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D 2021 037

EXECUTIVE ORDER

Extending Executive Order D 2021 010 Ordering the Suspension of Certain Statutes and Directing the Department of Health Care Policy and Financing to Provide Additional Funds to Nursing Homes and Other Congregate Care Facilities Due to the Presence of COVID-19

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order extending Executive Order D 2021 010 temporarily suspending certain statutes and directing the Colorado Department of Health Care Policy and Financing (HCPF) to provide additional funds to nursing homes, select community-based providers, and other congregate care facilities that care for Coloradans who are aging and/or have disabilities due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended by Executive Orders D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, D 2020 125, D 2020 152, D 2020 176, D 2020 205, D 2020 234, D 2020 258, D 2020 264, D 2020 284, D 2020 290, D 2020 296, D 2021 009, D 2021 022, and D 2021 028. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

My administration, along with other State, local, and federal authorities, has undertaken a broad array of actions to respond to and mitigate the effects of the pandemic, prevent further spread, preserve our health care resources, and provide needed flexibility to address the collateral consequences of the pandemic. Approximately forty percent of the deaths from COVID-19 in Colorado have occurred in nursing homes and other congregate care facilities that serve older Coloradans and people living with disabilities. On April 30, 2020, I issued Executive Order D 2020 054 ordering the suspension of certain statutes and directed HCPF to provide additional

funds to Nursing Homes and other congregate care facilities. Executive Order D 2020 054, as extended by Executive Order D 2020 086, expired on June 27, 2020.

This Executive Order extends Executive Order D 2021 010, which directs HCPF to provide an increase analogous to approximately eight (8) percent of the per diem Medicaid Member rate to Nursing Facilities and Intermediate Care Facilities and directs HCPF to increase certain Home and Community-Based Service rates by either eight (8) and ten (10) percent.

II. Duration

Executive Order D 2021 010, as extended by this Executive Order, shall expire thirty (30) days from February 6, 2021, unless extended further by Executive Order. In all other respects, Executive Order D 2021 010 shall remain in full force and effect as originally promulgated.

GIVEN under my hand and the Executive Seal of the State of Colorado, this sixth day of February, 2021.

Jared Polis
Governor