

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 18-0614.01 Kip Kolkmeier x4510

HOUSE BILL 18-1091

HOUSE SPONSORSHIP

Beckman and Ginal,

SENATE SPONSORSHIP

Smallwood and Todd,

House Committees

Health, Insurance, & Environment

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING DEMENTIA DISEASES, AND, IN CONNECTION THEREWITH,**
102 **UPDATING STATUTORY REFERENCES TO DEMENTIA DISEASES AND**
103 **RELATED DISABILITIES.**

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>.)

The bill updates statutory references to Alzheimer's and other dementia diseases and reflects that dementia diseases have related disabilities impacting memory and other cognitive abilities. Missing persons with a dementia disease and related disability are added to the missing senior citizen and missing person with developmental disabilities

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

SENATE
2nd Reading Unamended
March 5, 2018

HOUSE
3rd Reading Unamended
February 21, 2018

HOUSE
2nd Reading Unamended
February 16, 2018

alert program, and the program is renamed to reflect this change. The Alzheimer's disease treatment and research center within the university of Colorado school of medicine is renamed the dementia diseases and related disabilities treatment and research center.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1-502, **add** (2.5)
3 as follows:

4 **25-1-502. Definitions.** As used in this part 5, unless the context
5 otherwise requires:

6 (2.5) "DEMENTIA DISEASES AND RELATED DISABILITIES" IS A
7 CONDITION WHERE MENTAL ABILITY DECLINES AND IS SEVERE ENOUGH TO
8 INTERFERE WITH AN INDIVIDUAL'S ABILITY TO PERFORM EVERYDAY TASKS.
9 DEMENTIA DISEASES AND RELATED DISABILITIES INCLUDES ALZHEIMER'S
10 DISEASE, MIXED DEMENTIA, LEWY BODIES DEMENTIA, VASCULAR
11 DEMENTIA, FRONTOTEMPORAL DEMENTIA, AND OTHER TYPES OF
12 DEMENTIA.

13 **SECTION 2.** In Colorado Revised Statutes, 25.5-4-103, **add** (5.5)
14 as follows:

15 **25.5-4-103. Definitions.** As used in this article 4 and articles 5
16 and 6 of this title 25.5, unless the context otherwise requires:

17 (5.5) "DEMENTIA DISEASES AND RELATED DISABILITIES" HAS THE
18 SAME MEANING SET FORTH IN SECTION 25-1-502 (2.5).

19 **SECTION 3.** In Colorado Revised Statutes, 25.5-5-207, **amend**
20 (1)(a)(II) as follows:

21 **25.5-5-207. Adult dental benefit - adult dental fund - creation**
22 **- legislative declaration.** (1) (a) The general assembly finds that:

23 (II) Research has shown that untreated oral health conditions

1 negatively affect a person's overall health and that gum disease has been
2 linked to diabetes, heart disease, strokes, kidney disease, ~~Alzheimer's~~
3 ~~disease~~ DEMENTIA DISEASES AND RELATED DISABILITIES, and even
4 behavioral or mental health disorders;

5 **SECTION 4.** In Colorado Revised Statutes, 25.5-6-104, **amend**
6 (3)(d) introductory portion and (3)(d)(IV) as follows:

7 **25.5-6-104. Long-term care placements - comprehensive and**
8 **uniform client assessment instrument - report - legislative declaration**
9 **- definitions - repeal.** (3) (d) The state department, through rules, shall
10 develop and implement no later than July 1, 1991, a uniform long-term
11 care client needs assessment instrument for all individuals needing
12 long-term care. The instrument shall be used as part of the comprehensive
13 and uniform client assessment process to be established in accordance
14 with ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS
15 SECTION and shall serve the following functions:

16 (IV) To disclose the need for more intensive needs assessments
17 in areas such as nutrition, adult protection, dementia DISEASES AND
18 RELATED DISABILITIES, and mental health;

19 **SECTION 5.** In Colorado Revised Statutes, 25.5-6-202, **amend**
20 (6) introductory portion, (6)(b), and (9)(b.3)(II) as follows:

21 **25.5-6-202. Providers - nursing facility provider**
22 **reimbursement - rules.** (6) Subject to available ~~moneys~~ MONEY and the
23 priority of the uses of the provider fees as established in section
24 25.5-6-203 (2)(b), in addition to the reimbursement rate components
25 pursuant to subsections (1) to (5) of this section, the state department
26 shall make a supplemental medicaid payment to nursing facility providers
27 who have residents who have moderately to very severe mental health

1 conditions, ~~cognitive~~ dementia DISEASES AND RELATED DISABILITIES, or
2 acquired brain injury as follows:

3 (b) A supplemental medicaid payment shall be made to nursing
4 facility providers who serve residents with severe ~~cognitive~~ dementia
5 DISEASES AND RELATED DISABILITIES or acquired brain injury. The state
6 department shall calculate the payment based upon the resident's
7 cognitive assessment established in rules adopted by the state board. The
8 state department shall compute this payment annually as of July 1, 2009,
9 and each July 1 thereafter, and it shall be not less than one percent of the
10 statewide average per diem rate for the combined rate components
11 determined under subsections (1) to (4) of this section.

12 (9) (b.3) (II) If it is determined by the state department that the
13 case-mix reimbursement includes a factor for nursing facility providers
14 who serve residents with severe ~~cognitive~~ dementia DISEASES AND
15 RELATED DISABILITIES or acquired brain injury, the state department may
16 eliminate the supplemental medicaid payment to those providers who
17 serve residents with severe ~~cognitive~~ dementia DISEASES AND RELATED
18 DISABILITIES or acquired brain injury.

19 **SECTION 6.** In Colorado Revised Statutes, 25.5-6-203, **amend**
20 (2)(b)(IV) as follows:

21 **25.5-6-203. Nursing facilities - provider fees - federal waiver**
22 **- fund created - rules.** (2) (b) (IV) Following the payment of the
23 amounts described in ~~subparagraphs (I) to (III) of this paragraph (b)~~
24 ~~SUBSECTIONS (2)(b)(I) TO (2)(b)(III) OF THIS SECTION, the moneys~~ MONEY
25 remaining in the fund shall be subject to federal matching as authorized
26 under federal law and subject to annual appropriation by the general
27 assembly for the purpose of paying the supplemental medicaid payments

1 ESTABLISHED UNDER SECTION 25.5-6-202 (6) for residents who have
2 moderately to very severe mental health conditions, ~~cognitive dementia~~
3 DISEASES AND RELATED DISABILITIES, or acquired brain injury. ~~established~~
4 ~~under section 25.5-6-202 (6).~~

5 **SECTION 7.** In Colorado Revised Statutes, 25.5-6-603, **amend**
6 (1)(a) as follows:

7 **25.5-6-603. Definitions.** As used in this part 6, unless the context
8 otherwise requires:

9 (1) "Eligible person" means a person:

10 (a) Who has a primary diagnosis of a major mental health
11 disorder, as such term is defined in the diagnostic and statistical manual
12 of mental disorders used by the mental health profession, and includes
13 schizophrenic, paranoid, major affective, and schizoaffective disorders,
14 and atypical psychosis, but does not include dementia ~~including~~
15 ~~Alzheimer's disease or related disorders~~ DISEASES AND RELATED
16 DISABILITIES;

17 **SECTION 8.** In Colorado Revised Statutes, 10-16-102, **add**
18 (16.5) as follows:

19 **10-16-102. Definitions.** As used in this article 16, unless the
20 context otherwise requires:

21 (16.5) "DEMENTIA DISEASES AND RELATED DISABILITIES" IS A
22 CONDITION WHERE MENTAL ABILITY DECLINES AND IS SEVERE ENOUGH TO
23 INTERFERE WITH AN INDIVIDUAL'S ABILITY TO PERFORM EVERYDAY TASKS.
24 DEMENTIA DISEASES AND RELATED DISABILITIES INCLUDES ALZHEIMER'S
25 DISEASE, MIXED DEMENTIA, LEWY BODIES DEMENTIA, VASCULAR
26 DEMENTIA, FRONTOTEMPORAL DEMENTIA, AND OTHER TYPES OF
27 DEMENTIA.

1 **SECTION 9.** In Colorado Revised Statutes, 10-16-413.5, **amend**
2 (1)(a) as follows:

3 **10-16-413.5. Return to home - legislative declaration.** (1) The
4 general assembly hereby finds that:

5 (a) As individuals "age-in-place" in their own homes or other
6 settings, they frequently contract with continuing care retirement
7 communities, ~~or~~ assisted living FACILITIES, nursing FACILITIES, or
8 ~~Alzheimer~~ facilities FOR PERSONS WITH DEMENTIA DISEASES AND RELATED
9 DISABILITIES to receive the services they need in order to maximize their
10 independence;

11 **SECTION 10.** In Colorado Revised Statutes, 10-19-103, **amend**
12 the introductory portion; and **add** (3.5) as follows:

13 **10-19-103. Definitions.** As used in this ~~article~~ ARTICLE 19, unless
14 the context otherwise requires:

15 (3.5) "DEMENTIA DISEASES AND RELATED DISABILITIES" HAS THE
16 SAME MEANING SET FORTH IN SECTION 10-16-102 (16.5).

17 **SECTION 11.** In Colorado Revised Statutes, 10-19-107, **amend**
18 (1)(d) as follows:

19 **10-19-107. Performance standards.** (1) A long-term care
20 insurance policy may not:

21 (d) Exclude coverage for ~~Alzheimer's disease, senile dementia,~~
22 ~~other organic brain syndromes, or other types of senility diseases~~
23 DEMENTIA DISEASES AND RELATED DISABILITIES.

24 **SECTION 12.** In Colorado Revised Statutes, 12-43-201, **add**
25 (1.6) as follows:

26 **12-43-201. Definitions.** As used in this article 43, unless the
27 context otherwise requires:

1 (1.6) "DEMENTIA DISEASES AND RELATED DISABILITIES" HAS THE
2 SAME MEANING SET FORTH IN SECTION 25-1-502 (2.5).

3 **SECTION 13.** In Colorado Revised Statutes, 12-43-228, **amend**
4 (1) introductory portion, (1)(c) introductory portion, and (1)(c)(I) as
5 follows:

6 **12-43-228. Minimum standards for testing.** (1) Every person
7 licensed, registered, or certified under this ~~article~~ ARTICLE 43 must meet
8 the minimum professional preparation standards set forth in this section
9 to engage in the administration, scoring, or interpretation of the following
10 levels of psychometric or electrodiagnostic testing:

11 (c) **Advanced use.** A licensee, registrant, or certificate holder
12 must meet all the requirements of ~~paragraph (b) of this subsection (1)~~
13 SUBSECTION (1)(b) OF THIS SECTION and, in addition, completion, at a
14 regionally accredited university or college certified by the accrediting
15 agency or body to award graduate degrees, of at least one graduate-level
16 course in six of the following areas: Cognition, emotion, attention,
17 sensory-perceptual function, psychopathology, learning, encephalopathy,
18 neuropsychology, psychophysiology, personality, growth and
19 development, projective testing, and neuropsychological testing and
20 completion of one year of experience in advanced use practice under the
21 supervision of a person fully qualified under this ~~paragraph (c)~~
22 SUBSECTION (1)(c) in order to practice projective testing,
23 neuropsychological testing, or use of a battery of three or more tests to:

24 (I) Determine the presence, nature, causation, or extent of
25 psychosis, dementia DISEASES AND RELATED DISABILITIES, amnesia,
26 cognitive impairment, influence of deficits on competence, and ability to
27 function adaptively;

1 **SECTION 14.** In Colorado Revised Statutes, 24-32-3404, **amend**
2 (2)(a)(II)(E) as follows:

3 **24-32-3404. Strategic action planning group on aging.**

4 (2) (a) The planning group consists of twenty-three voting members
5 appointed by the governor on or before August 1, 2015, as follows:

6 (II) Five members who represent private, public, and
7 community-based health care and long-term care, service, or support
8 providers for older adults such as representatives of:

9 (E) Geriatric health care, including ~~Alzheimer~~ care OF PERSONS
10 WITH DEMENTIA DISEASES AND RELATED DISABILITIES, AS DEFINED IN
11 SECTION 25-1-502 (2.5);

12 **SECTION 15.** In Colorado Revised Statutes, 24-33.5-415.8,
13 **amend** (1), (2)(a), (3)(b)(I), (3)(c), (3)(e), (3)(f), (4) introductory portion,
14 and (4)(a); and **add** (2)(a.5) as follows:

15 **24-33.5-415.8. Missing persons alert program - definitions -**
16 **rules.** (1) The general assembly hereby finds that, in the case of a
17 missing senior citizen, ~~or~~ missing person with developmental disabilities,
18 ~~OR MISSING PERSON WITH A DEMENTIA DISEASE AND RELATED DISABILITY,~~
19 the first few hours are critical in finding the ~~senior citizen or~~ person. ~~with~~
20 ~~developmental disabilities.~~ To aid in the identification and location of
21 missing ~~senior citizens and~~ missing persons, ~~with developmental~~
22 ~~disabilities,~~ there is hereby created the missing senior citizen, ~~and~~ missing
23 person with developmental disabilities, AND MISSING PERSON WITH A
24 DEMENTIA DISEASE AND RELATED DISABILITY alert program, referred to
25 in this section as the "program", to be implemented by the bureau. The
26 program shall be a coordinated effort among the bureau, local law
27 enforcement agencies, and the state's public and commercial television

1 and radio broadcasters.

2 (2) For the purposes of this section:

3 (a) ~~"Missing person with developmental disabilities" means a~~
4 ~~person:~~

5 ~~(I) Whose whereabouts are unknown;~~

6 ~~(II) Whose domicile at the time he or she is reported missing is~~
7 ~~Colorado;~~

8 ~~(III) Who has a verified developmental disability; and~~

9 ~~(IV) Whose disappearance poses a credible threat to the safety and~~
10 ~~health of himself or herself, as determined by a local law enforcement~~
11 ~~agency. "MISSING PERSON WITH A DEMENTIA DISEASE AND RELATED~~

12 ~~DISABILITY" MEANS A PERSON:~~

13 ~~(I) WHOSE WHEREABOUTS ARE UNKNOWN;~~

14 ~~(II) WHOSE DOMICILE AT THE TIME HE OR SHE IS REPORTED~~
15 ~~MISSING IS COLORADO;~~

16 ~~(III) WHO HAS A DEMENTIA DISEASE OR RELATED DISABILITY, AS~~
17 ~~DEFINED IN SECTION 25-1-502 (2.5); AND~~

18 ~~(IV) WHOSE DISAPPEARANCE POSES A CREDIBLE THREAT TO THE~~
19 ~~SAFETY AND HEALTH OF THE PERSON, AS DETERMINED BY A LOCAL LAW~~
20 ~~ENFORCEMENT AGENCY.~~

21 (a.5) "MISSING PERSON WITH DEVELOPMENTAL DISABILITIES"
22 MEANS A PERSON:

23 (I) WHOSE WHEREABOUTS ARE UNKNOWN;

24 (II) WHOSE DOMICILE AT THE TIME HE OR SHE IS REPORTED
25 MISSING IS COLORADO;

26 (III) WHO HAS A VERIFIED DEVELOPMENTAL DISABILITY; AND

27 (IV) WHOSE DISAPPEARANCE POSES A CREDIBLE THREAT TO THE

1 SAFETY AND HEALTH OF HIMSELF OR HERSELF, AS DETERMINED BY A
2 LOCAL LAW ENFORCEMENT AGENCY.

3 (3) (b) (I) When a local law enforcement agency receives notice
4 that a senior citizen OR PERSON WITH A DEMENTIA DISEASE AND RELATED
5 DISABILITY is missing, the agency shall require the ~~senior citizen's~~
6 PERSON'S family or legal guardian to provide documentation of the ~~senior~~
7 ~~citizen's~~ PERSON'S impaired mental condition. The agency may follow a
8 procedure established by rule to verify the ~~senior citizen~~ PERSON is
9 missing and has an impaired mental condition. Once the local law
10 enforcement agency verifies the ~~senior citizen~~ PERSON is missing and has
11 a verified impaired mental condition, the local law enforcement agency
12 may notify the bureau.

13 (c) When notified by a local law enforcement agency that a senior
14 citizen OR PERSON WITH A DEMENTIA DISEASE AND RELATED DISABILITY
15 is missing and has a verified impaired mental condition, or a person with
16 DOCUMENTED developmental disabilities is missing, the bureau shall
17 confirm the accuracy of the information and then issue an alert.

18 (e) The alert shall include all appropriate information from the
19 local law enforcement agency that may assist in the safe recovery of the
20 missing ~~senior citizen or missing person with developmental disabilities~~
21 and a statement instructing anyone with information related to the missing
22 ~~senior citizen or missing person with developmental disabilities~~ to contact
23 his or her local law enforcement agency.

24 (f) The alert shall be cancelled upon bureau notification that the
25 missing ~~senior citizen or missing person with developmental disabilities~~
26 has been found or at the end of the notification period, whichever occurs
27 first. A local law enforcement agency that locates a missing ~~senior citizen~~

1 ~~or missing person with developmental disabilities~~ who is the subject of
2 an alert shall notify the bureau as soon as possible that the missing ~~senior~~
3 ~~citizen or missing person with developmental disabilities~~ has been
4 located.

5 (4) The executive director of the department of public safety shall
6 promulgate rules in accordance with the "State Administrative Procedure
7 Act", article 4 of this ~~title~~ TITLE 24, for the implementation of the
8 program. The rules shall include, but need not be limited to:

9 (a) Procedures for a local law enforcement agency to use to verify
10 whether a senior citizen, ~~or person with developmental disabilities~~, OR
11 PERSON WITH A DEMENTIA DISEASE AND RELATED DISABILITY is missing
12 and to verify whether a senior citizen OR PERSON WITH A DEMENTIA
13 DISEASE AND RELATED DISABILITY has an impaired mental condition or
14 WHETHER a person has a developmental disability and the circumstances
15 under which the agency shall report the missing ~~senior citizen or missing~~
16 ~~person with developmental disabilities~~ to the bureau;

17 **SECTION 16.** In Colorado Revised Statutes, **amend** 23-21-701
18 as follows:

19 **23-21-701. Legislative declaration.** To foster the health, welfare,
20 and safety of the people of this state and to facilitate the research and
21 treatment of ~~Alzheimer's and related diseases~~ DEMENTIA DISEASES AND
22 RELATED DISABILITIES, it is declared to be the policy of this state to
23 achieve the maximum practical degree of care and treatment for persons
24 suffering from ~~Alzheimer's and related diseases~~ DEMENTIA DISEASES AND
25 RELATED DISABILITIES.

26 **SECTION 17.** In Colorado Revised Statutes, 23-21-702, **amend**
27 (1) as follows:

1 **23-21-702. Definitions.** As used in this part 7, unless the context
2 otherwise requires:

3 (1) ~~"Alzheimer's disease" means the neurological disorder in~~
4 ~~which the death of brain cells causes memory loss and cognitive decline~~
5 "DEMENTIA DISEASES AND RELATED DISABILITIES" HAS THE SAME
6 MEANING SET FORTH IN SECTION 25-1-502 (2.5).

7 **SECTION 18.** In Colorado Revised Statutes, **amend** 23-21-703
8 as follows:

9 **23-21-703. Center created.** There is established the ~~Alzheimer's~~
10 ~~disease~~ DEMENTIA DISEASES AND RELATED DISABILITIES treatment and
11 research center within the university of Colorado school of medicine. The
12 treatment center must use existing facilities and staff of the university of
13 Colorado school of medicine and may establish programs for the care and
14 treatment of persons suffering from ~~Alzheimer's disease~~ DEMENTIA
15 DISEASES AND RELATED DISABILITIES as programs are needed. The
16 treatment center may assist on a continuing basis those persons who
17 require continuing treatment for ~~Alzheimer's disease~~ DEMENTIA DISEASES
18 AND RELATED DISABILITIES but who are unable to pay for the entire cost
19 of the services despite the existence of various types of hospital and
20 medical insurance, medicare, medicaid, and other government assistance
21 programs, and private charitable assistance.

22 **SECTION 19.** In Colorado Revised Statutes, 23-21-704, **amend**
23 (1)(b), (1)(c), (1)(d), (1)(e), and (1)(f) as follows:

24 **23-21-704. Duties of the school of medicine.** (1) The school of
25 medicine shall:

26 (b) Assist in the development and expansion of programs for the
27 care and treatment of persons suffering from ~~Alzheimer's disease~~

1 DEMENTIA DISEASES AND RELATED DISABILITIES, including home care and
2 medical procedures designed to provide maximum control over the
3 ~~disease~~ DISEASES AND DISABILITIES;

4 (c) Extend financial assistance to persons suffering from
5 ~~Alzheimer's disease~~ DEMENTIA DISEASES AND RELATED DISABILITIES to
6 obtain efficacious agents of control for use in hospital and medical
7 facilities and in the home;

8 (d) Institute and carry on educational programs for the detection
9 of ~~Alzheimer's disease~~ DEMENTIA DISEASES AND RELATED DISABILITIES in
10 the community and for the counseling of individuals and families;

11 (e) Conduct educational programs for physicians, hospitals,
12 county and district public health agencies, and the public concerning the
13 methods of care and treatment for persons suffering from ~~the disease~~
14 DEMENTIA DISEASES AND RELATED DISABILITIES; and

15 (f) Establish research programs to promote scientific inquiry into
16 the causes and the possible cure or alleviation of the suffering of ~~victims~~
17 of ~~Alzheimer's disease~~ PERSONS WITH DEMENTIA DISEASES AND RELATED
18 DISABILITIES.

19 **SECTION 20. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part will not take effect
26 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.