

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-1067.01 Brita Darling x2241

HOUSE BILL 16-1380

HOUSE SPONSORSHIP

Young,

SENATE SPONSORSHIP

Martinez Humenik,

House Committees
Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PERMITTING PERSONS RECEIVING HOME- AND**
102 **COMMUNITY-BASED SERVICES UNDER CERTAIN MEDICAID**
103 **WAIVERS TO RECEIVE IN-HOME SUPPORT SERVICES, AND, IN**
104 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill adds in-home support services to allowable services for medicaid clients enrolled in home- and community-based services for major mental illness and persons enrolled in home- and community-based

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

services for persons with brain injury. The addition of in-home support services is contingent upon the department of health care policy and financing receiving federal authorization for these services.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 25.5-6-1201
3 as follows:

4 **25.5-6-1201. Legislative declaration.** (1) The general assembly
5 finds that there may be a more effective way to deliver home- and
6 community-based services to the elderly, blind, and disabled; to disabled
7 children; and to persons with spinal cord injuries, that allows for more
8 self-direction in their care and a cost savings to the state. The general
9 assembly also finds that every person ~~that~~ WHO is currently receiving
10 home- and community-based services does not need the same level of
11 supervision and care from a licensed health care professional in order to
12 meet his or her care needs and remain living in the community. The
13 general assembly, therefore, declares that it is beneficial to CLIENTS
14 RECEIVING HOME- AND COMMUNITY-BASED SERVICES FOR the elderly,
15 blind, and disabled, clients ~~of~~ RECEIVING home- and community-based
16 services FOR PERSONS WITH MAJOR MENTAL ILLNESS, CLIENTS RECEIVING
17 HOME- AND COMMUNITY-BASED SERVICES FOR PERSONS WITH BRAIN
18 INJURY, ~~to~~ clients of the disabled children care program, and ~~to~~ clients
19 enrolled in the spinal cord injury waiver pilot program, for the state
20 department to develop a service that would allow these people to receive
21 in-home support.

22 (2) The general assembly further finds that allowing clients more
23 self-direction in their care is a more effective way to deliver home- and
24 community-based services to clients ~~with major mental illnesses and brain~~

1 ~~injuries, as well as to clients~~ receiving home- and community-based
2 supportive living services and children's extensive support services.
3 Therefore, the general assembly declares that it is appropriate for the state
4 department to develop a plan for expanding the availability of in-home
5 support services to include these clients.

6 **SECTION 2.** In Colorado Revised Statutes, 25.5-6-1202, **amend**
7 (3) (a) as follows:

8 **25.5-6-1202. Definitions.** As used in this part 12, unless the
9 context otherwise requires:

10 (3) "Eligible person" means any person who:

11 (a) Is enrolled in home- and community-based services pursuant
12 to part 3 of this article, is enrolled in the spinal cord injury waiver pilot
13 program pursuant to part 13 of this article, ~~or~~ is enrolled in the disabled
14 children care program pursuant to section 25.5-6-901, IS ENROLLED IN
15 HOME- AND COMMUNITY-BASED SERVICES PURSUANT TO PART 6 OF THIS
16 ARTICLE, OR IS ENROLLED IN HOME- AND COMMUNITY-BASED SERVICES
17 PURSUANT TO PART 7 OF THIS ARTICLE;

18 **SECTION 3.** In Colorado Revised Statutes, 25.5-6-606, **amend**
19 (1) as follows:

20 **25.5-6-606. Implementation of program for mentally ill**
21 **authorized - federal waiver - duties of the department of health care**
22 **policy and financing and the department of human services.** (1) The
23 state department is hereby authorized to seek any necessary waiver from
24 the federal government to develop and implement a home- and
25 community-based services program for persons with major mental
26 illnesses. The program shall be designed to provide home- and
27 community-based services to eligible persons. Eligibility may be limited

1 to persons who meet the level of services provided in a nursing facility,
2 and services for eligible persons may be established in state board rules
3 to the extent such eligibility criteria and services are authorized or
4 required by federal waiver. The program shall include services provided
5 under the consumer-directed care service model, part 11 of this article,
6 AND IN-HOME SUPPORT SERVICES, PART 12 OF THIS ARTICLE.

7 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-704, **add (2)**

8 (1) as follows:

9 **25.5-6-704. Implementation of home- and community-based**
10 **services program for persons with brain injury authorized - federal**
11 **waiver - duties of the department.** (2) Services for eligible persons may
12 be established in department rules to the extent authorized or required by
13 federal waiver, but shall include at least the following:

14 (1) IN-HOME SUPPORT SERVICES PURSUANT TO PART 12 OF THIS
15 ARTICLE.

16 **SECTION 5. Appropriation.** (1) For the 2016-17 state fiscal
17 year, \$31,008 is appropriated to the department of health care policy and
18 financing for use by the executive director's office. This appropriation is
19 from the general fund. To implement this act, the office may use this
20 appropriation as follows:

21 (a) \$27,382 for personal services, which amount is based on an
22 assumption that the office will require an additional 0.9 FTE;

23 (b) \$2,826 for operating expenses; and

24 (c) \$800 for Medicaid management information system
25 maintenance and projects, which amount is subject to the "(M)" notation
26 as defined in the annual general appropriation act for the same fiscal year.

27 (2) For the 2016-17 state fiscal year, the general assembly

1 anticipates that the department of health care policy and financing will
2 receive \$37,408 in federal funds to implement this act. The appropriation
3 in subsection (1) of this section is based on the assumption that the
4 department will receive this amount of federal funds to be used as
5 follows:

- 6 (a) \$27,381 for personal services;
- 7 (b) \$2,827 for operating expenses; and
- 8 (c) \$7,200 for Medicaid management information system
9 maintenance and projects.

10 **SECTION 6. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2016 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.