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HOUSE BILL 25-1325

BY REPRESENTATIVE(S) Espenoza and Bradley;
also SENATOR(S) Exum, Coleman.

CONCERNING UPDATING STATUTORY REFERENCES TO THE AMENDED
DEFINITION OF "ELIGIBLE PERSON".

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 8-7.5-102, **amend** (3)(b), (4)(b), and (6)(b); and **add** (7.5) as follows:

8-7.5-102. Definitions. As used in this article 7.5, unless the context otherwise requires:

(3) "Direct care consumer" means:

(b) An eligible person; ~~as defined in section 25.5-6-1101 (4), including an eligible person who participates in the consumer-directed care service model pursuant to part 11 of article 6 of title 25.5; or~~

(4) (b) "Direct care employer" does not include an eligible person ~~as defined in section 25.5-6-1101 (4), who participates in the~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

consumer-directed care service model pursuant to part 11 of article 6 of title 25.5; except that ~~such~~ THE eligible person is a direct care employer for purposes of appointment of direct care employers to the board pursuant to section 8-7.5-103 (2)(a)(I)(B).

(6) "Direct care services" means:

(b) Any services described in ~~parts 3 to 13~~ PART 3, 4, 6, 7, 9, 11, 12, 13, OR 19 of article 6 of title 25.5 that do not require the individual providing the services to be licensed or certified by the state or the federal government in order to perform the services.

(7.5) "ELIGIBLE PERSON" MEANS A PERSON WHO IS ELIGIBLE TO RECEIVE SERVICES PURSUANT TO PART 3, 4, 6, 7, 9, 11, 12, 13, OR 19 OF ARTICLE 6 OF TITLE 25.5 OR ANY OTHER HOME- AND COMMUNITY-BASED SERVICE WAIVER FOR WHICH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING HAS FEDERAL WAIVER AUTHORITY.

SECTION 2. In Colorado Revised Statutes, 8-7.5-104, **amend** (4)(c) as follows:

8-7.5-104. Duties of the board - recommendations for minimum direct care employment standards - analysis of market conditions - public outreach - report. (4) Nothing in this section:

(c) Diminishes the rights of an eligible person ~~as defined in section 25.5-6-1101 (4)~~; participating in the consumer-directed care service model pursuant to part 11 of article 6 of title 25.5 to control and manage the eligible person's services, including the right to hire, fire, schedule, and set wages for direct care workers who provide direct care services to the eligible person within parameters set in current state and local law.

SECTION 3. In Colorado Revised Statutes, 8-7.5-105, **amend** (1)(c)(II) as follows:

8-7.5-105. Notice to direct care workers - duty of direct care employers - posting on state websites - board review and recommendations - rules. (1) (c) (II) The board shall provide, in an accessible format, the template or sample notice described in subsection (1)(c)(I) of this section to an eligible person ~~as defined in section~~

~~25.5-6-1101 (4)~~; participating in the consumer-directed care service model pursuant to part 11 of article 6 of title 25.5.

SECTION 4. In Colorado Revised Statutes, 15-14-310, **amend** (5)(a) introductory portion as follows:

15-14-310. Who may be guardian - priorities - prohibition of dual roles. (5) (a) Unless the court makes specific findings for good cause shown or the person is a family caregiver as defined in section 25.5-10-202, ~~C.R.S.~~, or the person is a caregiver to an eligible person, ~~pursuant to section 25.5-6-1101 (4), C.R.S.~~, AS DEFINED IN SECTION 8-7.5-102, the same professional may not act as an incapacitated person's or a protected person's:

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO