



2023

Legislative Report



A Note from Jeff

Colorado's 2023 legislative session provided another challenging 120-days for Colorado's hospitals and health systems. At the same time, it provided an opportunity for our hospitals to actively engage in policy debates and help inform state leaders making critical decisions about our health care system. During the session, we partnered with legislators, stakeholders, and other organizations to minimize the potential harm of legislative proposals and advance initiatives to help hospitals deliver the best possible care to patients.

Through it all, CHA worked constantly to advocate for access to care, the health care workforce, and the strength of the health care continuum – including hospitals. Colorado's hospitals are committed to improving the health of Coloradans, and our advocacy this year focused on that lofty but important and achievable goal.

This report highlights the legislation CHA tracked this session, with a focus on key bills that will have an impact on hospitals and health systems.

CHA is grateful to the support and unity of its member hospitals and health systems, for the thought partnership of key stakeholders, and for the leadership of legislators in the General Assembly.

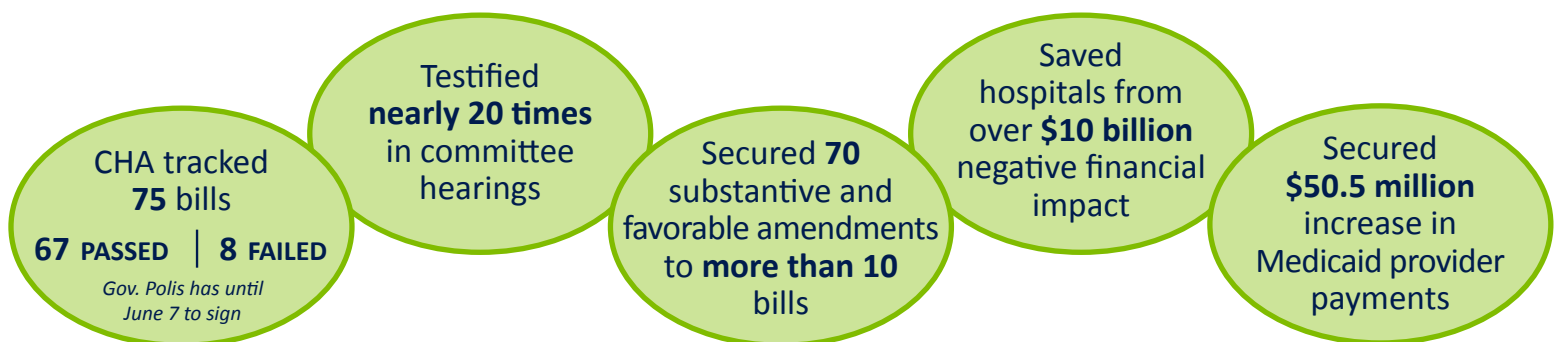


Jeff Tieman

CHA PRESIDENT AND CEO

Session by the Numbers

The General Assembly considered **617** bills in 2023 and passed **78%**



Of the **75** bills the Association tracked:

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|--|--|--|
| 12 Health Care Affordability and Transparency | 13 Hospitals as Community Assets (e.g., employers, service providers, large businesses) | 7 Social Determinants of Health |
| 18 Access to Care | 9 Workforce | 2 Environment |
| | 11 Behavioral Health | 3 Rural Health |



Priority Issues



Removed Devastating Prohibitions on Facility Fees (HB 23-1215)

Based on national model legislation, [HB 23-1215](#) initially intended to ban facility fees on all outpatient services provided by hospitals in Colorado. That proposal, based on CHA's data analysis, could have cut \$9 billion in reimbursement to Colorado's hospitals and health systems, risking access to care for Coloradans. In response to the legislation, CHA launched a strong opposition campaign to educate policymakers and the public about the catastrophic impact the bill would have on patient care in Colorado.

Early in the process, an amendment was adopted to exempt Denver Health, critical access hospitals, and sole community hospitals from the legislation. However, all hospitals remained [united in opposition](#) because



of the harm the bill would have on the state's health care system. Ultimately, as a result of CHA's strong opposition and advocacy efforts, what began as a heavy-handed approach to prohibit facility fees across the board was extensively scaled back to improve patient transparency, study changes in the health care system that have shifted health care services from the inpatient setting to outpatient departments, and prohibit facility fees for preventive care services that are not covered by private insurance as required by state and federal law.



Aligned State and Federal Community Benefit Requirements (HB 23-1243)

A priority of the Polis Administration and HCPF, [HB 23-1243](#) aims to increase state-based transparency and accountability in hospital community benefit spending requirements. It also encourages hospitals to better collaborate with community organizations and other health care providers to address the health needs of the communities they serve.

As introduced, the bill would have established a minimum threshold for community benefit spending that excluded the current IRS requirements for what qualifies as community benefit. These new state-level requirements would have required nearly half a billion dollars in new spending and severely jeopardized hospital investments in care for the most vulnerable among us.

CHA worked with the bill sponsors and proponents prior to, and after the bill's introduction, to align state and federal requirements for hospitals. Through CHA's advocacy, major concerns voiced by CHA members were addressed, including:

- ✓ Eliminating the minimum spending threshold;
- ✓ Removing conflicting criteria that excluded investments in charity care, accounting for underpayment from Medicaid, medical research, and workforce;
- ✓ Striking the prohibition on margins and reserves leaving the state of Colorado;
- ✓ Improving the community engagement provisions to better align with existing practice;
- ✓ Significantly reducing potential fines for noncompliance;
- ✓ Pushing back the effective date of the legislation;
- ✓ Including a stakeholder process to improve alignment of separate community engagement processes; and,
- ✓ Requiring the Department of Revenue, not HCPF, to calculate the value of tax exemption for nonprofit hospitals in Colorado.



Priority Issues



Reduced Regulatory Burden Proposed in New Transparency Bills (HB 23-1226 and SB 23-252)

Multiple bills related to hospital transparency were introduced by the General Assembly this year. CHA worked extensively with legislators and stakeholders to significantly scale back the proposed bills from their introduced versions to a place that was more favorable and less burdensome to hospitals.

CHA worked with the bill sponsors prior to the introduction of [HB 23-1226](#), Hospital Transparency and Reporting Requirements, requiring hospitals to report additional financial information to HCPF, to scale back duplicative reporting requirements, and remove many of the new requirements that would not be meaningful or add value. Some of the new requirements included reporting on detailed, hospital-specific audited financials, and requiring hospitals to publicly publish the compensation and incentive details for the top 10 highest paid administrative positions. From an amend position, CHA successfully added multiple amendments improving the bill for hospitals, such as modifying new end of fiscal year reporting requirements, extending trade secret protection to asset/equity transfers and

physicians affiliations/acquisitions, and requiring any publishing of salaries to be in an aggregated format that does not name individual administrators.

[SB 23-252](#), Medical Price Transparency, as introduced, re-stated federal hospital price transparency rules into Colorado statute with so-called “enhancements” that go above and beyond the current regulations, such as requiring machine readable files of standards charges to be updated monthly and requiring the machine-readable files to be formatted in a manner prescribed by HCPF. Additionally, the legislation gave HCPF significant oversight authority over hospital compliance with the federal rules. CHA worked with the sponsors to dramatically scale back the bill as introduced by removing all the proposed enhancements except a requirement to include Medicare reimbursement rates and scaling back HCPF’s oversight authority over hospitals to just provide technical assistance to hospitals found out of compliance by federal regulators.



Strengthening the Rural Health Care Safety Net Through Collaboration (SB 23-298)

Led by CHA’s rural hospital members, [SB 23-298](#), the Rural and Frontier Hospital Cooperation Act aims to facilitate collaboration between rural hospitals in Colorado to improve access to health care services and address the financial challenges that these hospitals often face. The bill encourages rural hospitals to work together to share resources, coordinate care, and improve efficiency, with the goal of maintaining

or improving the quality of care provided to rural communities. In all, encouragement of collaboration among rural providers – who play a key role in helping meet the needs of our rural communities – can enhance service delivery and improve coordination by building economies of scale and leveraging the strengths of each individual facility.



Budget

Every year, the Colorado General Assembly must pass a balanced budget. This is no small feat and, particularly in years with limited additional revenue, difficult choices must be made with respect to which priorities get funded and which get cut or eliminated entirely. Health care represents roughly one third of the state's annual budget, and CHA works hard each year to ensure the priorities funded support greater access to critical health care services for Coloradans.

On May 1, Gov. Polis signed budget bills totaling \$41.4 billion. Overall, this coming year's budget provides large increases for access to health care, K-12 education, housing, and workforce development. This included:

- ✓ **3 percent** across-the-board rate increases for Medicaid providers
- ✓ **\$103 million** for workforce-related legislation including free credentials, math, scholarships, adult education, and concurrent enrollment
- ✓ **\$6 million** to support Denver Health over two budget years
- ✓ **\$3.8 million** to implement the Behavioral Health Administration (BHA)
- ✓ **\$260,000** to implement the work of the Prescription Drug Affordability Board (PDAB) including purchase of databases with Wholesale Acquisition Cost Information and drug rebate estimates, and pharmacoeconomic expertise to support anticipated affordability reviews and establishment of upper payment limits (UPLs)
- ✓ **\$10 million** to the DOI for the state's reinsurance program
- ✓ **\$2.3 billion** general fund reserve (15 percent) to prepare for the next economic downturn including \$543 million to the State Emergency Reserve to pay for emergencies like a pandemic, wildfires, or floods
- ✓ **\$221 million** for housing-related legislation including property tax relief, land use, public private partnerships, and implementation of Proposition 123 (passed by Colorado voters in November 2022)

Property Tax Measures Projected to Have Major Impact on State Budget (SB 23-303 and HB 23-1311)



The end of the 2023 legislative session was dominated by a contentious debate over two tax bills introduced in the final days of session, backed by Gov. Polis and most of the Democrats.

Reduce Property Taxes and Voter-approved Revenue Change (SB 23-303) – This measure proposes a 10-year program for reducing property taxes. Local government revenues losses would be, in most cases, partially backfilled by money diverted from TABOR surpluses. The bill and proposition are seen as a countermove to a possible conservative-sponsored ballot measure, Initiative 21, that would cap annual growth in local property tax collections. SB 23-303 requires voter approval and will be on the November ballot as Proposition HH.

Identical Temporary TABOR Refund (HB 23-1311) – This late-breaking companion to the main property tax bill was introduced on 118th day of the 120-day session. It was intended to blunt criticisms about possible inequities in SB 23-303, particularly for renters. Instead of employing the long-used, six-tier TABOR refunds mechanism, the bill would distribute \$2 billion of TABOR refunds next year in flat amounts of about \$660 for an individual and \$1,300 for a couple. This bill will not go into effect unless Proposition HH is passed by voters.

If Proposition HH passes, it will have a rippling effect across the entire budget, and the Association will be monitoring this issue closely.



Budget

Transparency for the Medicaid RAC Audit Program (HB 23-1295)

In response to concerns raised by members about HCPF's Medicaid Recovery Audit Contractor (RAC) Program, CHA introduced [House Bill \(HB\) 23-1295](#). Medicaid RAC audits are a method for ensuring Medicaid payments are appropriately made to health care providers. Colorado has one of the most aggressive lookback periods in the country, which means hospitals are forced to defend thousands of claims totaling millions of dollars from up to seven years ago.

HB 23-1295 will require a comprehensive audit of Colorado's RAC audit activity, including:

- ✓ Previous audit activity and the impact on provider participation and access;
- ✓ Models to make providers whole for underpayments;
- ✓ The payment models used to reimburse the contractor and the impacts on providers;
- ✓ The design and effectiveness of other state programs; and
- ✓ Colorado's aggressive lookback period.

CHA secured sponsorship by all six members of the Joint Budget Committee – the most powerful committee in the General Assembly – as they recognized the importance of supporting providers and increasing accountability for this HCPF program. CHA also built a coalition of other Medicaid providers, including the Colorado Medical Society, whose members also face challenges from the aggressive RAC audits.





Regulatory Issues

Updates to the Colorado Option Program (HB 23-1224)

After implementing the Colorado Option Program, established under [HB 21-1232](#), the DOI identified opportunities to update the program by introducing [HB 23-1224](#), Standardized Health Benefit Plan. Through the legislative process, CHA secured updates to the medical inflation factor used by the Commissioner of Insurance to set rates to make it more consistent with the rising costs that hospitals are experiencing and a technical change to the Medicare floor that may be utilized in the Commissioner's rate setting authority. The bill also exempts the public hearings from certain portions of the Colorado Administrative Procedures Act, which CHA opposed, and directs the Commissioner to conduct rulemaking on certain elements related to the public hearings.

Updates to the Prescription Drug Affordability Board (HB 23-1225)

The Colorado PDAB was established under [SB 21-175](#) and grants the board with the authority to review prescription drug costs, evaluate their impact on Coloradans, and set a UPL for prescription drugs deemed unaffordable. In implementing SB 21-175, the DOI identified several areas within the current program needing adjustment and introduced [HB 23-1225](#), Extend and Modify Prescription Drug Affordability Board, with the intent to streamline and better facilitate implementation of the law. In all, the 2023 legislation adjusts the eligible drug criteria, increases the number of drugs that may be subject to a UPL in the first three years (from 12 to 18), and extends the sunset review from Sept. 1, 2026, to Sept. 1, 2031.





Regulatory Issues

Increasing Medical Debt Protections and Transparency (SB 23-093 and HB 23-1126)

Policymakers continue to focus on patient protections related to medical debt. Brought by the Colorado Attorney General's Office, **SB 23-093** enhances medical debt protections through improved transparency and disclosure in medical transactions and debt collection activities. Mirroring a ballot measure passed by Arizona voters last year (Proposition 209), the Colorado bill establishes a 3 percent cap on the interest rate on medical debt. Additionally, it establishes requirements for payment plans and legal actions by a creditor or debt collector related to medical debt, specifies what must be included on itemized statements for debt collection disputes, and prohibits collection of debt during an appeals process. The bill also makes failure to comply with the bill's requirements and current laws related to out-of-network billing a deceptive trade practice, which was previously the case, but was accidentally removed in prior legislation. CHA worked closely with the Attorney General's Office to remove duplication of existing state and federal requirements by addressing duplicative requirements for cost estimates and tying the law to compliance with federal law.

HB 23-1126, Consumer Reports Not Include Medical Debt Information, prohibits medical debt from being included on consumer reports and extends information sharing protections. It would also require debt collectors to inform impacted consumers that medical debt can only be included on consumer reports under narrow circumstances. The proposal does not place any limitations on hospitals' or providers' ability to collect medical debt or forgive unpaid medical bills. Instead, it focuses on what information may and may not be included in consumer reports created by consumer reporting agencies.



Environmental Policies Impacting Hospitals (HB 23-1005 and SB 23-192)

This session, the legislature passed two bills on environmental issues that relate to hospitals. The Commercial Property Assessed Clean Energy (C-PACE) Program allows eligible commercial and industrial buildings, including hospitals, to finance new energy improvement projects. **HB 23-1005**, New Energy Improvement Program Changes, expands the C-PACE Program to include projects related to resiliency and water efficiency improvements. Given the increase in climate events, such as forest fires, that could threaten hospitals, the expansion of the program will be an important tool that hospitals can use to invest in resiliency projects to better protect hospital buildings. CHA also monitored **SB 23-192**, Sunset Pesticide Applicators' Act, which continues state regulation of pesticide applicators as it was scheduled to repeal on Sept. 1, 2023. Some chemicals that hospitals use to sterilize medical instruments are classified as pesticides, so CHA worked to ensure that nothing in the bill would jeopardize hospitals' use of these important chemicals.





Rural

Operations of County Public Hospitals (SB 23-068)

Under current law, a board of county commissioners may establish a public hospital board of trustees, levy an annual tax, and maintain a public hospital in the county.

SB 23-068, Operations of County Public Hospitals, changes these requirements for these hospitals in terms of their governance and funding and clarifies that any debt incurred by the hospital is an obligation of the county hospital, not the county commissioners. Additionally, this bill:

- ✓ Allows the title for real property held by a hospital to be in the name of either the county or the hospital;
- ✓ Requires approval of the hospital's debt by county commissioners only when the repayment is dependent on tax money received from the county for hospital purposes;
- ✓ Expands the authority of county commissioners to use their general fund for hospital improvements and operations;
- ✓ Clarifies that county hospitals may offer the same products and services as any other health care organization if those services are consistent with the powers and duties of a county hospital; and,
- ✓ Allows the board of county commissioners in counties with populations of less than 3,000 to pass a resolution to expand a public hospital board of trustees from five to seven members.

Mobile Crisis Support in Emergency Departments (HB 23-1236)

Approximately 30 rural hospitals currently contract with their local safety net providers for mobile crisis support in emergency departments. Beginning July 1, 2023, support for those partnerships was set to expire. Through an amendment to **HB 23-1236**, Implementation Updates to the BHA, CHA secured a bridge funding solution to maintain mobile crisis support and support these partnerships from July 1, 2023, through July 1, 2024, to ensure a solution for the pending funding cliff. CHA also committed to work with the BHA, HCPF, and others key stakeholders to develop a long-term solution.





Workforce

Medicaid Reimbursement for Community Health Workers (SB 23-002)

CHA supported advocacy efforts by a Children's Hospital Colorado-led coalition to introduce and pass [SB 23-002](#), which authorizes HCPF to seek federal authorization to provide Medicaid reimbursement for community health worker (CHW) services. Currently, 25 states allow for Medicaid billing of CHW services. CHWs help support patients and communities by integrating people with lived experience into the care continuum. At a time when hospitals are facing extreme workforce shortages, the work of CHWs can help in early detection, reduce time in the hospital, and reduce emergency department visits.

Housing Affordability Tops the General Assembly's Priority List (SB 23-213 and HB 23-1189)

Housing is a top priority for Colorado hospitals and a current barrier to attracting and retaining potential employees. CHA supported Gov. Polis' top policy priority, the introduction of a high controversial land use reform bill, [SB 23-213](#). The bill was presented as the state's way to address the state's affordable housing crisis, however, it received heavy scrutiny from local jurisdictions as including provisions that preempted local control of residential density zoning in communities. The bill would have required the Department of Local Affairs to preempt local zoning authority by adopting model codes to increase higher density housing options and to create methodologies for assessing and planning for residential housing needs. Although significantly amended throughout the process, significant opposition remained, and the bill ultimately died on the calendar.

Other workforce housing bills included [HB 23-1189](#), Employer Assistance for Home Purchase Tax Credit, which creates a state income tax credit for employers who make a contribution to an employee for purchasing a primary residence starting in tax year 2024 through tax year 2026. The amount of the credit is 5 percent of an employer's contribution and is capped at \$5,000 per employee per year and \$500,000 per employer per year. The credit is nonrefundable but may be carried forward for up to five years.

The Association will continue to identify and support measures that provide diverse and sustainable housing options for our workforce.

CHA-led Workforce Legislation Expanded (HB 23-1246)

In 2022, CHA led a coalition of health care organizations to pass [SB 22-226](#) which established the Care Forward Colorado program under the Colorado Community College System. Care Forward aims to address workforce shortages in health care through zero-cost, short-term training programs at community and technical colleges for professions such as certified nursing assistant, emergency services professional, and many more professions that are desperately needed in Colorado's health care facilities. [HB 23-1246](#), Support In-demand Career Workforce, expands the professions under the Care Forward program with one-time funding for careers in elementary and early childhood education, nursing, construction trades, firefighting, law enforcement, and forest management. The bill also creates two new nursing programs (one at Community College of Aurora and one at Red Rocks Community College) and supports registered apprenticeship programs in the building and construction trades.





Labor and Employment

Detrimental Changes to the Consumer Protection Act Avoided (HB 23-1192)

Additional Protections in the Consumer Code, **HB 23-1192**, recodifies the Colorado Consumer Protection Act (CCPA). The majority of the bill was well-vetted with stakeholders for months by the Attorney General's Office prior to introduction and was relatively non-controversial. However, the introduced version of the bill included a new section changing the language defining a deceptive trade practice and removing the "knowingly or recklessly" standard. The removal of those words lowered the threshold for when a claim can be filed and increased liability risks for businesses in Colorado. CHA joined a coalition across various industries led by the business community and successfully removed Section 1 of the bill. This amendment brought all stakeholders to a neutral stance, which allowed the bill to make it through both chambers.

Fair Work Week Proposal Killed in Committee (HB 23-1118)

HB 23-1118, Fair Work Week Employment Standards, would have created new labor standards and requirements for employers in the food and beverage establishment, food and beverage manufacturer, and retail establishment sectors related to employee work schedules and wages. This would have impacted hospital food service workers and environmental services workers and would have set a dangerous precedent for other classes of employees in the future. The Division of Labor Standards and Statistics in the Colorado Department of Labor and Employment would have been authorized to investigate complaints and aggrieved employees may also bring action in district court. The bill was postponed indefinitely in the House Business Affairs and Labor Committee following hours of opposition testimony.

Changes to the POWR Act (SB 23-172)

SB 23-172, Protecting Opportunities and Workers' Rights (POWR) Act, redefines harassment in Colorado's anti-discrimination laws as unwelcome conduct or communication related to an individual's membership in a protected class where submission to the conduct is a condition of the individual's employment, is used as a basis for employment decisions or interferes with the individual's work, or would be objectively offensive to a reasonable person in the same protected class. Additionally, the bill prohibits a non-disclosure agreement between an employer and an employee from limiting the employee from discussing or disclosing any alleged discriminatory or unfair employment practice, unless certain requirements are met. Originally as introduced, the bill significantly lowered the threshold for legal action. However, in partnership with the business community the legislation was pared back to a more workable alternative.





Conclusion

Like each of the most recent years, the 2023 legislative session will once again have significant implications for the health care sector and for patients in Colorado.

Looking ahead to the 2024 legislative session, CHA anticipates that the General Assembly will pick up where it left off in 2023 and look to address the items that didn't make it to the governor's desk. Several key issues are likely to take center stage, including housing affordability and construction defects reform, expanded health care access, and attempts to stimulate economic growth across the state. Additionally, discussions on voting rights and election integrity are expected to continue, especially entering the 2024 election year. Furthermore, the state's ongoing commitment to reduce carbon emissions, promote clean energy technologies, and support the growth of the green economy is likely to be a focus in 2024.

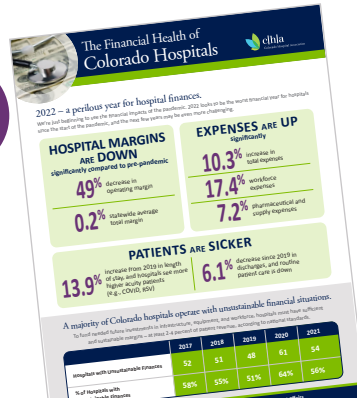
Additionally, several key policy issues related to health care and hospital operations are expected to arise in the 2024 legislative session. CHA continues to host a series of educational opportunities and conduct a coordinated engagement plan with members of the administration, leadership, and other stakeholders to remain at the forefront of any policy that might impact member hospitals and health systems or where the Association can provide helpful guidance to ensure successful policy outcomes. This is especially important given 31 of the 100 members of the General Assembly were newly elected in November 2022.

Colorado's political and regulatory environments are continuously changing, and CHA continues to track more than 100 new policies and regulations impacting hospitals with more to come. Every additional layer of regulation adds cost and complexity to the system. The implementation and impact of the newly passed legislation will require collaboration and cooperation between lawmakers, health care providers, insurers, and other key stakeholders. The Association is committed to ensuring the intended goals of these various policy proposals are being achieved and that any unintended consequences are promptly addressed so that there is no harm to hospitals' ability to provide high-quality, lifesaving care.



CHA Resources

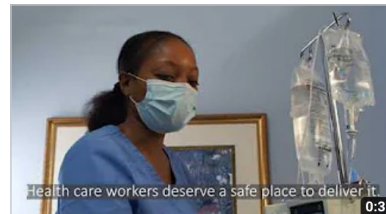
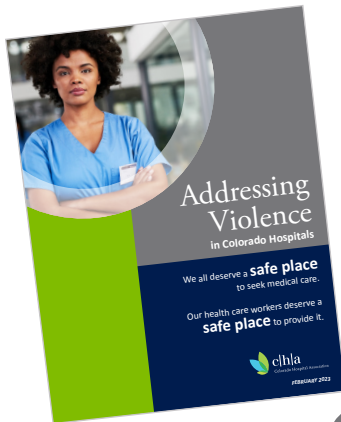
Hospital Finances



The Colorado Sun
After years of profits, many Colorado hospitals are facing a downturn

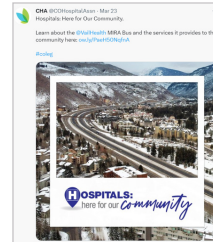


Colorado's rural hospitals are particularly struggling financially



Preventing Workplace Violence

Community Benefit



24/7/365 Readiness

CHA has additional tools available for member hospitals and health systems to help explain new laws and regulations, implementation guidelines, and key upcoming deadlines and dates. View www.cha.com for more resources.

2023 CHA Bill Summary

Bill Number	Sponsors	Bill Summary	Position	Final Status & Implementation Date
HB 23-1002 Epinephrine Auto-injectors	Rep. Mabrey (D) Rep. Jodeh (D) Sen. Roberts (D)	The bill caps the amount an insurance carrier may require a covered person to pay for an epinephrine auto-injector at \$60 and creates an epinephrine auto-injector affordability program in the Department of Regulatory Agencies.	Monitor	PASSED Effective Date: Aug. 7, 2023
HB 23-1005 New Energy Improvement Program Changes	Rep. Willford (D) Rep. Titone (D) Sen. Jaquez Lewis (D) Sen. Marchman (D)	The bill expands the Commercial Property Assessed Clean Energy Program and modifies notification requirements when special assessments are levied under the program.	Support	PASSED Effective Date: Aug. 7, 2023
HB 23-1006 Employer Notice of Income Tax Credits	Rep. Young (D) Rep. Daugherty (D) Sen. Exum (D)	The bill requires employers to notify their employees annually of the availability of certain federal and state tax credits.	Monitor	PASSED Effective Date: Aug. 7, 2023
HB 23-1012 Juvenile Competency to Proceed	Rep. Amabile (D) Sen. Rodriguez (D)	The bill makes several changes to juvenile competency hearings including creating waivers of privilege when a juvenile is determined incompetent to proceed; allowing the court or party to raise the need for a restoration evaluation; establishing time limits on how long a juvenile can be held as incompetent; and allowing a juvenile to choose their own evaluator.	Monitor	PASSED Effective Date: Aug. 7, 2023
HB 23-1029 Prohibit COVID-19 Vaccine To Minor Without Consent	Rep. Bradley (R) Sen. Baisley (R)	The bill prohibits requiring COVID-19 vaccinations for minors, administering vaccinations without guardian consent, and discriminating against unvaccinated minors, and holds entities liable in court for violations.	Monitor	FAILED
HB 23-1030 Prohibit Direct-hire Fee Health-care Staff Agency	Rep. Sirota (D) Rep. Soper (R) Sen. Hinrichsen (D)	The bill prohibits a health-care staffing agency from seeking compensation when a contracted employee is hired as a permanent employee to a health-care facility.	Support	PASSED Effective Date: May 1, 2023
HB 23-1051 Support for Rural Telecommunications Providers	Rep. Lukens (D) Rep. Holtorf (R) Sen. Roberts (D) Sen. Pelton (R)	Under current law, funding from the High Cost Support Mechanism (HCSM) to 11 rural telecommunication providers will end on Dec. 1, 2023. This bill continues support funding for nine additional months, until Sept. 1, 2024. This extension aligns the end of funding with the sunset review date of the HCSM by DORA.	Support	PASSED Effective Date: Aug. 7, 2023
HB 23-1057 Amenities for All Genders in Public Buildings	Rep. McCormick (D) Rep. Vigil (D) Sen. Jaquez Lewis (D)	The bill requires that any new construction or restroom renovation of a qualifying public building owned, operated, or controlled by the state, a county, or a municipality must include certain amenities regarding restrooms. It applies to publicly accessible buildings by Jan. 1, 2024, and buildings accessible by employees or enrolled students by July 1, 2025.	Monitor	PASSED Effective Date: Aug. 7, 2023
HB 23-1071 Licensed Psychologist Prescriptive Authority	Rep. Amabile (D) Rep. Bradfield (R) Sen. Simpson (R) Sen. Fenberg (D)	The bill allows licensed psychologists to obtain certification to prescribe psychotropic medications and requires that one member on the State Board of Psychologist Examiners be a prescribing psychologist.	Monitor	PASSED Effective Date: Aug. 7, 2023

2023 CHA Bill Summary

Bill Number	Sponsors	Bill Summary	Position	Final Status & Implementation Date
HB 23-1076 Workers' Compensation	Rep. Daugherty (D) Sen. Marchman (D)	This bill modifies workers' compensation benefits and creates additional avenues to prehearings at the Division of the Independent Medical Examiner.	Support	PASSED Effective Date: Aug. 7, 2023
HB 23-1077 Informed Consent to Intimate Patient Examinations	Rep. Willford (D) Rep. Garcia (D) Sen. F. Winter (D) Sen. Jaquez Lewis (D)	The bill requires health professionals, students, and trainees to obtain informed consent from sedated or unconscious patients before performing intimate examinations.	Amend	PASSED Effective Date: Jan. 1, 2024
HB 23-1112 Earned Income and Child Tax Credits	Rep. Bird (D) Rep. Young (D) Sen. Hansen (D) Sen. Kolker (D)	The bill expands the state earned income tax credit and child tax credit beginning in tax year 2024.	Support	PASSED Effective Date: Aug. 7, 2023
HB 23-1116 Contracts Between Carriers and Providers	Rep. Hartsook (R) Rep. Daugherty (D) Sen. Rodriguez (D) Sen. Baisley (R)	The bill requires carriers that process payments for health care providers to offer certain payment method options and places restrictions on process fees.	Support	PASSED Effective Date: Aug. 7, 2023
HB 23-1118 Fair Workweek Employment Standards	Rep. Sirota (D) Rep. Gonzales-Gutierrez (D) Sen. Gonzales (D) Sen. F. Winter (D)	The bill creates new labor standards and requirements related to employee work schedules and wages for employers in the food and beverage establishment, food and beverage manufacturer, and retail establishment sectors.	Oppose	FAILED
HB 23-1126 Consumer Reports Not Include Medical Debt Information	Rep. Ricks (D) Rep. Weinberg (R) Sen. Exum (D)	The bill modifies the prohibition on consumer reports to include medical debt and places disclosure requirements on debt collectors and collections agencies.	Support	PASSED Effective Date: Aug. 7, 2023
HB 23-1130 Drug Coverage for Serious Mental Illness	Rep. Michaelson Jenet (D) Sen. Rodriguez (D) Sen. Kolker (D)	For drugs treating certain mental health conditions, the bill makes changes to step therapy requirements and requires that HCPF review newly FDA approved drugs within 90 days.	Support	PASSED Effective Date: Aug. 7, 2023, except Section 1, which will take effect July 1, 2025
HB 23-1138 Procedures Related to Adult Competency	Rep. Amabile (D) Rep. Soper (R) Sen. Rodriguez (D)	The bill allows a district attorney, a medical professional, a representative of the BHA, or a representative from the Office of Civil and Forensic Mental Health to initiate a proceeding for a certification for short-term treatment.	Support	PASSED Effective Date: July 1, 2024
HB 23-1153 Pathways to Behavioral Health Care	Rep. Armagost (R) Rep. Amabile (D) Sen. Pelton (R) Sen. Rodriguez (D)	The bill requires the Department of Human Services to contract with a third-party to conduct a feasibility study looking at the intersection of Colorado's behavioral health service availability and the judicial system.	Support	PASSED Effective Date: May 30, 2023
HB 23-1183 Prior Authorization For Step-therapy Exception	Rep. Jodeh (D) Rep. Sirota (D) Sen. F. Winter (D)	The bill requires HCPF to review applications to exempt prescriptions for serious or complex medical conditions from any requirement to try an alternative drug (i.e., step-therapy requirement) if the prescribing provider can attest to certain statements.	Support	PASSED Effective Date: May 1, 2023

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Bill Number	Sponsors	Bill Summary	Position	Final Status & Implementation Date
HB 23-1189 Employer Assistance For Home Purchase Tax Credit	Rep. Bird (D) Rep. Weinberg (R) Sen. Zenzinger (D) Sen. Mullica (D)	Starting for tax year 2023 through tax year 2029, the bill creates a state income tax credit for employers who make a contribution to an employee for purchasing a primary residence.	Support	PASSED Effective Date: Aug. 7, 2023
HB 23-1192 Additional Protections in Consumer Code	Rep. Weissman (D) Sen. Gonzales (D) Sen. Rodriguez (D)	The bill repeals and reenacts the “Colorado Antitrust Act of 1992” as the “Colorado State Antitrust Act of 2023” and makes several changes.	Monitor	PASSED Effective Date: June 7, 2023
HB 23-1200 Improved Outcomes Persons Behavioral Health	Rep. Ricks (D) Rep. Bockenfeld (R) Sen. Mullica (D)	The bill requires the BHA to develop a family input process for behavioral health entities and Medicaid providers.	Monitor	PASSED Effective Date: Aug. 7, 2023
HB 23-1201 Prescription Drug Benefits Contract Term Requirements	Rep. Daugherty (D) Rep. Soper (R) Sen. Mullica (D) Sen. Smallwood (R)	The bill limits the amount that carriers or pharmacy benefit managers may charge beneficiaries of employer-sponsored plans for prescription drugs to no more than the amount paid by the plan to contracted pharmacies, and specifies enforcement mechanisms.	Monitor	PASSED Effective Date: Aug. 7, 2023
HB 23-1209 Analyze Statewide Publicly Financed Health-care	Rep. Boesenecker (D) Rep. McCormick (D) Sen. Jaquez Lewis (D)	The bill requires the Colorado School of Public Health, with assistance from a task force, to create a report on model legislation for a universal single-payer health care system by Dec. 1, 2023.	Amend	FAILED
HB 23-1215 Limits on Hospital Facility Fees	Rep. Sirota (D) Rep. Boesenecker (D) Sen. Mullica (D) Sen. Cutter (D)	The bill requires providers affiliated with or owned by a hospital to provide advance notice to patients that a facility fee may be charged and prohibits hospitals from balance billing patients for any preventive services provided. The bill also mandates a report on facility fees to be developed by Oct. 1, 2024.	Amend	PASSED Effective Date: May 30, 2023
HB 23-1218 Health Facility Patient Information Denied Service	Rep. Brown (D) Rep. Titone (D) Sen. Jaquez Lewis (D)	The bill requires certain health care facilities to submit data on service availability, including how frequently specific services are denied for non-medical reasons, to CDPHE. CDPHE must then develop forms to relay this information to the public by Aug. 1, 2024, and every two years thereafter.	Amend	PASSED Effective Date: Aug. 7, 2023
HB 23-1224 Standardized Health Benefit Plan	Rep. Brown (D) Rep. Jodeh (D) Sen. Roberts (D)	The bill changes rate filing and disclosure requirements regarding the Colorado Standardized Health Benefit Plan, also known as the Colorado Option plan.	Amend	PASSED Effective Date: May 10, 2023
HB 23-1225 Extend and Modify Prescription Drug Affordability Board	Rep. deGruy Kennedy (D) Rep. Dickson (D) Sen. Jaquez Lewis (D) Sen. Buckner (D)	The bill makes several changes to the Colorado Prescription Drug Affordability Review Board in the DOI.	Amend	PASSED Effective Date: Aug. 7, 2023, except Section 4, which will take effect Jan. 1, 2025

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Bill Number	Sponsors	Bill Summary	Position	Final Status & Implementation Date
HB 23-1226 Hospital Transparency and Reporting Requirements	Rep. Soper (R) Rep. deGruy Kennedy (D) Sen. Roberts (D) Sen. Will (R)	The bill adds information to be disclosed by hospitals for the hospital expenditure report and allows HCPF to enforce data collection procedures through fines. Additionally, the bill places disclosure requirements on hospitals.	Amend	PASSED Effective Date: Aug. 7, 2023
HB 23-1236 Implementation Updates to Behavioral Health Administration	Rep. Young (D) Rep. Amabile (D) Sen. Kolker (D) Sen. Simpson (R)	The bill delineates certain administrative responsibilities between the recently created BHA and the Department of Human Services (CDHS). The bill also formally repeals the Office of Behavioral Health, which is now functioning as the recently renamed Office of Civil and Forensic Mental Health in CDHS.	Monitor	PASSED Effective Date: May 16, 2023
HB 23-1243 Hospital Community Benefit	Rep. Amabile (D) Sen. Moreno (D)	The bill adds reporting, enforcement, and stakeholder engagement requirements to the Hospital Community Benefit Program within HCPF.	Monitor	PASSED Effective Date: Aug. 7, 2023
HB 23-1244 Regional Health Connector Program	Rep. deGruy Kennedy (D) Rep. Velasco (D) Sen. Priola (D)	The bill recreates the Regional Health Connector Program under CDPHE and requires that \$2 million be appropriated for the program. Under the program, regional health connectors receive funding to help coordinate health care across organizations, including community organizations.	Support	PASSED Effective Date: Aug. 7, 2023
HB 23-1246 Support In-demand Career Workforce	Rep. McCluskie (D) Rep. Pugliese (R) Sen. Buckner (D) Sen. Will (R)	The bill creates two new programs to encourage the completion of credentials for specific occupations and provides funding for new short-term nursing programs.	Support	PASSED Effective Date: May 11, 2023
HB 23-1269 Extended Stay and Boarding Patients	Rep. Michaelson Jenet (D) Rep. Gonzales-Gutierrez (D) Sen. Bridges (D) Sen. Gardner (R)	The bill enacts measures to better understand the behavioral health needs of children and youth.	Support	PASSED Effective Date: June 5, 2023
HB 23-1295 Audits of Department of Health Care Policy and Financing Payments to Providers	Rep. Bird (D) Rep. Bockenfeld (R) Sen. Zenzinger (D) Sen. Kirkmeyer (R)	The bill makes several changes to reviews and audits of payments to providers by HCPF and associated processes to recover overpayments or reimburse providers for underpayments.	Support	PASSED Effective Date: June 1, 2023
HB 23-1303 Protect Against Insurers' Impairment and Insolvency	Rep. Brown (D) Rep. McCluskie (D) Sen. Hansen (D) Sen. Roberts (D)	The bill makes several changes to procedures relating to insolvent insurers, including adding health maintenance organizations to the Colorado Life and Health Protection Association.	Support	PASSED Effective Date: May 15, 2023

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Bill Number	Sponsors	Bill Summary	Position	Final Status & Implementation Date
SB 23-001 Authority of Public-private Collaboration Unit for Housing	Sen. Roberts (D) Sen. Zenzinger (D) Rep. Bird (D) Rep. Lukens (D)	The bill transfers \$13 million to the Unused State-Owned Real Property Fund and expands allowable uses of the fund to include development of housing projects by the Public-Private Collaboration Unit in the Department of Personnel and Administration.	Support	PASSED Effective Date: May 20, 2023
SB 23-002 Medicaid Reimbursement for Community Health Services	Sen. Mullica (D) Sen. Simpson (R) Rep. McCluskie (D) Rep. Bradfield (R)	The bill requires HCPF to seek federal approval for Medicaid to pay for services provided by community health workers and to implement the new coverage once federal approval is granted.	Support	PASSED Effective Date: Aug. 7, 2023
SB 23-004 Employment of School Mental Health Professionals	Sen. Marchman (D) Sen. Jaquez Lewis (D) Rep. Michaelson Jenet (D) Rep. Young (D)	The bill allows school districts to employ licensed mental health professionals who are not licensed by the Department of Education.	Monitor	PASSED Effective Date: May 4, 2023
SB 23-006 Creation of the Rural Opportunity Office	Sen. Roberts (D) Sen. Rich (R) Rep. McLachlan (D) Rep. Catlin (R)	The bill codifies into statute the Rural Opportunity Office in the Colorado Office of Economic Development and International Trade.	Monitor	PASSED Effective Date: Aug. 7, 2023
SB 23-009 Limit Opioid Prescription and Exception for Intractable Pain	Sen. Ginal (D)	The bill prohibits a prescriber from issuing to a patient a prescription for an opioid that will be dispensed or administered outside of a health-care facility or the prescriber's practice location if the amount of the opioid exceeds 90 morphine milligram equivalents per day, unless the patient suffers from intractable pain.	Oppose	FAILED
SB 23-014 Disordered Eating Prevention	Sen. Moreno (D) Rep. Lindsay (D)	The bill creates the Office of Disordered Eating Prevention in CDPHE. The office will be advised by a Disordered Eating Prevention Commission and will provide grant funding for research on risk factors, impacts, and interventions associated with disordered eating.	Monitor	PASSED Effective Date: Aug. 7, 2023
SB 23-017 Additional Uses Paid Sick Leave	Sen. F. Winter (D) Rep. Willford (D) Rep. Joseph (D)	The bill adds new uses for accrued paid sick leave.	Monitor	PASSED Effective Date: Aug. 7, 2023
SB 23-020 Timely Certified Death Certificates	Sen. Coleman (D) Rep. Jodeh (D) Rep. Weinberg (R)	The bill changes the timeframe required for a funeral director to file a certificate of death from 5 days to 72 hours. Additionally, CDPHE must provide a certified death certificate to a qualified applicant within 72 hours.	Amend	PASSED Effective Date: Aug. 7, 2023
SB 23-031 Improve Health-care Access for Older Coloradans	Sen. Danielson (D) Sen. Cutter (D) Rep. Titone (D) Rep. Lindsay (D)	The bill creates the Colorado multidisciplinary health-care provider access training program to improve the health care of medically complex, costly, compromised, and vulnerable older Coloradans.	Support	PASSED Effective Date: June 5, 2023

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Bill Number	Sponsors	Bill Summary	Position	Final Status & Implementation Date
SB 23-033 Medicaid Preauthorization Exemption	Sen. Rodriguez (D) Sen. Fields (D) Rep. Amabile (D)	The bill prohibits HCPF from requiring certain utilization management practices for prescription drugs used to treat serious mental health disorders provided under contract with a health maintenance organization.	Monitor	FAILED
SB 23-035 Middle-income Housing Authority Act	Sen. Bridges (D) Sen. Moreno (D) Rep. Herod (D) Rep. Joseph (D)	The bill adds members to the board of directors of the Middle-Income Housing Authority and expands its power to enter into public-private partnerships.	Monitor	PASSED Effective Date: June 2, 2023
SB 23-040 Staffing Agency CAPS Checks	Sen. Fields (D) Rep. Young (D)	The bill requires staffing agencies to perform Colorado Adult Protective Services (CAPS) checks and provide results to the employer for any employee provided who will work with at-risk adults, starting Jan. 1, 2024.	Support	PASSED Effective Date: March 10, 2023
SB 23-041 Prescription Drugs for Off-label Use	Sen. Ginal (D) Sen. Smallwood (R) Rep. Amabile (D)	The bill authorizes prescribers to prescribe FDA-approved drugs for off-label use.	Monitor	FAILED
SB 23-046 Average Weekly Wage Paid Leave Benefits	Sen. F. Winter (D) Rep. Duran (D)	The bill modifies the calculation of family and medical leave benefits by calculating the benefit amounts on all jobs worked in the base period instead of only the jobs from which the employee is taking leave.	Monitor	PASSED Effective Date: March 23, 2023
SB 23-058 Job Application Fairness Act	Sen. Danielson (D) Sen. Jaquez Lewis (D) Rep. Willford (D) Rep. Young (D)	The bill prohibits employers from inquiring about a prospective employee's age on an employment application.	Monitor	PASSED Effective Date: Aug. 7, 2023
SB 23-064 Continue Office of Public Guardianship	Sen. Gardner (R) Sen. Ginal (D) Rep. Snyder (D) Rep. Armagost (R)	The bill expands the Office of Public Guardianship to provide services in all judicial districts.	Support	PASSED Effective Date: May 30, 2023
SB 23-068 Operations of County Public Hospitals	Sen. Pelton (R) Sen. Exum (D) Rep. Lukens (D) Rep. Pugliese (R)	Under current law, a board of county commissioners may establish a public hospital board of trustees, levy an annual tax, and maintain a public hospital in the county. This bill clarifies that any debt incurred by the hospital is an obligation of the county hospital, not the county commissioners.	Support	PASSED Effective Date: Aug. 7, 2023
SB 23-083 Physician Assistant Collaboration Requirements	Sen. F. Winter (D) Sen. Simpson (R) Rep. T. Winter (R) Rep. Michaelson Jenet (D)	The bill removes the requirement that a physician assistant be supervised by a physician or podiatrist, replacing it with a requirement that the physician assistant enter into a collaborative agreement with a physician licensed in good standing or a physician group.	Monitor	PASSED Effective Date: Aug. 7, 2023
SB 23-091 Access to Behavioral Health Services	Sen. Kolker (D) Sen. Gardner (R)	The bill requires select mental health services to be covered for Medicaid members under 21 who have mental health risk factors and instructs HCPF to explore opportunities to integrate risk factors into screening tools.	Support	FAILED

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Bill Number	Sponsors	Bill Summary	Position	Final Status & Implementation Date
SB 23-093 Increase Consumer Protections Medical Transactions	Sen. Cutter (D) Sen. Jaquez Lewis (D) Rep. Weissman (D) Rep. Brown (D)	The bill makes several changes to consumer protections related to medical debt and self-pay medical care.	Amend	PASSED Effective Date: May 4, 2023
SB 23-095 Unlawfully Aiming Laser Device at Aircraft	Sen. Ginal (D) Sen. Gardner (R) Rep. Soper (R) Rep. Daugherty (D)	The bill creates a class 6 felony for unlawfully aiming a laser device at an aircraft.	Support	PASSED Effective Date: March 23, 2023
SB 23-105 Ensure Equal Pay for Equal Work	Sen. Danielson (D) Sen. Buckner (D) Rep. Gonzales-Gutierrez (D) Rep. Bacon (D)	The bill requires the Colorado Department of Labor and Education to investigate and take enforcement action regarding complaints alleging violations of state pay equity laws, and makes updates to job posting and employee notification requirements for employers when hiring and promoting staff, including to specify that such posting and notices are not required in instances of career development or career progression.	Oppose	PASSED Effective Date: Jan. 1, 2024
SB 23-111 Public Employees' Workplace Protection	Sen. Rodriguez (D) Rep. Woodrow (D) Rep. Titone (D)	The bill establishes certain rights for public employees and associated enforcement procedures.	Monitor	PASSED Effective Date: Aug. 7, 2023, except Section 29-32-105(3), which will take effect July 1, 2024
SB 23-138 Appropriation to Department of Health Care Policy and Financing for Denver Health	Sen. Zenzinger (D) Sen. Kirkmeyer (R) Rep. Bird (D) Rep. Sirota (D)	The bill funds a supplemental payment of \$5 million to the Denver Health and Hospital Authority.	Monitor	PASSED Effective Date: March 3, 2023
SB 23-151 Sunset Health Equity Commission	Sen. Fields (D) Rep. Jodeh (D) Rep. Ortiz (D)	The bill indefinitely continues the Health Equity Commission in CDPHE, which is currently scheduled to repeal on Sept. 1, 2023.	Support	PASSED Effective Date: Aug. 7, 2023
SB 23-167 Board of Nursing Regulate Certified Midwives	Sen. F. Winter (D) Sen. Will (R) Rep. Garcia (D) Rep. Lindsay (D)	The bill requires the Board of Nursing in DORA to regulate certified midwives.	Support	PASSED Effective Date: May 25, 2023, except Section 3, which will take effect July 1, 2024
SB 23-170 Extreme Risk Protection Order Petitions	Sen. Sullivan (D) Sen. Fenberg (D) Rep. Bacon (D) Rep. Weissman (D)	The bill allows community members, educators, licensed health care professionals, mental health professionals, and district attorneys to petition for an extreme risk protection order.	Monitor	PASSED Effective Date: Aug. 28, 2023

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Bill Number	Sponsors	Bill Summary	Position	Final Status & Implementation Date
SB 23-172 Protecting Opportunities and Workers' Rights Act	Sen. F. Winter (D) Sen. Gonzales (D) Rep. Weissman (D) Rep. Bacon (D)	The bill makes changes to state law regarding discriminatory and unfair labor practices, and non-disclosure agreements.	Monitor	PASSED Effective Date: Aug. 7, 2023
SB 23-174 Access to Certain Behavioral Health Services	Sen. Kolker (D) Sen. Gardner (R) Rep. Lukens (D) Rep. T. Winter (R)	The bill requires select mental health services to be covered for Medicaid members under 21. HCPF must engage stakeholders and notify impacted entities.	Support	PASSED Effective Date: Aug. 7, 2023
SB 23-182 Temporary Suspension of Medicaid Requirements	Sen. Zenzinger (D) Sen. Kirkmeyer (R) Rep. Bird (D) Rep. Pugliese (R)	The bill suspends various statutory requirements related to enrollment and cost sharing for Medicaid and other state health programs in line with federal law.	Support	PASSED Effective Date: April 27, 2023
SB 23-192 Sunset Pesticide Applicators' Act	Sen. Priola (D) Sen. Roberts (D) Rep. Kipp (D) Rep. McLachlan (D)	The bill continues the regulation of pesticide applicators in the Department of Agriculture, which is scheduled to repeal on Sept. 1, 2023.	Support	PASSED Effective Date: Aug. 7, 2023
SB 23-213 Land Use	Sen. Moreno (D) Rep. Jodeh (D) Rep. Woodrow (D)	The bill requires the Department of Local Affairs to adopt model codes to increase higher density housing options and to create methodologies for assessing and planning new residential housing needs.	Support	FAILED
SB 23-222 Medicaid Pharmacy and Outpatient Services Copayment	Sen. Bridges (D) Sen. Kirkmeyer (R) Rep. Bird (D) Rep. Sirota (D)	The bill removes the requirement that Medicaid recipients pay a copayment for pharmacy and outpatient services.	Support	PASSED Effective Date: April 20, 2023
SB 23-223 Medicaid Provider Rate Review Process	Sen. Zenzinger (D) Sen. Kirkmeyer (R) Rep. Bird (D) Rep. Bockenfeld (R)	Current law requires HCPF to submit a written report to the joint budget committee concerning the review process for Medicaid provider rates on or before Nov. 1, 2025, and each November thereafter. The bill changes the date of the first written report to Nov. 1, 2023.	Support	PASSED Effective Date: April 17, 2023
SB 23-252 Medical Price Transparency	Sen. Van Winkle (R) Sen. Gonzales (D) Rep. Daugherty (D) Rep. Hartsook (R)	Hospitals must publicly post their Medicare reimbursement rates. HCPF will conduct audits and performance assessments for hospital adherence to federal price transparency rules as well as provide technical assistance to hospitals to improve performance.	Oppose	PASSED Effective Date: Aug. 7, 2023
SB 23-265 Prohibit Professional Discipline for Marijuana	Sen. Van Winke (R) Rep. Snyder (D) Rep. Soper (D)	The bill limits the consideration of civil or criminal judgements based solely on the consumption, possession, cultivation, or processing of marijuana during professional licensure applications and disciplinary actions.	Monitor	PASSED Effective Date: May 24, 2023

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Bill Number	Sponsors	Bill Summary	Position	Final Status & Implementation Date
SB 23-288 Coverage for Doula Services	Sen. Fields (D) Sen. Buckner (D) Rep. English (D) Rep. Joseph (D)	The bill requires HCPF to take steps towards covering doula services and creates a doula scholarship program in the department. The bill also requires DOI to perform a cost-benefit analysis of doula coverage.	Monitor	PASSED Effective Date: May 30, 2023
SB 23-290 Natural Medicine Regulation and Legalization	Sen. Fenberg (D) Rep. Amabile (D)	The bill modifies the regulation of certain natural psychedelics and updates the criminal provisions related to the administration of Proposition 122.	Monitor	PASSED Effective Date: May 23, 2023
SB 23-298 Allow Public Hospital Collaboration Agreements	Sen. Gardner (R) Sen. Roberts (D) Rep. McCormick (D) Rep. Bockenfeld (R)	The bill exempts hospitals with fewer than 50 beds from select antitrust requirements for the purpose of improving health care access in rural or frontier communities.	Support	PASSED Effective Date: Aug. 7, 2023