE AS SPECIFIED IN
6 PARAGRAPH (i) OF THIS SUBSECTION (2).

7 (b) THE INTERIM BOARD SHALL:

8 (I) PROMULGATE BYLAWS, PROCEDURES, RULES, AND POLICIES,
9 WHICH EXPIRE ONE HUNDRED TWENTY DAYS AFTER THE ELECTED BOARD
10 TAKES OFFICE UNLESS THE ELECTED BOARD RATIFIES THEM;

11 (II) ESTABLISH AND APPROVE AN OPERATING BUDGET;

12 (III) HIRE EMPLOYEES AND CONSULTANTS; AND

13 (IV) PROMULGATE RULES TO ENSURE TRANSPARENCY IN ITS
14 OPERATIONS AND DECISION-MAKING, WHICH RULES MUST BE AT LEAST AS
15 STRICT AS THE REQUIREMENTS IN THE "COLORADO OPEN RECORDS ACT",
16 PART 2 OF ARTICLE 72 OF TITLE 24, COLORADO REVISED STATUTES, OR ITS
17 SUCCESSOR ACT.

18 (c) AS SOON AS IT IS ALLOWED UNDER FEDERAL LAW, THE INTERIM
19 BOARD SHALL SEEK A WAIVER TO ALLOW THE STATE TO SUSPEND
20 OPERATION OF THE COLORADO HEALTH BENEFIT EXCHANGE AND
21 TRANSFER ITS RESOURCES TO COLORADOCARE NO LATER THAN THE DATE
22 ON WHICH COLORADOCARE ASSUMES RESPONSIBILITY FOR HEALTH CARE
23 PAYMENTS.

24 (d) NO LATER THAN THIRTY DAYS PRIOR TO THE DATE
25 COLORADOCARE IS TO ASSUME RESPONSIBILITY FOR HEALTH CARE
26 PAYMENTS, THE BOARD SHALL PROVIDE WRITTEN CERTIFICATION TO THE
27 GOVERNOR AND THE DEPARTMENT OF REVENUE OF THE DATE

1 COLORADOCARE INTENDS TO ASSUME THIS RESPONSIBILITY.

2 (e) FOR PURPOSES OF ELECTING THE BOARD OF TRUSTEES, THE
3 INTERIM BOARD SHALL USE THE MOST RECENT UNITED STATES DECENNIAL
4 CENSUS FIGURES TO DIVIDE THE STATE INTO SEVEN COMPACT,
5 CONTIGUOUS DISTRICTS WITH SUBSTANTIALLY THE SAME NUMBER OF
6 RESIDENTS IN EACH DISTRICT.

7 (f) TRUSTEE ELECTIONS SHALL BE NONPARTISAN.

8 (g) THE INTERIM BOARD SHALL PROMULGATE RULES GOVERNING
9 THE SELECTION OF TRUSTEE CANDIDATES, THE CONDUCT OF ELECTIONS,
10 INCLUDING RULES THAT REGULATE CAMPAIGN CONTRIBUTIONS AND
11 EXPENDITURES, AND THE CERTIFICATION OF ELECTION RESULTS.

12 (h) TRUSTEE CANDIDATES MUST BE MEMBERS OF COLORADOCARE
13 WHO LIVE IN THE DISTRICT FROM WHICH THEY ARE SEEKING ELECTION.

14 (i) THE INTERIM BOARD SHALL SCHEDULE THE FIRST ELECTION
15 WITHIN THREE YEARS AFTER THE EFFECTIVE DATE OF THIS ARTICLE. THE
16 ELECTED BOARD SHALL ASSUME RESPONSIBILITY FOR THE OPERATION OF
17 COLORADOCARE WITHIN FORTY-FIVE DAYS AFTER THE INTERIM BOARD
18 CERTIFIES THE ELECTION RESULTS. INTERIM TRUSTEES SHALL CONTINUE
19 TO SERVE AS EX OFFICIO, NONVOTING TRUSTEES FOR NINETY DAYS AFTER
20 THE ELECTED BOARD ASSUMES RESPONSIBILITY FOR THE OPERATION OF
21 COLORADOCARE.

22 **Section 5. Elected board of trustees - duties and**
23 **responsibilities.** (1) A MEMBER-ELECTED BOARD OF TWENTY-ONE
24 TRUSTEES SHALL GOVERN COLORADOCARE. THREE TRUSTEES MUST BE
25 ELECTED FROM AMONG THE MEMBERS RESIDING IN EACH DISTRICT.

26 (2) (a) ELECTED TRUSTEES SHALL SERVE FOUR-YEAR TERMS OF
27 OFFICE; EXCEPT THAT, OF THE INITIAL TRUSTEES ELECTED TO THE BOARD,

1 ONE TRUSTEE FROM EACH DISTRICT SHALL SERVE AN INITIAL TWO-YEAR
2 TERM AND TWO FROM EACH DISTRICT SHALL SERVE INITIAL FOUR-YEAR
3 TERMS. THE CHAIRPERSON OF THE INTERIM BOARD SHALL DETERMINE BY
4 LOT WHICH TRUSTEES-ELECT WILL SERVE INITIAL TWO-YEAR TERMS AND
5 WHICH WILL SERVE INITIAL FOUR-YEAR TERMS. TRUSTEES WHO SERVE
6 INITIAL TWO-YEAR TERMS ARE ELIGIBLE TO SERVE TWO CONSECUTIVE
7 FOUR-YEAR TERMS AFTER COMPLETING THEIR INITIAL TERMS. TRUSTEES
8 ELECTED TO SERVE INITIAL TERMS OF FOUR YEARS MAY NOT SERVE MORE
9 THAN TWO CONSECUTIVE TERMS.

10 (b) A TRUSTEE MAY BE REMOVED FOR CAUSE BY A MAJORITY VOTE
11 OF THE OTHER TRUSTEES.

12 (c) TRUSTEES ARE NOT SUBJECT TO RECALL ELECTIONS.

13 (d) IF A VACANCY OCCURS ON THE BOARD, THE BOARD, BY
14 MAJORITY VOTE, SHALL APPOINT A TRUSTEE FROM THE DEPARTING
15 TRUSTEE'S DISTRICT TO COMPLETE THE REMAINDER OF THE DEPARTING
16 TRUSTEE'S TERM OF OFFICE.

17 (3) NOT MORE OFTEN THAN ONCE PER DECENNIUM, THE ELECTED
18 BOARD MAY MODIFY THE BOUNDARIES OF THE SEVEN DISTRICTS, BUT ONLY
19 IF IT DOES SO WITHIN ONE YEAR AFTER DECENNIAL CENSUS FIGURES ARE
20 PUBLISHED BY THE UNITED STATES CENSUS BUREAU. EACH DISTRICT
21 SHALL BE COMPACT AND CONTIGUOUS, AND ALL DISTRICTS SHALL
22 CONTAIN SUBSTANTIALLY THE SAME NUMBER OF RESIDENTS.

23 (4) THE BOARD SHALL:

24 (a) PROMULGATE BYLAWS, PROCEDURES, RULES, AND POLICIES
25 AND RATIFY, AMEND, OR REJECT THOSE BYLAWS, PROCEDURES, RULES,
26 AND POLICIES ADOPTED BY THE INTERIM BOARD;

27 (b) HIRE AN EXECUTIVE TEAM TO ADMINISTER THE OPERATIONS OF

1 COLORADOCARE. THE EXECUTIVE TEAM SHALL INCLUDE A CHIEF
2 EXECUTIVE OFFICER, A CHIEF FINANCIAL OFFICER, AND A CHIEF MEDICAL
3 OFFICER.

4 (c) ESTABLISH A CENTRAL PURCHASING AUTHORITY RESPONSIBLE
5 FOR NEGOTIATING FAVORABLE PRICES FOR PRESCRIPTION DRUGS, MEDICAL
6 EQUIPMENT, AND OTHER PRODUCTS AND SERVICES REQUIRED BY
7 COLORADOCARE;

8 (d) PROVIDE FUNDS TO THE COMMISSIONER OF INSURANCE FOR THE
9 ESTABLISHMENT AND OPERATION OF SEPARATE OMBUDSMAN OFFICES FOR
10 BENEFICIARIES AND PROVIDERS, EACH WITH THE CAPACITY TO
11 INVESTIGATE AND RESPOND TO INQUIRIES AND COMPLAINTS AND MAKE
12 RECOMMENDATIONS TO THE BOARD. FUNDING SHALL BE SUFFICIENT TO
13 ALLOW THE TIMELY COMPLETION OF ALL INVESTIGATIONS.

14 (e) ESTABLISH AND FUND AN OFFICE FOR THE INVESTIGATION AND
15 PREVENTION OF FRAUD. THE OFFICE SHALL HAVE THE POWER TO BRING
16 CIVIL ACTIONS IN THE NAME OF COLORADOCARE TO RECOVER ANY
17 MONEYS OR THE VALUE OF ANY BENEFITS OBTAINED BY FRAUD OR
18 MISTAKE AND MAY REFER FRAUDULENT CONDUCT TO THE DISTRICT
19 ATTORNEYS FOR CRIMINAL PROSECUTION.

20 (f) ESTABLISH PROCEDURES FOR MANAGING SURPLUS FUNDING BY
21 MAINTAINING NECESSARY OPERATING RESERVES, INCREASING BENEFITS,
22 OR ISSUING REFUNDS TO MEMBERS;

23 (g) ESTABLISH PROCEDURES FOR ENSURING FINANCIAL
24 SUSTAINABILITY BY ADJUSTING PAYMENTS AND BENEFITS;

25 (h) PROMULGATE RULES FOR INDEPENDENT, ANNUAL
26 PERFORMANCE AND FINANCIAL AUDITS;

27 (i) PROMULGATE RULES THAT PROTECT BENEFICIARY

1 CONFIDENTIALITY WHILE ALLOWING FOR PUBLICLY AVAILABLE RESEARCH
2 OF COLORADOCARE'S DATABASES;

3 (j) PROMULGATE RULES TO ENSURE TRANSPARENCY IN ITS
4 OPERATIONS AND DECISION-MAKING, WHICH RULES MUST BE AT LEAST AS
5 STRICT AS THE REQUIREMENTS IN THE "COLORADO OPEN RECORDS ACT",
6 PART 2 OF ARTICLE 72 OF TITLE 24, COLORADO REVISED STATUTES, OR ITS
7 SUCCESSOR ACT;

8 (k) APPROVE AND MAKE PUBLICLY AVAILABLE AN ANNUAL
9 BUDGET;

10 (l) FACILITATE CREATION OF EFFICIENT MEDICAL RECORDS AND
11 BILLING RECORDS SYSTEMS THAT:

12 (I) CAN BE EASILY ACCESSED BY PROVIDERS AND BENEFICIARIES;

13 (II) ALLOW COLORADOCARE TO MAINTAIN A CENTRAL DATABASE
14 OF MEDICAL RECORDS FOR MANAGEMENT AND RESEARCH PURPOSES; AND

15 (III) ENSURE THE CONFIDENTIALITY OF BENEFICIARIES' MEDICAL
16 RECORDS IN COMPLIANCE WITH ALL FEDERAL AND STATE HEALTH CARE
17 LAWS, REGULATIONS, AND RULES CONCERNING THE CONFIDENTIALITY OF
18 PATIENT MEDICAL RECORDS;

19 (m) ADMINISTER ALL STATE FUNDS COLLECTED FOR HEALTH CARE
20 SERVICES PROVIDED TO BENEFICIARIES;

21 (n) ESTABLISH POLICIES AND PROCEDURES TO PAY BENEFITS FOR
22 HEALTH CARE SERVICES RENDERED TO A BENEFICIARY WHO IS
23 TEMPORARILY LIVING OR TRAVELING IN ANOTHER STATE; AND

24 (o) ESTABLISH AN APPEALS PROCEDURE THAT ALLOWS
25 BENEFICIARIES AND PROVIDERS TO CHALLENGE COVERAGE AND PAYMENT
26 DECISIONS. FINAL ACTION ON AN APPEAL IS SUBJECT TO JUDICIAL REVIEW
27 ACCORDING TO COLORADO LAW AND RULES OF CIVIL AND APPELLATE

1 PROCEDURE FOR THE REVIEW OF FINAL AGENCY ACTIONS.

2 (5) THE BOARD MAY:

3 (a) AUTHORIZE REASONABLE COMPENSATION AND EXPENSE
4 REIMBURSEMENT FOR THE TRUSTEES;

5 (b) SEEK WAIVERS FROM STATE OR FEDERAL LAWS, RULES, OR
6 REGULATIONS; AND

7 (c) SEEK AND ACCEPT GIFTS, GRANTS, AND DONATIONS ON BEHALF
8 OF COLORADOCARE.

9 (6) THE BOARD IS GRANTED ALL POWERS NECESSARY AND PROPER
10 TO FULFILL COLORADOCARE'S RESPONSIBILITIES, INCLUDING THE POWER
11 TO PROMULGATE RULES THE BOARD FINDS NECESSARY FOR THE PROPER
12 ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE.

13 **Section 6. Health care benefits paid by ColoradoCare.**

14 (1) (a) COLORADOCARE SHALL CONTRACT WITH PROVIDERS TO DELIVER
15 HEALTH CARE SERVICES TO BENEFICIARIES. THE SERVICES MUST INCLUDE:

16 (I) AMBULATORY PATIENT SERVICES, INCLUDING PRIMARY AND
17 SPECIALTY CARE;

18 (II) HOSPITALIZATION;

19 (III) PRESCRIPTION DRUGS AND DURABLE MEDICAL EQUIPMENT;

20 (IV) MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES,
21 INCLUDING BEHAVIORAL HEALTH TREATMENT;

22 (V) EMERGENCY AND URGENT CARE;

23 (VI) PREVENTIVE AND WELLNESS SERVICES AND CHRONIC DISEASE
24 MANAGEMENT;

25 (VII) REHABILITATIVE AND HABILITATIVE SERVICES AND DEVICES;

26 (VIII) PEDIATRIC SERVICES, INCLUDING ORAL, VISION, AND
27 HEARING CARE;

- 1 (IX) LABORATORY SERVICES;
- 2 (X) MATERNITY AND NEWBORN CARE;
- 3 (XI) FOR THOSE BENEFICIARIES ELIGIBLE FOR FEDERAL HEALTH
- 4 CARE BENEFITS, LONG-TERM SERVICES AND SUPPORT AT LEAST AT THE
- 5 LEVEL SPECIFIED BY FEDERAL STANDARDS; AND
- 6 (XII) PALLIATIVE AND END-OF-LIFE CARE.

7 (b) THE BOARD MAY AUTHORIZE PAYMENT FOR BENEFITS NOT
8 SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1).

9 (2) (a) COLORADOCARE SHALL PAY FOR HEALTH CARE SERVICES
10 TO BENEFICIARIES REGARDLESS OF THE CAUSE OF THEIR INJURIES OR
11 ILLNESSES.

12 (b) COLORADOCARE SHALL ASSUME RESPONSIBILITY FOR
13 PAYMENT OF ALL REASONABLE AND NECESSARY MEDICAL EXPENSES
14 INCURRED BY WORKERS WHO SUFFER INJURIES OR ILLNESSES ARISING OUT
15 OF AND IN THE COURSE OF THEIR EMPLOYMENT AS OF THE DATE
16 COLORADOCARE ASSUMES RESPONSIBILITY FOR HEALTH CARE PAYMENTS.
17 COLORADOCARE'S RESPONSIBILITY EXTENDS ONLY TO EMPLOYEES WHOSE
18 EMPLOYERS ARE REQUIRED BY THE "WORKERS' COMPENSATION ACT OF
19 COLORADO", ARTICLES 40 TO 47 OF TITLE 8, COLORADO REVISED
20 STATUTES, OR ITS SUCCESSOR STATUTE, TO PROVIDE WORKERS'
21 COMPENSATION INSURANCE FOR THEIR EMPLOYEES. WORKERS WHO
22 SUFFER AN INJURY OR ILLNESS ARISING OUT OF AND IN THE COURSE OF
23 THEIR EMPLOYMENT ARE ENTITLED TO THE SAME BENEFITS AND HAVE THE
24 SAME RIGHTS AND RESPONSIBILITIES AS OTHER BENEFICIARIES.

25 (c) FOR INDIVIDUALS ELIGIBLE FOR THE MEDICAID PROGRAM OR
26 THE CHILDREN'S BASIC HEALTH PLAN, THE BENEFIT PACKAGE UNDER
27 COLORADOCARE MUST INCLUDE:

- 1 (I) THE BENEFITS REQUIRED BY FEDERAL LAW;
- 2 (II) ANY OPTIONAL MEDICAID PROGRAM BENEFITS AUTHORIZED
3 UNDER 42 U.S.C. SEC. 1396d OR THE "COLORADO MEDICAL ASSISTANCE
4 ACT", ARTICLES 4 TO 6 OF TITLE 25.5, COLORADO REVISED STATUTES, OR
5 SERVICES COVERED UNDER THE STATE PLAN FOR THE CHILDREN'S BASIC
6 HEALTH PLAN AS PROVIDED IN 42 U.S.C. SEC. 1397cc, FOR WHICH THESE
7 INDIVIDUALS ARE ELIGIBLE; AND
- 8 (III) ANY ADDITIONAL BENEFITS PROVIDED IN COLORADOCARE'S
9 BENEFIT PACKAGE.
- 10 (d) AN INDIVIDUAL WHO LOSES ELIGIBILITY FOR STATE OR FEDERAL
11 BENEFITS UNDER THE MEDICAID PROGRAM OR THE CHILDREN'S BASIC
12 HEALTH PLAN SHALL RECEIVE THE SAME BENEFITS AS ANY OTHER
13 BENEFICIARY OF COLORADOCARE.
- 14 (3) COLORADOCARE SHALL NOT CHARGE BENEFICIARIES ANY
15 DEDUCTIBLES.
- 16 (4) THE BOARD SHALL PROMULGATE RULES FOR WAIVING
17 COPAYMENTS WHEN THEY WILL CAUSE FINANCIAL HARDSHIP FOR A
18 BENEFICIARY. THE BOARD SHALL NOT REQUIRE COPAYMENTS FOR
19 DESIGNATED PRIMARY AND PREVENTIVE CARE SERVICES.
- 20 (5) A PROVIDER MAY NOT REQUIRE A BENEFICIARY TO MAKE A
21 COPAYMENT OR SUBMIT TO ANY OTHER COST-SHARING ARRANGEMENT
22 UNLESS THE PROVIDER FIRST OBTAINS APPROVAL FROM COLORADOCARE.
- 23 (6) COLORADOCARE SHALL ALLOW BENEFICIARIES TO CHOOSE
24 THEIR OWN PRIMARY CARE PROVIDER.
- 25 (7) COLORADOCARE MAY PROVIDE FUNDING AND OTHER SUPPORT
26 TO IMPROVE ACCESS TO HEALTH CARE SERVICES FOR ALL BENEFICIARIES
27 REGARDLESS OF WHERE THEY LIVE IN COLORADO.

1 (8) COLORADOCARE MAY PROVIDE FUNDING AND OTHER SUPPORT
2 FOR STATEWIDE ACCESS TO EMERGENCY TRAUMA SERVICES.

3 **Section 7. Delivery of service models.** (1) COLORADOCARE
4 SHALL BEGIN OPERATION BY ASSUMING PAYMENT FOR HEALTH CARE
5 SERVICES IN A MANNER DESIGNED TO MINIMIZE DISRUPTIONS TO CURRENT
6 DELIVERY SYSTEMS.

7 (2) COLORADOCARE SHALL PHASE IN PAYMENT REFORMS AND A
8 UNIFIED BILLING SYSTEM.

9 (3) COLORADOCARE SHALL USE PAYMENT MODELS THAT OPTIMIZE
10 QUALITY, VALUE, AND HEALTHY OUTCOMES FOR BENEFICIARIES.

11 **Section 8. Transition to ColoradoCare.** (1) (a) THE
12 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE COLORADO
13 HEALTH BENEFIT EXCHANGE, AND ANY OTHER NECESSARY STATE
14 DEPARTMENT OR AGENCY SHALL ASSIST THE INTERIM AND ELECTED
15 BOARDS IN SEEKING ALL WAIVERS, EXEMPTIONS, AND AGREEMENTS FROM
16 THE STATE AND FEDERAL GOVERNMENTS THAT ARE NECESSARY TO
17 TRANSFER HEALTH CARE FUNDING FROM THE FEDERAL GOVERNMENT AND
18 FROM ANY STATE DEPARTMENTS AND AGENCIES TO COLORADOCARE.

19 (b) TO THE EXTENT ALLOWABLE UNDER FEDERAL LAW,
20 COLORADOCARE AND ALL INVOLVED STATE DEPARTMENTS AND AGENCIES
21 SHALL ARRANGE FOR FEDERAL FUNDS TO BE DELIVERED DIRECTLY TO
22 COLORADOCARE. IF THE FUNDS CANNOT BE DELIVERED DIRECTLY TO
23 COLORADOCARE, THE STATE SHALL TRANSFER THE FUNDS TO
24 COLORADOCARE WITHIN TEN DAYS AFTER IT RECEIVES THEM.

25 (2) (a) NO LATER THAN THE DATE COLORADOCARE IS TO ASSUME
26 RESPONSIBILITY FOR HEALTH CARE PAYMENTS, THE STATE SHALL
27 TRANSFER TO COLORADOCARE ALL STATE AND FEDERAL FUNDS FOR THE

1 MEDICAID PROGRAM, CHILDREN'S BASIC HEALTH PLAN, AND ANY OTHER
2 PROGRAM TO BE ADMINISTERED BY COLORADOCARE. THE STATE MAY
3 RETAIN FUNDS NECESSARY TO MEET PAYMENT OBLIGATIONS THAT EXIST
4 AS OF THE DATE OF TRANSFER.

5 (b) UPON RECEIPT OF THE FUNDING DESCRIBED IN PARAGRAPH (a)
6 OF THIS SUBSECTION (2), COLORADOCARE IS RESPONSIBLE FOR PAYING
7 ALL BENEFITS AND SERVICES PREVIOUSLY PAID BY THE STATE AND
8 FEDERAL GOVERNMENT WITH THOSE FUNDS.

9 (3) COLORADOCARE SHALL ASSUME RESPONSIBILITY FOR THE
10 PROPER ADMINISTRATION AND DISTRIBUTION OF THE STATE AND FEDERAL
11 FUNDS PURSUANT TO STATE AND FEDERAL LAW.

12 (4) THE BOARD MAY APPLY FOR COLORADOCARE TO BECOME A
13 MEDICARE ADVANTAGE PROGRAM, A MEDICARE SUPPLEMENTAL PROGRAM,
14 OR ANY SUCCESSOR PROGRAM.

15 (5) THE BOARD IS AUTHORIZED TO APPLY FOR FUNDS AND ENROLL
16 IN ANY PROGRAM THAT DOES NOT ALTER THE PURPOSE OF
17 COLORADOCARE AS SET FORTH IN SECTION 3 (2) OF THIS ARTICLE.

18 **Section 9. Funding of ColoradoCare - collection of premiums.**

19 (1) ON AND AFTER JULY 1 OF THE YEAR FOLLOWING THE EFFECTIVE DATE
20 OF THIS ARTICLE, AND UNTIL THIRTY DAYS BEFORE COLORADOCARE
21 ASSUMES RESPONSIBILITY FOR HEALTH CARE PAYMENTS, THE COLORADO
22 DEPARTMENT OF REVENUE SHALL COLLECT A TRANSITIONAL OPERATING
23 FUND TAX OF:

24 (a) SIX-TENTHS PERCENT OF PAYROLL FROM EACH EMPLOYER;

25 (b) THREE-TENTHS PERCENT OF ALL PAYROLL INCOME FROM EACH
26 EMPLOYEE; AND

27 (c) (I) NINE-TENTHS PERCENT OF ALL NONPAYROLL INCOME FROM

1 ALL BENEFICIARIES.

2 (II) FROM JULY 1 THROUGH DECEMBER 31 OF THE FIRST YEAR IN
3 WHICH THE TAXES IN THIS SUBSECTION (1) ARE LEVIED, THE TAX IMPOSED
4 UNDER THIS PARAGRAPH (c) ARE LEVIED ONLY ON FIFTY PERCENT OF A
5 BENEFICIARY'S TOTAL NONPAYROLL INCOME.

6 (2) (a) THIRTY DAYS BEFORE COLORADOCARE IS TO ASSUME
7 RESPONSIBILITY FOR HEALTH CARE PAYMENTS, THE COLORADO
8 DEPARTMENT OF REVENUE SHALL CEASE COLLECTING TRANSITIONAL
9 OPERATING FUND TAXES AND SHALL BEGIN COLLECTING A PREMIUM TAX
10 OF:

11 (I) SIX AND SIXTY-SEVEN-ONE-HUNDREDTHS PERCENT OF TOTAL
12 PAYROLL FROM ALL EMPLOYERS, WHICH SATISFIES THEIR OBLIGATION TO
13 PROVIDE HEALTH CARE INSURANCE FOR THEIR EMPLOYEES;

14 (II) THREE AND THIRTY-ONE-ONE-HUNDREDTHS PERCENT OF ALL
15 PAYROLL INCOME FROM EACH EMPLOYEE; AND

16 (III) (A) TEN PERCENT OF ALL NONPAYROLL INCOME FROM ALL
17 BENEFICIARIES.

18 (B) IF THE PREMIUM TAX LEVIED PURSUANT TO THIS
19 SUBPARAGRAPH (III) IS FIRST LEVIED ON A DATE OTHER THAN JANUARY 1,
20 IT SHALL BE LEVIED ON THE BENEFICIARY'S TOTAL NONPAYROLL INCOME
21 MULTIPLIED BY THE PERCENTAGE OF THE CALENDAR YEAR IN WHICH THE
22 TAX IS FIRST LEVIED.

23 (b) PAYMENT OF THE PREMIUM TAX DOES NOT CONSTITUTE THE
24 PURCHASE OF A HEALTH INSURANCE POLICY BY AN EMPLOYER OR
25 TAXPAYER.

26 (3) THE TAXES LEVIED PURSUANT TO THIS SECTION SHALL BE
27 LEVIED AGAINST THE INCOME OF NONRESIDENT INDIVIDUALS IN THE

1 MANNER SPECIFIED IN SECTION 39-22-109, COLORADO REVISED
2 STATUTES, OR ANY SUCCESSOR STATUTE, AND AGAINST THE INCOME OF
3 PART-YEAR RESIDENTS IN THE MANNER SPECIFIED IN SECTION 39-22-110,
4 COLORADO REVISED STATUTES, OR ANY SUCCESSOR STATUTE.

5 (4) AN EMPLOYER MAY PAY ALL OR PART OF AN EMPLOYEE'S
6 SHARE OF THE TAXES LEVIED PURSUANT TO THIS SECTION.

7 (5) THE TOTAL AMOUNT OF PAYROLL EARNINGS BY EMPLOYEES
8 AND OF NONPAYROLL INCOME SUBJECT TO THE TAXES LEVIED PURSUANT
9 TO THIS SECTION SHALL NOT EXCEED THREE HUNDRED FIFTY THOUSAND
10 DOLLARS FOR THOSE FILING INDIVIDUAL INCOME TAX RETURNS AND FOUR
11 HUNDRED FIFTY THOUSAND DOLLARS FOR COUPLES FILING JOINTLY. THE
12 DEPARTMENT OF REVENUE SHALL ANNUALLY ADJUST THESE LIMITS BASED
13 ON THE PERCENTAGE CHANGE IN INFLATION USING THE CONSUMER PRICE
14 INDEX PUBLISHED BY THE BUREAU OF LABOR STATISTICS OF THE UNITED
15 STATES DEPARTMENT OF LABOR FOR THE DENVER-BOULDER-GREELEY
16 METROPOLITAN STATISTICAL AREA. ADJUSTMENTS ARE EFFECTIVE
17 JANUARY 1 OF EACH YEAR, BEGINNING WITH THE 2018 CALENDAR YEAR
18 AND USING THE 2017 CALENDAR YEAR AS THE BASE YEAR.

19 (6) THE BOARD SHALL CONDUCT AN ANNUAL ASSESSMENT OF
20 REVENUES AND COSTS AND PREPARE A PUBLIC REPORT REGARDING THE
21 FINANCIAL STATUS OF COLORADOCARE AND OPTIONS CONSIDERED FOR
22 ECONOMIES, BENEFITS, REFUNDS, BUILDING NECESSARY RESERVES, AND
23 PREMIUM ADJUSTMENTS.

24 (7) IF THE BOARD DETERMINES THAT A PREMIUM INCREASE IS
25 NECESSARY TO MAINTAIN THE FISCAL STABILITY OF COLORADOCARE, THE
26 BOARD MAY INCREASE THE PREMIUM TAXES SPECIFIED IN SUBSECTION (2)
27 OF THIS SECTION NOT MORE THAN ONCE PER FISCAL YEAR AND ONLY IF A

1 MAJORITY OF THE MEMBERS OF COLORADOCARE WHO CAST VOTES ON THE
2 PROPOSED INCREASE APPROVE THE INCREASE.

3 **Section 10. Exemptions.** COLORADOCARE AND THIS ARTICLE ARE
4 EXEMPT FROM SECTION 20 OF ARTICLE X OF THIS CONSTITUTION.

5 **Section 11. ColoradoCare as secondary payer - subrogation**
6 **rights.** (1) COLORADOCARE SERVES AS A SECONDARY PAYER TO ANY
7 HEALTH INSURANCE PLAN IN WHICH A BENEFICIARY IS ENROLLED OR THAT
8 MAY BE RESPONSIBLE FOR A BENEFICIARY'S HEALTH CARE EXPENSES. THE
9 TOTAL OF THE COLORADOCARE'S PAYMENT AND ALL OTHER PAYMENTS
10 MUST NOT EXCEED THE AMOUNT THAT COLORADOCARE WOULD PAY IF IT
11 WERE THE ONLY PAYER.

12 (2) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS
13 SUBSECTION (2), COLORADOCARE SHALL SERVE AS A STATE HEALTH PLAN
14 THAT PAYS FOR DESIGNATED SUPPLEMENTAL HEALTH CARE SERVICES FOR
15 MEDICARE BENEFICIARIES.

16 (b) COLORADOCARE SHALL NOT PAY FOR SERVICES COVERED BY
17 MEDICARE PARTS A, B, AND D, A MEDICARE ADVANTAGE PLAN, OR ANY
18 SUCCESSOR PLANS, THAT A BENEFICIARY HAS WITH AN ENTITY OTHER
19 THAN COLORADOCARE, OR THAT WOULD HAVE BEEN PAID BY MEDICARE
20 PARTS B OR D, OR ANY SUCCESSOR PARTS, HAD THE BENEFICIARY
21 PURCHASED THOSE OPTIONAL MEDICARE COVERAGES, UNLESS:

22 (I) COLORADOCARE HAS AN AGREEMENT WITH THE FEDERAL
23 CENTERS FOR MEDICARE AND MEDICAID SERVICES IN THE UNITED STATES
24 DEPARTMENT OF HEALTH AND HUMAN SERVICES THAT REQUIRES
25 COLORADOCARE TO PAY FOR SERVICES THAT WOULD HAVE BEEN PAID
26 UNDER PARTS B OR D; OR

27 (II) COLORADOCARE OFFERS A MEDICARE ADVANTAGE PLAN, AND

1 THE BENEFICIARY VOLUNTARILY ENROLLS IN THE PLAN.

2 (3) (a) COLORADOCARE HAS FULL RIGHTS OF SUBROGATION,
3 AHEAD OF THE RIGHTS OF A WORKERS' COMPENSATION OR OTHER INSURER
4 OR HEALTH CARE PLAN, INCLUDING THE RIGHT TO BRING AN INDEPENDENT
5 LAWSUIT OR TO INTERVENE IN A LAWSUIT FILED BY A BENEFICIARY, IN
6 ORDER TO RECOVER HEALTH CARE COSTS FROM COLLATERAL SOURCES FOR
7 WHICH THE BENEFICIARY HAS A RIGHT OF ACTION FOR COMPENSATION
8 AGAINST THE PERSON OR ENTITY THAT CAUSED HIS OR HER ILLNESS OR
9 INJURY. COLORADOCARE MAY ASSERT A LIEN AGAINST ANY PROCEEDS
10 RECOVERED BY THE BENEFICIARY.

11 (b) COLORADOCARE MAY RECOVER HEALTH CARE COSTS FROM
12 ANY OTHER COLLATERAL SOURCE, SUCH AS A HEALTH INSURANCE PLAN,
13 HEALTH BENEFIT PLAN, OR OTHER PAYOR THAT IS PRIMARY TO
14 COLORADOCARE.

15 **Section 12. Legislation.** (1) IN THE FIRST REGULAR SESSION OF
16 THE GENERAL ASSEMBLY THAT CONVENES AFTER THE EFFECTIVE DATE OF
17 THIS ARTICLE, THE GENERAL ASSEMBLY SHALL ENACT LEGISLATION:

18 (a) TO ENABLE THE COLORADO DEPARTMENT OF REVENUE TO
19 COLLECT AND TRANSFER TO COLORADOCARE THE TAXES LEVIED
20 PURSUANT TO SECTION 9 OF THIS ARTICLE. THE GENERAL ASSEMBLY SHALL
21 APPROPRIATE SUFFICIENT FUNDS TO THE DEPARTMENT TO ENSURE THAT IT
22 CAN BEGIN COLLECTING THE TAXES ON AND AFTER JULY 1 OF THE YEAR
23 FOLLOWING THE EFFECTIVE DATE OF THIS ARTICLE AND TO ENSURE THAT
24 FUNDS ARE TRANSFERRED TO COLORADOCARE WITHIN TEN DAYS AFTER
25 COLLECTION.

26 (b) TO SUSPEND OPERATIONS OF THE COLORADO HEALTH BENEFIT
27 EXCHANGE, TRANSFER ITS RESOURCES TO COLORADOCARE PURSUANT TO

1 SECTION 8 OF THIS ARTICLE, AND REPEAL ARTICLE 22 OF TITLE 10,
2 COLORADO REVISED STATUTES, OR ANY SUCCESSOR STATUTES;

3 (c) TO TRANSFER RESPONSIBILITY FOR ADMINISTERING THE
4 MEDICAID PROGRAM AND THE CHILDREN'S BASIC HEALTH PLAN TO
5 COLORADOCARE;

6 (d) TO TRANSFER RESPONSIBILITY FOR ADMINISTERING ANY OTHER
7 STATE OR FEDERAL HEALTH CARE PROGRAMS TO COLORADOCARE;

8 (e) TO ENABLE COLORADOCARE TO RECEIVE THE APPROPRIATE
9 FEDERAL FUND CONTRIBUTION IN LIEU OF THE FEDERAL PREMIUM TAX
10 CREDITS, COST-SHARING SUBSIDIES, AND SMALL BUSINESS TAX CREDITS
11 PROVIDED IN THE AFFORDABLE CARE ACT;

12 (f) TO REPEAL OR AMEND, AS APPROPRIATE, THOSE PROVISIONS OF
13 THE "WORKERS' COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47
14 OF TITLE 8, COLORADO REVISED STATUTES, AND ANY OTHER PROVISIONS
15 OF LAW THAT CONCERN THE PROVISION OF MEDICAL CARE TO WORKERS
16 WHO SUFFER INJURIES OR ILLNESSES ARISING OUT OF AND IN THE COURSE
17 OF EMPLOYMENT AND FOR THE PAYMENT OF PREMIUMS FOR MEDICAL
18 BENEFITS, WHETHER BY EMPLOYERS OR INSURERS COVERED UNDER THE
19 ACT, OR THAT OTHERWISE CONFLICT WITH THIS ARTICLE;

20 (g) TO ENSURE THAT THE STATE'S EXPENDITURES FOR HEALTH
21 CARE SERVICES, INCLUDING THE STATE'S RESPONSIBILITY TO PROVIDE
22 MATCHING FUNDS FOR MEDICAID AND OTHER FEDERALLY SUPPORTED
23 HEALTH CARE PROGRAMS, DO NOT FALL BELOW THE EXPENDITURE LEVELS
24 FOR HEALTH CARE SERVICES IN THE YEAR PRECEDING THE EFFECTIVE DATE
25 OF THIS ARTICLE. THE BASE YEAR EXPENDITURE LEVELS SHALL BE
26 ADJUSTED ANNUALLY FOR CHANGES IN THE CONSUMER PRICE INDEX FOR
27 THE DENVER-BOULDER-GREELEY METROPOLITAN STATISTICAL AREA AND

1 IN THE STATE'S POPULATION.

2 (h) AS NECESSARY TO IMPLEMENT THIS ARTICLE.

3 (2) THE LEGISLATION SPECIFIED IN PARAGRAPHS (b), (c), AND (d)
4 OF SUBSECTION (1) OF THIS SECTION SHALL INCLUDE THE TRANSFER OF ALL
5 STATE AND FEDERAL FUNDS FOR THESE PROGRAMS TO COLORADOCARE.

6 (3) THE GENERAL ASSEMBLY SHALL APPROPRIATE SUFFICIENT
7 FUNDS TO ENSURE A SMOOTH AND EFFICIENT TRANSFER OF THE PROGRAMS
8 SPECIFIED IN PARAGRAPHS (b), (c), AND (d) OF SUBSECTION (1) OF THIS
9 SECTION AND TO ENABLE THE AGENCIES SPECIFIED IN SECTION 8 (1) OF
10 THIS ARTICLE TO ASSIST COLORADOCARE IN THE MANNER SPECIFIED IN
11 THAT SECTION.

12 **Section 13. Subject to Colorado sunshine laws.** THE MEETINGS
13 OF THE BOARD AND THE INTERIM BOARD ARE SUBJECT TO ARTICLE 6 OF
14 TITLE 24, COLORADO REVISED STATUTES, THE "COLORADO SUNSHINE
15 ACT OF 1972", OR ITS SUCCESSOR ACT.

16 **Section 14. Effective date.** THIS ARTICLE SHALL TAKE FULL FORCE
17 AND EFFECT UPON THE GOVERNOR'S PROCLAMATION PURSUANT TO
18 SECTION 1 OF ARTICLE V OF THIS CONSTITUTION.

19 **Section 15. Severability.** IF THE COURTS OF THIS STATE OR OF THE
20 UNITED STATES DECLARE ANY SECTION, PROVISION, PARAGRAPH, CLAUSE,
21 OR PART OF THIS ARTICLE UNCONSTITUTIONAL OR INVALID, THE DECISION
22 OF THE COURT AFFECTS ONLY THE SECTION, PROVISION, PARAGRAPH,
23 CLAUSE, OR PART DECLARED UNCONSTITUTIONAL OR INVALID AND DOES
24 NOT AFFECT ANY OTHER PART OF THE ARTICLE.

25 **Section 16. Termination of ColoradoCare's operations.** (1) IF
26 THE BOARD DETERMINES THAT COLORADOCARE HAS NOT RECEIVED THE
27 WAIVERS, EXEMPTIONS, AND AGREEMENTS FROM THE FEDERAL

1 GOVERNMENT SUFFICIENT FOR THE FISCALLY SOUND OPERATION OF
2 COLORADOCARE, THE BOARD SHALL:

3 (a) SHUT DOWN OPERATIONS AND RETURN UNUSED MONEYS;

4 (b) NOTIFY THE GOVERNOR OF COLORADOCARE'S INABILITY TO
5 FUNCTION; AND

6 (c) NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE
7 THE OPERATIONS ARE SHUT DOWN.

8 **SECTION 2.** Each elector voting at the election may cast a vote
9 either "Yes/For" or "No/Against" on the following ballot title: "SHALL
10 STATE TAXES BE INCREASED [number to be inserted here must be
11 the final, full fiscal year dollar increase after highest rates are phased in]
12 ANNUALLY BY AN AMENDMENT TO THE COLORADO
13 CONSTITUTION CONCERNING THE CREATION OF A POLITICAL
14 SUBDIVISION OF THE STATE CALLED COLORADOCARE TO
15 FINANCE ACCESS TO HEALTH CARE FOR ALL INDIVIDUALS
16 WHOSE PRIMARY RESIDENCE IS IN COLORADO, AND, IN
17 CONNECTION THEREWITH, CREATING AN INTERIM BOARD OF
18 TRUSTEES AND THEN A PERMANENT, ELECTED BOARD OF
19 TRUSTEES TO GOVERN COLORADOCARE; REQUIRING
20 COLORADOCARE TO CONTRACT WITH HEALTH CARE
21 PROVIDERS TO PAY FOR SPECIFIC HEALTH CARE BENEFITS;
22 ASSESSING A SIX AND SIXTY-SEVEN-ONE-HUNDREDTHS
23 PERCENT PAYROLL PREMIUM ON EMPLOYERS, A THREE AND
24 THIRTY-ONE-ONE-HUNDREDTHS PERCENT PAYROLL
25 PREMIUM ON EMPLOYEES, AND A TEN PERCENT PREMIUM ON
26 OTHER SPECIFIED NONPAYROLL INCOME; ASSESSING
27 PREMIUMS AT A LOWER RATE UNTIL COLORADOCARE

1 ASSUMES RESPONSIBILITY FOR HEALTH CARE PAYMENTS;
2 PLACING A CAP ON THE AMOUNT OF INCOME SUBJECT TO
3 THE PREMIUMS; AUTHORIZING THE BOARD TO INCREASE THE
4 PREMIUMS IN SPECIFIED CIRCUMSTANCES UPON MAJORITY
5 APPROVAL OF VOTING MEMBERS OF COLORADOCARE; AND
6 REQUIRING THE DEPARTMENT OF REVENUE TO COLLECT
7 AND TRANSFER THE PREMIUMS TO PAY FOR HEALTH CARE
8 SERVICES FUNDED THROUGH COLORADOCARE?"

9 **SECTION 3.** Except as otherwise provided in section 1-40-123,
10 Colorado Revised Statutes, if a majority of the electors voting on the
11 ballot title vote "Yes/For", then the amendment will become part of the
12 state constitution.