



2016 Colorado General Assembly Legislative Summary Colorado Children's Immunization Coalition

2016 Session Highlights

- Tracked eight bills, including active engagement in four bills
- Secured continued funding for immunization administration reimbursement as part of Colorado Primary Care Alliance
- Advocated for stronger immunization protocols in CDHS and CDPHE rulemaking processes
- Established three year policy priorities within broad engagement from partners and Board members

Divided: To disagree or cause to disagree. If there is one word to synthesize the 2016 legislation session, it would be *divided*. The two chambers of the General Assembly remained divided, with the Republicans leading the Senate and the Democrats at the helm in the House. Moreover, there was a sense of division amongst the two political parties which seemed to grow stronger as the session progressed. There are numerous factors for this growing divide, including the pending 2016 election and the trickle-down effect of the national political scene.

Closer to home, there seemed little that the two parties could agree upon causing many a stalemate over the 120 day session. There was little action on key public policy issues outlined on Day One as priorities for the session. Transportation funding, election reform, and affordable housing all started as the highest priorities in January, yet lawmakers failed to reach compromise solutions. Much time was spent on “message bills” which allowed each political party to make a case for issues important to their base supporters, in advance of the November election. Legislation dealing with 2nd amendment rights, concealed carry, equal pay for women and minorities, and LGBT rights were all hot topics. Perhaps the most significant legislation not to move forward in 2016 was the Hospital Provider Fee Enterprise. Despite a full court press of support from Governor Hickenlooper, business and civic leaders, the education and health care communities, and many other supporters the legislation failed to move past the Senate Finance Committee. This defeat was not unexpected, yet it was disappointing all the same given the broad coalition that galvanized support for the measure. Moreover, failure to shift the Hospital Provider Fee revenue into a TABOR exempt enterprise signals major budget issues for the coming fiscal years.

Despite this overarching current of disagreement, lawmakers did successfully partner to accomplish the necessary business of the Legislature. They passed a balanced budget with none of the anticipated cuts to K-12 education, higher education, community based health care providers and other reductions outlined in the Governor's November 2015



budget request. The Joint Budget Committee worked tirelessly to pull together a thoughtful balancing package using a variety of fiscal maneuvers to avoid significant budget cuts. TABOR stills looms large in the state's future, and while refunds were not included in the FY 16/17 budget package, they will likely be required in future budget cycles.

As we look to the future, much remains uncertain and likely will not change until the November election. The nomination of candidates and ultimately the Presidential election will have a large impact on Colorado's election. From voter turn out to downstream effects on statewide and local races, we can anticipate a bumpy summer and fall as we near the November election.

Legislative & Policy Issues

2016 was a busy year for CCIC on both the legislative and regulatory fronts, as immunization policy was once again at the forefront of discussion. While the organization did not champion its own legislation, there was significant action on other legislative issues. There were significant budget issues to consider and engage, most notably the state budget impact on immunization providers serving Medicaid clients. There were also several proposals that brought the small, but vocal, anti-immunization advocates to the Capitol. All in all, the year was successful as CCIC helped to secure additional funding for Medicaid providers, and defeated potentially harmful legislation. Moving forward there is much work to be done to craft salient messages to promote the public health benefits of immunization and the importance of technology-based tools, such as CIIS, to policymakers and the general public.

A review of key legislative and regulatory issues is below, as well as a link to the final legislative matrix: <http://www.statebillinfo.com/SBI/index.cfm?fuseaction=Public.Dossier&id=21763&pk=469&f=word&style=pinstripe>

Legislative Issues

HB 1110: Parents Bill of Rights

Sponsors: Rep. Neville/Sen. Neville

Status: Bill failed in House Health, Insurance and Environment committee

CCIC Engagement: CCIC took an active oppose position to the introduced bill, as the broad sweeping legislation had many unintended consequences for the promotion and delivery of immunizations. Executive Director Stephanie Wasserman provided testimony before the committee, in addition to opposition from partners at Children's Hospital Colorado, the Colorado Chapter of the AAP, and the Colorado PTA. After hours of testimony, the legislation, which was a statement bill rather than a reasonable policy proposal, was defeated in committee on a party line vote.

HB 1164: Transfer Immunization Reporting Duties to CDPHE

Sponsors: Rep. Pabon/Sen. Martinez-Humenik

Status: Bill laid over at the sponsor's request, effectively killing the bill without a third reading vote.

CCIC Engagement: CCIC took a passive support position of the introduced bill, which was championed by CDPHE and the Hickenlooper Administration. While fully supportive of the policy to streamline exemption reporting processes, CCIC was



concerned about the viability of such a policy shift in the highly political environment at the State Capitol. Unfortunately, the bill became victim to politics and was amended to change the current opt-out process for CIIS data collection to a more restrictive opt-in process. Anti-immunization advocates were present at all hearings and very engaged in lobbying against the bill, despite the fact that it did not change the current exemption requirements but merely the process for reporting. Rather than continue to debate against the anti-vaccine advocates, the bill sponsor opted to lay over the bill from further action.

HB 1408: Cash Fund Allocations for Health-Related Programs

Sponsors: Rep. Rankin/Sen. Steadman

Status: Signing into law by Governor Hickenlooper

CCIC Engagement: CCIC actively supported the bill, which included a \$20M transfer from the CHP+ trust fund to support primary care reimbursement for Medicaid providers. The bill was a culmination of months of advocacy work by the Colorado Primary Care Alliance, of which CCIC is a member. CCIC members contributed to the advocacy efforts by making phone calls, sending emails and engaging in other strategic actions to promote the importance of primary care in Colorado. The impetus for the budget action was the expiration of the primary care rate “bump” to 100% of Medicare rates, which translated to a significant rate cut for providers. The Alliance secured the \$20M in one-time funding to help offset the large rate reduction, which included immunization administration codes.

HB 1420: Colorado Health Care Affordability and Sustainability Act

Sponsors: Rep. Hullinghorst/Sen. Crowder

Status: Bill failed in the Senate Finance committee

CCIC Engagement: CCIC joined a large coalition of organizations supporting the bill, which created enterprise status for the Hospital Provider Fee. Perhaps the most important piece of legislation of the session, the bill ended up being a stalemate in the Republican controlled Senate who viewed the legislation as an end run around TABOR. The failure of HB 1420 leaves Colorado’s budget in a quagmire, as our growing economy continues to bump up against the TABOR limit constraining General Fund spending on essential services, such as K-12 education, transportation and higher education funding.

HB 1425: Immunization Records for Temporary Child Care

Sponsors: Rep. Hamner/Sen. Roberts

Status: Bill pending Governor’s signature

CCIC Engagement: CCIC, along with other child health partners, was initially concerned about unintended consequences of the bill, which sought to exempt certain child care facilities from immunization reporting. Understanding the concerns from the ski industry, CCIC took an amend position and secured changes to the bill to narrow the scope to apply only to facilities located at a ski area. Concerns remain about implementation of the bill and the public health concerns for children enrolled at these ski area child care centers.

SB 135: Collaborative Pharmacy Practice Agreements

Sponsors: Sen. Aguilar/Rep. Ginal

Status: Bill pending Governor’s signature



CCIC Engagement: CCIC monitored the bill throughout the process, most notably in the Senate prior to committee hearing while amendments were discussed. The bill was amended to clarify the process for establishing a collaborative practice agreement, and ensure adequate communication and reporting with the primary care providers. Of specific concern to CCIC was the inclusion of a statewide protocol for the collaborative agreement, which essentially governs the actions of the participating pharmacist.

SB 146: Modernization of Sexually Transmitted Infection Statutes

Sponsors: Sen. Steadman/Rep. Esgar

Status: Bill pending Governor's signature

CCIC Engagement: CCIC actively monitored the bill, which was a complete repeal and reenact of Colorado's STI statutes in order to modernize and streamline the provision of services and treatment, as well as legal aspects of STI reporting. Of particular importance was the section regarding treatment of minors and related consent for treatment. There was significant debate about parental consent provisions, and the bill was ultimately amended to allow minors to receive consultation, examination or treatment for an STI without parental consent as a prerequisite.

Regulatory Issues

CDHS and CDPHE Child Care Regulations

CCIC was actively engaged in the rulemaking process for revised child care regulations, which were several years in the making. After many stakeholder meetings and years of delay, the rule revision package was finally proposed to the CDHS board and open for public comment during the fall of 2015. CCIC and other child health partners submitted a letter to the Board of Human Services encouraging strengthened regulations for child care centers. Executive Director Stephanie Wasserman also provided testimony at the December Board of Human Services rulemaking hearing. While not all of CCIC's recommendations were accepted, the Board did approve the inclusion of annual training for child care health consultants, specifically changes to the ACIP recommended schedule and other important reporting updates. Likewise, CCIC engaged with CDPHE in their subsequent rulemaking hearing to codify CDHS changes and update other child care center provisions related to reporting immunization and exemption rates.

FY 2016/17 Budget Overview

Despite the state's growing economy and low unemployment rate, the budget was yet again the main attraction during the 2016 session. Early on, FY 16/17 was predicted to be difficult with the state bumping up against the TABOR limit and pending taxpayer refunds. The Joint Budget Committee spend hundreds of hours poring over presentations and budget data from the various state departments to craft the \$27 billion budget for FY 16/17 which begins on July 1, 2016.

- K-12 Education — With the expected passage of the annual School Finance Act, funding for primary and secondary education will increase with inflation and enrollment over the prior year. In addition, the negative factor is reduced to \$830.7 million for FY 2016-17, \$24.5 million below the \$855.2 million contained in the initial FY 2015-16 appropriation.



- **Health Care** – Facing a 1 percent across the board cut to all community-based providers and an estimated \$49 million decrease with expiration of the Primary Care Enhancement, the state’s Medicaid providers were poised to take a large hit this budget cycle. However, the JBC voted unanimously not to move forward with the 1 percent provider rate cut. Additional, the JBC allocated \$20 million in one-time funding to the state’s primary care providers to help shore up against their overall loss.
- **Child Welfare** — In the second phase of a continuing effort to boost funding for child welfare at the county level, this budget sets aside \$6.1 million in the General Fund for an additional 100 caseworkers in counties throughout Colorado.
- **Youth Corrections** —With an increase of \$2.2 million in the General Fund, this budget adds 36.3 FTE to address safety concerns in Colorado’s State-owned and State-operated youth corrections facilities.
- **Transportation** — The budget plan allocates \$150 million from the General Fund to the Highway Users Tax Fund to support transportation infrastructure.

Looking Ahead – Interim Activity

<i>2016 Interim Committees and Legislative Task Forces</i>	<i>Purpose</i>
Interim Study Committee on Communication between HCPF and Medicaid Clients – 2016 interim committee	The Committee will review communication mechanisms between HCPF and Medicaid clients, specifically addressing the current form and content of such communication.
Interim Study Committee on Cost-benefit Analysis of Legalized Marijuana in Colorado – 2016 interim committee	The Committee will study policy issues related to the government and societal costs associated with the legalization of marijuana; and any gaps in data or research collected.
Interim Study Committee on Every Child Succeeds Act – 2016 interim committee	The Committee will study issues related to the Every Child Succeeds Act (ESSA), specifically transitioning from No Child Left Behind to ESSA.
Task Force on 911 Oversight, Outage Reports and Reliability – 2016 informal study committee	The Task Force will review information related to 911 oversight and reliability for Colorado citizens.
Joint Technology Committee – Year round committee	The Committee will oversee state agencies, projects and issues related to information technology. The Committee may meet year round.
Mental Illness in the Criminal Justice System – year round committee	The Committee will discuss issues related to mental illness in the criminal justice system, and make appropriate recommendations.
Police Officers’ and Firefighters’ Pension Reform Commission – Standing interim committee	The Committee will discuss issues related to the Fire and Police Pension fund.



Transportation Legislation Review Committee – Standing interim committee	The Committee will discuss issues related to transportation and infrastructure planning, funding and policy, and make appropriate recommendations.
Water Resources Review Committee – Standing interim committee	The Committee will discuss statewide water issues, and make appropriate recommendations.
Wildfire Matters Review Committee – Standing interim committee	The Committee will finish the work of the Lower North Fork Wildfire Commission, and will develop policy recommendations related to wildfire prevention and mitigation in the state
Colorado Health Insurance Exchange Oversight Committee – approved in 2015 (formerly the Legislative Health Benefit Exchange Implementation Review Committee)	The Committee will discuss issues related to Colorado’s state-based health care exchange, Connect for Health Colorado.
Safe Schools Youth Mental Health Interim Committee – Interim committee approved in 2015	The Committee will discuss issues related to school safety and the prevention of threats to the safety of students, teachers, administrators, employees, and volunteers present on the grounds of public and private schools.
Medicaid Provider Rate Review Committee – non legislative study committee	The Committee will discuss the process for reviewing and setting Medicaid provider rates within the Department of Health Care Policy and Financing.

Looking Ahead – 2016 Elections

The 2016 interim is slated to be a busy one with the upcoming November elections. All 65 House members and roughly half of the 35 Senate members are up for re-election in the fall, and as such are furiously campaigning during the summer months. At stake is the balance of power as the current Senate is divided by only one vote, so the outcome of the election is extremely important for all parties. The June 28th Primary will determine many of the races, especially the safe seats across the state. We are happy to provide detailed election information on specific races across the state, as to inform political giving strategies and engage with candidates running for office.

Additionally, we expect it to be a very crowded ballot with no less than a half dozen statewide measures for citizens to weigh in on. The only measure to be certified at this time is Amendment 69, which would create a single payer health care system for Colorado called ColoradoCare. Other measures expected include TABOR reform, a tobacco tax increase, and grocery store liquor sales among others. Needless to say this is an extremely important year for Colorado and the nation as we move forward to elect the next slate of leaders who will shape the future of our state and our country. As measures are verified and approved for the November ballot, they will be available for review on the Secretary of State website: <http://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/index.html>.



On behalf of the entire team at Aponte & Busam Public Affairs, it is our pleasure to represent your interests at the State Capitol. We look forward to a continued partnership to advance CCIC's public policy goals in future legislative sessions.