

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0965.01 Shelby Ross x4510

SENATE BILL 23-289

SENATE SPONSORSHIP

Bridges and Zenzinger, Kirkmeyer

HOUSE SPONSORSHIP

Bird and Sirota, Bockenfeld

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING SEEKING AN AMENDMENT TO THE MEDICAID STATE PLAN**
102 **TO IMPLEMENT THE COMMUNITY FIRST CHOICE OPTIONAL**
103 **BENEFIT.**

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://leg.colorado.gov/>.)

Joint Budget Committee. The bill requires the department of health care policy and financing (department) to seek federal authorization through an amendment to the state medical assistance plan to implement the community first choice option.

The bill requires the state plan amendment to include personal care

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
2nd Reading Unamended
April 26, 2023

services, homemaker services, health maintenance activities, personal emergency response system and other emergency back-up services, and voluntary training on how to select, manage, and dismiss an attendant.

The bill authorizes the department to provide permissible services and supports that are linked to an assessed need or goal in an individual's person-centered service plan, including transition costs and expenditures relating to increasing an individual's independence or reducing reliance on human assistance.

To be eligible for the community first choice option, an individual must:

- Be eligible for the state medical assistance program;
- Be in an eligibility group under the state medical assistance program that includes nursing facility services, or if in an eligibility group that does not include nursing facility services, have an income that is at or below 150% of the federal poverty level; or
- Receive an annual determination that in the absence of home- and community-based attendant services and supports, the individual would require the level of care furnished in certain care settings.

The bill makes conforming amendments to remove the services provided through the community first choice option from other long-term care waiver programs.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 19 to article
3 6 of title 25.5 as follows:

4 **PART 19**

5 **COMMUNITY FIRST CHOICE**

6 **25.5-6-1901. Definitions.** AS USED IN THIS PART 19, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "ELECTRONIC MONITORING" MEANS THE INSTALLATION,
9 PURCHASE, OR RENTAL OF ELECTRONIC MONITORING DEVICES THAT
10 ENABLE AN INDIVIDUAL TO SECURE HELP IN THE EVENT OF AN EMERGENCY;
11 PROVIDE THE INDIVIDUAL REMINDERS ABOUT MEDICAL APPOINTMENTS,
12 TREATMENT, OR MEDICATION SCHEDULES; ARE REQUIRED BECAUSE OF THE

1 INDIVIDUAL'S ILLNESS, IMPAIRMENT, OR DISABILITY; AND INCLUDE
2 PERSONAL EMERGENCY RESPONSE SYSTEMS AND MEDICATION REMINDERS
3 THROUGH AN AUTOMATED MEDICATION DISPENSING SYSTEM.

4 (2) "HEALTH MAINTENANCE ACTIVITIES" MEANS ROUTINE AND
5 REPETITIVE HEALTH-RELATED TASKS FURNISHED TO A MEMBER IN THE
6 COMMUNITY OR IN THE MEMBER'S HOME THAT ARE NECESSARY FOR THE
7 HEALTH AND NORMAL BODILY FUNCTIONING THAT A PERSON WITH A
8 DISABILITY IS PHYSICALLY UNABLE TO CARRY OUT. "HEALTH
9 MAINTENANCE ACTIVITIES" INCLUDES SKILLED TASKS TYPICALLY
10 PERFORMED BY A CERTIFIED NURSING ASSISTANT OR A LICENSED NURSE
11 THAT DOES NOT REQUIRE THE CLINICAL ASSESSMENT AND JUDGMENT OF
12 A LICENSED NURSE.

13 (3) "HOMEMAKER SERVICES" MEANS GENERAL HOUSEHOLD
14 ACTIVITIES PROVIDED BY AN ATTENDANT IN A MEMBER'S HOME TO
15 MAINTAIN A HEALTHY AND SAFE ENVIRONMENT FOR THE MEMBER
16 THROUGH HANDS-ON ASSISTANCE, SUPERVISION, OR CUEING.
17 "HOMEMAKER SERVICES" MUST ONLY BE PROVIDED IN THE MEMBER'S
18 PRIMARY LIVING SPACE AND MULTIPLE ATTENDANTS SHALL NOT BE
19 REIMBURSED FOR DUPLICATING SUCH SERVICES.

20 (4) "PERSONAL CARE SERVICES" MEANS SERVICES THAT ARE
21 FURNISHED TO A MEMBER TO MEET THE MEMBER'S PHYSICAL,
22 MAINTENANCE, AND SUPPORTIVE NEEDS THROUGH HANDS-ON ASSISTANCE,
23 SUPERVISION, OR CUEING THAT DO NOT REQUIRE A NURSE'S SUPERVISION
24 OR PHYSICIAN'S ORDER.

25 **25.5-6-1902. Community first choice option - covered services**
26 **- state plan amendment.** (1) NO LATER THAN JULY 1, 2025, THE STATE
27 DEPARTMENT SHALL SEEK FEDERAL AUTHORIZATION THROUGH AN

1 AMENDMENT TO THE STATE MEDICAL ASSISTANCE PLAN TO IMPLEMENT
2 THE COMMUNITY FIRST CHOICE OPTION.

3 (2) AT A MINIMUM, THE STATE PLAN AMENDMENT MUST PROVIDE
4 FOR, BUT IS NOT LIMITED TO:

5 (a) THE FOLLOWING SERVICES:

6 (I) PERSONAL CARE SERVICES;

7 (II) HOMEMAKER SERVICES;

8 (III) HEALTH MAINTENANCE ACTIVITIES;

9 (IV) ELECTRONIC MONITORING SERVICES; AND

10 (V) VOLUNTARY TRAINING ON HOW TO SELECT, MANAGE, AND
11 DISMISS AN ATTENDANT; AND

12 (b) THE DELIVERY OF COVERED SERVICES, IF APPLICABLE,
13 THROUGH:

14 (I) IN-HOME SUPPORT SERVICES;

15 (II) CONSUMER-DIRECTED SERVICES AND SUPPORTS; AND

16 (III) LICENSED HOME CARE SERVICES.

17 **25.5-6-1903. Permissible services and supports.** (1) THE STATE
18 DEPARTMENT MAY PROVIDE PERMISSIBLE SERVICES AND SUPPORTS THAT
19 ARE LINKED TO AN ASSESSED NEED OR GOAL IN THE INDIVIDUAL'S
20 PERSON-CENTERED SERVICE PLAN. PERMISSIBLE SERVICES AND SUPPORTS
21 MAY INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

22 (a) EXPENDITURES FOR TRANSITION COSTS, SUCH AS RENT AND
23 UTILITY DEPOSITS, FIRST MONTH'S RENT AND UTILITIES, BEDDING, BASIC
24 KITCHEN SUPPLIES, AND OTHER NECESSITIES LINKED TO AN ASSESSED NEED
25 FOR AN INDIVIDUAL TO TRANSITION FROM A NURSING FACILITY,
26 INSTITUTION FOR BEHAVIORAL OR MENTAL HEALTH DISORDERS, OR
27 INTERMEDIATE CARE FACILITY FOR INDIVIDUALS WITH INTELLECTUAL

1 DISABILITIES, TO A HOME- AND COMMUNITY-BASED SETTING WHERE THE
2 INDIVIDUAL RESIDES; AND

3 (b) EXPENDITURES RELATING TO A NEED IDENTIFIED IN AN
4 INDIVIDUAL'S PERSON-CENTERED SERVICE PLAN THAT INCREASES AN
5 INDIVIDUAL'S INDEPENDENCE OR SUBSTITUTES FOR HUMAN ASSISTANCE,
6 TO THE EXTENT THAT WOULD OTHERWISE BE MADE FOR HUMAN
7 ASSISTANCE.

8 **25.5-6-1904. Maintenance of effort.** IN IMPLEMENTING THE
9 COMMUNITY FIRST CHOICE OPTION, THE STATE DEPARTMENT SHALL
10 ENSURE CONTINUITY OF SUPPORT FOR ELIGIBLE INDIVIDUALS WHO WERE
11 RECEIVING SERVICES AS OF JULY 1, 2025, AND WHO HAVE MAINTAINED
12 ELIGIBILITY IN THE STATE MEDICAL ASSISTANCE PROGRAM SINCE THAT
13 DATE.

14 **25.5-6-1905. Eligibility.** (1) TO BE ELIGIBLE FOR THE COMMUNITY
15 FIRST CHOICE OPTION, AN INDIVIDUAL MUST:

16 (a) BE ELIGIBLE FOR THE STATE MEDICAL ASSISTANCE PROGRAM;

17 (b) BE IN AN ELIGIBILITY GROUP UNDER THE STATE MEDICAL
18 ASSISTANCE PROGRAM THAT INCLUDES NURSING FACILITY SERVICES, OR
19 IF IN AN ELIGIBILITY GROUP THAT DOES NOT INCLUDE NURSING FACILITY
20 SERVICES, HAVE AN INCOME THAT IS AT OR BELOW ONE HUNDRED FIFTY
21 PERCENT OF THE FEDERAL POVERTY LEVEL. THE STATE DEPARTMENT
22 SHALL DETERMINE WHETHER AN INDIVIDUAL IS AT OR BELOW ONE
23 HUNDRED FIFTY PERCENT OF THE FEDERAL POVERTY LEVEL ON AN ANNUAL
24 BASIS BY APPLYING THE SAME METHODOLOGIES THAT APPLY UNDER THE
25 STATE MEDICAL ASSISTANCE PROGRAM, INCLUDING THE SAME LESS
26 RESTRICTIVE RESOURCE METHODOLOGIES DESCRIBED IN THE FEDERAL
27 "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1902 (r)(2).

1 (c) (I) RECEIVE AN ANNUAL DETERMINATION THAT IN THE
2 ABSENCE OF THE HOME- AND COMMUNITY-BASED ATTENDANT SERVICES
3 AND SUPPORTS PROVIDED PURSUANT TO THE COMMUNITY FIRST CHOICE
4 OPTION, THE INDIVIDUAL WOULD REQUIRE THE LEVEL OF CARE FURNISHED
5 IN A HOSPITAL, A NURSING FACILITY, AN INTERMEDIATE CARE FACILITY TO
6 AN INDIVIDUAL WITH INTELLECTUAL DISABILITIES, AN INSTITUTION
7 PROVIDING INPATIENT PSYCHIATRIC SERVICES TO AN INDIVIDUAL UNDER
8 TWENTY-ONE YEARS OF AGE, OR AN INSTITUTION FOR BEHAVIORAL OR
9 MENTAL HEALTH DISORDERS FOR AN INDIVIDUAL SIXTY-FIVE YEARS OF
10 AGE OR OLDER IF THE COST COULD BE REIMBURSED UNDER THE STATE
11 MEDICAL ASSISTANCE PROGRAM.

12 (II) THE STATE DEPARTMENT MAY, AT ITS DISCRETION,
13 PERMANENTLY WAIVE THE ANNUAL DETERMINATION FOR AN INDIVIDUAL
14 IF THE STATE DEPARTMENT:

15 (A) DETERMINES THERE IS NO REASONABLE EXPECTATION OF
16 IMPROVEMENT OR SIGNIFICANT CHANGE IN THE INDIVIDUAL'S CONDITION
17 BECAUSE OF THE SEVERITY OF A CHRONIC CONDITION OR THE DEGREE OF
18 IMPAIRMENT OF FUNCTIONAL CAPACITY; AND

19 (B) RETAINS DOCUMENTATION OF THE REASON FOR WAIVING THE
20 INDIVIDUAL'S ANNUAL DETERMINATION REQUIREMENT.

21 (2) FOR THE PURPOSES OF MEETING THE REQUIREMENTS OF
22 SUBSECTION (1)(b) OF THIS SECTION, AN INDIVIDUAL WHO QUALIFIES FOR
23 MEDICAL ASSISTANCE PURSUANT TO THE SPECIAL HOME- AND
24 COMMUNITY-BASED WAIVER ELIGIBILITY GROUP DEFINED IN THE FEDERAL
25 "SOCIAL SECURITY ACT", 42 U.S.C. SEC. 1902 (a)(10)(A)(ii)(VI), SHALL
26 MEET ALL THE REQUIREMENTS IN 42 U.S.C. SEC. 1915(c) AND RECEIVE AT
27 LEAST ONE HOME- AND COMMUNITY-BASED WAIVER SERVICE PER MONTH.

1 (3) INDIVIDUALS RECEIVING SERVICES THROUGH THE COMMUNITY
2 FIRST CHOICE OPTION MUST NOT BE PRECLUDED FROM RECEIVING OTHER
3 HOME- AND COMMUNITY-BASED LONG-TERM CARE SERVICES AND
4 SUPPORTS THROUGH OTHER STATE MEDICAL ASSISTANCE PROGRAM
5 WAIVERS, GRANTS, OR DEMONSTRATION AUTHORITIES.

6 **SECTION 2.** In Colorado Revised Statutes, 25.5-5-203, **repeal**
7 (1)(o) as follows:

8 **25.5-5-203. Optional programs with special state provisions.**

9 (1) Subject to the provisions of subsection (2) of this section, this section
10 specifies programs developed by Colorado to increase federal financial
11 participation through selecting optional services or optional eligible
12 groups. These programs include but are not limited to:

13 (o) ~~Home- and community-based services for children with~~
14 ~~autism, as specified in part 8 of article 6 of this title.~~

15 **SECTION 3.** In Colorado Revised Statutes, 25.5-6-303, **repeal**
16 (8), (9), (10), (11), (17), and (18) as follows:

17 **25.5-6-303. Definitions.** As used in this part 3, unless the context
18 otherwise requires:

19 (8) ~~"Electronic monitoring provider" means an entity that meets~~
20 ~~applicable state, federal, and local requirements and is certified to provide~~
21 ~~electronic monitoring services.~~

22 (9) ~~"Electronic monitoring services" means electronic equipment~~
23 ~~or adaptations or other remote supports that are related to an eligible~~
24 ~~person's disability and enable the person to remain at home.~~

25 (10) ~~"Homemaker agency" means any agency that meets~~
26 ~~applicable state and federal requirements and is state-certified to provide~~
27 ~~homemaker services.~~

1 (11) ~~"Homemaker services" means general household activities~~
2 ~~that are provided by state-certified agencies to maintain a healthy and safe~~
3 ~~home environment for eligible persons.~~

4 (17) ~~"Personal care agency" means any agency that meets state~~
5 ~~and federal requirements and is state-certified to provide personal care~~
6 ~~services.~~

7 (18) ~~"Personal care services" means services to meet an eligible~~
8 ~~person's physical requirements and functional needs, when such services~~
9 ~~do not require the supervision of a nurse.~~

10 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-307, **amend**
11 (1) as follows:

12 **25.5-6-307. Services for the elderly, blind, and disabled.**

13 (1) Subject to the provisions of this part 3, home- and community-based
14 services for the elderly, blind, and disabled include only the following
15 services:

- 16 (a) Adult day care;
- 17 (b) Alternative care services;
- 18 (c) ~~Electronic monitoring services;~~
- 19 (d) Home modification services;
- 20 (e) ~~Homemaker services;~~
- 21 (f) Nonmedical transportation services;
- 22 (g) ~~Personal care services;~~
- 23 (h) Respite care services;
- 24 (i) Repealed.
- 25 (j) ~~Services provided under the consumer-directed care service~~
26 ~~model, part 11 of this article;~~
- 27 (k) ~~In-home support services provided pursuant to part 12 of this~~

1 article:

2 **SECTION 5.** In Colorado Revised Statutes, **repeal** 25.5-6-310 as
3 follows:

4 **25.5-6-310. Special provisions - personal care services**
5 **provided by a family.** ~~(1) A member of an eligible person's family, other~~
6 ~~than the person's spouse, may be employed to provide personal care~~
7 ~~services to such person.~~

8 ~~(2) The maximum reimbursement for the services provided by a~~
9 ~~member of the person's family per year for each client shall not exceed~~
10 ~~the equivalent of four hundred forty-four service units per year for a~~
11 ~~member of the eligible person's family.~~

12 **SECTION 6.** In Colorado Revised Statutes, 25.5-6-406, **repeal**
13 (2)(c)(V) and (2)(c)(VII) as follows:

14 **25.5-6-406. Appropriations - reimbursement for services -**
15 **direct support professionals - legislative declaration - definitions.**

16 (2) (c) The state department shall immediately seek a six and one-half
17 percent increase in the reimbursement rate for the following services
18 delivered through the home- and community-based services for persons
19 with developmental disabilities, supported living services, and children's
20 extensive supports waivers:

21 (V) ~~Homemaker basic;~~

22 (VII) ~~Personal care;~~

23 **SECTION 7.** In Colorado Revised Statutes, 25.5-6-606, **amend**
24 (1) as follows:

25 **25.5-6-606. Implementation of program for persons with**
26 **mental health disorders authorized - federal waiver - duties of the**
27 **department of health care policy and financing and the department**

1 **of human services - rules.** (1) The state department is authorized to seek
2 any necessary waiver from the federal government to develop and
3 implement a home- and community-based services program for persons
4 with major mental health disorders. The program must be designed to
5 provide home- and community-based services to eligible persons.
6 Eligibility may be limited to persons who meet the level of services
7 provided in a nursing facility, and services for eligible persons may be
8 established in state board rules to the extent such eligibility criteria and
9 services are authorized or required by federal waiver. ~~The program must
10 include services provided under the consumer-directed care service
11 model, part 11 of this article 6.~~

12 **SECTION 8.** In Colorado Revised Statutes, 25.5-6-703, **repeal**
13 (6) as follows:

14 **25.5-6-703. Definitions.** As used in this part 7, unless the context
15 otherwise requires:

16 (6) ~~"Personal care services" means assistance with eating, bathing,
17 dressing, personal hygiene, and activities of daily living. Personal care
18 services include assistance with the preparation of meals, but not the cost
19 of the meals, and homemaker services that are necessary for the health
20 and safety of the recipient.~~

21 **SECTION 9.** In Colorado Revised Statutes, 25.5-6-704, **repeal**
22 (2)(c) and (2)(k) as follows:

23 **25.5-6-704. Implementation of home- and community-based**
24 **services program for persons with brain injury authorized - federal**
25 **waiver - duties of the department - rules.** (2) Services for eligible
26 persons may be established in department rules to the extent authorized
27 or required by federal waiver, but must include at least the following:

- 1 (c) ~~Personal care services;~~
- 2 (k) ~~Services provided under the consumer-directed care service~~
- 3 ~~model, part 11 of this article.~~

4 **SECTION 10.** In Colorado Revised Statutes, 25.5-6-1101,
5 **amend** (4) and (6) as follows:

6 **25.5-6-1101. Definitions.** As used in this part 11, unless the
7 context otherwise requires:

8 (4) "Eligible person" means a person who is eligible to receive
9 services ~~under parts 3 to 12 of this article or any other home- and~~
10 ~~community-based service waiver for which the state department has~~
11 ~~federal waiver authority~~ PURSUANT TO PART 19 OF THIS ARTICLE 6.

12 (6) "Qualified services" means services provided under the
13 eligible person's ~~applicable waiver program and attendant support~~
14 ~~COMMUNITY FIRST CHOICE OPTION.~~

15 **SECTION 11.** In Colorado Revised Statutes, 25.5-6-1102,
16 **amend** (2)(a); **amend as it will become effective July 1, 2024,** (3); and
17 **repeal** (8) as follows:

18 **25.5-6-1102. Service model - consumer-directed care.** (2) In
19 order to qualify and to remain eligible for the consumer-directed care
20 service model authorized by this section, a person shall:

21 (a) Be eligible for ~~home- and community-based services under~~
22 ~~parts 3 to 12 of this article or any other home- and community-based~~
23 ~~service waiver for which the state department has federal waiver authority~~
24 ~~COMMUNITY FIRST CHOICE SERVICES PURSUANT TO PART 19 OF THIS~~
25 ~~ARTICLE 6;~~

26 (3) The ~~voucher~~ ALLOCATION issued to the eligible person
27 pursuant to this part 11 must be based on the eligible person's historical

1 utilization of home- and community-based services pursuant to parts 3 to
2 12 of this article 6, the case management agency's care plan, or any
3 approved resource allocation process as determined by the state
4 department and the department of human services for the eligible person.

5 (8) ~~Section 25.5-6-310 does not apply to a family member of an~~
6 ~~eligible person who provides consumer-directed care services to the~~
7 ~~eligible person pursuant to this part 11.~~

8 **SECTION 12.** In Colorado Revised Statutes, **repeal** 25.5-6-1201
9 as follows:

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

25 (2) ~~The general assembly further finds that allowing clients more~~
26 ~~self-direction in their care is a more effective way to deliver home- and~~
27 ~~community-based services to clients with major mental health disorders~~

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

6 **SECTION 13.** In Colorado Revised Statutes, 25.5-6-1202,
7 **amend** (3)(a) and (4) 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 ~~a home- and community-based services waiver~~
12 ~~program pursuant to this article 6 for which in-home support services are~~
13 ~~authorized pursuant to state and federal law~~ COMMUNITY FIRST CHOICE
14 SERVICES PURSUANT TO PART 19 OF THIS ARTICLE 6;

15 (4) "Health maintenance activities" means ~~health-related tasks as~~
16 ~~defined in rule by the state board and include, but are not limited to,~~
17 ~~catheter irrigation; administration of medication, enemas, and~~
18 ~~suppositories; and wound care~~ ROUTINE AND REPETITIVE
19 HEALTH-RELATED TASKS FURNISHED TO A MEMBER IN THE COMMUNITY OR
20 IN THE MEMBER'S HOME THAT IS NECESSARY FOR THE HEALTH AND
21 NORMAL BODILY FUNCTIONING THAT A PERSON WITH A DISABILITY IS
22 PHYSICALLY UNABLE TO CARRY OUT. "HEALTH MAINTENANCE ACTIVITIES"
23 INCLUDE SKILLED TASKS TYPICALLY PERFORMED BY A CERTIFIED NURSING
24 ASSISTANT OR A LICENSED NURSE THAT DOES NOT REQUIRE THE CLINICAL
25 ASSESSMENT AND JUDGMENT OF A LICENSED NURSE.

26 **SECTION 14.** In Colorado Revised Statutes, 25.5-6-1203,
27 **amend** (1); and **repeal** (6) as follows:

1 **25.5-6-1203. In-home support services - eligibility - licensure**
2 **exclusion - in-home support service agency responsibilities - rules.**

3 (1) The state department shall offer in-home support services as an
4 option for eligible persons who receive ~~home- and community-based~~
5 COMMUNITY FIRST CHOICE services. In-home support services ~~shall~~ MUST
6 be provided to eligible persons. The state department shall seek any
7 federal authorization that may be necessary to implement this part 12. The
8 state department shall design and implement in-home support services
9 with input from consumers of ~~home- and community-based~~ COMMUNITY
10 FIRST CHOICE services and independent living centers ~~and home- and~~
11 ~~community-based service providers.~~

12 (6) ~~Section 25.5-6-310 does not apply to a family member of an~~
13 ~~eligible person who provides in-home support services to the eligible~~
14 ~~person pursuant to this part 12. The state board shall promulgate rules, as~~
15 ~~necessary, to establish limits on reimbursement to family members.~~

16 **SECTION 15.** In Colorado Revised Statutes, **repeal** 25.5-6-1206
17 as follows:

18 **25.5-6-1206. Report.** ~~The state department shall report annually~~
19 ~~to the joint budget committee of the general assembly and the health and~~
20 ~~human services committee of the senate, or any successor committee, and~~
21 ~~the health and environment committee of the house of representatives, or~~
22 ~~any successor committee, on the implementation of in-home support~~
23 ~~services. At a minimum the report shall include the cost-effectiveness of~~
24 ~~providing in-home support services to the elderly, blind, and disabled and~~
25 ~~to eligible disabled children, the number of persons receiving such~~
26 ~~services, and any strategies and resources that are available or that are~~
27 ~~necessary to assist more persons in staying in their homes through the use~~

1 of in-home support services.

2 **SECTION 16.** In Colorado Revised Statutes, 25.5-6-1601,
3 **amend** (2) and (4) as follows:

4 **25.5-6-1601. Definitions.** As used in this part 16, unless the
5 context otherwise requires:

6 (2) "Health maintenance activities" has the meaning set forth in
7 section ~~25.5-6-1202(4)~~ 25.5-6-1901 (2).

8 (4) "Homemaker services" has the meaning AS set forth in section
9 ~~25.5-6-303(11)~~ 25.5-6-1901 (3).

10 **SECTION 17.** In Colorado Revised Statutes, 24-75-1104.5,
11 **amend** (3); and **repeal** (1.7)(k) as follows:

12 **24-75-1104.5. Use of settlement money - programs.**

13 (1.7) Except as otherwise provided in subsections (1.3), (1.8), and (5) of
14 this section, and except that disputed payments received by the state in the
15 2015-16 fiscal year or in any year thereafter are excluded from the
16 calculation of allocations pursuant to this subsection (1.7), for the
17 2016-17 fiscal year and for each fiscal year thereafter, the following
18 programs, services, and funds receive the following specified percentages
19 of the total amount of settlement money received by the state in the
20 preceding fiscal year:

21 (k) ~~The Colorado autism treatment fund created pursuant to~~
22 ~~section 25.5-6-805, C.R.S., shall receive two percent of the settlement~~
23 ~~moneys to pay a portion of the state's share of the annual funding required~~
24 ~~by the "Home- and Community-based Services for Children with Autism~~
25 ~~Act", part 8 of article 6 of title 25.5, C.R.S.;~~

26 (3) Notwithstanding subsection (1.7) of this section, for purposes
27 of sections 23-20-136 (3.5)(a), 25-4-1401 (6), 25-4-1405 (2), 25-23-104

1 (2), ~~25.5-6-805 (2)~~, 25.5-8-105 (3), 26.5-3-507 (2)(e), 26-6.8-102 (2)(d),
2 and 28-5-709 (2)(a), settlement money received and allocated by the state
3 pursuant to subsection (1.7) of this section during the same fiscal year is
4 deemed to be money received for or during the preceding fiscal year.

5 **SECTION 18.** In Colorado Revised Statutes, **repeal** part 8 of
6 article 6 of title 25.5.

7 **SECTION 19. Effective date.** This act takes effect upon passage;
8 except that sections 2 to 17 of this act take effect July 1, 2025.

9 **SECTION 20. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety.