Amend the Business, Labor, and Technology Committee Report, dated April 15, 2019, page 1, lines 11 and 12, strike "LESS THAN OR".

Page 3 of the report, line 9, strike "RATES" and substitute "RATES, WITH THE EXCEPTION OF RATES FOR AN ELIGIBLE NURSING FACILITY PROVIDER AS DEFINED IN SECTION 25.5-6-201 (15.5),".

Page 3 of the report, after line 15 insert:

"SECTION 6. In Colorado Revised Statutes, 25.5-6-201, add (15.5) and (20.5) as follows:

25.5-6-201. Special definitions relating to nursing facility reimbursement. As used in this part 2, unless the context otherwise requires:

(15.5) "ELIGIBLE NURSING FACILITY PROVIDER" MEANS A NURSING FACILITY PROVIDER THAT IS LOCATED:

(a) WITHIN THE JURISDICTION OF A LOCAL GOVERNMENT THAT HAS INCREASED ITS LOCAL MINIMUM WAGE ABOVE THE STATEWIDE MINIMUM WAGE; OR

(b) ADJACENT TO A LOCAL GOVERNMENT THAT HAS INCREASED ITS LOCAL MINIMUM WAGE ABOVE THE STATEWIDE MINIMUM WAGE AND THE NURSING FACILITY HAS VOLUNTARILY AGREED TO RAISE THE WAGE OF ALL EMPLOYEES TO THE SAME AMOUNT AND IN THE SAME MANNER AS THE ADJACENT LOCAL GOVERNMENT.

(20.5) "LOCAL MINIMUM WAGE ENHANCEMENT PAYMENT" MEANS A SUPPLEMENTAL PAYMENT TO AN ELIGIBLE NURSING FACILITY PROVIDER THAT IS SUBJECT TO AVAILABLE APPROPRIATIONS AND NOT A RATE ENHANCEMENT.

SECTION 7. In Colorado Revised Statutes, add 25.5-6-208 as follows:

25.5-6-208. Nursing facility provider reimbursement - rules - definition. (1) (a) THE EXECUTIVE DIRECTOR SHALL, BY RULE, ESTABLISH A PROCESS FOR ELIGIBLE NURSING FACILITY PROVIDERS TO APPLY FOR A LOCAL MINIMUM WAGE ENHANCEMENT PAYMENT WHENEVER A LOCAL GOVERNMENT INCREASES ITS MINIMUM WAGE ABOVE THE STATEWIDE MINIMUM WAGE. IF A LOCAL GOVERNMENT INCREASES ITS MINIMUM WAGE ABOVE THE STATEWIDE MINIMUM WAGE, THE GENERAL ASSEMBLY SHALL APPROPRIATE ENOUGH MONEY TO THE STATE DEPARTMENT TO COVER THE
LOCAL MINIMUM WAGE ENHANCEMENT PAYMENT FOR ALL ELIGIBLE
NURSING FACILITY PROVIDERS. ANY PAYMENT MADE PURSUANT TO THIS
SECTION MUST NOT OCCUR UNTIL THE LOCAL GOVERNMENT MINIMUM
WAGE LAW TAKES EFFECT.

(b) The rules must provide:

(I) THAT WAGE ENHANCEMENT PAYMENTS ARE AVAILABLE TO ANY
ELIGIBLE NURSING FACILITY PROVIDER; AND

(II) THE FORM AND MANNER IN WHICH AN ELIGIBLE NURSING
FACILITY PROVIDER MAY APPLY TO THE STATE DEPARTMENT FOR WAGE
ENHANCEMENT PAYMENTS. THE FORM MUST REQUIRE THE ELIGIBLE
NURSING FACILITY PROVIDER TO DEMONSTRATE THE DIFFERENCE BETWEEN
THE ACTUAL WAGES OF NURSING FACILITY PROVIDER EMPLOYEES AT THE
TIME THE LOCAL GOVERNMENT WAGE INCREASE GOES INTO EFFECT AND
THE LOCALLY ENACTED MINIMUM WAGE.

(2) SUBJECT TO AVAILABLE APPROPRIATIONS, A LOCAL MINIMUM
WAGE ENHANCEMENT PAYMENT SHALL BE CALCULATED AND PAID TO
ELIGIBLE NURSING FACILITY PROVIDERS BY DETERMINING THE TOTAL
AMOUNT OF FUNDING NEEDED TO INCREASE THE MINIMUM WAGE OF ALL
EMPLOYEES AT AN ELIGIBLE NURSING FACILITY PROVIDER TO THE LOCALLY
ENACTED MINIMUM WAGE MULTIPLIED BY THE FACTOR OF THE MEDICAID
CENSUS OF EACH PROVIDER.

(3)(a) SUBJECT TO AVAILABLE APPROPRIATIONS, FOR THE PURPOSE
OF REIMBURSING AN ELIGIBLE NURSING FACILITY PROVIDER FOR A LOCAL
MINIMUM WAGE ENHANCEMENT PAYMENT, THE STATE DEPARTMENT SHALL
ESTABLISH AND ANNUALLY READJUST A PAYMENT SCHEDULE.

(b) To request a local minimum wage enhancement
payment, an eligible nursing facility shall annually submit:

(I) The difference between the actual wage rate of
nursing facility provider employees and the local minimum wage
rate applicable to those nursing facility provider's employees
that are eligible for an increased local minimum wage rate. A
nursing facility provider's employee's wage rate must equal or
exceed the minimum wage rate required by state or federal law.

(II) The number of eligible nursing facility provider's
employees by provider, current wage rate of the employees, and
wage rate of the employees after a local minimum wage law goes
into effect.

(c) An eligible nursing facility provider shall submit an
application with the information required in this section for
each year in which the eligible nursing facility provider seeks a
local minimum wage enhancement payment.

(4) A local minimum wage enhancement payment made
Pursuant to this section is in effect as long as the local minimum
WAGE APPLICABLE TO ELIGIBLE NURSING FACILITY PROVIDER EMPLOYEES
PERFORMING WORK WITHIN THE LOCAL JURISDICTION EXCEEDS THE
STATEWIDE MINIMUM WAGE.

(5) (a) An eligible nursing facility provider that receives
a local minimum wage enhancement payment pursuant to this
section shall:

(I) Use the payments only to increase the compensation
for eligible nursing facility provider employees and not for any
other expenditures; and

(II) Track and report how the payments are used for
eligible nursing facility employees on an annual basis.

(b) The executive director may request information from
a nursing facility provider that receives a local minimum wage
enhancement payment under this section regarding the use of
such payment.

(c) If an eligible nursing facility provider does not use one
hundred percent of the local minimum wage enhancement
payment received pursuant to this section to increase the
compensation for the eligible nursing facility provider's
employees, the executive director may recoup any or all of the
improperly used payments. The executive director may
promulgate rules for the notification, violation, and process
regarding an eligible nursing facility's improper use of local
minimum wage enhancement payments.

(6) Payments received under this section shall offset
costs reported on the MED-13 cost report when calculating
nursing facility provider per diem reimbursement under 10 CCR
2505.".

Renumber succeeding section accordingly.".

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